Governing Nature, Sustaining Degradation:
An Eco-Governmental Critique of the Deepwater Horizon Disaster

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ABSTRACT

This dissertation explores the discursive production of, and response to, environmental disaster. The project is contextualized through the case of the 2010 Deepwater Horizon disaster in the Gulf of Mexico. By interrupting traditional perceptions of environmental disaster, this project frames socio-environmental disasters as a normal and increasingly experienced part of global hydrocarbon capitalism. The project purports that disaster is embedded within the current global economy and the high-modernist ideologies that underlie it. As such, the strategies and techniques employed to respond to environmental disaster are intimately bound up within the same systemic processes that have created them in the first place. Moreover, because instrumentalist responses are quickly employed to mitigate disaster, the systemic factors productive of disaster remain concealed. Environmental disaster is thus a process of hydrocarbon capitalism rather than a product of it; as such it can, among other categories, be understood as manageable, profitable, and litigable. This research also highlights the normalization of chronic socio-environmental disaster though sensationalistic perspectives on acute disaster. This project explores the potential for resistance through artistic endeavors, highlighting how the discursive processes that construct traditional power/knowledge formations of environmental disaster might be subverted through non-traditional means. While the framework of eco-governmentality is especially useful in highlighting the problematic social relationships to nature, the project nonetheless acknowledges that counter-discourses for are likely to be appropriated by industry for the purpose of new enterprise and profit.

For the victims of environmental harm—
past, present, and future—
knowing and unknowing

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Pausing for a moment to reflect upon the process of writing this project, it is clear that it is incomplete and imperfect. I think that any exploration of complex systems, relationships, and circumstances can be nothing other than ever-evolving. While the inspiration for exploring the relationship between the exploitation of natural resources and the socio-environmental consequences thereof is deeply entrenched within my own family and community experience, the everyday disastrousness that so many continue to suffer continues to motivate my scholarship. I would like to take this opportunity to acknowledge those who have been instrumental in the development of my intellectual curiosities and who have been essential to my process of learning to do research.

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Acronyms

AIG	American International Group
ANWR	Arctic National Wildlife Refuge
BOEMRE	Bureau of Ocean Energy Management, Regulation, and Enforcement
BP	British Petroleum
CEO	Chief Executive Officer
CRCL	Coalition to Restore Coastal Louisiana
CSR	Corporate Social Responsibility
CWA	Clean Water Act
DOI	Department of the Interior
EDF	Environmental Defense Fund
EPA	Environmental Protection Agency
EPT	Environmental Political Theory
EROI	Energy Return on Investment
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FRTG	Flow Rate Technical Group
GBP	Great Britain Pounds
MMS	Minerals Management Service
NAACP	National Association for the Advancement of Colored People
NEPA	National Environmental Protection Act
NIC	National Incident Commander
NOTAM	Notice to Airmen
NRDC	Natural Resources Defense Council
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
OPA	Oil Pollution Act
OSCA	Oil Spill Commission Action
PLC	Public Limited Company
RESTORE	Resources and Ecosystem Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act of 2012
ROVs	Remotely Operated Undersea Vehicles
SONS	Spill of National Significance
TFR	Temporary Flight Restriction
TSCA	Toxic Substances Control Act
USCG	United States Coast Guard
USD	United States Dollars
VOO	Vessels of Opportunity

Chapter 1: Introduction

> *The oil industry has made a concerted effort to keep the focus away from a broader analysis of offshore drilling, one that goes beyond BP or the specifics of the Macondo disaster. Given the tremendous sway that the [American Petroleum Institute] wields over the regulatory decision-making regarding offshore drilling, the industry lobbying group has a vested interest in diverting attention from statutory flaws, lack of agency resources, and the intimate relationship that regulators developed with the oil industry. These factors all combined to lull regulators into a state of quiescence, if not complacency.*[1]

Introducing Disastrous Environments

Although the Deepwater Horizon disaster is engaged as a case through which the arguments of this project are made, this particular disaster is not unique in its ability to highlight first- and second- order disastrous consequences of high-modernist governance of the environment. Nonetheless, the vignettes employed throughout this project come together as an alternative story about Deepwater Horizon, which illustrates how official responses to this acute disaster normalize environmental disaster as a political subject, and also how these response strategies actualize more protracted or chronic socio-environmental disasters. The project is as much about the dangers of extractivist mentalities (politically, economically, and socially) as it is about the case which is at the heart of it. As such the disastered environment—waters, marshes, shores, and economic livelihoods—along the coast of the Gulf of Mexico is bound up in the problematic regulatory environment that oil conglomerates operate within in the United States,

[1] Bratspries, Rebecca M. Regulatory Wake-up Call: Lessons from BP's Deepwater Horizon Disaster, A. *Golden Gate U. Envtl. LJ*, 2011, 5. Jg., S. 7.

as well as the protracted litigious environments of the United States judicial system that often forestalls justice for the victims of environmental harm. Disastrous environments abound in this story. By looking into the practices of damage control and mitigation deployed by government, corporations, media, and citizens in the aftermath of Deepwater Horizon it becomes evident that high-modernist ideology both guides the response to environmental disaster and is also often productive of secondary regimes of disaster. As opposed to honing in on the ecological fallout of the Deepwater Horizon disaster, this research is a critical inquiry into the social, environmental, political, and economic consequences of the disaster. In so doing, it attempts to open a space whereby scholars, as well policy makers, and corporations might not only concede the normality, and necessity, of environmental disaster within the context of the global hydrocarbon energy economy, but that these parties may also begin to take steps to interrupt the continued construction of chronic socio-environmental disaster. Accordingly, this project contends that 'environmental disasters,' such as the Deepwater Horizon oil spill can—and should be—understood as sustainable degradation that is socially formed.

The case of the 2010 Gulf of Mexico oil spill is exemplary for demonstrating the creation of the subject of environmental disaster through discursive power/knowledge formations (environmentalities) in the context of high-modernism.[2] Of particular interest to this work is how the instrumentalist impulse of purification that is inherent to high modernist ideology is actualized in the creation and mitigation of environmental disasters. Questions will be raised about

[2] Luke, T. W. (1995). "On environmentality: Geo-power and eco-knowledge in the discourses of contemporary environmentalism." Cultural Critique(31): 57-81.

what role these assumptions play in the explanatory discourses that rationalize and ideologize these disasters. As such, this project addresses how rationalizing/purifying/instrumentalizing discourses of high-modernity operate through institutional practices and processes and illustrates how the effects of those practices and processes divert recognition of the structural issues that are responsible for the production of environmental disaster.

This chapter provides an overview of the components that underlie this research project. It includes: a statement of the problem, which details the central puzzle that is under investigation; a conceptual framework that notes the theoretical basis of the project as situated within the field of environmental political theory; a purpose statement, which introduces the research questions; and a caveat on the idea of this disaster as an oil spill. A statement on the analytical approach is also featured as well as an introduction to the Deepwater Horizon disaster case study. A chapter roadmap, highlighting the elements of the following sections of the dissertation concludes this chapter.

Statement of the Problem

Despite strong faith in the emancipatory potential of science and technology to remediate the challenges that result from resource extraction, both acute and chronic socio-environmental disasters are an increasing occurrence of contemporary life. The consequences of disastrous relationships between governing institutions and industry are environmental and social. This project attempts to illustrate the mutually constituted nature of eco-governmental processes that manage disaster and the multiple levels of normalization that

results from these processes and practices. The deployment of discursive strategies to govern and articulate environmental disaster are not only steeped in high-modernist ideology but they also obfuscate systemic factors that construct the power/knowledge formation of the subject of environmental disaster. All too often, eco-governmental strategies that are used to address environmental degradation distract from the lived experience that victims of environmental harm face and moreover often render environmental disaster and its productive conditions invisible. As the consequences of environmental disaster are sanitized, public memory is shaped through existing administrative, legal, and technical practices that also allow for the environment to be returned to its productive capacity. As such, the relationships, practices, and processes that enabled the conditions of possibility for environmental disaster in the first place are also concealed.

Environmental Political Theory as a Conceptual Framework

This project employs the perspective of environmental political theory, a research area that attempts to "better understand the relationship between humans and the natural environment, to identify the values and ideas that have shaped and continue to structure the way that humans interact with the natural world, or to articulate versions of how politics might define and help realize and ecologically sustainable world."[3] Environmental Political Theory scholarship operates on the assumption that many environmental problems are a product of the "social and political ideas of modern Western societies, and thus that attempting to apprehend the nature of such problems without first appreciating those ideas—and perhaps

[3] "Vanderheiden's Environmental Political Theory Site," accessed October 29, 2013, http://spot.colorado.edu/~vanders/ept.htm.

replacing them—is a futile endeavor."[4] As such, recommendations for alternatives are not a goal of this work; rather, potential avenues for resisting dominant and instrumentalist views of nature are discussed.

Green social critique, or eco-critique, is a more particular subset from which the theoretical framework for this project is drawn. Eco-critique enables a critical analysis of the sources of, and 'solutions' to, socio-environmental challenges. "Contesting our politics of nature, economy, and culture in the contemporary system of capitalist production and consumption" is foundational to eco-critique.[5] This tradition informs the theoretical basis of this project. Critique found in a number of theoretical perspectives such as eco-Marxism, eco-socialism, and environmental justice have all informed the line of argumentation throughout the project, thereby providing the basic structure for problematizing current knowledge/power constructs of/around environmental disaster. In this way, this project is not a systematic review of how environmental disasters might be interpreted by any one particular theoretical framework; rather, it draws on a number of perspectives that have been particularly useful in is developing this interruption into dominant cultural, political, economic, and social perceptions of environmental disaster.

Eco-critique also informs the way that society thinks about nature as something to be instrumentalized, made legible, managed, and commodified, as well as the institutionalization of this thought in social, political, and economic practices.[6]

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[4] Ibid.
[5] T.W. Luke, *Ecocritique: Contesting the Politics of Nature, Economy, and Culture* (Univ Of Minnesota Press, 1997).
[6] J.S. Dryzek and D. Schlosberg, *Debating the Earth: The Environmental Politics Reader* (Oxford University Press, 1998).

What motivates this school of thought is not only the ecological crises that result from these practices but the subsequent and corresponding social problems. Therefore, this project employs the tool-box of immanent critique, a method of analysis that seeks to locate contradictions in the governance of environmental disaster (in this case) and the instrumentalist ideologies that constitute it as a governable subject. More simply stated, immanent critique is able to reveal how both the ideologies that underlie environmental disaster governance and the actual practices of environmental disaster remediation/governance actually catalyze environmental disaster.

This sort of research does not seek to establish a new theory but to highlight possible alternative ways of thinking about to the problematic theory/practice contradictions that perpetuate environmental disaster. As previously stated, by regarding environmental disaster as a socially constructed phenomenon, it is possible to take into account practices such as the creation of knowledge, governance, and the deployment of technology. Moreover, attempts to harness nature and accumulate profit can be understood as inherently social activities that are shaped by political, economic, and cultural forces within the institutions, networks and systems that produce, circulate, and reify the approaches that shape and influence disaster.[7] Considering environmental disaster as a socially produced phenomenon also allows for an assessment of risk perception—and its (in)calculability—that is tied to society's relation with nature.[8]

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[7] David J. Hess, *Science and Technology in a Multicultural World: The Cultural Politics of Facts and Artifacts* (Columbia University Press, 1995).

[8] Sheila Jasanoff, *Learning from Disaster: Risk Management after Bhopal* (University of Pennsylvania Press, 1994); Sheila Jasanoff, *Risk Management and Political Culture: A Comparative Analysis of Science in the Policy Context*, vol. 12 (Russell Sage Foundation, 1986).

Purpose of the Study

The purpose of this research is to unsettle the truth claims that permeate instrumentalist ideologies that dominate discursive practices employed by government and industry in the manufacturing of, and response to, environmental disaster. This project speaks truth to the powerful conception of environmental disaster as accidental insofar as this particular discursive frame implies that disasters are unable to be forestalled. This view of environmental disaster precludes any connection to the idea of it as socially constructed or manufactured. The normality of accidents within complex technological systems, such as unconventional oil production, remains firmly entrenched as accidental, and free from culpability on the part of structural agents and systemic problems.[9] This understanding of disaster and the subsequent implications for the environment, highlights a disconnection between appearance and reality. Therefore, this research project proposes that dominant discourses of 'environmental disaster' be interrupted and reinterpreted with an alternative conception of causality that includes ideology as well as disastrous political and economic relationships.[10] In essence, what is broadly accepted as accidental should be inverted and understood as a normal part of the capitalist industrial complex and that, as such, disaster is embedded within the system.

[9] Wisner, B. (2004). At risk: natural hazards, people's vulnerability and disasters, Psychology Press.

[10] Bewes, T. (2002). Reification: or The Anxiety of Late Capitalism, Verso Books.

Environmental accidents that involve complex technologies and the ecological destruction that follows have become commonplace. Yet, oil spills, nuclear meltdowns, and the release of toxins into the environment are continually framed as catastrophes that are exceptional events. The normality of disaster, then, becomes a business to be managed, to be profited from, and ultimately to be litigated. The construction of this environmental subject is visible, in part, through the categories of eco-managerialism, eco-commercialism, eco-judicialism, and eco-sensationalism.[11] Other categories such as eco-sensationalism and aesthetic eco-resistance are also useful in highlighting the operation of this discourse.

Research Question

This research sees environmental disaster as constructed through discursive practices. In light of this, this research project does not seek to pick apart particular sentences and topics; rather it aims to highlight the discursive strategies surrounding the Deepwater Horizon event to inform a philosophical and theoretical way of understanding how the ideologies underlying disaster response are often productive of subsequent socio-environmental harm. This perspective also recognizes the transformative and emancipatory potential of discourse as a productive technology that can enable an alternative politics of disaster. [12] Therefore, "critique does not have to be the premise of" a deduction that concludes a specific course of action. Rather, "it is an instrument for those who fight, who

[11] T.W. Luke, "Neither Sustainable nor Development: Reconsidering Sustainability in Development," *Sustainable Development* 13 (2005): 228–38.
[12] Herbert Marcuse, "The New Forms of Control," *Technology and Values: Essential Readings*, 2010, 159.

resist, and who refuse what *is.* [. . .] It is a challenge directed to what is, what counts as being self-evident, universal and necessary."[13]

In order to begin disentangling the relationships that are at the heart of this project, the research questions offer a guide to identify discursive practices, how they operate, and what their effects are. As such, the research question aims to explore the values, and ideals, that influence and shape environmental disaster as a political subjectivity.[14] The overarching question for this project is: *By which processes, in what ways, and to what effect is the subject of environmental disaster normalized in the case of the 2010 Deepwater Horizon disaster?* This question probes the underlying values and apparatuses that enable the manufacturing of, governance of, and continuation of environmental disaster. Moreover, it highlights the production of political, social, economic, and environmental possibilities that are constructed as a result of these values and arrangements. In asking what environmental power/knowledge formations are productive of, questions arise about the relationship that society has to nature, and to the formation of environmental disaster. Moreover, it highlights the production of knowledge about the environment that makes its domination possible. Ultimately, this research raises important questions about the possibilities for authentic sustainability in an economy that necessitates the commodification of natural resources. With an emancipated perspective on nature—societal, governmental, and industry relationships to it—as well as the demands made on it, appropriated discourses of environmentalism become more identifiable and a space of critical

[13] Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft*, vol. 11 (U of Minnesota Press, 1999).Hubert Dreyfus and Paul Rabinow, "The Subject and Power," *Michel Foucault: Beyond Structuralism and Hermeneutics*, 1982, 208–26.

[14] John S. Ransom, *Foucault's Discipline: The Politics of Subjectivity* (Duke University Press, 1997).

realism is opened whereby environmental disaster as an accepted implication of contemporary life might be challenged.

Analytical Approach

This dissertation excavates socially constructed discourses that revolve around the Deepwater Horizon disaster. It assumes that discourse matters—that the practices and processes that create and respond to socio-environmental disaster are shaped both by language and underlying social values. Different actors interpret this environmental disaster in different ways; some may view it as accidental, others view it as a technological failure, some see it as the consequences of the risks that are necessary for oil exploration. The way that the disaster has been dealt with depends in large part on the power of the discourse that has been constructed.[15] Therefore, assessing how disaster response is socially informed requires an examination of the language and practices that underlie the eco-governmental practices that arise to mitigate to disaster. Because the contributing factors of environmental disaster are multidimensional and complex—involving human, ecological, and technological factors—locating the causality of disaster is an ever-evolving and dynamic undertaking that involves a multidimensional assessment of the way that discourse, as a shared way of apprehending the world, is embedded within language, its interpretation, and the resulting practices.[16]

[15] John S Dryzek, *The Politics of the Earth: Environmental Discourses* (Oxford University Press, 1997).
[16] Ibid.

As such, this project looks at the discourses employed by the government and by industry with relation to the disaster as a material political reality, drawing on a variety of scholarly analyses, official governmental, and industry reports, as well as news media assessments. Additionally, reports from British Petroleum, such as the BP Accident Investigation Report, the BP "Committed to the Gulf Campaign," as well as other reports from the company and its subsidiaries are consulted.[17]

This project maintains that discourses "are bound up with political practices and powers" they can "embody power in the way that they condition the perceptions of values of those subject to them, such that some interests are advanced" while others are made more governable, or even suppressed.[18] As such, this project attempts to challenge the making and unmaking of environmental disaster.

Case Study: The Deepwater Horizon Disaster

On Tuesday, April 20, 2010, an explosion occurred on the Deepwater Horizon drilling rig, resulting in what has become known as "the worst environmental disaster America has ever faced."[19] Only hours before the rig exploded, the engineers were scheduled to move the drilling rig off location, but it began to violently shake and exploded into flames. Upon explosion, 11 men were

[17] BP Incident Investigation Team, *Deepwater Horizon Accident Investigation Report* (September, 2010).
[18] M. Hajer and W. Versteeg, "A Decade of Discourse Analysis of Environmental Politics: Achievements, Challenges, Perspectives," *Journal of Environmental Policy & Planning* 7 (2005): 175–84; Michael S Roth, "Foucault's' History of the Present,'" *History and Theory* 20 (1981): 32–46; Dryzek, *The Politics of the Earth: Environmental Discourses*.
[19] "Remarks by the President to the Nation on the BP Oil Spill | The White House," accessed August 9, 2013, http://www.whitehouse.gov/the-press-office/remarks-president-nation-bp-oil-spill.

immediately killed, 17 others were injured, and 115 others rushed into lifeboats or jumped into the Gulf of Mexico to avoid injury or death.[20] In the following days, the Deepwater Horizon old rig sank to the bottom of the Gulf of Mexico and nearly 5 million barrels of oil subsequently gushed into the Gulf of Mexico in the following months. This event has had devastating costs and consequences for Gulf Coast communities and the fragile ecosystems on which they depend.

While the debate over responsibility continues, Halliburton has admitted to destroying evidence from the case, BP has halted nearly all of its clean-up efforts, and reports as recent as April 2013, have stated that oil is still leaking from the infamous site.[21] Moreover, many scientists believe that much of the oil remains on the sea floor as a result of the use of chemical dispersants.[22] The 2010 Gulf Oil Spill is an appropriate and useful case study for several reasons. First, this particular event allows for the development of an accidentology that moves beyond the blaming of technological failures, front line operator negligence, and bureaucratic failings. Instead, it seeks to highlight questions of responsibility and power that confront the scapegoating of greed, poor planning, and negligence on the part of captains of industry. Moreover, Deepwater Horizon provides a concrete case study for the exposure of political, economic, technological, and social relationships in the context of production, consumption, and circulation of environmental discourse. It is now more than five years later and the words spoken by President Obama in his first address to the nation on the oil spill

[20] Art Berman, "The Oil Drum | What Caused the Deepwater Horizon Disaster?," May 22, 2010, http://www.theoildrum.com/node/6493.
[21] Ibid.
[22] Brian Handwerk, "Tar Balls from BP Oil Spill Wash Up on Gulf Beaches," *National Geographic News*, accessed July 21, 2015, http://news.nationalgeographic.com/news/energy/2012/03/120322-gulf-oil-spill-tar-balls-wash-up-on-beaches.

continue to ring true: "The millions of gallons of oil that have spilled into the Gulf of Mexico are more like an epidemic, one that we will be fighting for months and even years."[23] Given the ongoing settlement disputes, struggling ecosystems, and consequences from chemical dispersants, it seems that the President's warning was on point.

The epidemic that the President spoke of, however, is not simply environmental in nature. Though tarballs continue to wash up on the shores of Gulf Coast, the epidemic is deeper and more representative of the regulatory capture that is endemic to the relationship between the U.S. government and big oil.[24] As such, the possibility of locating responsibility for this disaster is confused by high-modernist hubris, poor planning, and negligence on the part of oil companies, in addition to decades of collusion by governments and regulators, and the technical complexity of operating an oilrig in risky territory.

The oil giant British Petroleum, which operated the Deepwater Horizon drilling rig had a well-known culture of recklessness and greed.[25] But this greed was not confined to the corporate interests at play. The Bush and Obama administrations "fast-tracked the project, which proceeded without an environmental impact study, despite public concern and opposition."[26] The administrations' disregard for democracy, to say nothing of the environment, and high-regard for profit (in the form of royalties), situated the Deepwater Horizon rig in a position with little regulatory oversight. A PBS Frontline investigation found that:

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[23] "Remarks by the President to the Nation on the BP Oil Spill | The White House."
[24] Gavin Bridge and Philippe Le Billon, *Oil*. (Polity, 2013).
[25] Steffy, L. C. (2011). Drowning in oil: BP and the reckless pursuit of profit, McGraw-Hill.
[26] "Fukushima: A Disaster Produced by Capitalism - World Socialist Web Site," accessed November 4, 2013, https://www.wsws.org/en/articles/2012/07/pers-j10.html.

> as BP transformed itself into the world's third largest private oil company it methodically emphasized a culture of austerity in pursuit of corporate efficiency, lean budgets and shareholder profits [. . .] Current and former workers and executives said the company repeatedly cut corners, let alarm and safety systems languish and skipped essential maintenance that could have prevented a number of explosions and spills. Internal BP documents support these claims.[27]

In November of 2012, BP reached a plea agreement on with the Department of Justice's criminal case. BP agreed to pay $4.5 billion USD in fines and admit guilt for 11 counts of manslaughter. The civil trial to assess BP's violations of the Clean Water Act have recently been settled at $5.5 billion, far less than the anticipated $13.7 billion.[28] To date, BP has been fined just over $54 billion inclusive of all federal and state claims.[29] These fines, though, do not provide everyone a sense of justice for this unprecedented environmental disaster.[30] The moratorium on deep-water drilling has been lifted and British Petroleum is largely back to business-as-usual in US waters and elsewhere. While the Gulf Coast communities continue recovery efforts and wait for BP to make good on their promises to make things right and live up to their legal, moral, and financial obligations, the company has announced record profits "at the rate of £1.3 million GBP an hour."[31] That equals

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[27] Lustgarten, A. and R. Knutson (2010). "Years of internal BP probes warned that neglect could lead to accidents." ProPublica, June **7**(10): 00.

[28] Daniel Gilbert and Sarah Kent, "BP Agrees to Pay $18.7 Billion to Settle Deepwater Horizon Oil Spill Claims - WSJ," accessed July 21, 2015, http://www.wsj.com/articles/bp-agrees-to-pay-18-7-billion-to-settle-deepwater-horizon-oil-spill-claims-1435842739.

[29] Ibid.

[30] "Trial Starts for BP's Deepwater Horizon Clean Water Act Violations | ThinkProgress," accessed November 4, 2013, http://thinkprogress.org/climate/2013/02/26/1639801/trial-for-bps-deepwater-horizon-clean-water-act-violations-starts/.

[31] "BP Announces Record Profits | Mail Online," accessed November 4, 2013, http://www.dailymail.co.uk/news/article-44255/BP-announces-record-profits.html.

out to more than $4.13 billion USD in the first three months of in the year that followed the disaster.

Approaching questions about oil drilling, production, and consumption as if they are the only choice available to for the continuation of an energy economy, industry claims that unconventional oil "is safe" and, that disasters such as the

> Santa Barbara oil spill, Exxon Valdez, and Amoco Cadiz, among a long list, cannot happen again. Of course, the Deepwater Horizon event, the Dilbit Disaster, Mayflower, Arkansas, and the Leroy Township disaster all tell a different story. The very nature of petroleum and the complex, tightly coupled systems required to produce it mean that gushers and spills will undoubtedly be part of [the] future.[32]

Such disasters are normal, albeit disastrous, consequences of a global economy run on oil. Accordingly, the victim is not simply the first nature and local ecology that is impacted by the oil spill but, also extends to the family and friends of those who died on the Deepwater Horizon platform, and further beyond that to the 600,000 victims of slow violence that results from human induced climate disaster, which is largely predicated on the burning of carbon required for the operations of the industrialized world.[33] Unfortunately, the analysis will not allow for a simplified assessment of the parties; in other words it is not possible to argue that the culpability for this accident rests with British Petroleum, in the Gulf of Mexico, with the lead pipe. The role of each party assessed (state institutions/governmental agencies, corporations, media, academic/epistemic communities, risk assessors,

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[32] Thomas D. Beamis, "The BP Disaster and Hobson's Choice of Oil Production | ThinkProgress," May 6, 2010, http://thinkprogress.org/romm/2010/05/06/205921/the-bp-disaster-and-hobsons-choice-of-oil-production/.

[33] "Emissions | Climate Change | US EPA," accessed November 4, 2013, http://www.epa.gov/climatechange/ghgemissions/.

media, local stakeholders, etc.) will push toward the goal of demonstrating the values of high-modernism that are embedded within political and social practices toward the production of environmental subjects.

There is some difficulty with identifying rationality (or capitalism, or high-modernism, or technology, etc.) as an agent—especially because efforts to make nature more legible, organized, and efficient are inscribed by structural entities such as the state or corporations. Each of these parties, is therefore both agent and structure, and should be understood as intertwined and mutually constitutive.

While the version of events given here is an abridged account, it brings a number of important policy and ethical issues to the fore. Namely, it provides an opportunity to assess the relationship between capitalism the production of, and response to ecological disaster. As capital endlessly searching for accumulation confronts the finite resources of the Earth, environmental disaster is increasingly likely to manifest. Moreover, the everyday disastrousness experienced by many global citizens might be understood as an ever-expanding sacrifice zone.

A Caveat on the Term 'Spill'

The pervasive narrative of the Deepwater Horizon disaster as an oil spill is problematic, oversimplified, and mythological. The discursive framing of this disaster as an oil spill not only reduces the event to a simple tragic accident. It also conceals the problematic ideologies, practices, and processes that played into the creation of the materialization of the explosion aboard the oil rig, the normalization of its effects, and the subsequent socio-environmental consequences

thereof. Nonetheless, this particular way of talking about the disaster has become a dominant referent within media reports, governmental assessments, corporate messaging, and even within the scholarly literature on the event. The frame of a 'spill' is useful to the government and to corporations because it assigns blame to technological and/or human failings that can be rectified through minor adjustments. Societally, the notion of this event as a 'spill' is useful because it indicates accidentality and offers a sense of comfort with the measures taken toward mediation. As such, the need for systemic change can be avoided and the environment can be more quickly returned to its productive capacity. By understanding this disaster as an oil spill the ideologies and conditions of its production remain concealed, unquestioned, and fully intact. The contradictory rules and realities that are bound up within this case are stifled, the event is rationalized, and handily fits into larger political agendas which seek to sustain the production/degradation of the environment.[34] Therefore, the use and reproduction of the narrative of the oil spill within this project is done so critically, in an attempt to unsettle the paradigm itself, and to expose the idea of this event as a spill as a distorted mythology, and in attempt to reveal the knotty contradictions that underlie it.

Chapter Roadmap

This project employs the framework of eco-governmentality to examine the manufacturing of environmental disaster. The following chapters examine the disastrous political and economic relationships that exist between industry and

[34] Luke, Timothy W. *Screens of power: Ideology, domination, and resistance in informational society*. University of Illinois press, 1989.

government actors with regard to the making and unmaking of environmental disaster. Each chapter draws on the case of Deepwater Horizon to illustrate how the subject of environmental disaster is produced, normalized on multiple levels, and often rendered invisible. As such, this project proposes to invert the generally accepted view of environmental disasters as accidental into a 'new normal,' which has presented itself as a fact of our contemporary petrovore lifestyle.[35] Each chapter demonstrates how the subject of environmental disaster is manufactured in both a social and a material sense—what I refer to as eco-constructionism. I contextualize the argument that environmental disasters are embedded within our global political economy by expanding on categories of analysis originally devised by Timothy W. Luke to demonstrate how environmental disaster is constructed through the vectors of eco-managerialism, eco-commercialism, eco-judicialism, eco-sensationalism, and aesthetic eco-resistance.[36]

While the chapters contextualize the major argument by looking at specific elements of the Deepwater Horizon disaster, each also explores the production of the subject of environmental disaster through different vectors that overlap in important ways.

Chapter 2 situates environmental disasters within the literatures that inform and shape it. Several core arguments have had a strong influence on this project including: Charles Perrow's normal accident theory; James C. Scott's critique of high-modernism; Timothy W. Luke's critique of sustainable development, which details a framework for analysis based on Michel Foucault's concept of

[35] Beamis, "The BP Disaster and Hobson's Choice of Oil Production | ThinkProgress."
[36] Timothy W Luke, "The System of Sustainable Degradation," *Capitalism Nature Socialism* 17 (2006): 99–112.

governmentality.[37] Also particularly relevant to the argument put forth here are Naomi Klein's conception of disaster capitalism, Ulrich Beck's notion of risk society, and Herbert Marcuse's arguments on the liberatory potential of aesthetics.[38] Throughout this review of the literature, I develop my position that environmental disasters such as the Deepwater Horizon oil spill can—and should be—understood as socially formed sustainable degradation. To set up this argument, I outline competing perspectives on environmental risk.[39] Moreover, I demonstrate that corporate strategies and policies have thwarted adequate public policy and discourse on the environmental risks of unconventional oil, specifically with regard to deepwater drilling. This discursive strategy to minimize risk tends toward a more publicly acceptable and dominant discourse of profit maximization, which in turn legitimates the status-quo operations of the petroleum industry.[40] The risk and regulatory capture discussion provides the practical and theoretical groundwork for the presentation of my argument that

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[37] Charles Perrow, *Normal Accidents: Living with High Risk Technologies* (Princeton University Press, 2008); J.C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale Univ Pr, 1998); Luke, "The System of Sustainable Degradation."; Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (Sage publications, 2009).

[38] Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Metropolitan Books, 2007); Ulrich Beck, *Risk Society: Towards a New Modernity*, vol. 17 (SAGE Publications Limited, 1992).; Herbert Marcuse, The Aesthetic Dimension: Toward a Critique of Marxist Aesthetics. Beacon Press, 2014.

[39] Western Planning Area and Eastern Planning Area, "Deepwater Program: Literature Review, Environmental Risks of Chemical Products Used in Gulf of Mexico Deepwater Oil and Gas Operations," 2001; Mark A Cohen et al., "Deepwater Drilling: Law, Policy, and Economics of Firm Organization and Safety," *Vand. L. Rev.* 64 (2011): 1851; Alan Krupnick et al., "Understanding the Costs and Benefits of Deepwater Oil Drilling Regulation," *Resources for the Future Discussion Paper*, 2011; Deepwater Horizon Study Group, "Final Report on the Investigation of the Macondo Well Blowout," *Center for Catastrophic Risk Management, University of California at Berkeley*, 2011; Mark A Latham, "BP Deepwater Horizon: A Cautionary Tale for CCS, Hydrofracking, Geoengineering and Other Emerging Technologies with Environmental and Human Health Risks, The," *Wm. & Mary Envtl. L. & Pol'y Rev.* 36 (2011): 31.

[40] A.C. Flournoy, "Three Meta-Lessons Government and Industry Should Learn from the BP Deepwater Horizon Disaster and Why They Will Not," *BC Envtl. Aff. L. Rev.* 38 (2011): 281–567.

environmental disasters are normal implications of an oil-driven and oil-dependent political economy, and that the normality of these disasters presents a critical issue not only for the immediate concern of governing environmental disasters but for the long-term governance of climate change.[41]

Chapter 3 details the methodological tools employed for this project, which combines a Foucaultian methodology described as genealogy or history of the present with the practice of immanent critique. A history of the present is a term that is used to refer to a critical interrogation of the "values, discourses, and understanding of the present, with recourse to the past as a resource of destabilizing critical knowledge." [42] Similarly, genealogy is concerned with subjugated knowledge and the power hierarchies that produce knowledge. "Compared to the attempt to inscribe knowledges in the power-hierarchy typical of science, genealogy is a sort of attempt to desubjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle against the coercion of a unitary, formal, and scientific theoretical discourse." [43] This perspective on discourse analysis is a creative pursuit and a method for thinking about the complex assemblage that comes together in the production of environmental disaster, or eco-constructionism. It also allows for a discussion of

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[41] Benjamin Wisner, *At Risk: Natural Hazards, People's Vulnerability and Disasters* (Psychology Press, 2004); Bruna De Marchi and Jerome R. Ravetz, "Risk Management and Governance:: A Post-Normal Science Approach," *Futures* 31, no. 7 (1999): 743–57.; R. Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard Univ Pr, 2011); Peter H Feindt and Angela Oels, "Does Discourse Matter? Discourse Analysis in Environmental Policy Making," *Journal of Environmental Policy & Planning* 7 (2005): 161–173; Nicole Detraz and Michele M. Betsill, "Climate Change and Environmental Security: For Whom the Discourse Shifts," *International Studies Perspectives* 10, no. 3 (2009): 303–320.

[42] Peter Wagner, *Theorizing Modernity: Inescapability and Attainability in Social Theory* (Sage, 2001).

[43] Foucault, M., M. Bertani, et al. (2003). Society must be Defended: Lectures at the Collège de France, 1975-76, Picador USA, ibid.

the merits of immanent critique as a way of locating contradictions between societal/political/economic rules and the actual practices that are employed with regard to the governance of the Deepwater Horizon environmental disaster.

This mode of analysis will, thus, not provide absolute answers to the specific problematique of environmental disaster, but makes possible an understanding of the conditions that enable environmental disaster, in the form of a history of the present.[44] Thus, the essence of the problem and its resolution, lie in its assumptions—the very assumptions that enable the existence of environmental disaster. This interpretative methodology explores the discursive strategies that have been used by the oil industry, specifically British Petroleum and its subsidiary enterprises, as well the discursive strategies of the United States government in relation to the governance of the Deepwater Horizon oil spill, demonstrating the normality of environmental disaster.[45] This analysis allows for an interruption into dominant notions of environmental disaster and questions the positionality of government and corporations in relation to environmental disaster by asking ontological and epistemological questions rather than providing definite answers.

Chapter 4 is the first of four chapters that contextualizes the construction of environmental disaster as political subjectivity. This chapter specifically addresses the concept of eco-managerialism, which assesses the technical and scientific

[44] John N. Warfield and George H. Perino, "The Problematique: Evolution of an Idea," *Systems Research and Behavioral Science* 16, no. 3 (1999): 221–26.
[45] Dvora Yanow, "The Communication of Policy Meanings: Implementation as Interpretation and Text," *Policy Sciences* 26 (1993): 41–61.

approach to managing environmental crisis.[46] The chapter demonstrates the production of, and response to, environmental disaster, and advances the argument for normalization of environmental disaster through several vignettes including an assessment of the use of mass quantities of Corexit as a discursive strategy to render the oil slick invisible.[47] Moreover, the chapter problematizes the use of Corexit in the Gulf of Mexico as a material manifestation of a "capitalistic and technocratic approach to environmental management where efficiency and economic development are the primary motivations for environmental policy and management" rather than ecological protection.[48] In assessing eco-managerial approaches to governing the oil spill, the chapter also underscores how high-modernist cultural assumptions operate in/around the Flow Rate Technical Group, the group established to undertake an accounting of oil disgorged from the seafloor. Moreover, I assess BP's Vessels of Opportunity Program as a managerial strategy to reorient out-of-work fishermen as clean-up crew. Each of these strategies to manage the disaster demonstrates how eco-governmentality tends toward performative norms of purification, objectivity, rationality, and utility whereby nature is an object of capitalist manipulation.[49]

Chapter 5 brings attention to the practices of disaster capitalism that constitute environmental disaster as an commercial enterprise. This chapter mobilizes two key concepts to anchor the major theses of this project—1. disaster capitalism; and

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[46] Jennifer Rice, "Encyclopedia of Environment and Society" (Sage Publications Limited, 2007), http://knowledge.sagepub.com/view/environment/n332.xml.
[47] WashingtonsBlog, "Covering Up The [Gulf] Oil Spill With Corexit Was a Deadly Action … What Happened In the Gulf Was a Political Act, an Act of Cowardice and Greed," *Washington's Blog*, accessed October 15, 2013, http://www.washingtonsblog.com/2013/09/bps-gulf-oil-spill-covering-up-the-oil-spill-with-corexit-was-a-deadly-action-what-happened-in-the-gulf-was-a-political-act-an-act-of-cowardice-and-greed.html.
[48] Rice, "Ecomanagerialism."
[49] Ibid.; Luke, "The System of Sustainable Degradation."

2. the second contradiction of capitalism.[50] Drawing on these concepts, this chapter asserts that eco-commercialism is a practice in which capitalism reorients itself toward the goal of sustainable degradation through the commodification of nature. It demonstrates that the Deepwater Horizon disaster has produced an uneven geography of new business and investment opportunities by official clean-up funding mechanisms, producing the so-called "Spillionaires," or "BP Rich."[51] Other vignettes that are highlighted in this chapter demonstrate the practices of eco-commercialism that preceded the disaster (BP's "Beyond Petroleum" Campaign) and several that followed in the wake of the Deepwater Horizon disaster, including Proctor & Gamble's "Dawn Saves Wildlife" Campaign. Many of the strategies discussed in Chapter 5 not only have the result to reorient environmental disaster toward economically productive enterprises but also normalize disaster on at least two levels. First, the instrumentalist responses normalize the disastrous event in question through purification and through making efforts to return the local ecology and economy to pre-disaster levels of normality. Secondly, the longer regime of disaster via climate change is catalyzed through returning the Earth to its 'productive capacity' by way of instrumentalist technologies. Indeed, the complex adaptive management programs that many governments and corporations are implementing are schemes to mitigate environmental disaster that harken back to high modernist, and ultimately arrogant, modes of addressing environmental crises through scientific management. [52] Like the narratives of 'corporate social responsibility' and

[50] Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*; J.B. Foster, "Capitalism and Ecology: The Nature of the Contradiction," *MONTHLY REVIEW-NEW YORK*- 54 (2002): 6–16.
[51] K. Barker, "'Spillionaires' Are the New Rich after BP Oil Spill Payouts'," *The Washington Post Online* (2011).
[52] Karl Blankenship, "Bay Journal - Article: Adaptive Management Aims to Take Ambiguity out of Cleanup Goals," July 4, 2013,

'sustainable development,' the space for resistance that is opened by discursive strategies that underlie complex adaptive management become useful tools for corporations to legitimate their business practices.[53]

Chapter 6 contextualizes the administrative and legal strategies used to govern nature in response to the Deepwater Horizon disaster. This chapter employs the framework of eco-judicialism to illustrate how the political subjectivity of environmental disaster is created and normalized. Eco-judicialism offers a way to manage anxieties that are exacerbated in times of environmental crisis through administrative and legal processes.[54] There are several major strategies that this chapter assesses; the first is the decision of the Federal Aviation Administration (FAA) to impose a No-Fly Zone above the spill area; the second strategy examined is the imposition of a federal moratorium on deepwater drilling. The third strategy assessed is the restructuring of the Minerals Management Agency (MMA) and establishment of the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). Each of these reactions offers a mode of public accountability as well as a forum for civil response for substandard behavior by state agencies and corporations. Evidence of abuse and deception are prominent features of each of these illustrations of eco-judicial practice. The restructuring of the MMA came as a response to the lax regulation that permeated the relationship between the oil industry and government regulators.

Chapter 7 assesses the sensationalized version of the Deepwater Horizon disaster, especially with regard to marketing and media coverage. Privatization and

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http://www.bayjournal.com/article/adaptive_management_aims_to_take_ambiguity_out_of_cleanup_goals.

[53] Erwann O. Michel-Kerjan, "Toward a New Risk Architecture: The Question of Catastrophe Risk Calculus," *Social Research: An International Quarterly* 75, no. 3 (2008): 819–54.

[54] Luke, "The System of Sustainable Degradation."

commodification of nature are identified in the discursive practices of British Petroleum's "Committed to the Gulf" advertising campaign, which has the effect not only of normalizing environmental disaster but also, effectively erases the event from public memory by alienating the event and promoting new enterprise.[55] Secondly, the designations of Deepwater Horizon as 'the worst environmental disaster in U.S. history,' and as a 'Spill of National Significance" embolden a false narrative about the exceptionality of disaster. Third, 'Spillcam' is examined as an eco-governmental strategy that allowed for citizens to fix their gaze on the gusher at the seafloor, thereby reifying the discourse of exceptionality and minimizing the everyday disastrousness of oil extraction, refinement, transportation, and combustion.

The vignettes in Chapters 4, 5, 6, and 7 illustrate discursive strategies that have been deployed (mainly) in response to the Deepwater Horizon oil spill. Each of these illustrations inform sa discussion of the possibilities that might result from dislodging traditionally held understandings of environmental disaster, each moves beyond conventional explanations of disaster being induced either by behavioral or by structural elements.[56] Chapter 8 suggests that alternative discourses on the disaster may provide a way for the dominant instrumental logic that governs socio-environmental disaster to be confronted and resisted; however, it also recognizes that the possibility of achieving the normative aims of environmentalism remain limited by corporate interests. Creative discourses of resistance that grew out of the Deepwater Horizon disaster are assessed through a Marcusean framework as 'Aesthetic Eco-Resistance.' Each of these works of art

[55] "Committed to the Gulf | Gulf of Mexico Restoration | BP Global," accessed October 16, 2013, http://www.bp.com/en/global/corporate/gulf-of-mexico-restoration/committed-to-the-gulf.html.
[56] Margie L. Kiter Edwards, "An Interdisciplinary Perspective on Disasters and Stress: The Promise of an Ecological Framework," in *Sociological Forum*, vol. 13 (Springer, 1998), 115–32.

is assessed for its potential to disrupt dominant discourses of environmental degradation and risk. In this way, critical questions are raised about whose voice is heard through traditional channels of democratic governance. Although this is not a traditional conclusion, complete with recommendations, the creative discourses which resist the instrumentalist urge to purify, have the potential to open the space for a more refined understanding of environmental disaster.[57]

[57] Theodor W. Adorno, "Resignation," *Telos* 1978, no. 35 (1978): 165–68.

Chapter 2: Literature Review

> *The perspective of critique, in [Foucault's] view, is able to call foundations into question, denaturalize social and political hierarchy, and even establish perspectives by which a certain distance on the naturalized world can be had. But none of these activities can tell us in what direction we ought to move, nor can they tell us whether the activities in which we engage are realizing certain kinds of normatively justified goals.*[1]

This section provides theoretical framing and contextual background for the project. It is an effort to capture and assert the importance of the discursive frames that are employed in the construction of knowledge about socio-environmental disaster. These frames not only dictate the way that environmental disaster is conceptualized but also indicate how it might be governed. Moreover, the framing of disaster discourse reveals exclusions from this conceptualization that ought to be reconsidered. In other words, it is an effort to assert that environmental disaster is not a fixed object and to understand the conditions that might contribute to it.

Drawing on insights from a variety of critical perspectives, this chapter begins to weave together an argument about the normalization of disaster by overviewing social and political theories of environmental disaster that consider the social construction of such events. In so doing, this review of the literature not only synthesizes areas of agreement among the authors that give this project intellectual context, but it also situates the work within the specific critical arguments literatures that have been influential in its development including: core arguments from Charles Perrow's normal accident theory; James C. Scott's critique of high-modernism; and Timothy W. Luke's critique of sustainable development, which

[1] Judith Butler, "Judith Butler: What Is Critique? An Essay on Foucault's Virtue | Eipcp.net," accessed July 21, 2015, http://eipcp.net/transversal/0806/butler/en.

details a framework for analysis based on Michel Foucault's concept of governmentality.[2]

Also particularly relevant to the overall project are Naomi Klein's conception of disaster capitalism and Ulrich Beck's risk society.[3] Although the exposition of socio-environmental disaster put forth here is not an exegetical of any of these theorizations of environmental disaster, each of them is nonetheless necessary to illustrate that environmental disasters such as the Deepwater Horizon oil spill can—and should be—understood as socially formed sustainable degradation. Thus, this project, including the use of the literatures outlined here, presents a critical intervention into the constitution of dominant discourses of environmental disaster as well as into the practices that govern environmental disaster.

Why Reconsider Environmental Disaster?

Current paradigms of environmental disaster response fail to theorize and thus to address the complexity of contemporary environmental disasters. Many narratives of disaster approach the topic as a known subject, which distracts from mechanisms of power and control. First and foremost, the era of extreme energy presents unprecedented risks that are neither well understood by energy conglomerates, nor able to be mitigated by technological development. Indeed, "[a]s energy companies encounter fresh and unexpected hazards, their existing technologies—largely developed in more benign environments—often prove

[2] Perrow, *Normal Accidents: Living with High Risk Technologies*; Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*; Luke, "The System of Sustainable Degradation."; Dean, *Governmentality: Power and Rule in Modern Society*.
[3] Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*; Beck, *Risk Society: Towards a New Modernity*.

incapable of responding adequately to the new challenges." [4] The complex technologies of the equipment involved in deepwater drilling, for example, present infinite opportunities for equipment failure; and this says nothing of the potential for operational and human failings, which are rarely abated by redundant safety systems. [5] Much like the Space Shuttle Columbia disaster, Deepwater Horizon is representative not only of the idea that these disasters are once-in-a-lifetime events but, it is also representative of the idea that "complex systems often fail in complex ways." [6] This perspective allows for an understanding that even under the best assumptions about administrative and technological "efficiency and probity," it is likely that environmental disasters would continue to increase in regularity and scope.[7]

Secondly, the practices associated with exploitation of extreme oil are poorly managed under current federal regulatory frameworks. Rather than focusing on prevention of oil-related environmental disaster, there is a culture of regulatory capture in the United States whereby industry interests are catered to through practices such as subsides, tax breaks, and royalty payment exemptions. [8] The revolving door between industry and government deserves further investigation with regard to the institutional linkage to disaster production and response.

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[4] Michael Klare, "Michael T. Klare: The Relentless Pursuit of Extreme Energy: A New Oil Rush Endangers the Gulf of Mexico and the Planet," accessed November 18, 2013, http://www.huffingtonpost.com/michael-t-klare/the-relentless-pursuit-of_b_581921.html.
[5] Mark A. Latham, "Five Thousand Feet and Below: The Failure to Adequately Regulate Deepwater Oil Production Technology," *BC Envtl. Aff. L. Rev.* 38 (2011): 343.
[6] Harold Gehman, "Columbia Accident Investigation Board Report on the Shuttle Tragedy," accessed December 11, 2013, http://history.nasa.gov/columbia/Troxell/Columbia%20Web%20Site/Documents/Congress/Senate/SEPTEM~1/gehman_statement.html.
[7] Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*.
[8] Alyson Flournoy et al., "Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence," 2010.

Indeed, widespread regulatory failure has been cited by critics of as one of the major factors contributing to the oil spill in the Gulf of Mexico. These practices, layered on top of insufficient oversight, inadequate staffing, and poor funding, foster unhealthy and conflicted relationships between industry and regulatory bodies.[9] Although there is a history of refusal within the U.S. government to subsidize and insure risky activity, offshore drilling has been able to "[escape] this sound policy logic," and has been encouraged "to engage in unreasonably risky oil extraction activities."[10] As a result of these practices, environmental disasters such as the Deepwater Horizon disaster are only able to be addressed reactively; rather than providing of preemptive regulatory measures.

A third limitation of dominant environmental disaster discourse centers around the delimitation of social factors that policy makers consider when categorizing risk. Risk calculus often focuses on quantifiable technological and organizational processes.[11] While giving these elements primary consideration allows for efficient policymaking, policy effectiveness is sacrificed as a result of incomplete information and discounting social factors that embody the conditions of production that make environmental disaster possible. This method leads to the same inputs of disaster causality to be repeatedly identified in the aftermath of disaster; yet adjustments in these technical areas do not preempt subsequent disasters. For example, many disaster reports cite problems in "in the areas of command [and control], communications, planning, resource management, and

[9] Ibid.
[10] Ibid.
[11] Omar D. Cardona, "The Need for Rethinking the Concepts of Vulnerability and Risk from a Holistic Perspective: A Necessary Review and Criticism for Effective Risk Management," *Mapping Vulnerability: Disasters, Development and People*, 2003, 17.

public relations."[12] In addition to technological failings and human error, these factors are perpetually presented as areas in need of improvement. However, organizational and bureaucratic changes are "notoriously difficult" and often remain politically intractable.[13] Moreover, the "immediately pressing demands" of environmental disaster necessitate identification of culpability that fails to characterize social variables. This explains why social aspects of environmental disaster remain largely unaddressed in scholarly literature as well as why they are largely absent from "disaster cost/loss estimation reports."[14]

The prevalence of insufficient theorization within dominant environmentalist paradigms, however, should not overshadow the inclusion of social and cultural factors that are considered in some traditions of environmental politics, such as environmental justice, environmental anthropology, and environmental political theory. These perspectives cultivate the "identification, assessment, and management of risks to the environment and to public health and safety" that include socially constructed inequalities.[15] They include analyses of socially constructed myths about nature, which look at how "systems of belief are reshaped and internalized by persons, becoming part of their worldview and influencing their interpretation" of phenomena.[16] This perspective needs to be taken into consideration if the lessons of disasters such as Deepwater Horizon are to be adequately characterized, addressed, and learned from. Therefore, this

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[12] Amy K. Donahue and Robert V. Tuohy, "Lessons We Don't Learn A Study of the Lessons of Disasters, Why We Repeat Them, and How We Can Learn Them," 2006.
[13] Ibid.
[14] Lee Clarke and James F. Short Jr, "Social Organization and Risk: Some Current Controversies," *Annual Review of Sociology*, 1993, 375–99.
[15] Karl Dake, "Myths of Nature: Culture and the Social Construction of Risk," *Journal of Social Issues* 48, no. 4 (1992): 21–37, doi:10.1111/j.1540-4560.1992.tb01943.x.
[16] Ibid.

section highlights how socio-cultural factors might be considered in the framing of environmental disaster as a political subjectivity on "processes of subjectification in relation to political projects."[17] This is derived from Michel Foucault's work on subjectivity "as produced by discursive regimes –as self-making and being-made by power-relations."[18] Operating from this perspective disallows taking the existence of environmental disaster for granted; rather it is imperative to ask how disaster has emerged, and what are the processes and institutions that has made it recognizable as such because this very recognition gives power to the subject. By exposing the processes of subjectification, environmental disaster can be viewed as one specific aspect of political subjectivity that is linked to managerial, commercial, and legal practices. As such, the inter-subjective relations through which environmental disaster accumulates power are highlighted. Moreover, through the identification of these relations, resistance becomes possible.

To establish the evidentiary support for this argument, this project outlines dominant disaster discourse, and highlights the possibility that a sociological view of disaster acknowledges the power/knowledge formations created between human and natural systems. This alternative view of disaster operates in distinction from the environmentality of risk management and profit maximization that legitimates the status-quo operations of the petroleum industry.[19] Risk and regulatory capture, which coincide the concept of disaster capitalism, provides the practical and theoretical groundwork for illustrating the

[17] Kristine Krause and Katharina Schramm, "Thinking through Political Subjectivity," *African Diaspora* 4, no. 2 (2011): 115–34.
[18] Ibid.
[19] Flournoy, "Three Meta-Lessons Government and Industry Should Learn from the BP Deepwater Horizon Disaster and Why They Will Not."

normalization of environmental disaster. This conception presents a critical issue not only for the immediate governance of acute environmental disasters but for the long-term governance of climate change.[20]

Des Astro: (un)Favorable to One's Stars?

Accident. Crisis. Hazard. Disaster. Each term carries with it specific connotations of culpability or responsibility, each conveys particular meanings, legitimations, and privileges.[21] 'Accident,' for example, connotes that there is no apparent cause for an unfortunate and unexpected incident that results in harm; whereas 'disaster' intimates "an occurrence causing widespread destruction and distress, a grave misfortune, a total failure [. . .]" that can either be man-made or natural in causation.[22] The conception of disaster first appeared in the English language in the late 16th century, "by way of the Old Italian word *disastro,* which meant 'unfavorable to one's stars.'" [23] In this way, disaster is something that has cosmological sense; thus catastrophic occurrences are viewed as acts of God, rather than having any man-made causality. But, disaster is not always assigned to

[20] Wisner, *At Risk: Natural Hazards, People's Vulnerability and Disasters*; De Marchi and Ravetz, "Risk Management and Governance:: A Post-Normal Science Approach."; Nixon, *Slow Violence*; Feindt and Oels, "Does Discourse Matter? Discourse Analysis in Environmental Policy Making"; Detraz and Betsill, "Climate Change and Environmental Security: For Whom the Discourse Shifts."

[21] Brian Wynne, "Risk and Environment as Legitimatory Discourses of Technology: Reflexivity inside Out?," *Current Sociology* 50 (2002): 459–77.

[22] "Accident: Definition of Accident in Oxford Dictionary (American English) (US)," accessed March 8, 2014, http://www.oxforddictionaries.com/us/definition/american_english/accident; "Defining a Disaster," accessed March 8, 2014, http://www.okmrc.org/disaster/define.cfm.

[23] Richard Nordquist, "Etymology - English Word Histories - Stories of Words - Definition of Etymology," accessed March 8, 2014, http://grammar.about.com/od/words/a/Etymologywords.htm; Enrico Louis Quarantelli, *What Is a Disaster?: Perspectives on the Question* (Psychology Press, 1998); Dan Edelstein and Bettina R. Lerner, *Myth and Modernity* (Yale University Press, 2007).

catastrophe; originally, the term was used as a past participle; therefore there was only an "experience of disaster—one was 'disastered.'"[24] So, then, what is a disaster? How is it experienced in a contemporary context? And, would a broader understanding of disaster that accounts for the social construction of it prevent subsequent such events?

Defining disaster remains an intellectual puzzle and although disasters typically fall into two categories—natural and technological or man-made—many disasters intersect each of these categories. This convergence compounds the difficulty of effective governance. Ultimately, there is no universally accepted definition of disaster.[25] Indeed, the terminology that is used to explain disaster depends not only on the disciplinary inclinations but also on motivations that may underlie its explanation.[26] For example, in the case of the Bhopal disaster, what is largely considered the worst industrial disaster that the world has seen, the Union Carbide Corporation referred to the disaster as an "incident."[27] Whereas the government of India called the event an "accident," and the victims often referred to it as a "disaster."[28] Environmental activists and victims chose more emotionally wrenching terms, "tragedy," "massacre," and "industrial genocide."[29] Parsing out what constitutes a disaster remains important because there are second- and third-

[24] Edelstein and Lerner, *Myth and Modernity*.
[25] "Types of Disasters - IFRC," accessed December 13, 2013, http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/definition-of-hazard/.
[26] Barry A Turner and Nick F Pidgeon, *Man-Made Disasters* (Wykeham Publications (London), 1978).
[27] Ibrahim M. Shaluf and Aini Mat Said, "A Review of Disaster and Crisis," *Disaster Prevention and Management* 12, no. 1 (2003): 24–32.
[28] Ibid.
[29] Ibid.; Paul Shrivastava, *Bhopal: Anatomy of a Crisis*, vol. 310 (Ballinger Publishing Company Cambridge, MA, 1987).

order consequences that coincide calculating disaster magnitude.[30] Therefore, ordering disaster into a calculable form has less to do with the disaster itself and more to do with the ideological values that 'disaster' as a governable subject becomes attached to—its calculable rationality.[31]

Many disaster researchers contend, "there are physical happenings out there, independent of human action in any sense."[32] Others hold that it is imperative to examine the social constructs. Following a sociological approach, the idea that disaster and its causality are neutral, something that could not be foreseen, something that is just bad luck, is rejected in favor of the idea that disaster coincides social, cultural, political, and economic contingencies, and can therefore be transformed into a favorable occurrence.[33]

At the most basic level, understanding what is meant by the term 'disaster' is essential, because it not only characterizes the phenomenon itself but also the underlying conditions that enable it and the consequences that result from it. As the global oil industry continues to move into unknown territory of unconventional/risky oil technologies, there is the potential for environmental harm and property damage, as well as social and economic disruption; but perhaps more concerning are the potential fatalities that coincide the development of this industry, in both the immediate disasters to come, as well as in the everyday

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[30] David Crichton, "The Risk Triangle," *Natural Disaster Management*, 1999, 102–3.; Stefano Balbi et al., "The Economics of Hydro-Meteorological Disasters: Approaching the Estimation of the Total Costs," 2013.

[31] Mitchell Dean, "Risk, Calculable and Incalculable," *Risk and Sociocultural Theory: New Directions and Perspectives*, 1999, 131–59.

[32] Quarantelli, *What Is a Disaster?: Perspectives on the Question*.

[33] Nick Pidgeon, "The Limits to Safety? Culture, Politics, Learning and Man–made Disasters," *Journal of Contingencies and Crisis Management* 5, no. 1 (1997): 1–14; Lowell Juilliard Carr, "Disaster and the Sequence-Pattern Concept of Social Change," *American Journal of Sociology*, 1932, 207–18.

disastrousness of an extraction zone, and onto the longer-term consequences of carbon-induced climate change.[34]

The seemingly intractable problem of what constitutes a disaster persists primarily because there are so many variations and "interpretations of what disasters really are, how to measure their impact, and how to address the impact in an efficient and effective way."[35] Natural hazards are considered to be naturally occurring physical phenomena caused either by rapid or slow onset events which can be geophysical, such as earthquakes, tsunamis, and volcanic activity.[36] Increasingly, however, climatological events that were previously considered to be natural hazards such as drought, wildfires, and earthquakes are also understood as socially formed, at least in terms of their increasing scope and severity as a result of anthropogenic climate change.

Technological and man-made disasters, such as internally displaced persons, industrial accidents, famines, and conflicts are events that are certainly induced by humans and occur in close proximity to human settlements.[37] Among this classification are transport accidents, nuclear and chemical accidents, complex systems events, environmental degradation, pollution, and so-called accidents where human activity and social constructions come together—this is where the Deepwater Horizon disaster is situated—a disaster that results from the problematic man-made interferences, whether they be technological or

[34] Quarantelli, *What Is a Disaster?: Perspectives on the Question*.
[35] Angeliki Paidakaki, "Addressing Homelessness through Disaster Discourses: The Role of Social Capital and Innovation in Building Urban Resilience and Addressing Homelessness," *European Journal of Homelessness* 6, no. 2 (2012): 137–48.
[36] Wisner, *At Risk: Natural Hazards, People's Vulnerability and Disasters*.
[37] Turner and Pidgeon, *Man-Made Disasters*.

managerial, with the natural world.[38] However, in this case, disaster is not confined to the environmental damage that is inflicted upon the local and regional ecology; rather it is also experienced in terms of the displacement of economic livelihoods for local citizens, and the chronic environmental consequences that are geographically dispersed. Moreover, this sort of disaster is likely to be aggravated as demand for oil increases, and uncharted territories are sought out in effort to meet this demand, resulting in increased frequency, complexity, and severity of such disasters.[39] However, the dominant paradigm in disaster discourse relies on "acceptance of natural disaster as a result of extremes in geophysical processes" and holds a promethean view that the best way to deal with these unpredictable and inevitable issues is through the application of technocratic knowledge into policy processes.[40] In this way, disaster becomes something that can be measured, monitored, and manipulated.[41]

The pervasive view that the natural world and the social sphere are separate provinces is the paradigmatic standpoint on environmental disaster among policy makers, corporate executives, and society at large. "Dividing the social from the natural has led to the construction of hazards as disorder, namely as interruptions of order by a natural world that is external to the human world, or as

[38] Michael R. Berren, Allan Beigel, and Stuart Ghertner, "A Typology for the Classification of Disasters," *Community Mental Health Journal* 16, no. 2 (1980): 103–11; Ronald W. Perry, "What Is a Disaster?," in *Handbook of Disaster Research* (Springer, 2007), 1–15.
[39] IPCC, "Managing The Risks of Extreme Events and Disaster to Advance Climate Change Adaptation," 2012, https://www.ipcc-wg1.unibe.ch/srex/srex.html.
[40] Zenaida Delica-Willison and Robin Willison, "Vulnerability Reduction: A Task for the Vulnerable People Themselves," *Mapping Vulnerability: Disasters, Development and People. Earthscan, London*, 2004, 145–58.
[41] Luke, "The System of Sustainable Degradation."

indiscriminate 'acts of God' that affect communities in a random way." [42] Ultimately, this view of disaster prevents the underlying conditions causing environmental disaster to be ignored in favor of symptomatic technological and management fixes. "Consequently, this produces, as Swyngedouw eloquently describes it, 'a spectacularized vision of the dystopian city whose fate is directly related to faith in the administrations, engineers and technicians who make sure the taps keeps flowing and land keeps being 'developed.'" [43] A critical reorientation of disaster scholarship analyzes environmental disaster through a lens that makes the familiar ways of assessing disaster appear strange and questions how dominant ways of understanding socio-environmental disaster perpetuates the status-quo.[44]

Although the nuances between words and their meanings may appear to be minimal, it is important to emphasize that meaning matters—the discourse—words and practices—that surround disastrous events can act as covers to perpetuate "existing privileged forces driving technological innovation." [45] Moreover, the words that are chosen to speak about a disastrous occurrence like the explosion of the Deepwater Horizon oil rig, and subsequent oil disaster in the

[42] Paidakaki, "Addressing Homelessness through Disaster Discourses: The Role of Social Capital and Innovation in Building Urban Resilience and Addressing Homelessness"; Anthony Oliver-Smith, "Anthropological Research on Hazards and Disasters," *Annual Review of Anthropology*, 1996, 303–28.
[43] Paidakaki, "Addressing Homelessness through Disaster Discourses: The Role of Social Capital and Innovation in Building Urban Resilience and Addressing Homelessness"; Erik Swyngedouw, "2 Metabolic Urbanization," *In the Nature of Cities: Urban Political Ecology and the Politics of Urban Metabolism*, 2006, 21.
[44] Paul Robbins, *Political Ecology: A Critical Introduction*, vol. 20 (John Wiley & Sons, 2012); Carl Death, "1 Critical, Environmental, Political," *Critical Environmental Politics*, 2013, 1.
[45] Wynne, "Risk and Environment as Legitimatory Discourses of Technology: Reflexivity inside Out?"

Gulf of Mexico, are also produce certain effects.[46] For example, when former BP CEO Tony Hayward indelicately commented on the size of the spill by saying: "the Gulf of Mexico is a very big ocean" and "the amount of volume of oil and dispersant we are putting into it is tiny in relation to total water volume," the public reaction to the insensitivity displayed caused a public relations fiasco for British Petroleum.[47] While Hayward's remarks may have been factually accurate, the words chosen demonstrated a certain level of coldness and detachment from the disaster itself as well as the environmentally and socially detrimental management of it. Indeed, disasters many times require immediate management on a number of registers outside of environmental recovery and remediation, including public relations management. At the same time disastrous events can provide opportunities for the creation of new organizations, and can effectively serve as a green-washed ruse for continued economic growth, while providing damage control for societal concerns over environmental degradation.[48] This crisis-induced reorientation toward capitalism is the process of sustainable degradation; whereby ecological degradation or environmental disaster never comes to a stop. Rather, it "is instead measured, monitored, and manipulated within certain tolerances."[49] This particular interpretation of disaster management provides an alternative perspective to dominant disaster discourse, whereby "the main assumption is that natural and social domains are separate entities."[50] Although, at first blush, this view may seem somewhat suspicious of the

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[46] John R. Searle, *Speech Acts: An Essay in the Philosophy of Language*, vol. 626 (Cambridge university press, 1969).
[47] "Tony Hayward's Most Memorable Quotes - Jun. 10, 2010," accessed July 22, 2015, http://archive.fortune.com/2010/06/10/news/companies/tony_hayward_quotes.fortune/index.htm.
[48] Arturo Escobar, *Constructing Nature* (New York: Routledge, 1996).
[49] Luke, "The System of Sustainable Degradation."
[50] Paidakaki, "Addressing Homelessness through Disaster Discourses: The Role of Social Capital and Innovation in Building Urban Resilience and Addressing Homelessness."

underlying motivations of disaster management and response, it is not altogether cynical. Rather, this approach accepts that neoliberal ideology as well as capitalism and its processes of creative destruction as embedded within the human relationship to the non-human natural world. This ideology and system of economic management have lasting and pervasive effects on the way that socio-environmental disaster is not only understood but also how it is governed through political and economic practices that both create it and respond to it.[51]

Governing Disaster

During his time at the Collège de France in the 1970s, Michel Foucault developed his conception of governmentality. In a series of lectures, Foucault explored the deployment of power and raised questions about foregone assumptions "about the centrality of the state and the international system, the nature of state intervention," within understanding of contemporary political power and "modern subjectivity."[52] Governmentality offers a unique way to assess power relations and is particularly relevant for understanding the way that public policy operates. Specifically, "the strength of this sort of interrogation is that it allows for different kinds of assertions about the ways in which modern rule operates."[53] Governmentality allows an exploration of the possibility that power flows in and out of multiple sites, "through different discourses, and often outside the traditional boundaries of the state."[54]

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[51] David Harvey, "Neoliberalism as Creative Destruction," *The Annals of the American Academy of Political and Social Science* 610 (2007): 21–44.
[52] Darier, E. (1996). "Environmental governmentality: The case of Canada's green plan." Environmental Politics **5**(4): 585-606.
[53] Rutherford, S. (2011). Governing the Wild: Ecotours of Power, U of Minnesota Press.
[54] Ibid.

In his assessment of governmentality, Foucault indicates: "governing becomes the construction of certain truths."[55] This process of constructing truth, in turn, is a strategy by which the state might then exercise control over the populace. Moreover, it is a way in which the citizenry itself self-regulates, self-disciples, and self-governs.[56] This handling of power, or governmentality, has become one of the most frequently circulated Foucault's ideas. Indeed, many critical scholars have used the framework of governmentality. Adapting and applying Foucault's framework to specific areas of investigation—medical ethics, military studies, the environment, carceral studies, and educational research—has been especially helpful in illustrating what state use of technologies of power actually looks like.[57]

Neoliberal governmentality—one of Foucault's primary concerns—has been elaborated and this view of governmentality is also useful in analyzing how environmental disaster is rendered governable.[58] From this perspective, market-based strategies not only transform nature into a commodity but also transform ecological degradation into an avenue for accumulation of capital. Conceptualizing the environment and its management in this way alters the relationship that state, corporations, and even individuals have with the environment—rather than providing for environmental protection, then, benefits can be derived from sustainable degradation.

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[55] Rutherford, S. (2007). "Green governmentality: insights and opportunities in the study of nature's rule." Progress in Human Geography **31**(3): 291-307.
[56] M. Foucault, G. Burchell, and C. Gordon, *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault* (University of Chicago Press, 1991).
[57] Thomas Lemke, "An Indigestible Meal? Foucault, Governmentality and State Theory," *Distinktion: Scandinavian Journal of Social Theory* 8, no. 2 (2007): 43–64; Thomas Lemke, *Foucault, Governmentality, and Critique* (Paradigm Publishers, 2012).
[58] Nikolas Rose, *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century* (Princeton University Press, 2007).

Governmentality is often understood most simply as the 'conduct of conduct' or the ability to shape, influence, act, or even manipulate the actions of others. In *The Birth of Biopolitics* Foucault notes, "The term itself, power, does no more than designate a [domain]* of relations which are entirely still be to analyzed, and what I have proposed to call governmentality, that is to say, the way in which one conducts the conduct of men, is no more than a proposed analytical grid for these relations of power."[59] It is precisely this analytical grid for understanding the relations of power surrounding the governance of the environment that allows the transition from governmentality to environmentality.

Environmentality, also referred to as eco-governmentality, is the application of Foucault's conception of governmentality and the practices of governance and power relations (biopower) to the analysis of the natural world. The field of environmentality arose in the mid-1990s among a small contingent of scholars identifying the need and potential for a Foucaultian analytical framework for environmentalism and environmental science.[60] Although Foucault himself was not keen to address the environment in his analyses, he "reminds us that the government of population must include the very environment from which humanity subsists."[61] Ultimately, Foucault's handling of the environment can be broken down into either biophysical environments or bio-historical significance. "Foucault can be read as dividing the environment into two separate, but

[59] Foucault, M., M. Senellart, et al. (2008). The birth of biopolitics: lectures at the Collège de France, 1978-79, Palgrave Macmillan.
[60] T.W. Luke, "On Environmentality: Geo-Power and Eco-Knowledge in the Discourses of Contemporary Environmentalism," *Cultural Critique*, 1995, 57–81.
[61] Rutherford, S. (2007). "Green governmentality: insights and opportunities in the study of nature's rule." Progress in Human Geography **31**(3): 291-307.

interpenetrating spheres of action," in which the historical envelops, circumscribes, and surrounds the biological.[62] It is not what Foucault himself theorized about the environment that is at question, here; rather it is the application of his framework governmentality to the environment—and specifically to the environmental disaster. In keeping with the tradition of Foucaultian scholars, this analysis is not "designed to inspire and guide new political movements, transform the current agendas of political debate, or generate new plans for the organization of society."[63] Rather, it seeks to interrogate the circulation of ideological values that construct dominant, and often mythological, power/knowledge formations about socio-environmental disaster.

Scholarship on environmentality seeks to understand how governmental agencies in conjunction with producers of knowledge, such as scholars, media, corporate executives, and technocratic experts construct the environment. By grasping the present reality of environmental disaster from this perspective, it is possible to bring awareness to raise critical questions about the dangers that underlie the constitution of and response to environmental disaster. Foucault himself "said in an interview that nothing is evil in itself, but everything is dangerous, with the consequence that things are always liable to go wrong, but also that there is always the possibility of doing something to prevent this, since disaster is never ineluctable."[64] In this way, eco-governmentality can also be a form of environmental activism.

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[62] Luke, T. W. (1995). "On environmentality: Geo-power and eco-knowledge in the discourses of contemporary environmentalism." Cultural Critique(31): 57-81.

[63] Foucault, Burchell, and Gordon, *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*.

[64] Ibid.

Normal Accidents and Normalizing the Risks of High-Modernist Technologies

Exposing the mythology of rationality and the idea that rationality is embedded within technology is central to the work of James C. Scott in *Seeing Like a State* and Ulrich Beck's theory of the risk society. Charles Perrow's work on Normal Accident Theory also questions the role of technology in complex systems, even though he does not fully reject the idea that technology is neutral. In his classic study of disaster, Perrow reveals a pattern of interaction between complex technologies (specifically defined) and organizational processes (broadly defined). Taken together, this mixture can result in neglect of warnings and poor decision-making. This represents a paradox because "complex systems requires thorough diagnosis to identify the root cause, but a tightly-coupled systems requires quick action to prevent the problem from disseminating through the system."[65] This paradox is often ignored, though, in the belief that technology will behave as it is designed—rationally. Perrow contends that even the most horrific environmental catastrophes—Bhopal, Chernobyl, Three Mile Island—are normal in the context of highly complex socio-technical systems.[66] Innovating technologies, such as those involved with unconventional oil extraction, carry with them "inescapable high-risk factors in their operation."[67] Ultimately, technological and organizational complexity is required to operate high-risk transportation and industrial technologies like those at work in space exploration, nuclear energy production, and air traffic control.[68]

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[65] "ProvenModels - Technology Typology - Charles B. Perrow," accessed March 10, 2014, http://www.provenmodels.com/41/technology-typology/charles-b.-perrow.

[66] Perrow, C. (2008). Normal accidents: Living with high risk technologies, Princeton University Press.

[67] Carl Death, *Critical Environmental Politics* (Routledge, 2013).

[68] Perrow, *Normal Accidents: Living with High Risk Technologies*.

The technology involved in ultra-deepwater drilling is also characteristically high-risk and the Deepwater Horizon explosion can be assessed as a normal accident—even British Petroleum has defended the disaster as such.[69] Failure in a single component of the system has the possibility of igniting a chain reaction, resulting in disaster on a larger scale, if intervention is not taken. Operating within margins of safety is difficult for even the most cautious rig operators. However, under the right circumstances, (high market value of oil, lax regulation, bypassing redundant safety systems) gambles are taken and a singular failure in a web of complex technology can begin to unravel an entire oilrig. Substantively, normal accident theory is an argument about many of the disasters of our modern time that are explained as "nothing other than the routine outcomes of our complex, tightly-coupled, and ultimately unmanageable, technological arrangements."[70] From Perrow's perspective, these events are normal, systemic, and unpredictable. While Perrow's analysis offers us an explanation of why environmental disaster occurs in the face of technological failure, it is overly dependent on the technological and material failings.

Alternative assessments of accidents, such as that of Barry Turner in *Man Made Disaster* also demonstrate that disaster is often also the result of mismanagement and unprofessional behavior.[71] Looking into the creation of environmental disaster through endogenous social processes furthers our understanding of disaster causality. This is also the aim of Steve Matthewman's call for an 'accidentology'

[69] Lenny Rachitsky, "Transparent Uptime: BP Portraying Deepwater Horizon Explosion as a 'Normal Accident'...unknowingly Calls for End of Drilling," accessed April 9, 2015, http://www.transparentuptime.com/2010/09/bp-portraying-deepwater-horizon.html.
[70] Hopkins, A. (2001). "Was Three Mile Island a 'Normal Accident'?" Journal of Contingencies and Crisis Management 9(2): 65-72.
[71] Turner, B. A. and N. F. Pidgeon (1978). Man-made disasters, Wykeham Publications (London).

that disposes with traditional accident research in favor of the development of a sociology of accidents and disasters that considers the role of power.[72] Matthewman builds upon Virilio's *The Original Accident* by tracing the genealogy of the social patterning of accidents through the field of Sociology and concedes "their growing salience in our world in terms of their financial and social costs" due to the increased "frequency and severity."[73]

Scholarship on normalized risks, accidents, and disasters that takes into account social processes and largely contends that society now dwells in an era of "generalized accident" and contemporary life is "it's own version of a disaster movie."[74] Moreover, this perspective sees the possibility that these disasters are something to be profited from.[75] While some may view this perspective on disaster to be cynical, the knowledge that is being produced with the aim of normalizing risk, accidentality, and disaster demonstrates that the strategies to normalize both acute and chronic socio-environmental disasters are meaningful constructions that warrant greater attention.[76]

> Accidents and disasters are events and conditions which illuminate our times. They draw attention to systemic things which would otherwise pass unseen, revealing social order and everyday reality. Accidents and disaster force us to re-examine common-sense assumptions about complexity, control, discovery, expertise,

[72] Matthewman, S. (2012). "Accidentology: Towards a Sociology of Accidents and Disasters." RIMCIS. International and Multidisciplinary Journal of Social Sciences **1**(2): 193-215.
[73] Ibid. & Virilio, P. (2007). The original accident, Polity.
[74] Virilio, P. (2007). The original accident, Polity. Jean Baudrillard, *Simulacra and Simulation* (University of Michigan Press, 1994); Steve Matthewman, "Accidentology: Towards a Sociology of Accidents and Disasters," *RIMCIS. International and Multidisciplinary Journal of Social Sciences* 1 (2012): 193–215.
[75] Klein, N. (2007). The shock doctrine: The rise of disaster capitalism, Metropolitan Books.
[76] Matthewman, S. (2012). "Accidentology: Towards a Sociology of Accidents and Disasters." RIMCIS. International and Multidisciplinary Journal of Social Sciences **1**(2): 193-215.

> predictability, progress and risk. In so doing they place social arrangements, expert and political decision and technological choices into sharp relief. They have the potential to reveal the substance and agency of technology, the frailty of our organisational matrices, the structural violence of our social systems and mobilization of bias therein.[77]

The 'systemic things' that Matthewman speaks of can be understood as the instrumentalist rationality that underlies the production of the risk society and the technological development of unconventional oil exploitation. But the functioning of capitalism and its incessant accumulation of capital paralleled with environmental degradation is also well suited for Matthewman's findings. The framing of environmental disaster as 'accidental' implies that such occurrences are unable to be controlled and perhaps, predicted. Despite the countervailing view assessed throughout this work, the normality of accidents within complex technology remains firmly entrenched as exceptional. This hegemonic view of environmental disaster highlights a major disconnection between appearance and reality, which is characteristic of modernity. To be modern is to be a part of a universe in which, as Marx said, 'all that is solid melts into air.'" But, what is 'it' exactly that is melting into air, that is disintegrating, that is seemingly a mirage? A strong case can be made that 'it' is the environment, being degraded by the processes of modernity, all the while promoting the belief that technology will be able to engineer fixes to any of the ills that come along the way. By looking at modernity as a paradoxical experience that moves beyond and between the limits of historical language, modernity becomes a familiar encounter, a series of events that informs realities on the ground—it occurs at the interstices of the social, the

[77] Ibid.

religious, the economic, the cultural, the political, and not least of all the environment.

Since modernity is largely associated with the industrial processes that accompanied the rise of capitalism, there have been many attempts to segregate the changes that have resulted from this so-called period of progress. Post-modernity, Second modernity, Late modernity, and Liquid modernity are all attempts to make sense of, and respond to, particular aspects of the "maelstrom of perpetual disintegration and renewal, of struggle and contradiction, of ambiguity and anguish."[78] Contextualizing modernity through its performative destruction of the environment allows for a transformation beyond traditional dichotomous illustrations of modernity that do not go far enough to explain the complex interplay of the social, economic, and political with the environment. It is this complexity that renowned social scientist James C. Scott draws out in his book *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*.[79]

Scott offers a thorough critique of high modernist ideologies that have inspired (and continue to inspire) "massive, state-directed social engineering projects."[80] Scott notes that high-modernism cuts across a range of political ideologies. It is the domain of neither leftist progressives nor more conservative leaning authorities. Rather, high-modernism's "main carriers and exponents [are] the avant-garde among engineers, planners, technocrats, high-level administrators, architects,

[78] BERMAN, M. (1982). *All that is solid melts into air: the experience of modernity*. New York, Simon and Schuster.
[79] Adas, M. (2000). "Seeing like a state." Journal of Social History **33**(4): 959-963.
[80] Ibid.

scientists, and visionaries."[81] Scott details the "environmentally pernicious, and unsustainable" practices of authoritarian high-modernism, which might be

> best conceived a as a strong (one might even say muscle-bound) version of the beliefs in scientific and technical progress that were associated with industrialization in Western Europe and in North America from roughly 1830 until World War I. At its center was the supreme self-confidence about continued linear progress, the development of scientific and technical knowledge, the expansion of production, the rational design of social order, the growing satisfaction of human needs, and, not least, an increasing control over nature (including human nature) commensurate with scientific understanding of natural laws.[82]

The values within high-modernism are entrenched and exist in the contemporary world. There are several elements of high-modernism that seem especially suited to illustrate this argument within the context of the Deepwater Horizon disaster.

First, high-modernism has a strong belief (blind faith) in the potential for scientific and technological progress, including the "administrative ordering of nature and society" by expertise knowledge from scientists, engineers, bureaucrats, etc.[83] This tenet certainly underlies the eco-managerialist techniques illustrated/critiqued in Chapter 4. Second, high-modernism attempts to master (human) nature in order to meet human needs. In an oil economy, it is necessary to go into increasingly risky territory to feed the oil addiction of the industrialized world. Moreover, human nature can be manipulated in a number of ways, including through monetary incentives (Chapter 5), marketing campaigns (Chapter 5 and 7), as well

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[81] Scott, J. C. (1998). Seeing like a state: How certain schemes to improve the human condition have failed, Yale Univ Pr.
[82] Ibid.
[83] Ibid.

as through media messaging (Chapter 7). Third, and perhaps most relevant to the case of Deepwater Horizon disaster, is an emphasis on rendering complex environments or concepts legible. This sort of simplified and rationalized understanding of environmental disaster allows for the disaster itself, as well as the public memory of it, to be sanitized through instrumentalist techniques and, in so doing, to quickly return the environment to a productive capacity. Finally, high-modernism entails disregard for historical, geographical and social context in development. This echoes as truth for the local residents of the Gulf Coast who live and work in the everyday disastrousness of an oil production sacrifice zone.

Like many schemes to create order from what seems like chaos there are unintended consequences that come along with the superimposition of structure. The mishap of Deepwater Horizon is no different. The superimposition of rationality on technology led to the superimposition of technology on nature, and consequently resulted in the superimposition of destruction on the environment. Perhaps environmental disaster can serve as one of the best illustrations of the hybrid nature of modernity, including its successes and failures.

The idea of risk (like accidents and disasters) has always been, and will most likely continue to be, replete with controversy and confusion. There is no singular definition of risk because the very nature of risk is unequal—not all risks are the same—some can be minimized, mitigated, and managed, while others remain intolerable and unacceptable. What's more is that the experience of risk is highly imbalanced. Individuals and organizations move through life with different levels of risk that are determined by myriad contributing factors. Therefore, it is within

theory and context that the notion of risk is opaque and disputed.[84] As such, choosing a definition of risk is a political decision that reflects specific views and values about the world. Determining risk has traditionally been the domain of so-called 'experts', or those who by virtue of educational and professional training are believed to have the necessary knowledge and skills to pass judgments and quantify risk. Indeed, risk—and especially manufactured risk—is a thread that allows conceptions of environmental disaster, accidents, and sustainable degradation to come together in the telling of a story about the normalization of a discourse surrounding environmental disaster because it provides a common referent from which these discourses might be problematized. Eco-managerialism, eco-commercialism, eco-judicialism, and eco-sensationalism each rely on calculability in their own way, whether it be through damage assessment that can be calculated and in turn rectified monetarily, or through insuring against future disaster by calculating the costs of those that have come before. However, the socio-cultural consequences are left out of this equation.

Developed in *World Risk Society*, Beck defines risk as "the modern approach to foresee and control the future consequences of human action, the various unintended consequences of radicalized modernization. It is an (institutionalized) attempt, a cognitive map, to colonize the future."[85] These institutionalized attempts are a "major force for political mobilization" in which the politics of risk definition become very important.[86] Inequalities related to class, gender, and race are all but forgotten in this "new power game of risk and its meta-norms."[87]

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[84] Mythen, G. and S. Walklate (2006). Beyond the risk society, McGraw-Hill International.
[85] Beck, U. (1999). World risk society, Wiley Online Library.
[86] Ibid.
[87] Ibid.

Asking who or what decides what risk is and what are the parameters of acceptable risk, it becomes increasingly clear that risk is a question of control because risk is an uneven geography, benefitting some while penalizing others. Ultimately, the concept of risk has the power to combine "what was once mutually exclusive"–society and nature.[88]

The framework of the risk society and manufactured risk renders invalid the predictability of calculable norms that were once thought to govern nature and society. The acceptance of the ideology of a world risk society and/or the normalization of environmental disaster would have massive implications for the insurance industry and the state. Insurance is "perhaps the greatest symbol of calculation and alternative security—which does not cover nuclear disaster, nor climate change, and its consequences, nor the breakdown of [. . .] economies, nor the low-probability high consequences risk of various forms of future technology." [89] Most controversial technologies—nuclear energy and genetic engineering among them—are not privately insured. This creates a situation whereby continued use of the technology requires companies to self-insure against risk, or the state will need to step in and secure the risk. Deepwater drilling, tar sands extraction, and fracking all fall into the category of 'high consequences risk.'

Of course, the predictability of risk normalization was always manufactured; but Beck's conception of the world risk society "demands an opening up of the decision-making process, not only of the state but of private corporations and the sciences as well. It calls for institutional reform of those 'relations of definition,'

[88] Ibid.
[89] Ibid.

the hidden power-structure of risk conflicts."[90] Under this model, deciding the acceptable limits of risk is not something to be self-regulated by industry, nor decided by an elite group of 'experts.' As the risk society relates to ecological and/or environmental threats, Beck is optimistic that a future can be created whereby decision making will take place in a more democratic public domain that asks important questions of "value that underpin risk conflicts."[91]

Sustainable degradation does not assume such cosmopolitan ends, however. The values that underpin high modernity—technology, rationality, expansion of production, and domination over nature—are encapsulated in the capitalist economic system. Capitalism operates as an engine that pushes these beliefs forward, promising an ever more comfortable and satisfying life. The engine of capitalism runs on oil and labor—these are the lifeblood of the global economic system—and oil, the number one source of energy the world over.[92] Oil is a fundamental part of nearly all consumption—embedded within pharmaceuticals, agriculture, clothing, and the production, packaging, and distribution of all other resources. The engine of capitalism has a voracious appetite and as conventional oil extraction gives way to unconventional forms of oil extraction, the appetite for oil has not waned. The particularly devastating effects of consumption include climate change, resource conflicts, and the ecological degradation that coincides resource exploitation. The risk of ecological degradation, and the potentiality of sustainable degradation as it were, become even more likely with unconventional oil extraction. Riskier terrains mean the manifestation of manufactured accidents.

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[90] Ibid.

[91] Ibid.

[92] "Coal May Pass Oil As World's No. 1 Energy Source By 2017 : The Two-Way : NPR," accessed April 17, 2014, http://www.npr.org/blogs/thetwo-way/2012/12/18/167546881/coal-may-pass-oil-as-worlds-no-1-energy-source-by-2017-study-says.

The socialization of this riskier production is ultimately requires the socialization and normalization of disaster.

"Manufactured risk is risk created by the very progression of human development, especially by the progression of science and technology."[93] This perspective on risk is entangled with and virtually inextricable from the values of high modernity. Manufactured risks are those that are related to "new risk environments for which history provides us with very little previous experience."[94] The environment surrounding the exploration and exploitation of unconventional oils is most assuredly an environment of manufactured risk. This manufactured risk combines manufactured uncertainty with "a peculiar synthesis of knowledge and unawareness."[95]

Contrary to popular arguments of scarcity, oil is not running out. Rather, conventional oil production is shifting "geographically, geologically, chemically, and economically" toward a new reality of risk. In the years preceding the Deepwater Horizon disasters, oil prices have hovered above $100 per barrel, which catalyzed the unconventional oil industry. But this ramping up of production has come with high costs for many communities--both environmental and economic. By drilling in riskier territory, "the oil industry is posting substantial profits, reinvesting significant capital, and gaining new capacities to identify, probe, recover, and process oils that were once unknown, inaccessible,

[93] Giddens, A. and C. Pierson (1998). Conversations with Anthony Giddens: Making sense of modernity, Stanford University Press.
[94] Ibid.
[95] Beck, U. (1999). World risk society, Wiley Online Library.

unmanageable, or uneconomical."[96] However, a surplus is being created, which has lead to a worldwide decline in oil prices in the years that followed the disaster. Currently, the price per barrel of oil is just above $50 USD.[97] The notion of manufactured risk raises the question of who or what is producing or manufacturing risk and for what purpose. To analyze this, it is vital to look toward the experience of modernity, an experience of "hope embedded in despair."[98]

Sustainable Degradation and Disaster Capitalism as Hope Embedded in Despair

Even the most disastrous events have advantages, what some may refer to as the upside of down.[99] To be fair, it is typically business groups and corporations—those already on the upside—that garner the most benefit from environmental disaster by way of new economic enterprise in effort to mitigate environmental disaster and return nature to productivity. This is what is best understood as "the system of sustainable degradation [which] implicitly concedes, as it cynically builds upon, the 'second contradiction' of capitalism."[100] Under the second contradiction of capitalism, "the underproduction of capital and destruction of Nature for some interests becomes a means of producing knowledges about it as well as an opportunity for mobilizing powers to cope with its acknowledged

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[96] Gordon, D. (2012). Understanding Unconventional Oil, Carnegie Endowment for International Peace.

[97] "Commodities: Latest Crude Oil Price & Chart," *NASDAQ.com*, accessed July 21, 2015, http://www.nasdaq.com/markets/crude-oil.aspx.

[98] Beck, U. (1999). World risk society, Wiley Online Library.

[99] Thomas Homer-Dixon, *The Upside of down: Catastrophe, Creativity, and the Renewal of Civilization* (Island Press, 2008).

[100] Luke, "The System of Sustainable Degradation"; James O'Connor, "The Second Contradiction of Capitalism," *The Greening of Marxism*, 1996, 197–221; Inc. SAGE Publications, *Second Contradiction of Capitalism. Encyclopedia of Environment and Society. SAGE Publications, Inc* (Thousand Oaks, CA: SAGE Publications, Inc., n.d.), http://dx.doi.org/10.4135/9781412953924.n963.

effects."[101] In this way, then the second contradiction of capitalism predicts that environmental crisis will develop as an essential element of the capitalist economy.[102] "Though Marx himself believed that capitalist farming produced negative ecological consequences, he never articulated a broader ecological theory of capitalist contradiction. Rather, the exploitation of labor played the central role while nature and natural resources occupied a peripheral concern."[103] For environmentalists, the destruction of the earth by means of capital accumulation is a central concern and understood as a result of the process of alienation and accumulation. Essentially, the second contradiction of capitalism holds that the conditions of production are undermined by consumption producing a specific form of crisis.[104] This crisis can occur on at least two levels: first, at the level of the industrial and ecological disaster that resulted in the loss of life, infrastructure, and biodiversity; and secondly, as disastrous capitalism and the complex social and institutional pre-conditions that enable subsequent and continuous industrial and ecological disasters. Under the system of sustainable degradation this ecological destruction "is not halted, but it is instead measured, monitored, and manipulated within certain tolerances as ecological degradation perversely acquires its own sustainability within the contradictory second nature of capitalist built environments."[105]

Disaster is not a requirement the system of sustainable degradation yet it can be exploited through the techniques and strategies that are deployed under it.

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[101] Luke, "The System of Sustainable Degradation."
[102] SAGE Publications, I. Second Contradiction of Capitalism. Encyclopedia of Environment and Society. SAGE Publications, Inc. Thousand Oaks, CA, SAGE Publications, Inc.
[103] Ibid.
[104] Foster, J. B. (2002). "Capitalism and ecology: The nature of the contradiction." MONTHLY REVIEW-NEW YORK- **54**(4): 6-16.
[105] Luke, "The System of Sustainable Degradation."

However, the notion that disaster provides opportunity for accumulation of profit is a central thesis of Naomi Klein's disaster capitalism.[106] Klein illustrates her argument with wide-ranging examples from the Asian tsunami of 2005, the privatization of schools in the aftermath of Hurricane Katrina, and multi-billion dollar no-bid contracts for reconstruction efforts in Iraq and Afghanistan.[107] The second thesis that Klein advances is that disaster also provides an opportunity for expansive governance, often operating under the guise of regulation but with the aim of privatizing the central functions of government. Klein contextualizes this argument most vividly by demonstrating what she calls the "disaster capitalism complex" by looking at the War on Terror.[108]

Under the disaster capitalism complex, the ultimate goal for corporations "is to bring the model of for-profit government, which advances so rapidly in extraordinary circumstances, into the ordinary and day-to-day functioning of the state—in effect, to privatize the government."[109] This grotesque pattern of business and governments capitalizing on disaster can also be seen in the aftermath of the Deepwater Horizon disaster. Assessing the normality of environmental crisis against the backdrop of unconventional oil development should take place in a nuanced way that allows for an understanding of disaster to emerge, but does not

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[106] Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*.
[107] Saltman, K. J. (2007). "Schooling in Disaster Capitalism: How the Political Right Is Using." Teacher education quarterly.
[108] Excerpt from *The Shock Doctrine* to illustrate how the disaster capitalism complex operates with regard to the War on Terror: "To kick-start the disaster capitalism complex, the Bush administration outsourced, with no public debate, many of the most sensitive and core functions of the government—from providing health care to soldiers, to interrogating prisoners, to gathering and "data mining" information on all of us. The role of the government in this unending war is not that of an administrator managing a network of contractors but of a deep-pocketed venture capitalist, both providing its seed money for the complex's creation and coming the biggest customer for its new services."
[109] Klein, N. (2007). The shock doctrine: The rise of disaster capitalism, Metropolitan Books.

accept events like those in Mayflower, Arkansas; Kalamazoo, Michigan; and Leroy Township, Pennsylvania, as exceptional occurrences. Rather, adapting a critical eco-social view that these disasters are unfortunate but necessary parts of the capitalist industrial complex it is possible to better understand just how disaster is embedded within the system. "A better descriptor, then, for today's situation would be capitalist disasters rather than disaster capitalism since the latter formulation uses disasters as an adjective or modifier of the noun, capitalism, and the former treats these disasters as a product of capitalism."[110] Capitalist disasters are thus not just cynically responsive to disastrous events but are, instead, fully enmeshed in the production of everyday disastrousness itself.

Adapting sustainable degradation and disaster capitalism to environmental disaster means that it is necessary to encapsulate the cyclical nature of capitalism, including its invasive existence in democratic institutions. "[P]roduction practices are shaped by market forces, bureaucratic operating procedures, and regulatory agencies. They are complex and dynamic systems with unpredictable behavior when certain thresholds are crossed, just like the climate and the economy," themselves.[111] Indeed, the regulatory agencies charged with monitoring the processes of complex technologies like deepwater drilling must try to cope with these uncertainties, but through adherence to high-modernist values of efficiency, purity, and legibility, the system of sustainable degradation becomes intermingled with the monitoring process. Charles Perrow concludes his analysis of normal

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[110] "Disaster Capitalism or Capitalist Disasters? - World Can't Wait," accessed April 9, 2015, http://www.worldcantwait.net/index.php/occupy/7382-disaster-capitalism-or-capitalist-disasters; Dennis Loo, "Disaster Capitalism or Capitalist Disasters?," accessed September 17, 2014, http://www.worldcantwait.net/index.php/home-mainmenu-289/7382-disaster-capitalism-or-capitalist-disasters.

[111] David Levy, "Normal Accidents? | The Energy Collective," accessed April 9, 2015, http://theenergycollective.com/davidlevy/39592/normal-accidents.

accidents by noting that failure cannot be abolished from complex systems, and that if risk cannot be managed appropriately, the technology itself should be abandoned. For Perrow, regulation is the best way to contend with disaster prone technologies such as those necessary for exploitation of unconventional oil—fracking, strip mining, and deepwater drilling.

But what happens when regulation favors business? Providing for environmental conservation then becomes contested as the very corporations and persons that often culpable for environmental disaster are those who hold political sway and benefit the most from the systemic inequalities that are exposed by environmental disaster. This process is exacerbated by the "technologies, sectors, imperatives, and patterns of growth" based in environmental degradation—like mining, drilling, and fracking—that are "central to the growth of the capitalist economy as a whole."[112] From this perspective, Deepwater Horizon disaster is the normalized outcome of manufactured risk, normal in the context of high-modernist values, normal in the context of the crisis-prone nature of capitalism—not normal just because the technology of deepwater drilling involves highly complex socio-technical systems and organizational problems with regulatory bodies. The designation of 'accident' is dangerous, as Foucault warns, because it can ultimately "blind us to the structural violence of social systems" such as disaster capitalism, such as the disastrous regulatory policy, such as the deeply embedded relationships between governance and industry, and such as the high-modernist values that undergird eco-governmental responses to socio-environmental disaster.[113] This particular Foucaultian tool offers insight for "analyzing the

[112] Newell, P. and M. Paterson (2010). Climate capitalism: global warming and the transformation of the global economy, Cambridge University Press.
[113] Soron, D. "Cruel Weather: Natural Disasters and Structural Violence."

production and circulation of discourses of nature."[114] Luke synthesizes how this occurs:

> Governmental discourses methodically mobilize particular assumptions, coded, and procedures in enforcing specific understanding about the economy and society. As a result, they generate "truths" or "knowledges" that also constitute forms of power with significant reserves of legitimacy and effectiveness. Inasmuch as they classify, organize, and vet larger understandings of reality, such discourses can authorize or invalidate the possibilities for constructing particular institutions, practices, or concepts in society at large.[115]

In the case of environmental disaster, there is a certain normalized truth, predominately that the cause is either technological or organizational, which lends to it the potential for the cause to be identified and rectified. Certainly, in this view of disaster, there is no tinge of sinister puppeteering by neoliberal elites to which Naomi Klein ascribes her shock doctrine. Rather, the instrumentalist urge to manage and mitigate environmental disaster operates within an ideological and economic framework that legitimates itself through these processes and practices. Thus, there is a particular knowledge/power about environmental disaster that is produced and circulated in societal, political, and corporate realms—that disasters are manageable, controllable, and even opportunities for profit. The question of prevention is thus consigned because the governing of the event is takes precedence. Ultimately, this is where greatest potential for risk assessment lies.

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[114] Rutherford, S. (2007). "Green governmentality: insights and opportunities in the study of nature's rule." Progress in Human Geography **31**(3): 291-307.

[115] Luke, T. W. (1995). "On environmentality: Geo-power and eco-knowledge in the discourses of contemporary environmentalism." Cultural Critique(31): 57-81.

With the increasing number of deep-water rigs, drilling is taking place in increasingly risky territory including the freshly opened Arctic—deeper water and higher-pressure (technologically, politically, and economically) means an increasing likelihood for failure. Insuring such risk is a chance that even the boldest insurance conglomerates are hesitant to take. There are too many unknown variables within deep water drilling, as with many other technologically complex energy technologies (e.g. nuclear). "Insurance companies are in a bind with regard to large-scale catastrophes: the number of catastrophes have increased, capital markets are unstable, and the insurance regulatory system provides perverse incentives."[116] This same logic that fueled the Cold War—that continued production of (of weapons then; of oil now) is justified because it is vital.[117] However, the availability of safer technologies, combined with the current surplus of oil resources, and the climatological impacts of burning the fuel in these never-before available deposits invite many troublesome questions about the vitality and necessity of unconventional oil development.

The Deepwater Horizon disaster gave rise to a discussion of insuring risk. Prior to the disaster, insurance companies had largely shown themselves capable of covering the risks, or at least the perceived risks of oil extraction. Lloyd's of London reported that in the decade leading up to the Deepwater Horizon disaster, "insurance market capacity had grown substantially to meet the increasing expense to the oil industry of operating in remote and hostile environments, including deepwater and the Arctic."[118] The conception of risk that underwriters

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[116] Perrow, C. (2011). The Next Catastrophe: Reducing Our Vulnerabilities to Natural, Industrial, and Terrorist Disasters (New in Paper), Princeton University Press.

[117] Ibid.

[118] "Drilling in Extreme Environments: Challenges and Implications for the Energy Insurance Industry - Technology - Lloyd's - The World's Specialist Insurance Market. Also Known as

subscribeto is certainly in conflict with the view of risk that Beck and others have put forth. Lloyd's, one of the largest insurers of deepwater drilling, has recognized that "oil and gas companies are moving into new and increasingly harsh and remote environments to meet the world's growing demand for energy" and that "exploring new frontiers carries risks" which need to be more fully understood, mitigated, and managed.[119]

BP was self-insured and as of June 2013, "said cost of the response to date is approximately $1.43 billion, including the cost of the spill response, containment, relief well drilling, grants to the Gulf states, claims paid, and federal costs."[120] A smaller company would have likely succumbed to the cost of this disaster. Then again, a smaller company would likely not have been able to self-insure. Beck highlights the challenge of insurance within the risk society:

> Industrial society, the civil social order and, particularly, the welfare state and insurance state are subject to the demand to make human living situations controllable by instrumental rationality, manufacturable, available and (individually and legally) accountable. On the other hand, in a risk society the unforeseeable side and after-effects of this demand for control, in turn, lead to what had been considered overcome, the realm of the uncertain, of ambivalence, in short, of alienation.[121]

The disasters—oil train derailments, earthquakes, ground water contamination, et-cetera—that have accompanied unconventional oil provide a lens to see the ambiguities and contradictions of modernity as well as the game of pinpointing

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Lloyd's of London; Is a Market Where Members Join Together as Syndicates to Insure Risks.," accessed April 9, 2015, http://www.lloyds.com/news-and-insight/risk-insight/library/technology/drilling-in-extreme-environments.

[119] Ibid.

[120] Cleveland, C., C. Hogan, et al. (2010). "Deepwater Horizon oil spill." Encyclopedia of Earth.

[121] Beck, U., A. Giddens, et al. (1994). Reflexive modernization: Politics, tradition and aesthetics in the modern social order, Stanford University Press.

risk that insurers have to play. Adapting a more sociological view of risk would not mean the end of insurance companies; on the contrary, it may provide expanded opportunity for profit as it has in the state of Oklahoma, where insurance premiums for earthquakes has risen more than 500% as a result of hydro-fracking.[122] This countervailing view of risk would invite questions about the role of the state in insuring the inevitable disasters of unconventional oil, but also obliges questions of equity and fairness as new uneven economies are created. This is ultimately a form of disaster capitalism made manageable through eco-commercialism. Knowing that socio-environmental disasters are inevitable and trying to economically secure against them, rather than altering the production of these disasters, might be understood as insurance fraud, whereby as a situation where massive amounts of capital can be accumulated alongside the speculation that an environmental disaster will manifest. The development of unconventional oil thus requires "a new breed of shamans" to calculate, rationalize, and normalize the ever-changing economic landscape of the industry.[123] However, until these shamans appear and are able to envelop underlying social, economic, political, and cultural values into their calculations of risk it is unlikely that a broader societal and policy risk-averse stance on the development of this burgeoning industry will actualize. Meanwhile, channels of governance are clogged with special interest money, and theorizing ways for the mythology of disaster to be dismantled are scarce.

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[122] Denver Nicks, "Earthquake Insurance Becomes Boom Industry in Oklahoma," *Time*, 06:26, -11-13 06:23:14 2014, http://time.com/2890114/oklahoma-earthquake-fracking-insurance/.
[123] Perrow, *Normal Accidents: Living with High Risk Technologies*.

The Theoretical Possibility for Resistance?

Neither Foucault nor Marcuse dedicated much of his scholarship to exploring environmental issues. Foucault is famously quoted as saying, "My back is turned to it," when a friend was directing his attention toward beautiful landscapes on a road trip in the Alps. [124] Marcuse was seemingly more amenable to environmentalism, he had little hope for the environmental movement itself, believing that it had been "by and large [. . .] co-opted." [125] So why invoke an analysis of resistance to the subjectification and normalization of environmental disaster based on the thinking of two scholars who lament the topic? The methodological tools that Foucault and Marcuse developed offer students and scholars analytical tools that can be applied to a range of contemporary social, cultural, and political issues—and can also extend to analysis of environmental crisis. Environmental problems are bound up in the same technological, political, and economic systems of power and oppression that each of these thinkers dedicated their lives work to revealing. Many scholars uphold the readings of Foucault and Marcuse as a standard by which the social implications of problematic environmental constructions can be understood. Critique of rationality is at the heart of the work of each of these thinkers—as it is within eco-critique more broadly. As such, both Marcuse and Foucault have much to contribute to the study of truth-claims and the powerful effects of constructed knowledge about the environment.[126] "Foucault's intellectual legacy" reveals analyses of "biopolitics" as a "direction reflection of a politics of life which is close to the concerns of environmentalism." [127] Regardless of his attitude toward nature, "Foucault's

[124] Eric Darier, *Discourses of the Environment* (Wiley-Blackwell, 1999).
[125] Herbert Marcuse, *Ecology and Revolution* (na, 1972).
[126] Darier, *Discourses of the Environment*.
[127] Ibid.

concepts can be made highly relevant to environmental thinking."[128] Although there is an "ecological aporia" in Marcuse's work, whereby he had intermittent yet unsustained invocations into explicit questions of ecological destruction, his "most important work assesses the negative impact of excessively destructive social institutions on 'human nature.'"[129] Substantively, these "excessively destructive social institutions" are implicated also in the creation of environmental disaster.[130] As such, Marcuse's work addresses issues of "political conflict, cultural contradiction, and individual struggle"—each of these issues are not only foundational to contemporary environmental discourse; but, their acknowledgement is vital in efforts to sufficiently address the conditions of that produce environmental disaster.

Although there is a lacuna of scholarship indicating the parallels in the work of Marcuse and Foucault, there are notable similarities that deserve consideration, especially with regard to their usefulness in critical environmental political theory. These interests—technology, rationality, the social construction of knowledge, the administered society, resistance, and aesthetics—to name a few, are intertwined and mutually constituted in many ways; but, of course, Foucault and Marcuse's perspectives are not always in alignment. Another important commonality within the works of Marcuse and Foucault is skepticism of metanarratives. As illustrated in the subsequent chapters, instrumentalist strategies designed to control the effects of the disaster had varying degrees of effectiveness. Likewise, the narratives of aesthetic eco-resistance discussed here are anecdotal yet provocative in terms of the

[128] Ibid.
[129] Luke, *Ecocritique: Contesting the Politics of Nature, Economy, and Culture*.
[130] Ibid.

potential to resist/negate sources of societal and environmental repression/degradation.

For Foucault, rationality accompanied technology and was often built into projects of technology.[131] Similarly, Marcuse did not view technology as being a passive nor neutral force. "Marcuse always paid special attention to the role of technology in organizing contemporary societies and with the emergence of new technologies in our time the Marcusean emphasis on the relationship between technology, the economy, culture, and everyday life is especially important."[132] Employing this skepticism about rationality and technology allows for an acquittal of technologically deterministic views of environmental disasters—Deepwater Horizon did not happen solely because of faulty technology; rather, the causality lies in an amalgam of corruption, blind faith in technology, oil dependency, regulatory capture, etc. Because the construction of knowledge about environmental disasters has been also been captured, oversimplified, and, normalized fictitiously, it is a promethean task to recast environmental disaster as a habitual outcome within an oil-driven capitalist system.

Both Marcuse and Foucault draw on insights from Marx to address various concerns including the socio-cultural effects of the politicization of technology and the construction of knowledge.[133] Politicization of technology can extend to an assessment of the impacts of technology on the environment and its inhabitants by appealing for "recognition of socio-political responsibilities for changes in the

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[131] Michel Foucault, *The Foucault Reader* (Pantheon, 1984).
[132] "Illuminations: Kellner," [Available Online]: http://www.uta.edu/huma/illuminations/kell12.htm.
[133] Noel Castree, "The Nature of Produced Nature: Materiality and Knowledge Construction in Marxism," *Antipode* 27 (1995): 12–48; "Illuminations: Kellner."

quality of environmental conditions" that impact human and non-human nature.[134] Thus, environmental issues are inextricable from political issues. Moreover, the political context is imbued in the economic context, and so forth.

Although there are many "ambiguities" in the work of Foucault and Marcuse, they both "reject the accustomed terms of the rationalism/relativism debate and affirm *both* that rationality is integral to a system of domination *and* that it nevertheless achieves cognitive success," including an instrumentalist discourse on the socio-environmental disaster that has become dominant, and almost irrefutable, in capitalist societies.[135] Marcuse and Foucault are interested in "effects of power that are connected to rationality" and the oppression that results from overconfidence in rationality.[136] Both suggest that "modern society resembles a vast machinery dominating its members through rational means and procedures" and are interested in ways to resist this machinery and domination.[137] This resistance to absolutes, totalities, and rationalistic knowledge is expressed in different ways for Marcuse and Foucault.

For Foucault, resistance is multifaceted, in the same way that power is.[138] It is relational—not something to be "acquired, seized, or shared"—and manifests as "resistance to power, resistance to the state, resistance to surveillance, resistance to

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[134] Barry Buzan, Ole Wæver, and Jaap De Wilde, *Environmental, Economic and Social Security* (Centre for Peace and Conflict Research, 1995); Nina Graeger, "Environmental Security?," *Journal of Peace Research*, 1996, 109–16.
[135] Andrew Feenberg, *Transforming Technology: A Critical Theory Revisited* (Oxford University Press, 2002).
[136] "Foucault on the Frankfurt School (1978)," *Radicalarchives*, [Available Online]: http://radicalarchives.org/2013/07/08/foucault-on-the-frankfurt-school/.
[137] Feenberg, *Transforming Technology*.
[138] M. Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans," *Robert Hurley (New York: Vintage Books, 1980)* 139 (1978).

cultural hegemony, and resistance to capital."[139] Foucault's resistance is not to the practices that conform rationality but, on a deeper level, he is interested in what sort of rationalities, or "political knowledge" is being used in processes/discourses that allow society to be administered, power to become concentrated, for violence to be masked, and domination to be legitimated.[140] To extend this type of resistance to the environmental domain, it is necessary to uncover how instrumental rationality not only informs discursive constructs of environmental disaster but also to recognize how instrumental rationality is deeply embedded within responses to environmental disaster. For Foucault, emancipation is not necessarily the end goal for resistance; rather resistance is a sort of problematization of the practices that emanate from (ir)rational thinking more generally. From a Foucaultian perspective, then, there is no locus for Marcuse's Great Refusal, including resistance that is born out of creative acts. This, of course, does not negate the potential of reading Marcuse and Foucault together, as opposed to against one another, to critically assess environmental disaster; rather it offers similar tools with differing destinations. For Foucault, even acts of micro-resistance are a way to antagonize and thwart systems of oppression, and perhaps were ways to raise questions about what systems of power society wants to live with.[141] This sort of resistance is not about total revolution; rather it is about perpetually problematizing social relations. Dissimilarly, for Marcuse, unless "forms of resistance [become] forms of emancipation, linked to a vision of new human

[139] "Resistance versus Emancipation: Foucault, Marcuse, Marx, and the Present Moment Logos Journal," [Available Online]: http://logosjournal.com/2013/anderson/. Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans."

[140] Thomas Lemke, "Foucault, Governmentality, and Critique," *Rethinking Marxism* 14, no. 3 (2002): 49–64.

[141] Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans."

relations, they would founder and achieve little or nothing except a gesture of a Great Refusal."[142]

The Great Refusal "demands a liberated society" that is achieved by acts of refusal "to neoliberal assaults on subjectivity," including assaults on life itself.[143] Marcuse was centrally interested in exploring "How can the administered individuals—who have made their mutilation into their own liberties and satisfactions . . . liberate themselves from themselves as well as from their masters?" [144] Here, power is concentrated rather than decentralized as in Foucaultian conceptions. As such, resistance cannot be performed on micro levels but should be concentrated, yet has no distinct target—an obvious dilemma for Marcuse throughout his scholarship. Marcuse believed that developing a radical subjectivity through art was one way to break the vicious cycle of oppression because it is mostly autonomous from political and social power.[145] Marcuse felt that art could be revolutionary if it was representative of "the exemplary fate of individuals," or depicted "the prevailing unfreedom and rebelling forces, thus breaking through the mystified (and petrified) social reality" thereby "opening the horizon of change (liberation)."[146] The subversive potential of the aesthetic dimension can be identified within the creative process itself whereby the artist is not alienated from his/her labor; rather "in the process of making images, they can be transformed, utilized, co-opted,

[142] "Resistance versus Emancipation."
[143] Herbert Marcuse, *Marxism, Revolution and Utopia: Collected Papers of Herbert Marcuse, Volume Six* (Routledge, 2014); Arnold Farr, "Herbert Marcuse," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2014, 2014, http://plato.stanford.edu/archives/fall2014/entries/marcuse/.
[144] H. Marcuse, *One-Dimensional Man* (Sphere books London, 1968).
[145] Herbert Marcuse, *The Aesthetic Dimension: Toward a Critique of Marxist Aesthetics* (Beacon Press, 2014).
[146] Ibid.

inverted, diverted, subverted" for political purpose.[147] Moreover, "the dictates of capitalist consumption are challenged" if art attempts "to thwart the marketplace."[148] For Marcuse, an emancipated society "demands that not only the capitalist mode of production be rejected" but also all of its "institutional and cultural products of domination."[149] The emergence of a new society, outside of the capitalist mode of production, would require an alternative ontology of life, where neither human nor non-human nature is oppressed for the purpose of production.[150]

Conclusion: Framing the Cycle of Disaster Production and Response

Explanations of disaster inform not just a theoretical debate but also entail consequences for the way accident prevention and environmental disaster management are governed in the age of highly complex technological machinery. Deepwater Horizon is emblematic of weak safety systems and poor regulation on top of over-confident, high-modernist, risk-inducing technology. Although this disaster has been framed as an exceptional event, the new technologies and geographies associated with unconventional oil foretell many disasters of great scope and magnitude to come. But, to more systemically address the normality of technological disasters, Perrow says that limits of liability must be raised for the organizations involved in this risky drilling. He notes:

> It will raise the cost of gas, and that might eat into [oil company] profits, but it would give more power to federal regulators. If cost is raised, companies will have to invest in resiliency—they'll have

[147] Carol Becker, *The Subversive Imagination: The Artist, Society and Social Responsiblity* (Routledge, 2014).
[148] Ibid.
[149] Marcuse, *Marxism, Revolution and Utopia*.
[150] Ibid.

> to invest in more booms, etc. But the long-range, ultimate solution is that we stop pumping oil and turn to renewables. We put in a carbon tax and within 10 years we could have solar, wind and geothermal running everything. That's tricky politically, almost impossible. There's no push [to act].[151]

One-hundred year floods are now coming on faster and stronger as a result of climate change, and in the same way that these flood events were once heralded as one-off disasters, it is impossible to maintain this posture.[152] The understanding of oil-related disasters also needs to evolve. What is constant in this world of manufactured risk is the blind faith in technological rationality, and continued insistence on instrumentalized technologies and ideals to respond to socio-environmental disasters.[153] Unfortunately, these faulty assumptions, alongside the disastrous tendencies of capitalism habituate industrial ecological disasters, provide new opportunities for enterprise, and reify instrumentalist disaster mitigation strategies.

There is no push to act because there is no perceived corporate or governmental benefit to reframing this disaster narrative as a normal part of the global political economy run on oil. If oil prices were reflective of "the costs of catastrophes such as the Gulf spill, and far more important, [reflective of] the industry's contribution to greenhouse gas emissions, we would quickly have a surge in carbon-free energy sources and a sharp rise in conservation and efficiency."[154] This is the central

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[151] Mary Bruno, "Accident Expert Weighs in on Gulf Oil Spill | Grist," accessed April 9, 2015, http://grist.org/article/2010-05-07-accident-expert-weighs-in-on-gulf-oil-spill/.
[152] IPCC, "Managing The Risks of Extreme Events and Disaster to Advance Climate Change Adaptation"; "Scientists: Natural Disasters Becoming More Common," *LiveScience.com*, accessed March 7, 2014, http://www.livescience.com/414-scientists-natural-disasters-common.html.
[153] Joseph Raz, "Myth of Instrumental Rationality, The," *J. Ethics & Soc. Phil.* 1 (2005): 1.
[154] Perrow, C. (2011). The Next Catastrophe: Reducing Our Vulnerabilities to Natural, Industrial, and Terrorist Disasters (New in Paper), Princeton University Press.

resistance for a reconstitution of the subject of environmental disaster as a socially produced normality that is embedded within the capitalist industrial complex. A view of disaster risk and the cynical ways in which catastrophe is turned into economic opportunity requires a more sociological view—not all costs of environmental disaster can be calculated (second-order), not all disasters can be reduced to technological failure, and not all environmental remediation has the interest of environmental sustainability at heart.

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The literatures outlined above build upon, overlap, and reinforce each other in important ways for the construction of, and definition of the discursive boundaries of environmental disaster as a political subject. Accident begets disaster; and disaster provides fuel for capital accumulation. The ideals of high-modernism influence the development and deployment of technology and this same faith in technology infects the regulatory mechanisms that are supposed to monitor risks. Ultimately, oil and the risks that surround it are the binding agents that bring all of these literatures together. The linkages are not always straightforward, nor does this work reflect an allegiance to any singular perspective, as many of the values and beliefs that underlie these concepts and their functioning in the material world are embedded within one another. However, each of these literatures has informed the critical eco-governmental assessment that follows and has helped to shape the arguments.

The stories contained in the following chapters form an alternative telling of the Deepwater Horizon disaster story that focuses on how instrumental rationality is embedded into disaster production and mitigation. Moreover, the vignettes also demonstrate the importance of socio-cultural framing of environmental disaster.

Overall, the project demonstrates strategies by which environmental disaster is rendered controllable, manageable, and tolerable through eco-governmental strategies; it also reveals the faulty nature of these strategies and identify opportunities for resistance. The analyses that follow resemble a constellation that, while subject to interpretation, embrace the skepticism of the critical project and as such raise questions about the disastrous political and economic environments that enable sustainable degradation to persist.

Chapter 3: Eco-Constructionism

> *"We must make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it."*[1]

Introduction

There is a range of political, economic, and social interests that come together in the discursive construction of the subject of 'environmental disaster.' Language not only plays a critical role in the way that environmental disasters are understood by society, but language around environmental disasters also informs the strategies that are employed by governments and corporations to govern/manage/mitigate them. For example, the term 'accident' implies chance rather than inevitability. In this way, many of the statements made in the wake of the Deepwater Horizon disaster, by BP and its then-CEO Tony Hayward were not only contradictory to one another, but were also contradictory to the history of risk-taking for which the company had become infamous. The notion of chance comes into question when the "series of accidents" that BP attributed to the disaster are weighed against the vow that Hayward made to "avoid future disasters."[2] If Deepwater Horizon was truly an accident, the company's vow can either be understood as disingenuous or misinformed because accidents are inherently unavoidable. This contradiction may seem trivial but, it is an important

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[1] Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans."
[2] "BP: 'An Accident Waiting to Happen' - Fortune," accessed April 10, 2015, http://fortune.com/2011/01/24/bp-an-accident-waiting-to-happen/.

one to highlight because the framing of the disaster sets the tone for the management of it. In this way, highlighting contradictions is one of the methodological tools used in this project, which allows for an interruption of the dominant story about Deepwater Horizon that has become a power/knowledge construct. This chapter not only supports the idea that language matters, but it also opens a discussion on how practices and processes of disaster remediation are informed by discursive strategies. [3] Focusing on official corporate and administrative responses to the Deepwater Horizon disaster, allows for the governmentality of this particular disaster to come to light. And while the particular responses highlighted here are specific to the case, the values that underlie these responses are more broadly reflective of the governmental and corporate mentality of environmental disaster as a political subject writ large.

The "struggles and contradictions [that] characterize our modern world" are readily identifiable within the governance of environmental disaster. For example, although disaster causality is rooted in a constellation of dangerous choices, faulty technologies, and deficient policies, experts often contrarily locate causality within a single element of a complex system, and this becomes the dominant discourse. Such oversimplifications of disaster causality fail to recognize the heterogeneity of complex systems.[4] As such, the structural causes of environmental disasters are overlooked in favor of a quick fix. The pervasive presupposition that disasters are caused by technological or human failings is a starting point for this inquiry. Axel Honneth has discussed the importance of interrogating such presuppositions for

[3] James Paul Gee, *The Social Mind: Language, Ideology, and Social Practice* (JF Bergin & Garvey, 1992); Marianne W. Jørgensen and Louise J. Phillips, *Discourse Analysis as Theory and Method* (Sage, 2002).
[4] Titus Stahl, "What Is Immanent Critique?," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, November 21, 2013), http://papers.ssrn.com/abstract=2357957.

Critical Theory: "only those principles or ideals which have already taken some form in the present social order can serve as a valid basis for social critique."[5] This form of social critique is commonly referred to as immanent critique. "Immanent critique of society is a critique which derives the standards it employs from the object criticized, that is, the society in question, rather than approaching that society with independently justified standard."[6] Therefore, exploring the ways in which the Deepwater Horizon disaster was produced, and governed, can also be understood as a broader criticism of the social conditions that have informed the disaster.

This sort of social critique can be approached through Foucaultian methods of discourse analysis that allow for a critical interrogation of the "values, discourses, and understanding of the present, with recourse to the past as a resource of destabilizing critical knowledge."[7] In this way, it is possible to identify specific ways in which socio-environmental disaster is constructed/manufactured and also how certain strategies, political mechanisms, and tactics render environmental disaster governable, and therefore, acceptable within certain tolerances. Because discourse delimits the scope of inquiry, it also establishes boundaries between questions than can or cannot be asked.[8] Similarly, Foucaultian critical genealogy *is concerned with subjugated knowledge and the power hierarchies that produce knowledge.* "Compared to the attempt to inscribe knowledges in the power-hierarchy typical

[5] Axel Honneth and Graduate Faculty Philosophy Department, New School for Social Research, "Reconstructive Social Critique with a Genealogical Reservation: On the Idea of Critique in the Frankfurt School," ed. Erick Raphael Jimenez et al., *Graduate Faculty Philosophy Journal* 22, no. 2 (2001): 3–12, doi:10.5840/gfpj200122223.
[6] Stahl, "What Is Immanent Critique?"
[7] Peter Wagner, *Theorizing Modernity: Inescapability and Attainability in Social Theory* (Sage, 2001).
[8] Nancy Fraser, "Politics, Culture, and the Public Sphere: Toward a Postmodern Conception," *Social Postmodernism: Beyond Identity Politics*, 1995, 287–312.

of science, genealogy is a sort of attempt to desubjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle against the coercion of a unitary, formal, and scientific theoretical discourse."[9] This discovery of contradictions, inconsistencies, paradoxes, and dilemmas both in language and practice, helps to (re)frame a "discursive event in a wider frame of social and political relations, processes, and circumstances."[10] This (re)framing allows for reification processes and the circulation of certain narratives of environmental disaster to be interrupted and a new understanding to emerge. However, a moralistic imperative is not necessary in Critical Theory, rather what is most important is opening the space for interruption.[11] This chapter illustrates how immanent critique and critical discourse analysis might open the space for thinking about the complex assemblage that comes together in the narrative construction of the subject of environmental disaster.

The construction of a discourse around environmental disaster, or around any other political subject for that matter, is bound up in historical processes.[12] What comes to be known as 'truth' can only become so through a struggle, which is manipulated by a range of actors for particular purposes. In this way, the construction of the 'truth' about disaster is always in the process of becoming rather than being a given subject/object of inquiry. From a Foucaultian perspective, then, discourse is not linked to, or deployed in relation to, the subject of inquiry, rather the subject itself is a constantly evolving discursive construct.

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[9] M. Foucault et al., *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, vol. 1 (Picador USA, 2003).
[10] Ruth Wodak and Michael Meyer, *Methods of Critical Discourse Analysis* (SAGE, 2001).
[11] Donna Strickland and Jeanne Gunner, *The Writing Program Interrupted: Making Space for Critical Discourse* (Boynton/Cook Publishers, 2009).
[12] Foucault et al., *Society Must Be Defended: Lectures at the Collège de France, 1975-76*.

Broadly defined, eco-constructionism refers to the social and material constitutions of the environment as a political subject and object or domain of knowledge. Although these constitutions may occasionally be in conflict, assessing environmental disaster as a power-laden product of social, institutional, and discursive practices applies the framework of eco-governmentality to evaluate the political and economic objectives underlying the construction of environmental disaster as an object of knowledge. From this perspective, the subject is constructed as it is being rendered governable. "The argument that nature [environmental disaster] is defined, delimited, and even physically reconstituted by different societies [interested parties], in order to serve specific, and usually dominant social interests" is at the heart of the investigation into how the subject of environmental disaster is constituted. [13] Moreover, this constructionist view of environmental disaster opens a space to critically consider the relationship between human and the nonhuman world, as intrinsically linked in both thought and practice.[14]

Undertaking an assessment of the discursive construction of the Deepwater Horizon disaster, including the contradictions of this discourse, does not provide absolute answers to the ongoing production of environmental disaster, however it facilitates an understanding of the structural economic, political, and social conditions that enable environmental disaster. [15] As such, the essence of the problem and any liberatory potential lie in the problem's assumptions—the very

[13] Noel Castree, "Socializing the Natural," *Social Nature: Theory, Practice, and Politics. Oxford: Blackwell*, 2001.
[14] Ibid.
[15] Warfield and Perino, "The Problematique: Evolution of an Idea."

assumptions that enable the existence of environmental disaster.

This interpretative methodology explores the discursive strategies that have been used by the oil industry, specifically British Petroleum and its subsidiary enterprises, as well as the discursive strategies deployed by United States government in relation to the governance of the Deepwater Horizon disaster.[16] Such methodology makes explicit the assumptions underlying the governance of environmental disaster and allows for the contradictory practices for responding to environmental disaster to be uncovered. As such, eco-constructionism might be used to reveal layers of environmental disaster and expose the positionality of government and corporations in relation to environmental disaster by asking ontological and epistemological questions, not by providing definitive answers. For example, what are the relationships that enable environmental disaster? What are the processes by which socio-environmental disasters are constructed; and how do these processes further entrench an insufficiently theorized eco-governmentality about disaster? And, does current knowledge about environmental disaster reflect the realities of the subject?

Exploring the narratives around the normalization of environmental disaster involves exploring the way in which ideologies, practices, and representations come together to render environmental disaster governable.[17] The discursive practices that are the object of inquiry here might resemble the multi-layered process of construction, although these practices and processes are surely less intentional. However, the metaphor might allow environmental disaster, the

[16] Yanow, "The Communication of Policy Meanings: Implementation as Interpretation and Text."
[17] Margaret Wetherell, *Mapping the Language of Racism: Discourse and the Legitimation of Exploitation* (Columbia University Press, 1992).

discourses that construct it, and the underlying conditions that enable it to be understood in a new way.

First, the construction of a discourse of environmental disaster allows for an exploration of the materiality of disaster and also reveals how particular causal elements can obfuscate latent social practices that lead to disaster. For example, in many of the official government investigations that followed in the wake of the Deepwater Horizon disaster, rather than highlighting regulatory failures or public demand for inexpensive oil, faulty cement casings and failure of the blow out preventer were often cited as causal mechanisms leading to the catastrophe. Interviews with rig workers suggested that "a bubble of methane gas escaped from the well and shot up the drill column, expanding quickly as it burst through several seals and barriers before exploding."[18] When tasked with identifying the cause of the disaster, experts tend to identify technological failings that can be isolated, and thus solved, rather than soliciting the range of historical, political, economic, and social contingencies that have come together in the production of the conditions which necessitate the development and production of unconventional oil. This sort of discursive construct reifies an oversimplified understanding of disaster causality, thereby adding opacity to the constellation disaster inputs. This opacity makes it difficult to excavate the layers of social process that enable disaster, not only because there is a desire for quick answers that permit quick remediation, but also because examining how social processes enable and even manufacture disaster impedes economic progress.

[18] Cutler Cleveland, CM Hogan, and P Saundry, "Deepwater Horizon Oil Spill," *Encyclopedia of Earth*, 2010.

Secondly, understanding environmental disaster as a constructed discourse provides a way to organize an analysis of a subject that is continually shifting. In this way, taking an inventory of discourses of disaster among ecological managers, or disaster capitalists, for example, takes into account shifting perceptions of disaster and allows for future development of the construct. To contextualize this shift, it is possible to highlight changing views on the distinction between 'natural' and 'technological' disaster. Overtime, the lines between natural and man-made disasters have become blurry. Disasters that have historically been categorized as 'natural'—landslides, floods, heat-waves—are increasingly assessed in terms of the human factors that play into their frequency and magnitude, especially with regard to the victimization of property and livelihoods.[19] In organizing discursive constructs, it is imperative to stress that the elements highlighted are unlikely to "remain static" and that the discoveries that are revealed are subject to interpretation.[20] Discursive construction is "[l]ike the guide to a fast-growing city, new routes are often introduced and decrepit areas are regularly bulldozed."[21] Another way to understand the constantly changing discourse is to think of it as a river that continually scours land from below and deposits the soil elsewhere. In this way, the research presented here is not particularly reproducible; neither is it intended to be. However, the framework is readily adaptable for a number of seemingly wicked socio-environmental problems. Although many of the eco-governmental strategies identified in the following chapters may be identifiable in other cases of environmental disaster, the particular ways in which these discursive strategies are deployed may change depending upon the disaster in

[19] "Earth and Climate Concerns | Crown Capital Eco Management," accessed March 15, 2014, http://crowncapitalmngt.com/eacc.html.
[20] Wetherell, *Mapping the Language of Racism: Discourse and the Legitimation of Exploitation*.
[21] Ibid.

question, as well as the inclinations of the researcher. This research recognizes the infinite complexity of the world and values the subjective ways in which it can be interpreted.[22] As such, the discursive construction of environmental disaster through the categories of eco-governmentality are not representative of a universal truth about environmental disasters; rather these categories provide one view of reality that is particularly useful in critically assessing the contradictions in power/knowledge constructions of environmental disaster.

Third, discursive construction provides a way to survey the role of language in the production of environmental disaster as a political subject. Moreover, it has the potentiality to reveal the "embeddedness of language in practices" and to highlight ways in which discourses on the governance of environmental disaster reinforce one another and reify the status-quo.[23] For example, if it is important to know why regulatory agencies often rely on information from corporations that are being regulated, or how corporate power plays into the management of environmental disaster, it is first necessary to assess the "general discursive structures" that define environmental disaster and its governance.[24] Discursive construction tries to address intractable social problems by providing a wider framework of analysis. This methodology has the capacity to answer critical questions about the specific way discourses are produced, what the underlying mechanisms of attitude creation are, and why certain discourses become dominant while others are consigned to response.[25]

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[22] Zina O'Leary, *The Essential Guide to Doing Research* (Sage, 2004).
[23] M. Hajer and W. Versteeg, "A Decade of Discourse Analysis of Environmental Politics: Achievements, Challenges, Perspectives," *Journal of Environmental Policy & Planning* 7 (2005): 175–84.
[24] T.A. Van Dijk, "Critical Discourse Analysis," *The Handbook of Discourse Analysis* 18 (2003): 352.
[25] Hajer and Versteeg, "A Decade of Discourse Analysis of Environmental Politics: Achievements, Challenges, Perspectives."

Eco-constructionism: Discursively Constructing the 'Environment'

Before analyzing how environmental disaster is rendered governable, there must be an understanding of how the subject of environmental disaster is socially constructed, and of who constructs it. The appeal of social constructionism and its application to political analysis is that it rejects totalizing histories in favor of a perspective on environmental narratives that are more contested. Moreover, this view takes into account multiple ways of knowing, and is perhaps more "approachable in the realm of public discourse" because it is not an essentialized way of knowing and is therefore changeable.[26]

Green critique embraces an eco-constructionist perspective by appealing to "diverse moral, political, and aesthetic criteria to arbitrate between particular representations of nature in particular situations."[27] In this way, the notion that environmental discourse is often appropriated by specific fields of knowledge is recognized and contested by arguing that "environmental narratives are not legitimated in the lofty heights of foundational epistemology but in the [public domain]."[28] Eco-constructionism, then, responds to environmental realist critiques that hold that social constructionism and its approach to environmental analysis "amounts to a denial of the existence of environmental problems and provides no contribution to managing them."[29] Alternatively, this view takes the position that the concept of social constructionism is useful in analyzing the regulation of social

[26] David Demeritt, "Ecology, Objectivity and Critique in Writings on Nature and Human Societies," *Journal of Historical Geography* 20, no. 1 (1994): 22–37.
[27] Ibid.
[28] Ibid.
[29] Kate Burningham and Geoff Cooper, "Being Constructive: Social Constructionism and the Environment," *Sociology* 33, no. 2 (1999): 297–316.

interactions with the natural world.[30] Indeed, eco-constructionism also provides a space for "an overtly political or environmentally motivated stance towards the issues investigated."[31] Although, this is not the primary objective of a Foucaultian analysis, Foucault himself often took an activist position in his writing, and his work certainly produces an activist effect, especially with regard to modern forms of Western government.[32] "Foucault advocated in political culture a lowered threshold of acceptance of governmental abuses, but also an accompanying reduction in the level of political paranoia."[33] Thus, eco-constructionism, in the tradition of eco-governmentality, employs skepticism while maintaining respect for "the historical effectiveness of liberalism as an art of government to doubt the liberal (and Marxist) nightmare of an ever-expansionist and despotic tendency within the state."[34]

The contribution of social constructionism to the formation of the environment as an ever-evolving discursive subject and domain of knowledge extends also to the sociology of environmental risk.[35] The debates housed within the overarching discourse of environmental disaster are central to the governance of environmental disaster because they define the very boundaries of acceptability—what can be included in the discourse and what is excluded. The power relations that constrain and enable the discourse of environmental disaster are governed by

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[30] Michael Goldman, "Constructing an Environmental State: Eco-Governmentality and Other Transnational Practices of a 'Green' World Bank," *Social Problems* 48 (2001): 499–523.
[31] Burningham and Cooper, "Being Constructive: Social Constructionism and the Environment."
[32] M. Foucault, G. Burchell, and C. Gordon, *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault* (University of Chicago Press, 1991).
[33] Ibid.
[34] Ibid.
[35] Lee Clarke and James F. Short Jr., "Social Organization and Risk: Some Current Controversies," *Annual Review of Sociology*, 1993, 375–99.

social norms and practices.[36] As such, it is impossible to have social practices without constraints.[37] These constraints are important to recognize as they play an important role in the construction of truth claims by sorting through heterogeneous voices and "simultaneously entitl[e] some speakers to make certain kinds of specialized knowledge claims and exclud[e] others from doing so."[38] This inclusion/exclusion is at the heart of mutually constitutive power/knowledge formations.[39] The idea of inclusion/exclusion may appear to be irreconcilable with the Foucaultian perspective on power but, his conception that power is everywhere also provides the sense that "there are domains of interiority and domains of exteriority" neither of which are "free from the effects of discipline-normalization" which are able to maintain powerful narratives about subjects like environmental disaster, even if they are contradictory to lived experiences and changing paradigms.[40] Therefore, the construction of environmental discourse can be a useful way to examine how power circulates among institutional actors. For example, in the case of the Deepwater Horizon disaster, British Petroleum was tasked by the U.S. federal government to lead the charge on environmental remediation activities despite the fact that the company was the responsible party liable for the disaster. The choice to delegate BP, whose pre-disaster extractive activities in the Gulf of Mexico received little regulatory oversight, with post-disaster clean-up and remediation, reinforces the idea that disaster management is best left to technocrats. Essentially, this ideology is cosigned by the federal

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[36] Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (U of Minnesota Press, 1989).
[37] Ibid.
[38] Ibid.; Van Dijk, "Critical Discourse Analysis."
[39] Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical* (Stanford University Press, 2002).
[40] Graham, Linda J., and Roger Slee. "An illusory interiority: Interrogating the discourse/s of inclusion." *Educational Philosophy and Theory* 40.2 (2008): 277-293.

government's faith in British Petroleum to right the environmental and social wrongs that flowed out from Deepwater Horizon. Such reliance on technocrats and technology further embeds instrumental rationality within the disaster management creed and disallows the possibility of critical interruption that may engage alternative narratives about systemic risk to emerge.[41]

Discursively constructing the environment is, in fact, a way to speak for Nature—to ascribe anthropocentric versions of Nature's utility and value in a way that often benefits those who construct the discourse. [42] Eco-constructionism, when understood in this negative view, allows disaster to be managed by "scientific personnel with positivistic technical knowledge [who] can identify ecological problems objectively as well as design efficient solutions for the most pressing ones."[43] However, environmental issues, like disaster, can be understood more clearly as historically produced discourses, through the deployment of the skeptical/critical lens of eco-constructionism.[44]

Defining Discourse

Discourse can be understood in numerous ways. One particularly useful way to understand discourse is as "a form of power that circulates in the social field and

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[41] Ibid.; Benjamin Wisner, *At Risk: Natural Hazards, People's Vulnerability and Disasters* (Psychology Press, 2004); David Harvey, *The Enigma of Capital : And the Crises of Capitalism* (Oxford [England]; New York: Oxford University Press, 2010).; Ulrich Beck, "World Risk Society as Cosmopolitan Society?: Ecological Questions in a Framework of Manufactured Uncertainties," *Environment* 1 (2006): 252.

[42] R. Eckersley, *Environmentalism and Political Theory: Toward an Ecocentric Approach* (Cambridge Univ Press, 1992); Noel Castree, "The Nature of Produced Nature: Materiality and Knowledge Construction in Marxism," *Antipode* 27 (1995): 12–48.

[43] Timothy W. Luke, "Education, Environment and Sustainability: What Are the Issues, Where to Intervene, What Must Be Done?," *Educational Philosophy and Theory* 33, no. 2 (2001): 187–202.

[44] Arturo Escobar, "Whose Knowledge, Whose Nature? Biodiversity, Conservation, and the Political Ecology of Social Movements," *Journal of Political Ecology* 5, no. 1 (1998): 53–82.

can attach to strategies of domination as well as those of resistance."[45] This view of discourse goes beyond the notion that discourse is simply 'language' alone; rather this view of discourse also "include[s] forms of knowledge, together with social practices, forms of subjectivity and power relations inherent in this knowledge."[46] For Foucault, discourse is about practice as much as it is about meaning. "Discourses are never static and rarely stable. They change and modify over time, both affecting human-environment relations and being shaped in turn by the changes in these relations."[47] As such, the way that meanings are translated into everyday social practice is dynamic and unstable—continually in the process of becoming.

Although discourse is not a totality, there is a dominant, instrumentalist discourse in the United States around the environment, which frames it as a source of commodity production.[48] This idea, which traces its roots back to Manifest Destiny, holds that the environment has no intrinsic value and that the value of nature is only revealed through its development, and/or the labor expended on its development.[49] While critical theories of the environment take issue with this perspective, the economic usefulness of nature remains a dominant way of understanding the contemporary human relationship to nature and indeed, this view of nature frequently circulates as a universal truth. Moreover, this dominant view of Nature informs the manner in which environmental disasters are

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[45] Irene Diamond and Lee Quinby, eds., *Feminism and Foucault: Reflections on Resistance*, Back in print edition (Boston: Northeastern, 1988).
[46] David Grant, *The Sage Handbook of Organizational Discourse* (Sage, 2004).
[47] Fairclough, N. (2003). Analysing discourse: Textual analysis for social research, Psychology Press.
[48] R.J. Brulle, *Agency, Democracy, and Nature: The US Environmental Movement from a Critical Theory Perspective* (The MIT Press, 2000).
[49] Ibid.

produced and managed as instrumentalist strategies are produced, circulated, and reified. This dominant way understanding the environment does not account for political/institutional or economic/structural conditions that broadly contribute to environmental degradation. Nor, does this dominant way of understanding the environment consider the political/institutional or economic/structural conditions that come together in the formation of and response to environmental disasters. The tension between the static operationalization of discourse around the environment, and environmental disaster more specifically, with the dynamism of the actually existing subject makes operationalizing 'discourse' a seemingly impossible task. Discourse not only "influences how ideas are put into practice and [are] used to regulate the conduct of others," but it also allows for the relationship among agency, language, and politics to be addressed.[50] As such, discourse delimits "certain ways of talking about a topic, defining an acceptable and intelligible way to talk, write, or conduct oneself" and also creates a space for the dominant ideas "of rationality and scientific objectivity to be" reassessed.[51] In this way, it is possible to address how discourse constrains, shapes, and constructs the subject of environmental disaster rather than searching for the parameters that make meaning for environmental disaster. This method of analysis, which searches for contradictions and the material effects of power/knowledge relations, assumes that discourses on the environment are embedded with power, and that these power relations frame Nature, as well as the human relationship to it. Discourse participates in the framing of disaster as a political subject through institutional relationships such as those between oil companies and regulatory

[50] Wetherell, M., S. Yates, et al. (2001). Discourse theory and practice: A reader, Sage Publications Ltd. F. Debrix, *Language, Agency, and Politics in a Constructed World* (ME Sharpe Inc, 2003).
[51] Ibid.; M. Wetherell, S. Yates, and S. Taylor, *Discourse Theory and Practice: A Reader* (Sage Publications Ltd, 2001).

agents, through public policies such as those allowing for deepwater drilling, and through economic demands such as the public demand for low gas prices.[52]

"For Foucault, discourse—or at least the knowledge that instantiates it—is inseparable from power. Power is embedded in knowledge and any knowledge system constitutes a system of power, as succinctly summarized in Foucault's conception of 'power/knowledge.'"[53] This view of power is not hierarchical and dominating; rather it understands power as emanating and being exercised from "innumerable points."[54] Power, then, is a "complex web of relations determined by systems of knowledge constituted in discourse."[55]

> Power is everywhere; not because it embraces everything, but because it comes from everywhere . . . power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society.[56]

In this way, "power is embedded in discourse in a way that captures advantaged and disadvantaged alike in its web."[57] The result is that a politics of truth emerges

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[52] John Hannigan, *Disasters without Borders: The International Politics of Natural Disasters* (John Wiley & Sons, 2013).
[53] Grant, *The Sage Handbook of Organizational Discourse*; T.W. Luke, "Generating Green Governmentality: A Cultural Critique of Environmental Studies as a Power/knowledge Formation," *Unpublished Manuscript. Http://www. Cddc. Vt. edu/tim/tims/Tim514a. Htm (accessed December 1, 2004)*, 1996; Stuart Hall, "Foucault: Power, Knowledge and Discourse," *Discourse Theory and Practice: A Reader* 72 (2001).
[54] Michel Foucault, "The Will to Knowledge: The History of Sexuality Vol. I," 1998.
[55] Grant, *The Sage Handbook of Organizational Discourse*.
[56] Foucault, "The Will to Knowledge: The History of Sexuality Vol. I."
[57] Foucault, Burchell, and Gordon, *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*; Stanley Deetz, *Democracy in an Age of Corporate Colonization: Developments in Communication and the Politics of Everyday Life* (SUNY Press, 1992).

along the lines of "prevailing discourses," making it difficult for countervailing arguments to emerge, much less to mount a legitimate challenge.[58]

The dynamism of prevailing or dominant discourse is one reason why it is difficult to mount resistance to it. The production, circulation, and reification of the idea that environmental disasters are manageable and controllable events— rather than effect of problematic political, social, and economic processes—is reinforced through the instrumentalist strategies that are employed to respond to them. Thus, analyzing the discourse around the subject is a moving target—a history of the present.

History of the Present

Writing a history of the present entails "self-consciously writing in a field of power relations and political struggle."[59] Undertaking a genealogy of the contemporary 'truth' of environmental disaster involves a certain critical interpretation of the instrumentalist values and strategies that have contributed to the discursive construction of the subject and the practices that reinforce it, as well as the secondary political, economic, social, and cultural effects that it produces. Essentially, these instrumentalist values and techniques might be understood as points that narrative tools of construction because they not only make the subject of environmental disaster intelligible, but they also highlight particular rationalistic discourses that might be targeted for resistance.[60]

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[58] Michel Foucault et al., *The Politics of Truth* (Semiotext (e) New York, 1997); Foucault, Burchell, and Gordon, *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*.

[59] Michael S Roth, "Foucault's' History of the Present,'" *History and Theory* 20 (1981): 32–46.

[60] M.J. Shapiro, *Violent Cartographies: Mapping Cultures of War* (Univ of Minnesota Pr, 1997).

Exposing the relationships by which environmental disasters—especially those correlated to the development of the unconventional oil industry—are normalized through political and corporate mechanisms fundamentally involves assessing domains of power.[61] Foucault's history of the present involves "writing from the brink" of history, where the possibility for fundamental ideological and political shifts lies, enabling a conception of "the present as [if it is] almost itself history."[62] With genealogy, Foucault is concerned with bringing subjugated knowledge into view. Through this critical history, he "attempts to negate the possibility of [preserving contemporary sensibilities] by exposing the gaps among the various types of experiencing and knowing the world. [63] This negation enables the opposition to totalizing scientific and technocratic discourses.

Although Foucault rejects the designation, his work is typically understood to belong to the postmodernist tradition of eschewing "meta-narratives of 'liberating' reason and progress."[64] His work can also be understood as a challenge to "see rationality as a form of labour and as an activity that structures identities, and through these effects acts as a subtle form of the exercise of power."[65] As such, it is possible to "engage with rationality in a theoretically fruitful and ethically engaged manner."[66] Contesting the dogmatic values of high-modernism requires a method that embodies both.

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[61] Roth, "Foucault's' History of the Present.'"
[62] Ibid.
[63] Ibid.
[64] Roger Deacon and Ben Parker, "Education as Subjection and Refusal: An Elaboration on Foucault," *Curriculum Studies* 3, no. 2 (1995): 109–22.
[65] Townley, B. (2008). Reason's Neglect: rationality and organizing, OUP Oxford.
[66] Ibid.

Critically Framing Environmental Disaster Discourse

Mapping the framework of sustainable degradation through the 2010 Deepwater Horizon case study reveals a number of specific practices by which the subject of environmental disaster is rendered governable. Each category demonstrates important ways in which environmental disaster can be reoriented to capitalist norms. Ironically, the techniques of eco-governmentality that seek to mitigate ecological harm further entrench the economic and political conditions that produce it. The categorical illustrations in the following chapters also highlight the nature of systemic risk and its normalizing effects.

Sampling

The vignettes presented in the following chapters highlights a selection of official responses to the Deepwater Horizon disaster. Each selection is particularly salient insofar as it illustrates the construction of the discourse on the Deepwater Horizon, as well as the eco-governmental strategies employed to normalize disaster. The selected data have been chosen to highlight this particular theory through nonprobability purposive sampling. "Nonprobability sampling is a common technique in qualitative research where researchers use their judgment to select a sample."[67] As such, the official responses as exemplars of eco-governmentality detailed in the following chapters are chosen not only because each tells an important part of the story about the instrumentalist handling of the Deepwater Horizon disaster, but also because they illustrate particular characteristics

[67] "Nonprobability Sampling : SAGE Research Methods," accessed March 17, 2014, http://srmo.sagepub.com/view/sage-encyc-qualitative-research-methods/n289.xml.

representative of the pre-established eco-governmentality framework.[68] For example, some examples, such as the use of the chemical dispersant Corexit, is illustrative of how eco-managerial techniques of disaster management are both responsive to environmental disaster but also productive of second-order consequences. Other examples, such as the discussion of the use of Dawn dish detergent, highlight the possibility for the disaster to be normalized and also built upon as an opportunity for enterprise.

While the data have been selected for their eco-governmental representativeness, the ultimate goal of employing nonprobability sampling is to retrieve rich information for the study that demonstrate the disastrous relationships, practices, and processes that often lead to socio-economic disaster. Thus, this eco-governmental analysis interrupts the prevailing discourses of environmental disaster through critique. The discursive practices sampled here have been derived from a variety of sources including, but not limited to, corporate reports, reports from epistemic communities such as the federal government task forces that were charged with reporting on the disaster, and advocacy organizations such as the Coalition to Restore Coastal Louisiana, as well as media reports, judicial findings, and scholarly research.

Analysis

In analyzing selected data, the primary objective is not just to illustrate how particular discourses are representative of the framework of eco-governmentality. Rather, it is to explore underlying relations of power and high-modernist values as well as how these relations and values normalize environmental disaster

[68] Trost, J., 1986. Research note: statistically nonrepresentative stratified sampling: a sampling technique for qualitative studies. Qualitative Sociology 9 (1), 54±57.

through remediation efforts. By illustrating the interconnections between discursive practices and their embeddedness within socio-political ideology, this research furthers an understanding of the persistence of instrumentalist responses to environmental disaster. Finally, mapping the discourse of environmental disaster in this way highlights the processes of normalization on at least two levels. First, instrumentalist strategies are employed to respond to the disaster in an attempt to return the environment to its pre-disaster state of normality—essentially to purify the disaster. Second, insistence on instrumentalist responses to disaster may quickly alleviate the symptoms of the disaster, but they normalize the production of disaster in the long term because instrumentalist rationality disallows for the structural and institutional causes of disaster to be identified/revealed. These conditions are thus further reinscribed in a manner that continues the production of petroleum which catalyzes more frequent and severe disasters, including climate change.

Categorical Definitions

The framework of governmentality is the overarching perspective through which this research is charted. Eco-governmentality employs the concepts of biopower and governmentality to analyze the regulation of social interactions with the natural world. For the purpose of this research, eco-governmentality is interested in the practices by which the subject of environmental disaster is rendered governable and the techniques and strategies that are employed by governments, corporations, and the media to render environmental disaster governable.

Although it is possible to understand the response to the Deepwater Horizon in a number of ways, the categories chosen for illustration here canvass a broad swathe

of official responses deployed by the government as well as corporations. The categories used to illustrate the practices by which the Deepwater Horizon disaster was rendered governable/normalized are:

Eco-managerialism arises when attitudes shift among environmental resource and corporate managers upon recognition of the opportunity to shift environmental disasters into more positive and economically productive channels. Eco-managerialism enables the governance of environmental disaster as a force of production, which satisfies the necessary preconditions for accumulation of profit, rather than being viewed as a threat to enterprise. Thus, eco-managerialism interprets the constructed subject of "environmental disaster" along socio-political norms that reside "within capitalist theory and practice."[69]

Eco-commercialism draws on the second contradiction of capitalism and pinpoints regenerative opportunities embedded in environmental disaster and its governance. Although the resultant crisis of underproduction constituted by a disaster may spark a decline productivity, in the interim can effectively create "tremendously regenerative opportunities to revolutionize the means of mitigation needed to check, divert or slow the forces of degradation."[70] Thus, eco-commercialism highlights the disaster capitalism complex whereby environmental disaster provides for new business and investment opportunities.

Eco-judicialism is a technique for managing public anxieties about environmental degradation administratively through "court decisions based on liberal capitalist

[69] Fischer, F. and M. Hajer (1999). Living with nature, Oxford University Press Oxford, UK.
[70] Luke, T. W. (2005). "Neither sustainable nor development: reconsidering sustainability in development." Sustainable development 13(4): 228-238.

property laws, and business, commercial and environmental legislation."[71] This particular reincarnation of capitalism allows for civil society to respond to hasty business decisions; yet, these administrative and judicial techniques to govern environmental disaster are largely based on technocratic and instrumentalist views of the natural world. Thus, eco-judicialism governs environmental disaster by employing legal "tools to manage and mitigate damage inflicted upon the bio-physical world" while ensuring a "continuing supply of the conditions of production."[72]

Eco-sensationalism is the use of graphic or shocking imagery or language to permeate public discourse on the effects of environmental disaster; or goodwill marketing campaigns to distract attention from disastrous effects and promote a sense of corporate stewardship in the aftermath of an environmental disaster. Thus, the result of eco-sensationalism is that the systemic risks, which manufacture the political and socio-economic conditions that perpetuate environmental degradation, remain concealed and can therefore persist without contestation. Desire for quick remediation paradoxically promotes technological fixes to symptomatic issues, while reinforcing values that 'manufacture risk,' thereby normalizing environmental disaster.

[71] Huckle, J. (2009). "Sustainable schools: responding to new challenges and opportunities." Geography: 13-21.
[72] Luke, T. W. (2005). "Neither sustainable nor development: reconsidering sustainability in development." Sustainable development 13(4): 228-238.

Chapter 4: Eco-managerialism

> *Managerialism is about control and predictability: complexity is about emergence and unpredictability.*[73]

Introduction

The recent boom in unconventional oil, and the economic gain that coincides its development can be directly understood as factors that contributed to the Deepwater Horizon disaster. The day before the deepwater rig exploded in the Gulf of Mexico, the price of a barrel of crude oil on the open market was $82.97—significantly up from the bottom-barrel price of $30.28 in 2008, which corresponded to the financial crisis that year.[74] Oil from the deep waters (between 4,000-6,999 feet) of the Earth's ocean has become a central part of the contemporary hydrocarbon energy economy portfolio, alongside unconventional extraction of tar sands oil and shale oil—all supplementing dwindling deposits of conventional oil and changing the geopolitical landscape. Drilling the deep waters of the Gulf of Mexico, stripping the tar sands of Northern Canada, and fracking Appalachia have become socially acceptable as the necessary, but sometimes problematic practices that feed consumer demand for oil. However, when a socio-environmental disaster occurs that surpasses these societal tolerances, public discomfort with these practices grows and governments and corporations must respond in a way that communicates control. While these processes have enabled the United States in 2015 to become a net energy exporter for the first time in more than 60 years, these extractive practices also allow energy companies to maintain an influential position within the global political economy while contributing

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[73] Theodore Taptiklis, "After Managerialism," *Emergence: Complexity and Organization* 7 (2005).
[74] "Cushing, OK WTI Spot Price FOB (Dollars per Barrel)," accessed March 11, 2015, http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=RWTC&f=D.

heavily to climate change.[75] At present, the price per barrel of oil is less than $50 USD but, production is still ramping up for exploration of new hydrocarbon territories, including the Arctic, and Cuba.[76]

Despite warnings that the Macondo well was not properly sealed the morning of the explosion, a celebration took place heralding the safety record aboard the rig.[77] The decision to ignore the warning signs represents the blind faith that some of the managers aboard Deepwater Horizon had in the ability of the technology to overcome the natural world—ignoring safety warnings was something that had become a part of the culture at British Petroleum and no one wanted to ruin the celebration. On the morning April 17th, 2010, instrumentalist management of the risky deepwater terrain in the Gulf of Mexico, coupled with the desire to capitalize on high oil prices, came together with a constellation of other factors in a calamitous way. The Deepwater Horizon disaster, and specifically the strategies employed to respond to, or control, the harmful environmental and social effects of it present an opportunity for an eco-managerial assessment of the governance of environmental risk and disaster. Indeed, to demonstrate the discursive contradictions that come together in the management of the disaster and the disasters that are related to it, it is necessary to recognize the tension between managerial techniques and complex technologies and risky terrains that are all inherent to the global oil infrastructure.

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[75] "U.S. Petroleum Product Exports Exceeded Imports in 2011 for First Time in over Six Decades - Today in Energy - U.S. Energy Information Administration (EIA)," accessed March 12, 2015, http://www.eia.gov/todayinenergy/detail.cfm?id=5290.
[76] Nick Miroff, "Cuba's Undersea Oil Could Help Thaw Trade With U.S.," accessed July 22, 2015, http://www.washingtonpost.com/wp-dyn/content/article/2009/05/15/AR2009051503416.html.
[77] Andrew Hopkins, "Management Walk-Arounds: Lessons from the Gulf of Mexico Oil Well Blowout," *Safety Science* 49, no. 10 (2011): 1421–25.

To contextualize this perspective on the development of unconventional oil, this chapter will present an embedded analysis of how the Deepwater Horizon disaster was rendered legible and manageable by particular eco-governmental techniques, including: the use of the chemical dispersant Corexit; the establishment of the Vessels of Opportunity program by British Petroleum; and the efforts of the Flow Rate Technical Group to calculate the precise number of barrels spilled. This chapter will also demonstrate how each of these eco-managerial strategies normalized environmental disaster on at least two levels.

On the first level, eco-managerial techniques have the result of making it appear as if the environmental disaster is under control, that environmental damages and social wrongs are being addressed—essentially returning the environment and its human inhabitants to its pre-disaster state of normality. On this level, eco-managerialism provides the appearance of control over the disaster but it is an mirage. On a second level, the deployment of instrumentalist rationality via eco-managerialism reifies the same ideological underpinnings that have contributed to the disaster. Thus, eco-managerial strategies impede the identification of chronic issues that have factored into the creation of the disaster, i.e. commodification of nature, improper relationships between regulators and corporations, primacy of profit over human and non-human life, etc. As such, these techniques underwrite a secondary regime of disaster whereby the complex systems and extraction required for our contemporary hydrocarbon economy produce secondary regimes of disaster and are implicated in the longer disaster of climate change.[78]

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[78] Keith Smith, *Environmental Hazards: Assessing Risk and Reducing Disaster* (Routledge, 2013). Eric Neumayer and Fabian Barthel, "Normalizing Economic Loss from Natural Disasters: A Global Analysis," *Global Environmental Change* 21, no. 1 (2011): 13–24.

By articulating a critique about how the values of high-modernity are productive of disaster, and understanding these values as embedded with a faulty sense of security, rationality, efficiency, and legibility, this chapter demonstrates how the ideology of high-modernism is rooted within new extractive technologies. Ultimately, assessing the use of these strategies provides evidence for a problematization of the way in which industrial/environmental catastrophes are routinized and reconstituted toward the aims of capitalist development.[79]

Before moving on to illustrate how eco-managerialist strategies normalized the Deepwater Horizon disaster, the following sections offer a brief discussion of the tenets of managerial ideology and discuss how this ideology, including its rationalistic claims, has impacted management strategies of environmental disaster responders. A concise discussion of how high-modernist values such as legibility, rationality, and purification influence environmental remediation and management is also included prior to the specific illustrations from the case study.

From Managerialism to Eco-Managerialism

A strongly held belief in the ability of—or reliance on—professional knowledge, experts, and managers to administer or plan is not only at the heart of the high-modernist ideas but it is also the underlying ideology that defines managerialism.[80] The notion of 'management,' as with previously considered

[79] Timothy W Luke, "The System of Sustainable Degradation," *Capitalism Nature Socialism* 17 (2006): 99–112.

[80] "Managerialism: Definition of Managerialism in Oxford Dictionary (American English) (US)," accessed May 12, 2014, http://www.oxforddictionaries.com/us/definition/american_english/managerialism.

discursive constructs—'risk,' 'accident,' and 'disaster'—seemingly need no explanation. Management is something that appears to have a universal understanding and knowledge about management is viewed as quintessentially mundane. The ideological framework that activates 'managerialism' remains, like the concept of management itself, largely unquestioned in the areas of life where the "ideology appears as common sense"— in the corridors of business schools and management programs, in human resources departments, in government offices, and in corporate boardrooms.[81]

Outside of these managerial domains, when the ideology of managerialism needs to have a more protracted analysis, however, it is important to consider how the term can both legitimate particular practices and also conceal other interests. This double-edged power/knowledge formation, or the ability of this particular ideology to simultaneously pacify concerns about environmental degradation while also being productive of environmental degradation is highlighted in the examples that follow. In essence, the techniques employed mask the fact that they are involved in propagating varying degrees of harm. In detailing how professional practices associated with the response to the Deepwater Horizon it becomes clear that both returning the environment to its productive capacity and allaying pubic concerns about environmental harm are more important within the framework of managerialism than dispensing with the actual environmental harms and practices that have participated in their production.

[81] "Word for Wednesday: Managerialism (definition)," *John Quiggin*, accessed May 20, 2014, http://johnquiggin.com/2003/07/02/word-for-wednesday-managerialism-definition/.

Managerialism as a guiding corporate practice focuses on inter-organizational challenges and differences as opposed to taking into consideration similarities or opportunities for synergy. In this way, organizations and their operations are rendered legible through the application of standardized and measurable diagnostics that are meant to make decision-making and management processes more efficient, effective, and generally more rationalized. Indeed, the ideology of managerialism has coincided political and economic reform programs that reorient markets toward capitalism, thereby taking a "corporate model of economic and social organization."[82] Unfortunately, this sort of managerialist approach to understanding organizational systems, especially the social elements of organizations fails to account for situational complexities and variations and, therefore, progress a dangerous extractivist eco-mentality. As such, the eco-managerial strategies highlighted here do not fall neatly into this category by exhibiting the same features of the ideology. Rather, the use of Corexit, the efforts of the Flow Rate Technical Group, and the deployment of the Vessels of Opportunity program all highlight different ways in which the ideological underpinnings of eco-managerialism might be activated under specific circumstances. Institutionalization of generic management techniques, then, also fail to adequately respond to crises that emerge from faulty management practices. If managerialism is one end of the ideological continuum, complexity theory would lie at the opposite end. As Klikauer puts it:

> At one end of the spectrum there is the dominant voice in organization and management theory, which speaks the language of design, regularity and control. In this language, managers stand

[82] Michael Peters, James Marshall, and Patrick Fitzsimons, "Managerialism and Educational Policy in a Global Context: Foucault, Neoliberalism, and the Doctrine of Self-Management," *Globalization and Education: Critical Perspectives*, 2000, 109–32.

> outside the organizational system, which is thought of as an objective, pre-given reality that can be modeled and designed, and they control it. [. . .] Many complexity theorists talk in a language that is immediately compatible with this dominant voice. They talk about complex systems as objective realities that scientists can stand outside [of] and model. They emphasize the predictable aspects of these systems and see their modeling work as a route to increasing the ability of humans to control complex worlds.[83]

A perspective that stands in opposition to this organizational urge, then, can be found in the "fringe."[84] These critics of managerialism might engage the sort of Critical Theory of the environment, or eco-critique that has been described in the opening chapter. These dissident voices would imply that humans are at the heart of these complex networks; thus, organizational processes can only be as rational as the humans who have designed them; many times the efficiency and productivity goals of industry supersede environmental and safety concerns. More importantly, perhaps, is the acceptance of the notions of accidentality and unpredictability that are institutionally fixed within capitalism and which can be understood as a fundamental part of oil development. In this way, from a critical perspective on managerialism, the Deepwater Horizon disaster was not just a disaster, rather it was a regular and ordinary outcome of both the complex systems that are in place to produce oil as well as a normal outcome of an oil-driven global economy. The benefit of this 'fringe' way of understanding managerialism, high-modernism, and even capitalism is that it necessitates creativity for the dangers and contradictions of extractivist eco-mentalities to be overcome. Essentially, this sort of critical resistance to the official response, which is discussed further in

[83] Thomas Klikauer, *Managerialism: A Critique of an Ideology* (Palgrave Macmillan, 2013).
[84] Ibid.

Chapter 8, engenders the creative potential that Adorno and Marcuse identified as a possible path to liberation.[85]

Eco-managerialism is a derivation from managerialist ideology and practice; it appropriates many of the ideological components of managerialism including legibility, measurability, and simplification. Building on Timothy W. Luke's definition of eco-managerialism as applied to academic discourse, this analysis identifies eco-managerialism when attitudes shift among environmental resource and corporate managers upon recognition of the opportunity to shift environmental disasters into more positive and economically productive channels. In this way, the close alignment with capitalist market mechanisms is evident. In addition to the top-down, anti-democratic approach of eco-managerialism to govern the environment, including environmental disaster clean-up, the strategies or approaches of eco-managerialism "do not challenge the fundamental growth imperative of capitalism, but instead try to make the world ecologically safe for expanding consumption and continued accumulation of capital."[86] Thus, eco-managerialism enables the governance of environmental disaster as a force of production, which satisfies the necessary preconditions for accumulation of profit. And rather than being viewed as a threat to enterprise, it can also be an opportunity for capital accumulation. Accordingly, eco-managerialism allows for an interpretation of the constructed subject of 'environmental disaster' along socio-political norms that reside "within capitalist theory and practice."[87] Thus, the

[85] Morris Nitsun, *The Anti-Group: Destructive Forces in the Group and Their Creative Potential* (Routledge, 2014).
[86] Peter Cannavo, "The Working Landscape: Work, Place and the Foundations of Green, Democratic Politics" (The MIT Press, 2007).
[87] Frank Fischer and Maarten Hajer, *Living with Nature* (Oxford University Press Oxford, UK, 1999).

purifying aims of eco-managerialism are manifest not only when the environment is returned to its productive capacity but also through the strategies, processes, and practices that enable this return. The following vignettes not only locate this ideology amongst eco-managers but also identify the actualization of it. In each of the cases explored here, the attitudes of eco-managers did not shift. Rather high-modernist and eco-managerial ideologies seemed to predestine the remediation approaches that would be taken to address the Deepwater Horizon disaster.

Ironically, while environmental disasters (and especially those of this magnitude) have the potential to challenge the ideological failings of managerialism through exposing areas of weakness, disasters often result in the reification of managerial processes and decision-making. This self-legitimating and unreflective process that eco-managers engage in has both short-term and long-term disastrous impacts. The use of managerial techniques in the immediate aftermath of the Deepwater Horizon disaster had the effect of actualizing a new series of ecological and human disasters through the toxification of the Gulf of Mexico via chemical dispersants. For example, a range of health effects have been tied to the chemical management of the disaster including "skin problems, neurological impairments, plus pulmonary problems," a combination of symptoms that are often seen in toxified sacrifice zone environments.[88] In the Gulf of Mexico, these symptoms have become known as Gulf Oil Syndrome or Oil Spill Syndrome. Despite warnings from the medical community and similar illnesses popping up in other locales of oil spill and chemical dispersant use, the symptoms associated with oil spill clean-up are readily identifiable in many illnesses and diseases, which has invited doubt

[88] Mark Hertsgaard, "What BP Doesn't Want You to Know About the 2010 Gulf Spill," accessed April 14, 2015, http://www.newsweek.com/what-bp-doesnt-want-you-know-about-2010-gulf-spill-63015.

about the veracity of this public health concern from the oil industry.[89] The contradiction between the lived experience of Gulf Oil Syndrome and the official response to public claims of harmful health impacts linked to the remediation of the Gulf is obvious. The toxification of the Gulf of Mexico, including the toxification of the bodies that live and work in this geography is addressed in more detail in the following section. Outside of the immediacy of public health concerns associated with the oil disaster are longer and more chronic threats to environmental and human security that come along with increasing disasters as well as climate change. In the longer term, the imposition of managerial ideologies and strategies also catalyze the looming environmental crisis of climate change.[90]

It is important to link the acute and chronic disastrousness of unconventional oil development not only because acute disasters often overshadow the longer-term consequences of this industry, but also because the same technocratic, instrumentalist, managerial ideologies are unchanging. Rather, they are becoming more deeply embedded within the ideologies and practices of disaster management. Thomas Klikauer critiques the long-term interplay between managerial organizational strategies and environmental degradation, noting:

> The already visible sacrifices of all those who have no adequate care, food, shelter, and protection is framed as an isolated, disconnected, and distant event. Any awareness that their poverty and our wealth and senseless over-consumption occur at the same time at the same place—planet earth—and are related is neatly avoided. Nevertheless, the moral failings of Managerialism become more visible with the production of ever-higher levels of consumerism

[89] "Gulf Oil Spill Creates Serious Health Risks," *MedicineNet*, accessed May 13, 2015, http://www.medicinenet.com/script/main/art.asp?articlekey=118961.
[90] W. Neil Adger et al., "Adaptation to Climate Change in the Developing World," *Progress in Development Studies* 3, no. 3 (July 1, 2003): 179–95, doi:10.1191/1464993403ps060oa.

> accompanied by global poverty and environmental destruction. This occurs when it indicates a premeditated annihilation of human life in the interest of sustaining Managerialism. The contradiction between sustainable human existence and Managerialism leads to a planned deprivation of life on behalf of corporate interests. Managerialism is free from moral scruples and this is made understandable and even rational because managerial capitalism depends on an ever-increasing number of consumers and supporters.[91]

The interconnectedness, and coinciding lack of visibility around that very interconnectedness, is essential to highlight if it is possible to mount resistance to managerial ideologies that problematically govern the environment. Such recognition and resistance is difficult to harness, however, because of the strength and abundance of managerialist ideology. Moreover, managerial approaches to the environment are masterful in their masking of chronic and systemic conditions. "Managerialism still makes individuals believe that it can win the struggle with nature, that there is a technical solution to the contradiction between perpetual growth and finite global earthy resources."[92] Despite the failures of the ideology, managerialism has become a self-legitimating force, responding to many of the disasters in which it is implicated. In this way, managerialism is seen as the only legitimate way that environmental disasters can be responded to, and potentially circumvented, all while perpetuating environmental destruction.[93]

Input High-Modernist Values = Output Eco-Managerial Remediation

What underlies eco-managerial disaster remediation is managerial ideology, of course. But there are specific values that come together in the construction of this

[91] Klikauer, *Managerialism*.
[92] Ibid.
[93] Ibid.

ideology which merit further consideration. Indeed, many of the ideological tenets of managerialism are akin to the criterion for high-modernism that James C. Scott has put forth. For example, managerialism engages a sense of "lofty superiority" that operates in a 'rational' way above human experience.[94] Similarly, high-modernism boasts a strong confidence in the rational ordering of nature, including human nature, through scientific and technological strategies.[95] This rational approach not only guides the idea that nature is an entity that needs to be ordered, but is also found in the remediation practices that are employed when nature is out of order or becomes unknowable, as in the case of the oil spill. Another commonality between high-modernist ideology and managerial dogma is the idea of blind faith or blind optimism. "Managerialists are blindly optimistic" and have little regard for the history and cultural context, as they feel it could have no bearing on present circumstances.[96] Similarly, high-modernist ideology disregards historical, geographical, and social context in its development projects.[97] Moreover, there is a blind faith, indeed a promethean perspective, within high-modernism in the ability of technology and science to respond to any environmental issues that may arise. Each of these defining characteristics of high-modernist ideology represent sharp distinctions between the way that the environment is discursively framed and the real experience of environmental disaster. The distinction between appearance and reality extends to the ordered and rationalistic governance of environmental disaster with the complexity and dynamism of everyday disastrousness.

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[94] Taptiklis, "After Managerialism."
[95] J.C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale Univ Pr, 1998).
[96] Taptiklis, "After Managerialism."
[97] Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*.

The rational order that defines high-modernism and managerialism historically has failed to operate as designed. These failures, however, are continually framed as unfortunate and circumstantial, rather than systematic and routine.[98] This discursive construction not only allows for both high-modernism and managerialism (and its derivatives) to become further entrenched as normal modes of disaster remediation but the disaster itself becomes normalized because it is deemed manageable. In the case of the Deepwater Horizon, both high-modernism and managerialism were driving ideologies that went into the processes of deepwater drilling as well as into the remediation processes that were necessary when the deepwater rig blew up. This cyclical and self-legitimating reasoning must be interrupted if a new normal of environmental disaster as embedded within the contemporary global political economy is to be broadly understood.

In order to contextualize and problematize how the managerial logic detailed above operated in the aftermath of the Deepwater Horizon disaster through official responses, it is necessary to probe the problematic/quasi-illegal behavioral patterns within the oil industry that preceded the event. For example, how can the safety record of British Petroleum help to understand the factors that created this disaster? What was the regulatory environment in the United States for oil drilling operations at the time of the disaster and how did this regulatory environment enable or discourage risk-taking? And, what were the measures that were in place to remediate oil-related disasters? It is also important to understand how regulatory culture, clean-up processes, and safety requirements have been adjusted as a result of this disaster.

[98] Klikauer, *Managerialism*.

Three vignettes have been chosen, each of which can be considered as officially sanctioned responses to the disaster, to illustrate the deployment of eco-managerial techniques and ideology in the aftermath of the explosion: the Vessels of Opportunity program; the use of Corexit chemical dispersant; and the attempt of the Flow Rate Technical Group to calculate with certainty the amount oil that was actually expelled as a result of the damaged oil rig. Each of these stories, in its own way, illustrates some of the core tenets of eco-managerialism and demonstrates state and corporate adherence to the tenets of purification, legibility, measurability. But they also draw on the practices that have been used in the wake of disasters that preceded this one. In so doing, eco-managerialism becomes further entrenched as a way to circumvent critical questions about the socio-politico-economic atmosphere such as those discussed above.

Chemically Dispersing Disaster: The Use and Abuse of Corexit

An immediate and routine response to oil 'spills,' including the Deepwater Horizon disaster, is the use of chemical dispersants. "Dispersants are chemicals that are sprayed on a surface oil slick to break down the oil into smaller droplets that more readily mix with the water."[99] While chemical dispersants change the appearance of an oil slick, they do not "reduce the amount of oil entering the environment, but push the effects of the oil spill underwater."[100] In other words, dispersants make it appear as if the oil slick is gone—and it is the appearance that is important in shaping public perception about the controllability of the

[99] "Dispersants," accessed April 13, 2015, http://www.biologicaldiversity.org/programs/public_lands/energy/dirty_energy_development/oil_and_gas/gulf_oil_spill/dispersants.html.
[100] Ibid.

disaster—even if it is a mirage. Indeed, managing appearances became a large part of BP's work in the aftermath of the Deepwater Horizon disaster. Not only did the company need to manage its own reputation but there was also a need to make it appear as if the disaster was being controlled. The use of the chemical dispersant Corexit, then, not only had the result of making it appear as if the oil had been removed from the Gulf waters, but it chemically dispersed disaster in other ways, namely through the ecological damages and public health impacts that it imparted. For example, the marine life in the Gulf was greatly harmed "by sinking the oil to the sea floor," but the impacts of Corexit were also devastating for "the entire Gulf ecosystem from top to bottom," including habitats, shorelines, marshes, animals, as well as humans.[101] The contradiction between appearance and reality is a fundamental part of the Deepwater Horizon story that should be highlighted. But it is not just the toxic management of this oil disaster via Corexit that is of critical importance; it is also the toxic relationship between regulators and the regulated.

Chemical dispersants were used with wild abandon in the aftermath of the Deepwater Horizon disaster, or with what many scientists have called, "unprecedented quantities."[102] Best estimates state that 1.8 million gallons of Corexit was used in the Gulf of Mexico, which dispersed approximately 16% of the spill.[103] "Approximately 1.84 million gallons of dispersant were applied, with more than 1 million gallons on the surface and 771,000 gallons pumped deep into

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[101] "Three Years Later: Corexit Dispersants Worsened Gulf Oil Spill," accessed April 13, 2015, http://www.meriresearch.org/CorexitWorsenedImpacts/tabid/366/Default.aspx.
[102] Laura Geggel, "'Missing Oil' from 2010 BP Spill Found on Gulf Seafloor," *LiveScience.com*, accessed April 13, 2015, http://www.livescience.com/49664-deepwater-horizon-missing-oil.html.
[103] James L. Gray et al., "Presence of the Corexit Component Dioctyl Sodium Sulfosuccinate in Gulf of Mexico Waters after the 2010 Deepwater Horizon Oil Spill," Chemosphere 95 (2014): 124–30.

the water column to dilute the oil"—a technique that had not been used before the Deepwater Horizon disaster.[104] It is worth noting that the amount of chemical dispersant used has been contested as local residents have reported covert night operations taking place after the EPA instructed BP to reign in its use of Corexit. Indeed, documentary films such as *The Great Invisible* and *The Big Fix* have exposed the uglier realities of the chemical dispersant. The latter film captured footage that substantiates complaints from local residents that British Petroleum was using much more of the dispersant than was being reported.[105] The filmmaker, Josh Tickell, a Louisiana native, and his wife Rebecca documented a story that they felt was not being told by the mainstream media coverage.[106] *The Big Fix* tells the story of "the worst toxic waste cover up in America's history," and the toxic waste that the film focuses in on is the oil dispersant Corexit, the product of choice that BP used to clean-up the spill.[107] One particularly revealing scene in the documentary was captured in September of 2010, more than 4 months after the EPA and U.S. Coast Guard directed BP to "use dispersants in a surface application only as a last resort and in a minimal amount" when necessary.[108] In the scene, the "Tickells sneak past security to film a BP clean-up crew spraying Corexit on a beach under cover of darkness."[109] The footage seems to authenticate claims by local residents that they could smell Corexit in the air, that they were seeing crates of Corexit being flown and trucked into the BP clean-up sites, and that the chemical dispersant was being used secretly and in massive quantities. The use of Corexit

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[104] "Dispersants."
[105] Valerie Schloredt, "Inside America's Worst Toxic Waste Cover-Up," Article, *YES! Magazine*, accessed May 13, 2015, http://www.yesmagazine.org/issues/making-it-home/inside-americas-worst-toxic-waste-cover-up.
[106] Ibid.
[107] Ibid.
[108] "Dispersant Use in BP Oil Spill," accessed May 13, 2015, http://www.epa.gov/bpspill/dispersants-qanda.html.
[109] Schloredt, "Inside America's Worst Toxic Waste Cover-Up."

not only presents a contradiction between the appearance of the oil slick and the reality of the oil slick but, this covert use/abuse of the dispersant also created a situation in which BP is unable to be held responsible for the public health consequences that have resulted from the use of the chemical dispersant.

The Toxic Substances Control Act of 1976 is the regulation that enables substances such as Corexit to be deployed in the aftermath of oil spills.[110] Many of the chemical compounds governed by the TSCA have never been tested for safety and many chemical compounds are not disclosed because they are considered to be proprietary. Indeed, Corexit was not tested for safety until after it was used in the Gulf of Mexico in 2010.[111] In the case of an oil spill, "companies must ask the EPA for permission to use specific" chemical dispersants that are on an approved list "but the only basis for approval is whether those products are effective at breaking up oil."[112] In other words, it is the effectiveness that is of most interest to the EPA, not the safety of the product being used. Here, the ideology of eco-managerialism is evidenced through the primacy and commitment to efficiency over safety. The chemical cocktails used by BP were Corexit 9527A and Corexit 9500A.[113] Although "companies are required to test the short-term toxicity of the dispersant and the oil-dispersant mixture on shrimp and fish," there is no requirement for long-term impact assessments.[114] Even though the information is incomplete, and may even demonstrate harmful effects for marine life, the results of the testing do not impact

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[110] OA US EPA, "Summary of the Toxic Substances Control Act," Overviews and Factsheets, accessed May 13, 2015, http://www2.epa.gov/laws-regulations/summary-toxic-substances-control-act.

[111] "Toxicity Testing of Dispersants | EPA Response to BP Spill in the Gulf of Mexico | US EPA," accessed May 13, 2015, http://www.epa.gov/bpspill/dispersants-testing.html.

[112] "BP's Bad Breakup: How Toxic Is Corexit?," *Mother Jones*, accessed April 13, 2015, http://www.motherjones.com/environment/2010/09/bp-ocean-dispersant-corexit.

[113] "Dispersant Use in BP Oil Spill."

[114] "BP's Bad Breakup."

the approval process by the EPA. Corexit had been on the EPA's list of approved chemical dispersants since the 1980s.[115] "In fact, it's the EPA that must prove an 'unreasonable risk' if it wants companies to disclose what is in the dispersant."[116] This situation of asymmetrical information strains the relationship between regulatory agencies and the activities and entities being regulated. This tension was made visible when former EPA Administrator Lisa Jackson instructed British Petroleum to find a less-toxic alternative to Corexit; BP rebuffed the demand stating that suitable alternatives were not available, although the company did little to support this claim.[117] Jackson, along with some Congressional representatives, were rightfully concerned about the lack of scientific data on the impacts of the chemical dispersant. Once Nalco was pushed by BP (who was pushed by the EPA) to reveal the list of ingredients in Corexit, it was disclosed that 2-butoxyethanol, a chemical known to cause liver and kidney damage, was a core component of the cocktail.[118] However, without a 'safer alternative,' BP's request to continue to use Corexit was granted, along with almost every other request that BP made to increase use of the dispersant, seemingly without any public discussion or debate about the necessity or value of using a chemical dispersant, as opposed to physical containment and recovery methods of cleaning up the oil such as skimming and booming. The efficiency and legibility benefit of this particular eco-managerial technique, it seems, outweighed any public or ecosystem health concerns that were associated with the use of the dispersant. The oversight issues around the use of Corexit that were brought to light by the

[115] Campbell Robertson and Elisabeth Rosenthal, "Agency Orders Use of a Less Toxic Chemical in Gulf," *The New York Times*, May 20, 2010, sec. Science / Environment, http://www.nytimes.com/2010/05/21/science/earth/21disperse.html.
[116] "BP's Bad Breakup."
[117] Robertson and Rosenthal, "Agency Orders Use of a Less Toxic Chemical in Gulf."
[118] Ibid.; "BP's Bad Breakup."

Deepwater Horizon disaster hint at a larger lapse, or perhaps more appropriately a failure, of federal regulation of chemicals, including oil dispersants.

In addition to the deployment of Corexit in the Gulf of Mexico, the lack of transparency and disclosure in/around the use of chemical compounds for oil extraction has generated controversy as it relates to hydraulic fracturing. The issues surrounding transparency and disclosure are important to highlight because without public knowledge of the chemicals being used for these industrial processes, their use may go unchecked, and their public health implications are difficult to document. Although the chemical compounds used in hydraulic fracturing are proprietary, in much the same way as the pre-Deepwater Horizon condition of Corexit, a "2010 congressional investigation revealed that Halliburton and other fracking companies had used 32 million gallons of diesel products, which include toxic chemicals like benzene, toluene, ethylbenzene, and xylene, in the fluids they inject into the ground."[119] These chemicals, like the chemical used in Corexit, are known to "trigger acute effects like headaches, dizziness, and drowsiness, while higher levels of exposure can cause cancer."[120] This chemical soup required for hydraulic fracturing is also apparent in the clean-up of the Deepwater Horizon disaster. The New York Times reports:

> Three ingredients of the two Corexit formulas were already available on material safety data sheets that outline the human health risks of using the dispersants in the workplace. Corexit 9527, used in lesser quantities during the earlier days of the spill response, is designated a chronic and acute health hazard by EPA. The 9527 formula contains 2-butoxyethanol, pinpointed as the cause of lingering

[119] "For Pennsylvania's Doctors, a Gag Order on Fracking Chemicals - The Atlantic," accessed May 13, 2015, http://www.theatlantic.com/health/archive/2012/03/for-pennsylvanias-doctors-a-gag-order-on-fracking-chemicals/255030/.
[120] Ibid.

> health problems experienced by cleanup workers after the 1989 *Exxon Valdez* oil spill, and propylene glycol, a commonly used solvent.[121]

In addition to the carcinogenic qualities of the chemical dispersant, it is worth nothing that propylene glycol is a commonly found component of detergents, which is derived from petroleum products. As such, the production Corexit by Nalco Holdings Co., a subsidiary company of Ecolab, is itself dependent upon the oil industry. In this way, Nalco Holdings can be understood as a part of the disaster capitalism complex, capitalizing upon and generating economic opportunity from oil spills.

Despite Nalco's claim that Corexit is as safe to use as common household detergents (of which the chemical compounds similarly have not been tested for toxicity), the use of the chemical dispersant in the aftermath of Deepwater Horizon invited controversy, but not just for the massive quantity of Corexit deployed or for the fact that dispersing the oil makes it nearly impossible to skim it from the surface. On top of the fact that Corexit does essentially nothing to make the disgorged oil retrievable, what makes the use of the chemical dispersant more alarming is the fact that the chemical makes the oil more than 50 times more toxic than if the oil were just left alone and skimmed from the surface.[122] Essentially, the choice of Corexit produces a secondary disaster. While the marshes and coast might end up being less covered in crude, the chemical dispersant does make its way to the shorelines, as well as into the food supply, and into the bodies of the

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[121] Elana Schor Of Greenwire, "Ingredients of Controversial Dispersants Used on Gulf Spill Are Secrets No More," *The New York Times*, June 9, 2010, sec. Business / Energy & Environment, http://www.nytimes.com/gwire/2010/06/09/09greenwire-ingredients-of-controversial-dispersants-used-42891.html.

[122] Judith S. Weis, Physiological, Developmental and Behavioral Effects of Marine Pollution (Springer Science & Business Media, 2013).

workers who came in contact with the chemical. In this way, the chemical compound is capable of making it appear as if the oil has been cleaned up, but the reality on the ground is that a larger chemical spill is occurring. As the oil was dispersed in the water column, a chemical disaster was also being dispersed along Gulf Coast communities.

This instrumentalized purification and management of the oil spill exemplifies the two-level normalization of disaster. On the first level, the chemical dispersant offered a sanitized image of the disaster that not only allayed public anxieties but was also beneficial to British Petroleum in that it could project an appearance which demonstrated its commitment, whether genuine or not, to clean-up the mess that it had participated in making. The benefit of Corexit is the appearance of normality that it offers. On the second level, the use of Corexit as an eco-managerial technique allowed the clean-up process to take place more quickly, and for the environment to be returned to its productive capacity. Indeed, the moratorium on deepwater drilling (which will be discussed in more detail in Chapter 6) that was instituted in the aftermath of the disaster was lifted well ahead of its expiry date amid concerns of economic damage to local communities.[123] In this way, a more protracted disaster materializes not only by way of the toxification of the Gulf of Mexico but also through the climate change that is catalyzed through the processes of deepwater oil extraction.

The deployment of Corexit in the aftermath of the Deepwater Horizon disaster did not come as a surprise. There is a historical precedent for using Corexit in the

[123] Peter Baker and John M. Broder, "Moratorium on Deepwater Drilling Is Lifted, and New Rules Are Imposed," *The New York Times*, October 12, 2010, sec. U.S., http://www.nytimes.com/2010/10/13/us/13drill.html.

United States. For example, in the aftermath of the 1989 Exxon Valdez disaster, Corexit was used to 'clean-up' the oil-soaked beaches. Many of the workers and volunteers ended up with cancer, respiratory diseases, and skin illnesses—symptoms that have resurfaced with the use of the dispersant in the aftermath of Deepwater Horizon. Indeed, the life expectancy of the workers who assisted with remediation in the aftermath of Exxon Valdez is only 51 years, and most of the workers who were tasked on this site are now deceased.[124]

> In Louisiana in the early months of the oil spill, more than 300 individuals, three-fourths of whom were cleanup workers, sought medical care for constitutional symptoms such as headaches, dizziness, nausea, vomiting, cough, respiratory distress, and chest pain. These symptoms are typical of acute exposure to hydrocarbons or hydrogen sulfide, but it is difficult to clinically distinguish toxic symptoms from other common illnesses.[125]

The difficulty of distinguishing the symptoms of Gulf Oil Syndrome are reminiscent of the after-effects that US soldiers suffered from the Gulf Wars. These symptoms invite just enough doubt that British Petroleum can deny the correlation between the use of Corexit and the health effects that have been experienced in relation to its use. However, the volatile organic compounds found in the oil itself are known to cause "respiratory irritation and nervous system disorders."[126] When the chemical compounds from the dispersant are added into the mix, a situation is created whereby serious health risks are created for

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[124] Michael Snyder, "Warning To Gulf Volunteers: Almost Every Cleanup Worker From The 1989 Exxon Valdez Disaster Is Now Dead," *Business Insider*, accessed April 15, 2015, http://www.businessinsider.com/warning-to-gulf-cleanup-workers-almost-every-crew-member-from-the-1989-exxon-valdez-disaster-is-now-dead-2010-6.

[125] Solomon GM and Janssen S, "Health Effects of the Gulf Oil Spill," *JAMA* 304, no. 10 (September 8, 2010): 1118–19, doi:10.1001/jama.2010.1254.

[126] "Gulf Oil Spill Creates Serious Health Risks."

"fishermen, cleanup workers, volunteers, and members of communities along the coast of the Gulf of Mexico."[127] The mixture of the oil and the dispersant creates a much more toxic concoction than either compound on its own, according to Dr. Susan Shaw, toxicologist and founder of the Marine and Environmental Research Institute.[128]

After years of delay, BP has started to pay medical claims of some of the victims of the disaster. Although there is much legal red-tape, paying these claims is another way that the spill is being managed. Approximately 100 claims had been paid by the summer of 2014, a small fraction of the more than 10,000 health-related claims, while more than 2,600 claims had been dismissed.[129] The payments, which have ranged from less than $1,000 USD to over $60,000 USD "cover treatment for respiratory and skin ailments associated with the spill, are expected to start ramping up" as the court settlements are finalized.[130] What the use, and abuse, of Corexit demonstrates more than just the ideological allegiances of British Petroleum and the US Government to managerial techniques. What the subversive use of the chemical compound relays, on top of the sanctioning of an untested substance, is evidence of the problematic governance—both ideologically and materially—of the environment and of extractive energy corporations. Thus the use of Corexit, on top of the ecological damage and impact to human health, brings to light what one Louisiana native who was interviewed in *The Big Fix* clearly stated: "We live in a corrupt system, where a small few put power and

[127] Ibid.
[128] "Three Years Later: Corexit Dispersants Worsened Gulf Oil Spill."
[129] Benjamin Snyder, "BP Begins Doling out Medical Claims for Gulf Oil Spill - Fortune," accessed May 14, 2015, http://fortune.com/2014/07/01/bp-begins-doling-out-medical-claims/.
[130] Ibid.

profit over the health of humankind and the planet."[131] The use of Corexit, as well as the cover-up of its overuse, is symptomatic of the troublesome regulatory relationships between the US government and extractive energy companies. By locating and exposing the contradictions between the official rules and regulations that govern the use of chemical dispersants and the actual deployment of the chemical compound, it is possible to bring attention to the voices of concerned citizens, and defy the logic of the state and corporate administration of environmental disaster, and question the extractivist environmentalities associated with deepwater drilling more broadly.

Because "[t]he intensification of production and consumption in recent decades has yielded a chemically recomposed planetary atmosphere," it is necessary now, more than ever, to take heed of the management ideologies and techniques that the environment is being subjected to.[132] Although this new "chemical regime of living" has been heralded by many as the anthropocene, an epoch on the geological record characterized by chemical compounds, there are "alarming" intergenerational health consequences that may still yet be realized as the unfortunate byproducts of such chemical management mechanisms.[133] Mark Davis of Tulane University spoke with Newsweek about the choice of Corexit as a clean-up technology. He noted:

> It reflects just how wedded our country is to keeping the Gulf of Mexico producing oil and bringing it to our shores as cheaply as possible. Going forward, no one should assume that just because something really bad happened we're going to manage oil and gas

[131] Schloredt, "Inside America's Worst Toxic Waste Cover-Up."
[132] Michelle Murphy, "Chemical Regimes of Living," *Environmental History* 13, no. 4 (October 1, 2008): 695–703.
[133] Ibid.; Dayna Nadine Scott, *Our Chemical Selves: Gender, Toxics, and Environmental Health* (UBC Press, 2015).

> production with greater sensitivity and wisdom. That will only happen if people get involved and compel both the industry and the government to be more diligent.[134]

The instrumentalist strategy to manage and purify the oil spill through the use of chemical dispersants is a typical eco-managerial tactic. The insistence on instrumentalized remediation has the effect of normalizing disaster, making it appear controllable and tolerable. Unfortunately, such approaches and responses also have the result of foreclosing the space for critical public discourse about the systemic risks that manufacture the political and socio-economic conditions that perpetuate environmental degradation in the first place. Because these instrumentalist apparatuses of production remain concealed, they can persist without contestation, perpetuate dominant socio-political institutions, and perform the important function of alleviating public anxieties all the while paradoxically reinforcing and normalizing economic values that manufacture risk.

By exposing the processes of normalization in/around the development of new extractive industries—including the normalization of oil disasters, as well as the normalization of managerial techniques for environmental remediation from those disasters—it is possible to address endogenous sociological and systemic processes that enable environmental disasters. This understanding of disaster accounts for an embedded predisposition toward crisis that is inherent in capitalism even though this tendency is continually refuted through eco-governmental strategies. In essence, addressing systemic technical disasters through instrumentalist technologies allows the systemic risks to remain concealed. By examining the embodied realities of eco-managerialism as a

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[134] "The Worst Part about BP's Oil-Spill Cover-up: It Worked," *Grist*, accessed May 19, 2015, http://grist.org/business-technology/what-bp-doesnt-want-you-to-know-about-the-2010-gulf-of-mexico-spill/.

particular eco-governmental strategy requires an assessment of how affected populations are managed within framework of exploitation and neoliberalism. The following analysis of the Vessels of Opportunity program that was deployed by British Petroleum in the aftermath of the Deepwater Horizon illustrates this neoliberal management of impacted populations.

Neoliberal Eco-Managerialism: The Vessels of Opportunity Program

In the aftermath of the oil disaster, British Petroleum developed a project that allowed local boat operators an opportunity to participate in environmental remediation through activities such as spotting oil slicks, deploying oil containment booms, moving supplies, skimming oil, and assisting with wildlife rescue.[135] The intention of this program was to assist those whose livelihoods had been impacted as a result of damaged fisheries and recreation. However, the program did not materialize as designed. Many contracts were not given to fishermen who were in need of money because of the damage the oil disaster had caused to their fisheries. Instead, during the six-month program, clean-up contracts were given to many people who had a recreational boat in their backyards, including doctors and lawyers whose economic livelihood was not directly impacted the same way as those who were dependent upon the damaged fisheries. In addition to this problem, there were several other notable contradictions between the way that the program was supposed to work and how it actually worked. For example, many vessel owner/operators who participated

[135] Rebecca Mowbray Times-Picayune The, "Participants in Vessels of Opportunity Program Can Pursue Damage Claims, BP Says," *NOLA.com*, accessed September 9, 2014, http://www.nola.com/news/gulf-oil-spill/index.ssf/2011/10/participants_in_vessels_of_opp.html.

in the program were not properly compensated for their work.[136] Moreover, Vessels of Opportunity workers have suffered health consequences as a result of exposure to toxic chemicals and oil, a grievance that many workers have claimed, and a danger that many have said they were not properly warned of. Despite not working as intended, "[t]he Vessels of Opportunity program was a way for BP to provide some income to local residents outside of a formal claims process," which would likely take longer.[137] This tactic of quickly ameliorating the economic circumstances of out-of-work fishermen served the eco-managerial purpose of returning the Gulf of Mexico to its productive capacity. However, the program performed another important function to provide the appearance that the spill was within the management capacities of British Petroleum. In other words, the Vessels of Opportunity program, like the use of chemical dispersants, normalized this particular disaster by making it seem as if everything was under control.

The Vessels of Opportunity program that was established in the Gulf of Mexico after Deepwater Horizon was modeled off of a similar program that was born out of the Oil Pollution Act of 1990, which was a result of the Exxon Valdez disaster. In the program fishermen were identified, trained, and paid to respond to oil spills.[138] The OPA was a significant regulatory response that "improved the nation's ability to prevent and respond to spills."[139] Under the administration of

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[136] "Vessels of Opportunity," *The Downs Law Group | BP Claim Oil Spill*, accessed May 25, 2015, bpclaimoilspill.com/people-affected/vessels-of-opportunity/.
[137] "National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling | The Gulf Spill," *National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling*, accessed May 25, 2015, http://www.iadc.org/archived-2014-osc-report/media/.
[138] Br and on MacGillis The Pew Charitable Trusts Officer, "Exxon Valdez Spill, 25 Years Later - The Pew Charitable Trusts," accessed February 4, 2015, http://www.pewtrusts.org/en/about/news-room/press-releases/2014/03/21/exxon-valdez-spill-25-years-later.
[139] Ibid.

George H. W. Bush, Congress passed this landmark legislation which "required many improvements in how the United States ships oil, such as requiring double-hull tankers, the best spill-response capability in the world, regional citizens' advisory councils, increased liability" and a Vessel of Opportunity program that trains and pays fishermen to respond to oil spills.[140] Interestingly, most of these criteria established by the OPA implicitly concede inevitability of oil spills rather than focus on prevention. Moreover, the money spent on clean-up contracts in Deepwater Horizon, as in Exxon Valdez, "fostered problems in many communities."[141] In addition to the environmental disruption caused by the disaster, economic and social disruption intensified by the contracting processes of the program in both instances. In each disaster, corrosive community dynamics developed as a result of "unequal access to resources" which "pitted family, friends, and neighbors against each other."[142] Although the Vessels of Opportunity program set out certain requirements for the actual vessels, as well as the crew on board those vessels, the program did not strictly delineate requirements for the workers. In the Deepwater Horizon aftermath, this resulted in the deployment of more than 3,500 boats responding, many of which were owned by non-local boat owners and other professionals whose livelihoods had not been directly impacted by the disaster. These private vessels could make between "$1,200 and $3,000 per day, depending on the size of the boat."[143] For an eight-hour shift, individual crewmembers could make about $200.[144] The size of the Vessels of Opportunity fleet raised other concerns about the usefulness and safety of the program.

[140] Ibid.
[141] Liesel Ashley Ritchie, Duane A Gill, and J Steven Picou, "The BP Disaster as an Exxon Valdez Rerun," *Contexts* 10 (2011): 30–35.
[142] Ibid.
[143] "Vessels of Opportunity."
[144] Ibid.

Typically, planes were more effective at spotting oil slicks than boats and setting out oil booms required more training than most participants in the program received.

The Vessels of Opportunity program is exemplary of eco-managerialism in several ways. First, it epitomizes the strategy of purification through instrumental rationality. The Vessels of Opportunity program assisted in purification of environmental damage by having boat operators locate oil slicks and injured wildlife as well as by having them deploy oil containment booms to contain the scope of the spill. This purification extends, though, to the economic realm as well by defraying the economic toll of the disaster for those whose livelihoods were impacted. This sort of economic offsetting appeals to a sense of justice, or ethical responsibility, but allays some workers' anxieties about being out of work, even if this sensibility is only short lived.[145] Even so, this shallow form of justice is inculcated in a Western notion of justice as being something that can be achieved monetarily. This type of justice does little to address the underlying structural causes and conditions of environmental, social, and economic harm. With regard to the eco-managerial impulse for rationality, the Vessels of Opportunity program uses its participants to gather information from the disaster site so that ecological risk can be calculated against the economic cost of eco-remediation. In this way, the oversight that is given to the environmental disaster, including the use of local knowledge of waterways, follows the managerial maxim of risk analysis.[146] Although this quantitative approach to eco-remediation employs local knowledge,

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[145] Victor E. Taylor and Gregg Lambert, *Jean François Lyotard: Ethics* (Taylor & Francis, 2006).
[146] Luke/ York University, "Timothy Luke: Eco-Managerialism - Environmental Studies as a Power/Knowledge Formation," *Aurora* 0, no. 0 (2003), http://aurora.icaap.org/index.php/aurora/article/view/79.

it is only a means to the pursuit of technological and rational remediation that is inculcated in a form of risk managerialism that "recapitulates the logic" of global capitalism governing nature (and disaster), rather than humanity and the environment being co-constitutive.[147] This type of risk management and socio-environmental remediation leaves the mechanisms of "capitalism wholly intact" and, in fact, reinscribes these mechanisms through the use of technological, rationalistic, and instrumentalist strategies.[148] The failure to fundamentally address, or even alter, the metabolisms of global capitalism means that eco-managerialism not only aids the environment to be returned to production but it also helps to find new avenues of accumulation. Eco-managerialism of this sort is bound up in neoliberal ideology.[149] As such, the material effects of it reflect an alliance between corporate and governmental partners, whereby the environment is viewed in terms of its economic utility.

The normalizing potential of the Vessels of Opportunity program, like that of the use of Corexit, was manifest in several ways. First and foremost, the Vessels of Opportunity assisted in sanitizing and purifying the environment, making it appear as if the oil was being removed from the surface and therefore calming public anxiety about the disaster. But, while the workers' efforts in the program helped to clean the oil from the surface of the water, assisted in identifying the location of injured or dying wildlife, and transported supplies to other clean-up crews, they were being exposed to toxic organic and chemical compounds. The health consequences, alongside the economic disaster for the fishing industry in

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[147] Ibid.
[148] Ibid.
[149] Nik Heynen et al., *Neoliberal Environments: False Promises and Unnatural Consequences* (Routledge, 2007).

the Gulf of Mexico, illustrate that the consequences of oil extraction in this case go beyond the immediate disaster aboard the Deepwater Horizon. Other types of disaster—environmental, economic, and social—also result from the processes of remediation. Moreover, because the entirety of this production—from extraction, to explosion, to remediation, and back to extraction—is deeply entrenched within the neo-liberal ideology of maximizing profits and efficiency, it also contributes to the more chronic issue of climate change.

Although the Vessels of Opportunity program does serve important environmental and economic functions, the program addresses only the symptoms of a much larger economic pathology that values rationality, efficiency, and legibility. This type of eco-managerialism does not fundamentally address long-term implications of the oil disaster, nor does it highlight the underlying economic, political, and social conditions that have precipitated the disaster. Instead, programs like the Vessels of Opportunity are seen as a learning-opportunity for eco-managers, who want to understand how to more efficiently, rationally, and legibly respond to the next oil disaster. Under eco-managerialism, then, disaster response is more important than disaster prevention.

Although the Vessels of Opportunity program did not function as designed, it highlighted administrative and managerial failures such as the inequitable distribution of clean-up contracts, failures to adequately compensate program participants, as well as issues of usefulness of such programs. Issues of equity and fairness punctuate the official responses to the Deepwater Horizon case. Indeed, the Flow Rate Technical Group, another official eco-managerial response to the disaster attempted to make sense of the disaster in an objective, rational and fair manner. However, as detailed below, the ideological scaffolding of the group

created a situation whereby calculating the amount of oil expelled became a central concern of the case, thereby overshadowing systemic risks.

Calculated Disaster Management: The Flow Rate Technical Group

The Flow Rate Technical Group was established in the wake of the Deepwater Horizon disaster "to estimate the rate at which oil was escaping from the well in the deep sea, its disposition after it entered the ocean, and total reservoir depletion."[150] This group of scientists was assembled, in part, as a result of British Petroleum's disingenuous approach to environmental remediation, including its covert use of Corexit, and its failure to equitably assess contract worthiness for the Vessels of Opportunity program, in addition to its variable reporting/disclosure of the amount of oil that was being disgorged from the seafloor.[151] Originally, reports indicated that there was no oil leaking; but, five days after the explosion the Coast Guard reported that "an estimated 1,000 bbl (42,000 gal.) of crude" had leaked from the well, which was more than 5,000 feet below the surface of the Gulf.[152] This discovery not only added to public anxiety about the disaster but also generated doubt about British Petroleum's transparency in remediating the spill. As the days passed, the estimates of oil leakage also did. On day nine of the spill, the estimate was increased more than five times the original estimate, meaning that at that point it was thought that "about 210,000" gallons of oil were "spilling into the Gulf every 24 hours."[153] The uncertainty about the amount of oil that was 'spilling' as

[150] Marcia K. McNutt et al., "Review of Flow Rate Estimates of the Deepwater Horizon Oil Spill," *Proceedings of the National Academy of Sciences* 109, no. 50 (2012): 20260–67.
[151] Ed Crooks, "BP Disputes Deepwater Horizon Spill Estimates," *Financial Times*, September 6, 2013, http://www.ft.com/cms/s/0/4e0afb0e-1710-11e3-9ec2-00144feabdc0.html#axzz3baXxvICH.
[152] "100 Days of the BP Spill: A Timeline - TIME," accessed June 3, 2015, http://content.time.com/time/interactive/0,31813,2006455,00.html.
[153] Ibid.

well as when and if it would stop, necessitated an independent and credible assessment of the flow rate as well as the oil that was left in the reservoir. As efforts such as Junk Shot, Top Hat, and Top Kill were all unsuccessful at stemming the flow of the oil into the Gulf of Mexico, officials determined that it was best to monitor the flow of oil, if it could not be stopped.[154] Even suggestions to detonate a nuclear bomb to stop the oil were floated, a desperate and dangerous strategy to return the Gulf to 'order' that might have been more strongly considered as a reality if other strategies had failed to stem the flow of oil.[155] The U.S. federal government assembled a multi-agency team to determine the flow rate of the spill, a critical task that would not only be used to monitor the disaster but would also be used to measure the liability of the responsible party. In essence, culpability is directly calculated in relationship to the number of barrels of oil expelled.

Admiral Thad Allen, the National Incident Commander for the Deepwater Horizon disaster, brought together a range of research engineers and managers from the U.S. Coast Guard, Minerals Management Service, National Oceanic Atmospheric Administration, with technical representatives from the Department of Energy, and the U.S. Geological Service to "compute the total outflow of the BP oil spill."[156] The group used a number of quantitative methodologies, including video and acoustic in situ observations, as well as reservoir and well modeling to determine the flow rate range, which required taking into consideration factors

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[154] Msnbc com News Services, "Forget 'top Kill,' What the Heck's an LMRP?," *Msnbc.com*, accessed June 1, 2015, http://www.nbcnews.com/id/37359910/ns/disaster_in_the_gulf/t/forget-top-kill-what-hecks-lmrp/.

[155] William J. Broad, "Nuclear Option on Gulf Oil Spill? No Way, U.S. Says," *The New York Times*, June 2, 2010, sec. U.S., http://www.nytimes.com/2010/06/03/us/03nuke.html.

[156] Brendan DeMelle, "BREAKING: Federal Flow Rate Technical Team Established To Determine Extent of BP Oil Spill," *The Huffington Post*, accessed May 30, 2015, http://www.huffingtonpost.com/brendan-demelle/breaking-federal-flow-rat_b_583902.html.

that were not able to be quantified and resulted with the group finding a fairly large range of uncertainty, +/-10%, with a total loss of oil "~50,000–70,000 barrels/d, perhaps modestly decreasing over the duration of the oil spill, for a total release of ~5.0 million barrels of oil, not accounting for BP's collection effort."[157] On the lower side of the assessment, at ~50,000 barrels/day, the estimates of the Flow Rate Technical Group were much higher than the estimates of British Petroleum. "BP's competing estimate that 3.26m barrels emerged from the well, which minus the 810,000 barrels captured gives 2.45m barrels reaching the water, is based on work by Martin Blunt, a former BP engineer now a professor at Imperial College, London."[158] With a per barrel penalty of $4,300 USD at stake under the Clean Water Act, the dispute means the difference of $7 billion dollars in fines.[159]

The use of a variety of methodologies, while employed to obtain the most accurate understanding of the oil loss, resulted in large discrepancies in estimates of oil loss depending on the methodology employed as well as the aggressiveness of modeling interpretations. "For example, the worst case scenario required a containment capacity for surface ships that was more than five times that of the best case scenario for flow rate."[160] This variation demonstrates that management of a spill of this size was not only unprecedented but, that the eco-managerial strategies that were used and reported in this case would become the standard by which future spills are made legible through calculation.

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[157] McNutt et al., "Review of Flow Rate Estimates of the Deepwater Horizon Oil Spill."
[158] Crooks, "BP Disputes Deepwater Horizon Spill Estimates."
[159] "Spills and Bills," *The Economist*, February 9, 2013, http://www.economist.com/news/business/21571463-bad-news-bp-keeps-coming-spills-and-bills.
[160] McNutt et al., "Review of Flow Rate Estimates of the Deepwater Horizon Oil Spill."

Indeed, while British Petroleum argued that the Flow Rate Technical Group's approach was based on a "flawed approach" and "faulty assumptions," in the final report the Flow Rate Technical Group boasted their methodologies and highlighted the possibility for them to be used for future disasters.[161] In the opening paragraph of the Executive Summary, the authors state:

> The purpose of this report is to describe the relative advantages of the different methods that were used to measure flow rate from the Macondo well, so that if this process needs to be used again in an emergency situation, quick decisions can be made to mobilize the techniques most appropriate to that future emergency.[162]

By offering justification for the methods chosen, as well as the benefits and limitations of each of the methods, the Flow Rate Technical Group not only established a "credible" and "scientific" calculation of the oil loss from the Deepwater Horizon disaster, but also set a standard for the measurement of future such events.[163] The focus of the group on rendering the Deepwater Horizon disaster legible for the purpose of better calculating future oil spills indicates the group's adherence has to high-modernist values, such as increasing efficiency as well as standardization. Moreover, the final report says nothing of the conditions that produced the disaster, nor does it dispute British Petroleum's calculations of the spill. This impartial stance allowed the group to position themselves as objective and scientific observers to an event, rather than to say anything about global production and consumption practices that participated in the creation of the disaster. Although it was not in the purview of the group to evaluate the methods by which British Petroleum derived its estimates of oil loss, the fact that

[161] Crooks, "BP Disputes Deepwater Horizon Spill Estimates."
[162] McNutt et al., "Review of Flow Rate Estimates of the Deepwater Horizon Oil Spill."
[163] Ibid.

the group did not deviate from the eco-managerial script of monitor, measure, and manage illustrates the ideological underpinning with which the group entered into the task of estimation. In this way, the Flow Rate Technical Group epitomizes eco-managerial ideology.

With regard to the potential for the Flow Rate Technical Group to normalize environmental disaster through methodologies and results, providing a sense of transparency and information to the general public about the scope of the disaster conveyed a message about the disaster that it was being controlled and appropriately managed. In essence, this state-sanctioned response provides a sort of purification of public anxiety about the environmental disaster through technological tools that make it into a knowable subject. Simultaneously, measuring and calculating the disaster also distracts from the practices that produced the disaster and reinstates the neoliberal logic of the environment that was disrupted by the disaster. The processes of normalization also extend to the efforts of the Flow Rate Technical Group that implicitly concede the inevitability of future events and claim that the methods employed by the group might be beneficial for making those events more legible. Through the failure to address the systemic risks of unconventional oil production, the Flow Rate Technical Group tacitly consents to a second-level of disaster whereby risky terrains and technologies are conceded as necessary to fuel worldwide energy demand. Because technocratic and managerial knowledge underlie the governance of the environment, as well as the governance of environmental disasters, returning to the "standard political calculus of technocratic risk," provides a sense of comfort

that is necessary for oil production to continue.[164] The final report makes this claim by stating: "Of course, any future spill event would have certain unique features, and therefore each of these methods would have to be judged on its own merits for the situation at hand."[165] The disaster is thus rendered into a legible and governable subject through scientific management and a consensus reporting of the disaster.

Unlike the Exxon Valdez spill or the more recent oil-train spills, the exact quantity of oil lost in the aftermath of Deepwater Horizon was unknowable. However, British Petroleum's record of under reporting in combination with the need to have a public accounting of the oil loss necessitated a concerted effort to calculate the spill. The knowledge that was produced as a result of these calculations provided a better understanding of "the fate of the hydrocarbons," which allowed for the spill to be strategically "partitioned into separate components that pose threats to deep sea vs. coastal ecosystems, [thereby] allowing responders in future events to scale their actions accordingly."[166] And while scientizing the disaster is meant to provide for accountability and transparency it also brings with it new contradictions that need to be disentangled. For example, once "the science of the spill was established, suffering or destruction was only legible to the extent it aligned with, and could be seen through, the official rubric of the disaster."[167] Ultimately, there are some effects that cannot be easily categorized and controlled. Although the logic of eco-managerialism helps to explain the way that official

[164] David Bond, "GOVERNING DISASTER: The Political Life of the Environment during the BP Oil Spill," *Cultural Anthropology* 28, no. 4 (2013): 694–715.
[165] McNutt et al., "Review of Flow Rate Estimates of the Deepwater Horizon Oil Spill."
[166] Ibid.
[167] Bond, "GOVERNING DISASTER: The Political Life of the Environment during the BP Oil Spill."

responses govern the environmental disaster, the lived experience is more dynamic than eco-managerialism can account for.

Conclusion: Eco-Managerialism as an Obfuscation of Everyday Disastrousness

At the outset of this chapter, it was noted that managerialism is about predictability and control whereas drilling in the deep waters of the Gulf of Mexico involves many complex and uncontrollable variables. The final governmental report on the investigation into the Macondo well blowout hinted at this dynamic, stating: "This disaster was preventable had existing progressive guidelines and practices been followed. This catastrophic failure appears to have resulted from multiple violations of the laws of public resource development, and its proper regulatory oversight."[168] Because the lack of regulatory oversight was noted as a contributing factor, the aftermath of the explosion necessitated official governmental responses that imparted a sense of normalcy, a sense that the situation was under control, a sense that economies and the environment in the Gulf of Mexico would be fully restored to their pre-disaster state. But the sensibilities that were generated through eco-managerialism were in tension with the lived realities of their effects, and government reports on the disaster revealed a lack of self-reflection with regard to the blind faith in instrumentalist and technological approaches to resource extraction. The final report went on to cast blame on British Petroleum, indicating its "failure to contain, control, mitigate, plan and clean-up" appeared "to be deeply rooted in a multi-decade history of organizational malfunction and shortsightedness." [169] The risky conditions

[168] Deepwater Horizon Study Group, "Final Report on the Investigation of the Macondo Well Blowout," *Center for Catastrophic Risk Management, University of California at Berkeley*, 2011.
[169] Ibid.

inherent to deepwater drilling, however, require redundant safety measures. The disaster, like the unconventional oil extraction industry itself, is dynamic and is not easily made comprehensible through standardized approaches. Although there were many techniques employed to manage the disaster, the three instrumentalist strategies explored here demonstrate that while the high-modernist ideologies behind eco-managerialism may have contributed, at least in part, to the disaster, eco-managerialism as a form of governmentality cannot fully render disaster legible, it cannot provide a fully fleshed out rationalistic explanation and response to disaster, and it cannot confine the subject of environmental disaster to technocratic parameters.

Although these eco-managerial strategies do perform the important functions of alleviating public anxiety, as well as providing the appearance of purification, control, and management, they also conceal the everyday disastrousness of oil production along the Gulf Coast and beyond. Indeed, the lives that are most impacted by the Deepwater Horizon disaster are those who are living and working along the coast, those who helped with the clean-up and were thus exposed to the toxic chemical compounds within Corexit, those whose livelihoods continue to be adversely impacted by the oil that remains on the sea floor in the Gulf of Mexico. In this, the largest oil spill in U.S. history, only about a quarter of the oil "was cleaned at the surface or captured by deep-sea containment systems. Another quarter of the oil naturally dissolved or evaporated, according to a U.S. government report, and about 24 percent was dispersed either naturally or due to the controversial use of chemical dispersants."[170] With reports still emerging of oil

[170] "Huge Oil Spill 'Footprint' Found on Gulf of Mexico Floor," *MNN - Mother Nature Network*, accessed June 3, 2015, http://www.mnn.com/earth-matters/wilderness-resources/blogs/huge-oil-spill-footprint-found-on-gulf-of-mexico-floor.

leaking from the site, combined with the aftereffects of chemical dispersants, this environmental disaster may not be over for years.[171]

However, the governance, as well as the scope, of this particular disaster also obfuscates everyday disastrousness in other ways. This everyday disastrousness has been theorized in multiple ways. For example, it is sometimes expressed in a reactionary manner, meaning it can describe the way that exceptional or "extraordinary circumstances of a disaster alter everyday processes." [172] Alternatively, it can also be understood in a more productive sense as the "network of conditions and linked events that make major calamities all too predictable." [173] This sort of disaster is not only evidenced by the unequal distribution of environmental hazards but is also highlighted by the fact that the oil that was disgorged from the sea floor of the Gulf of Mexico would have only powered the United States for less than one day.[174] This means that the carbon being expended each day, on a global scale, is many times more than what was lost in the disaster, which was less than 1.5% of the total Macondo reserve.[175] Moreover, as riskier terrains are increasingly encountered, a new normal of disaster is being encountered, which has to do with the social and environmental consequences of cultural allegiances to neoliberal ideology and capitalist political

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[171] "Where Will the Deepwater Horizon Oil End Up?," accessed June 3, 2015, http://www.scientificamerican.com/article/where-will-the-deepwater-horizon-oil-end-up/.
[172] Kirstin Dow, "The Extraordinary and the Everyday in Explanations of Vulnerability to an Oil Spill," *Geographical Review* 89, no. 1 (January 1, 1999): 74–93, doi:10.1111/j.1931-0846.1999.tb00202.x.
[173] Gregory Button, "Everyday Disasters: Rethinking Iconic Events in Cultural Perspective," *Barnes & Noble*, accessed June 3, 2015, http://www.barnesandnoble.com/w/everyday-disasters-gregory-button/1115717791.
[174] "Day 57: Updated Figures Show Oil from Spill Could Have Powered 68,000 Cars for Year," *ScienceDaily*, accessed June 3, 2015, http://www.sciencedaily.com/releases/2010/06/100615112223.htm.
[175] Group, "Final Report on the Investigation of the Macondo Well Blowout."

economy. In this way, the production of environmental disaster emanates from the social body itself; and this is also where the normalization of environmental disaster manifests and reifies itself.

Eco-managerialism as a deeply entrenched ideology amongst technocrats, government officials, and corporate managers is a self-legitimating force whereby disasters are produced and managed with the same self-serving rationalistic and instrumentalist strategies that value efficiency and performance. The investigation into the Deepwater Horizon disaster found "multiple opportunities to properly assess the likelihoods and consequences of organizational decisions" and concluded that British Petroleum was "ostensibly driven by the management's desire to close the competitive gap and improve bottom line performance."[176] Interestingly, the consequences of organizational decisions within the regulatory agencies are not critiqued quite as harshly. Instead, the failures of the EPA to properly oversee the use of Corexit are not mentioned and the challenges of governance encountered by the Minerals Management Agency are referred to as a result of understaffing and underfunding. Demonstrating the materialization of such discursive contradictions is at the heart of this project. Assessing the normalization of disasters through eco-managerialism necessitates highlighting ruinous consequences, such as the health consequences that resulted from the use and abuse of Corexit, or the social divisions that were created as a result of contractual imbalances in the Vessels of Opportunity program, or the environmental losses that cannot be quantified under the methodologies of the Flow Rate Technical Group. These official responses to the disaster illustrate how state power is deployed and also how this power manufactures a secondary

[176] Ibid.

regime of risk and disaster based on high-modernist values which is directly linked to the disasters that will attend climate change and extensive transformation of natural resources for capital accumulation in new hydrocarbon geographies.

The obfuscation of everyday disastrousness that eco-managerialism provides also allows both acute and chronic disasters to be normalized. On one level, this normalization is manifest through the socio-econo-political desire to return to a pre-disaster state of normality, and use of instrumentalist strategies to create this return. Because the technological and instrumentalist path of least resistance is typically chosen as the most efficient way to make a quick return to normal pre-disaster status the ideological conditions that created the disaster remain latent and unaddressed. Thus, the insistence on the instrumentalization of disaster also produces normalization on a second level. Because these apparatuses remain concealed, they can persist without contestation, perpetuate dominant socio-political institutions, and perform the important function of alleviating public anxieties all the while paradoxically reinforcing and normalizing economic values that manufacture risk. Essentially, it is the belief that disaster is controllable that enables the disaster.

Global capitalism, thus, controls society through eco-governmental strategies, and the groundwork is laid for transitioning disaster in a productive way. In this way, eco-managerialism activates eco-commercialism through its adherence to high-modernist dogma. Ultimately, through strategies and techniques that are systemically embedded within the machination of capitalism, disaster is able to become a business (and a form of labor) to be managed, to be profited from, and

ultimately to be litigated.[177] When channeled in this way, power and wealth are concentrated for some, and historically marginalized populations, as well as nature, continue to suffer degradation. In the next chapter, Eco-Commercialism, a closer look at the official corporate responses to the disaster, reveal the production of social division as well as economic enterprise as a result of the disaster.

[177] T.W. Luke, "Neither Sustainable nor Development: Reconsidering Sustainability in Development," *Sustainable Development* 13 (2005): 228–38.

Chapter 5: Eco-Commercialism

> *"The social responsibility of business is to increase its profits. So the question is, do corporate executives, provided they stay within the law, have responsibilities in their business activities other than to make as much money for their stockholders as possible? And my answer to that is, no they do not."*[1]

Introduction

This chapter suggests that many efforts to remediate the Deepwater Horizon disaster not only have the effect of commodifying the disaster itself, thereby constituting a form of disaster capitalism whereby the catastrophe catalyzes new economic opportunities, but also that the techniques mobilized, primarily by corporations, to address the disaster result in normalizing environmental disaster. This proposition builds on the idea that eco-managerialist practices enable eco-commercialism to take hold. In other words, the discursive practices outlined in the previous chapter—the technocratic, instrumentalist, and managerial efforts to alleviate the environmental harms of the oil disaster—facilitated the capitalization of this particular disaster.

While eco-commercialism builds upon eco-managerialism, it stands in sharp relief to the managerialist dogma of efficiency, which maintains a strong professional following and permeates organizational behavior, often with disregard for those whose lived experience is fundamentally altered by the event/disaster being managed.[2] Eco-commericalism is primarily concerned with reorienting disaster in

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[1] "The Social Responsibility of Business Is to Increase Its Profits, by Milton Friedman," accessed June 4, 2015, http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html.s/

[2] Margaret Vickers, *Work and Unseen Chronic Illness: Silent Voices* (Routledge, 2002).

economically productive way that returns the environment to its conditions of economic production. This reorientation and return can be located in a range of corporate and governmental activities that essentially purify the disaster in preparation for the return of economic production. Some eco-commercial strategies are concerned with portraying an ecological image, even if this image is contrary to the actual practices employed. For example, advertisement and CSR campaigns can be understood as eco-commericalism because they are concerned with offering a culturally consumable image of ecological purity, which are often in contradiction to corporate practices.[3] In this form of eco-commercialism, image matters, and the images deployed should be politically convincing, socially motivating, and economically productive. However, there are more insidious forms of eco-commercialism that are not quite as concerned with green imaging. This form of eco-commercialism can be located in new enterprises that emerge specifically to capitalize upon, while cynically responding to, environmental disaster or the potentiality thereof. A contemporary example of this form of eco-commercialism is underway in Oklahoma, where earthquakes associated with hydro-fracking are on the rise. The increase in natural gas extraction has also led to an increase in earthquakes, as well as an increase in earthquake insurance premiums, which have "jumped a startling 500 percent in less than three years," according to the Oklahoma Department of Insurance.[4] While many homeowners cannot afford this insurance coverage, oil companies continue to deny the correlation between fracking and earthquakes—a controversy that is likely to be

[3] Ole Bruun and Arne Kalland, *Asian Perceptions of Nature: A Critical Approach* (Routledge, 2014).
[4] "Earthquakes Are Rising in Oklahoma, and Insurance Is Booming," *BloombergView*, accessed April 16, 2015, http://www.bloomberg.com/bw/articles/2014-07-23/oklahomas-increasing-earthquakes-are-a-boon-for-insurers.

settled within the judicial system that, like corporations, perceives the value of the environment according to neo-liberal logic that seeks economic productivity.

Because there is no ideal case that explains the functioning of eco-commericalism, it can be difficult to locate. As such, it is necessary to situate eco-commercial logic within the tradition of two thinkers in particular, whose perspectives have been introduced, at least in part, in Chapter 2. To illustrate how the following discursive practices construct environmental disaster as an eco-commercial enterprise, Naomi Klein's *disaster capitalism* thesis, and the *eco-commercialism* argument found in Timothy W. Luke's *sustainable degradation* thesis, are most useful. Drawing on these concepts, this chapter exhibits specific instances whereby the Deepwater Horizon disaster produced an uneven geography of new business and investment opportunities.

The vignettes in this chapter illustrates how the Deepwater Horizon can be understood as a form of eco-commercialism, each having the effect of normalizing the broader issue of environmental disaster. The first assessment highlights eco-commercialism, perhaps, in its simplest form: through the transformation of the fishing industry in the immediate aftermath of the event. As illustrated in the previous chapter, the Vessels of Opportunity program was not only a technique employed to manage the spill, but as will be demonstrated here, it also aided the establishment of a new industries and a new class of workers in the form of the so-called "Spillionaires," or "BP Rich."[5] The spillionaires are those who are widely understood to have benefitted from clean-up contracts and funding, even if the

[5] K. Barker, "'Spillionaires' Are the New Rich after BP Oil Spill Payouts'," *The Washington Post Online* (2011).

distribution of these contracts was uneven and ethically problematic. The second set of illustrations also highlights how the categories eco-managerialism and eco-commercialism can be intertwined and mutually constituted. Assessing the marketing opportunity that the disaster (inadvertently) provided for companies such as Dawn allows for a more nuanced analysis of eco-commercialism in which the actors that benefit from environmental harm can be understood to be enmeshed in an oil assemblage, rather than intentional participants in a perverse game of hydrocarbon capitalism. [6] This sort of CSR (Corporate Social Responsibility) campaign is representative of many eco-commercial tendencies, which litter the Deepwater Horizon case. Indeed, British Petroleum has long been an industry leader in pretending to be something other than an energy company, successfully positioning itself as dedicated to the preservation of the Earth's resources. And, as Chapter 7 will demonstrate—BP was able to continue this trend through the "Committed to the Gulf" ad campaign that followed in the wake of the disaster.[7]

Comparably, although perhaps on a smaller scale, other companies were also able to benefit from CSR campaigns linked to the Deepwater Horizon disaster. General Motors, for example, was able to seize the opportunity to demonstrate its commitment to environmental protection by recycling oil container booms and fashioning parts for the electric Chevrolet Volt, thereby employing a creative discursive strategy to create distance from the oil industry in a moment of crisis.[8]

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[6] Michael Watts, "A Tale of Two Gulfs: Life, Death, and Dispossession along Two Oil Frontiers," *American Quarterly* 64, no. 3 (2012): 437–67.
[7] "Committed to the Gulf | Gulf of Mexico Restoration | BP Global," [Available Online]: http://www.bp.com/en/global/corporate/gulf-of-mexico-restoration/committed-to-the-gulf.html.
[8] Ariel Schwartz, "Making Lemonade: GM Turns BP Disaster Equipment Into Chevy Volt Components," *Fast Company*, [Available Online]: http://www.fastcompany.com/1711211/making-lemonade-gm-turns-bp-disaster-equipment-chevy-volt-components.

Hair Cuttery, and other hair salons, were similarly able to gain CSR favor by sending hair clippings to the Gulf to be used to absorb the oil.[9] These green approaches to oil spill remediation allow the businesses involved to take modest steps toward sustainability, by participating in the clean-up efforts, without advocating for an alteration in the conditions of oil production. In the case of Dawn and Chevrolet, participation in oil spill clean-up masks the fact that each of these industries are heavily reliant on the oil industry.

A less image-conscious version of eco-commercialism highlighted is akin to the current insurance saga in Oklahoma. The rise in insurance premiums for offshore drilling that occurred as a direct result of the Deepwater Horizon disaster can be understood as a crude form of eco-commercialism, whereby insurance conglomerates understand the normality of disasters associated with unconventional oil development and are prepared to make money from this normality.[10] This instance of eco-commercialism not only raises critical questions about the prospects for financialization of risky energy extraction, including the enormously profitable potential for catastrophe swaps, but also necessitates a conversation about the role of the State in protecting its citizens and territory against major environmental degradation that is probable within complex technologies and risky terrains.

Other anecdotal evidence of the eco-commercial effects of Deepwater Horizon will be touched upon throughout the chapter, such as accounts of the way in which

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[9] "Hair Salons Enlisted in Eco-Friendly Approach to Gulf Oil Spill Clean-Up," *Mongabay*, [Available Online]:

[10] Welaptega Team, "Offshore Insurance Rises after Deepwater Horizon | Welaptega Marine Limited," [Available Online]: http://www.welaptega.com/offshore-insurance-rises-deepwater-horizon/.

Halliburton benefitted from the disaster as a result of the relationship with Boots & Coots, a well services company that specializes in oil disaster emergency response, including the drilling of relief wells. This particular assessment of the relationship between Halliburton and Boots & Coots is not interested in advancing any theories about Halliburton having had advance knowledge of the Deepwater Horizon blowout in the days before the disaster, a suspicion that has been widely discussed in the business media as well as in conspiracy theories that have circulated around the Internet.[11] Rather, it is interested in demonstrating how the long-term economic relationship between these companies, and eventual merger, is a form of eco-commercialism that materialized in the aftermath of the Deepwater Horizon disaster and will likely manifest itself in perpetual capital accumulation in the years to come as a result of their investments in risky terrains of extraction.[12] Similarly, accounts of how local communities in Gulf states benefitted from the disaster will be noted, including: the earmarking of $15 million USD from the RESTORE Act for a minor league baseball stadium in Biloxi, Mississippi, as well as massive increases in sales tax revenues for parishes in Louisiana which resulted from the purchase of new vehicles and other expensive goods.[13]

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[11] Stephanie Kirchgaessner, "Halliburton and BP Knew Risk before Spill," *Financial Times*, October 28, 2010, http://www.ft.com/cms/s/0/33f02172-e2ca-11df-8a58-00144feabdc0.html#axzz3a2yerrgE.

[12] Christine A. James, "Huntington or Halliburton? The Real Clash of Civilizations in American Life," *Journal for the Study of Religions and Ideologies* 3, no. 8 (2010): 43–54.

[13] "The Oil Spill Windfall," accessed January 29, 2015, http://www.weeklystandard.com/articles/oil-spill-windfall_769107.html.Kim Barker ProPublica et al., "'Spillionaires': Profiteering and Mismanagement in the Wake of the BP Oil Spill," *ProPublica*, [Available Online]: http://www.propublica.org/article/spillionaires-profiteering-mismanagement-in-the-wake-of-the-bp-oil-spill.

Although the exemplars of eco-commercialism demonstrated throughout this chapter illustrate a number of ways in which disaster can be reoriented in economically productive ways, there is no singular strategy for this realignment. Each of these discursive strategies, rather than fundamentally addressing the conditions which produce environmental disaster, establishes a way for capital to further entrench itself within the environmental agenda. In this way, eco-commercialism, like eco-managerialism, has become a self-legitimating force. Eco-commercialism conveniently responds to many of the disasters in which its capitalistic values are implicated. As such, eco-commercialism is seen as a legitimate way to pacify persons and communities who were wronged as a result of the disaster. However, the ultimate function of eco-commercialism may be understood as enabling the return of resource extraction and economic productivity. In this way, eco-commercial ventures conveniently distract from the fact that the economic values assigned to nature have participated in the environmental exploitation and subsequent disaster that necessitate remediation. This redirection of attention toward 'sustainability,' CSR, or environmental remediation/protection, is thus nothing more than a veiled attempt to simultaneously engineer "economic solutions to preserve the earth and pump up profits."[14] As such, these practices result secondarily in the normalization of environmental disaster. Disaster remediation strategies have become seamlessly incorporated into the very fabric of the oil assemblage and, therefore, mask conflicts of interests between the industry and the environment that need to be made transparent.[15]

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[14] Timothy W Luke, "The System of Sustainable Degradation," *Capitalism Nature Socialism* 17 (2006): 99–112.

[15] Peter Marcuse, "Sustainability Is Not Enough," *Environment and Urbanization* 10, no. 2 (1998): 103–12.

Eco-Commercialism

As defined in Chapter 3, eco-commercialism draws on the second contradiction of capitalism and pinpoints regenerative opportunities embedded in environmental disaster and its governance.[16] While the explosion of Deepwater Horizon resulted in a marked decrease in oil production in the Gulf of Mexico in the immediate aftermath of the disaster, the decline was short-lived and paradoxically resulted in "tremendously regenerative opportunities to revolutionize the means of mitigation needed to check, divert or slow the forces of degradation" which were, in this case, directly linked to the blowout.[17] In this way, eco-commercialism highlights the disaster capitalism complex whereby environmental disaster might provide new business and investment opportunities. However, it also builds upon the category of eco-managerialism in so far that these responses to environmental disaster are also efforts to remediate the social and environmental harms that resulted from the explosion event.

The ideology underlying eco-commercialism views the natural world as a commodity source supplying the raw materials necessary for profitable enterprise. The raw materials, as well as the core functions of nature, can thus, be understood

[16] Luke, "The System of Sustainable Degradation"; James O'Connor, "The Second Contradiction of Capitalism," *The Greening of Marxism*, 1996, 197–221; Inc. SAGE Publications, *Second Contradiction of Capitalism. Encyclopedia of Environment and Society. SAGE Publications, Inc* (Thousand Oaks, CA: SAGE Publications, Inc., n.d.), http://dx.doi.org/10.4135/9781412953924.n963.

[17] Luke, "The System of Sustainable Degradation."

as a quantifiable suite of 'eco-system services' that the Earth provides.[18] As such, efforts to remediate environmental disaster intend to sustain, and more efficiently govern, the conditions of production for a longer period of time. That is, any degradation of the services that nature provides becomes and immediate opportunity to commodify nature anew, if not continuously. Attempts to measure the value of nature into determinate units of analysis position the environment as a subject of political and economic calculation whereby it might be reoriented toward neoliberal market aims. This market reformulation of the functions of nature has coincided with the rise of so-called 'green consumerism' whereby producers offer consumers a way to absolve their participation through 'ethical consumption' and, in so doing, summarily shift responsibility for environmentally harmful practices onto the individual. When given an opportunity to do good, and feel good, by engaging in green consumerism though the power of the purse, individuals "feel responsible and empowered in dealing with environmental risks to both the wider global planet and themselves."[19] However, ethical consumerism operates as a sanitized version of capitalism. The notion that ethical consumerism is a form of politics that resists environmental harm, or more positively, advocates for environmental reform fails to recognize the second contradiction of capitalism. As such, ethical consumerism is a socially acceptable but politically weak way to address environmentally harmful practices. Understood in this way, green consumerism is undeniably part of "a capitalist development paradigm that has become an ever-more dominant trend [. . .] in both policy and products."[20] Green

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[18] Ibid.; Robert Costanza et al., "The Value of the World's Ecosystem Services and Natural Capital," 1998; James Boyd and Spencer Banzhaf, "What Are Ecosystem Services? The Need for Standardized Environmental Accounting Units," *Ecological Economics* 63, no. 2 (2007): 616–26.
[19] John Connolly and Andrea Prothero, "Green Consumption Life-Politics, Risk and Contradictions," *Journal of Consumer Culture* 8, no. 1 (2008): 117–45.
[20] Jennifer A. Sandlin and Peter McLaren, *Critical Pedagogies of Consumption: Living and Learning in the Shadow of the "Shopocalypse"* (Routledge, 2009).

consumerism is therefore essential to the construction of eco-commercialism and the subjectification of the environment as a governable entity.[21] Indeed, it is "perhaps the ultimate form of disaster capitalism" because it is "an opportunity for corporations to turn the very crisis they generate through their accumulation of capital via the exploitation of nature into myriad streams of emergent profit and investment revenue."[22]

The do-good, feel-good rationale that is a part of green consumerism is just one articulation of eco-commercial mentalities toward environmental disaster, though. Other responses are more cynical, feel-good, feel-good responses. The creation of the spillionaires is perhaps more in line with this view, which is representative of an economically extractivist environmentality operating on an individual scale. Directly linked to the uneven distribution of clean-up contracts illustrated through the Vessels of Opportunity program in the previous chapter, the new money flowing into the Gulf of Mexico as a result of British Petroleum's remediation efforts created second-order economic effects for many communities.

Spillionaires: "It's All About Who You Know"

> *"It was the home town of Forrest Gump's shrimp-loving friend Bubba Blue in the famous movie. But since the huge oil spill in the Gulf of Mexico, Bayou La Batre in Alabama has become home to a new breed of men known as the 'Spillionaires.' They are the shrimp boat owners who have prospered hugely from the millions of pounds handed out by BP. While many British pensioners have seen the value of their pension funds fall because of the*

[21] Kevin Jon Heller, "Power, Subjectification and Resistance in Foucault," *SubStance*, 1996, 78–110; Connolly and Prothero, "Green Consumption Life-Politics, Risk and Contradictions."
[22] Sandlin and McLaren, *Critical Pedagogies of Consumption*.

> *extraordinary decline of one of Britain's biggest companies, boat owners in the coastal hamlet have struck it rich."*[23]

The term "spillionaires" emerged in the aftermath of the infamous disaster that resulted from the Exxon Valdez oil tanker running aground in Alaska's Prince William Sound in March of 1989. The disaster had massive ecological, economic, and human impacts, which have been marked into the American psyche as one of the great environmental tragedies of the twentieth century.[24] Estimates of more than 11 million gallons of crude oil are said to have been the immediate result of the disaster, and it is also estimated that it took even more than 11 million gallons of oil to clean-up the disaster.[25] In the aftermath of the Exxon Valdez disaster, the Oil Pollution Act (OPA) was passed by Congress in 1990, making the responsible party for the spill liable "for compensating those who suffered as a result of the spill—through property damage, lost profits, and other economic injuries—and for restoring injured natural resources."[26] This eco-judicial technique, which will be further detailed in Chapter 6, manages public anxiety about the possibility of future disasters to occur under similar circumstances. In the aftermath of the Exxon Valdez, the OPA required the Coast Guard "to strengthen its regulations on oil vessels and oil tank owners and operators," which has led to stronger and more reinforced hulls for oil tankers as well as a review of compensation and liability mechanisms in place to deal with oil spills as a "real and continuing threat

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[23] "The Spillionaires: Shrimp Boat Owners in 'Forrest Gump' Town Make a Fortune from BP Payouts," *Mail Online*, [Available Online]: http://www.dailymail.co.uk/news/article-1301249/The-Spillionaires-Shrimp-boat-owners-Forrest-Gump-town-make-fortune-BP-payouts.html.
[24] Robert T. Paine et al., "Trouble on Oiled Waters: Lessons from the Exxon Valdez Oil Spill," *Annual Review of Ecology and Systematics*, 1996, 197–235.
[25] US EPA, "Exxon Valdez | US Environmental Protection Agency," [Available Online]: http://www.epa.gov/ceppo/web/content/learning/exxon.htm.
[26] Deep Water, "The Gulf Oil Disaster and the Future of Offshore Drilling," *Report to the President. National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling*, 2011.

to public health, welfare, and environment."[27] After Deepwater Horizon, the BP was required to place $20 billion USD "in escrow to compensate private individuals and businesses through the independent Gulf Coast Claims Facility," which has now been closed, thereby foreclosing the possibility of unknown future damages to be assessed under this entity.[28] It seems that presenting an image of remediation and restitution was more important in the wake of the disaster than actually following through on remediation and restitution. This eco-commercial strategy was laden with the high-modernist value of efficiency, unfortunately however, it was not very effective in creating social and environmental goods. Although the Exxon Valdez, and the Deepwater Horizon disasters were expected to bring complete economic ruin to the communities impacted, a surprising influx of money resulted from the clean-up efforts, although the effects of the disaster have far outlived these monies. In other words, these clean-up funds are not a sustained source of revenue. The environmental outrage that followed in the wake of each disaster also meant increased visibility and donations for environmental organizations such as Greenpeace, the Sierra Club, and the Natural Resources Defense Council—yet another form of eco-commercial activity. [29] Many economists have suggested a paradoxical explanation in that "the spill was a positive boon in the long run, as spending on the clean-up jump-started the Alaskan economy out of a dire recession." [30] Indeed, the term "spillionaires" emerged as a neologism that referred to the people that were able to make

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[27] EPA, "Exxon Valdez | US Environmental Protection Agency"; Michael P. Donaldson, "Oil Pollution Act of 1990: Reaction and Response, The," *Vill. Envtl. LJ* 3 (1992): 283.
[28] Water, "The Gulf Oil Disaster and the Future of Offshore Drilling."
[29] Brian Tokar, *Earth for Sale: Reclaiming Ecology in the Age of Corporate Greenwash* (South End Press, 1999).
[30] "Alaskan Recovery from Exxon Valdez Disaster Offers Hope after BP Spill - Telegraph," [Available Online]: http://www.telegraph.co.uk/news/worldnews/northamerica/usa/7857191/Alaskan-recovery-from-Exxon-Valdez-disaster-offers-hope-after-BP-spill.html.

'millions'—or who were at least able to profit—from the spill, being paid "small fortunes" by the oil company to remediate the disaster.[31] In both cases, Exxon Valdez and Deepwater Horizon, money flowed to people who claimed, truthfully or not, that their livelihoods had been impacted by the disaster. Although there are many critics who argue that the creation of the spillionaires is a myth, the emergence and deployment of the term itself as a way to understand the management and commercialization of the spill is a discursive strategy that has essentially offered a simplified explanation of the unfair disbursement of clean-up funds, and the uneven economic geography that was constructed after the disaster. Alternatively, the skepticism surrounding the reality of spillionaires can be understood as a crude environmental critique whereby nature is not only not made whole but instead, corrupt people rip off companies. At the most basic level, the term hints at corruption, disproportionality, greed, and the creation of new divisions in Gulf Coast communities along political lines. Ultimately, the term is a moniker connoting dissatisfaction with BP as well as political officials and its significance rests in the fact that it suggests a broader understanding amongst the public that being able to withstand the economic shock that followed in the wake of the explosion "is all about who you know."[32] The access to the economic upside of disaster remediation, according to the rules governing clean-up contracts, should be fair and equitable. However, being politically and economically connected along the Gulf Coast, rather than immanently qualified to conduct clean-up operations was in fact more beneficial for many individuals and businesses in the aftermath of the Deepwater Horizon disaster. In perfect alignment with capitalist tendencies to remediate disaster, the spillionaires

[31] ProPublica et al., "'Spillionaires.'"
[32] Ibid.

illustrate that while a select few people benefitted from the disaster, others were harmed in new ways and ultimately elements of a 'corrosive community' revealed themselves as a result of the alteration of social structures and support.[33]

The use of this term 'spillionaires,' like many discourses of remediation, was recycled from the Exxon Valdez event and reused in discussions/analyses of the Deepwater Horizon disaster. And, in similar fashion to the aftermath of Exxon Valdez, the creation of the elite group of people who were able to profit from the spill created disharmony among local residents because the distribution of cleanup contracts and funds was neither fair nor transparent. In the most extensive analysis of 'spillionaires' in the wake of Deepwater Horizon, ProPublica has undertaken an investigative analysis that has revealed deeply troubling practices:

> Some people profiteered from the spill by charging BP outrageous rates for cleanup. Others profited from BP claims money, handed out in arbitrary ways. So many people cashed in that they earned nicknames—"spillionaires" or "BP rich." Meanwhile, others hurt by the spill ended up getting comparatively little. In the end, BP's attempt to make things right—spending more than $16 billion so far, mostly on claims of damage and cleanup—created new divisions and even new wrongs. Because the federal government ceded control over spill cleanup spending to BP, it's impossible to know for certain what that money accomplished, or what exactly was done.[34]

ProPublica was able to track the flow of cleanup funds and found that much of the decision-making with regard to who would receive contracts for cleanup was taking place in St. Bernard Parish. Unsurprisingly, many contracts were going to

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[33] William R. Freudenburg, "Contamination, Corrosion and the Social Order: An Overview," *Current Sociology* 45, no. 3 (1997): 19–39; Liesel Ashley Ritchie, Duane A Gill, and J Steven Picou, "The BP Disaster as an Exxon Valdez Rerun," *Contexts* 10 (2011): 30–35.

[34] ProPublica et al., "'Spillionaires.'"

friends and acquaintances of those vested with the capacity to allocate funds under the state of emergency that was declared in Louisiana. Just a few days into the crisis, Craig Taffaro Jr., the president of St. Bernard Parish, invoked a Louisiana law that enabled a 30-day state of emergency that suspended the normal checks and balances that would be in place otherwise. Such practices have frequently been assessed as legalized lawlessness, or ways to govern outside of the rule of law, and in this case permitted appropriation of contracts without competition. Taffaro Jr. "used his powers more broadly than most, saying that he wanted to put money back into the community. Unlike the leaders of other Gulf communities, Taffaro—not BP—chose the prime contractor that supervised the cleanup. At one point, Taffaro hired his future son-in-law to work in the finance department and help on the spill." [35] Many of the contracts were filtered through Loupe Construction Company, a family-run business that had strong ties to Taffaro but no experience in oil spill mitigation—the job was ultimately worth $125 million USD.[36] This sort of nepotism and patronage raises an important question about the governance of the clean-up process: why was authority for remediation ceded to BP—the responsible party ultimately charged for the disaster? Did the federal regulators not foresee the legal mess that would surely follow? Or, did BP simply create another mess? Was it not obvious that the same problematic practices that defined the aftermath of Hurricanes Katrina and Rita were taking hold after Deepwater Horizon? Investigations into the distribution of contracts not only showed how the new class of so-called 'BP Rich' was created through flows of money and power in a single parish, there is evidence that corruption was taking place on many different levels—within local parishes, within the Minerals

[35] Ibid.
[36] Ibid.

Management Agency, and within corporations that were intimately involved in the maintenance of the oil well, read: Halliburton.[37] Documents reveal that sales tax receipts, a key indicator of economic performance, increased "in eight of the 24 most affected communities" in the six months after the spill, when compared with the twenty-four months prior to the incident.[38] Those fortunate enough to benefit economically from the clean-up cash were able to buy "new toys, boats and trucks. Sales at the nearest Chevrolet dealer rose 41 percent."[39] This ability to engage in a perverse form of green consumerism detracted local residents from the disaster in the Gulf by meeting immediate wants while simultaneously denying long-term needs. "As the oil rolled in, the cash flowed out in a deluge of reimbursements and compensation payments that have muted protest from the real victims of [the] oil spill, but made 'spillionaires' of an unscrupulous few who seized control of much of the money and funneled it to those they knew."[40] As the money was spent, complaints began to mount as many who were doing the actual clean-up work were faring much worse than the politicians at the top of the food chain. Many residents cited inequality in terms of access to programs like Vessels of Opportunity and ultimately neighbors, friends, and families were pitted against one another in competition for access to clean-up cash.[41] In fact, the Vessels of Opportunity program attracted interest from recreational fishermen that should

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[37] "Halliburton Agrees to Plead Guilty to Destruction of Evidence in Connection with Deepwater Horizon Tragedy | OPA | Department of Justice," [Available Online]: http://www.justice.gov/opa/pr/halliburton-agrees-plead-guilty-destruction-evidence-connection-deepwater-horizon-tragedy; "Halliburton May Be Culprit In Oil Rig Explosion," *Huffington Post*, [Available Online]: http://www.huffingtonpost.com/2010/04/30/halliburton-may-be-culpri_n_558481.html.

[38] ProPublica et al., "'Spillionaires.'"

[39] Ibid.

[40] Giles Whittell, "Spillionaires: The Unscrupulous Few Who Used BP Money to Get Rich Quick," *The Times (London)*, April 15, 2011, sec. Business, http://www.thetimes.co.uk/tto/business/industries/naturalresources/article2987171.ece.

[41] Ritchie, Gill, and Picou, "The BP Disaster as an Exxon Valdez Rerun."

have been excluded from the program, applying for licenses that ultimately eliminated legitimate claims from professional fishermen who were out of work as a result of closed fisheries. Some local residents complained that attorneys, doctors, and other professionals whose livelihoods were not impacted by the disaster were illegitimately breaking into the program and bleeding off licenses and money from BP.[42] Just as the harms of the disaster were disproportional, so were the benefits. Overall, however, the case of St. Bernard Parish, while unique in many ways, is not dissimilar to many other communities on the Gulf Coast; it demonstrates that the lack of oversight that went into the creation of the disaster was also present in the cleanup and is perhaps, one of the best (worst) examples of how the disaster became a commodity itself. Efforts to remediate the disaster by dispersing funds facilitated the process of returning communities to a pre-disaster state of normality in an economic manner—getting people back to work essentially. But, the environmental degradation was insufficiently addressed and the political environment that was rife with corruption turned a blind eye to this in favor of capitalizing upon clean-up cash.

> [L]ocal companies with ties to insiders garnered lucrative cleanup contracts and then charged BP for every imaginable expense. The prime cleanup company, which had a history of bad debts and no oil-spill experience, submitted bills with little documentation or none at all. A subcontractor charged BP $15,400 per month to rent a generator that usually cost $1,500 a month. A company owned in part by the St. Bernard Parish sheriff charged more than $1 million a month for land it had been renting for less than $1,700 a month.[43]

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[42] "Thinning Out the Vessels of Opportunity," [Available Online]: http://www.wjhg.com/home/headlines/97182844.html.

[43] ProPublica et al., "'Spillionaires.'"

Reports from many news organizations, including *The Associated Press* and *The Times*, have exposed that much of the money that initially flowed into the Gulf Coast was spent in deceitful, and in some cases, illegal ways. There are many examples of price gouging that ensued from this once-in-a-lifetime opportunity, including: the rental of a marina for more than $1 million USD monthly, a space that typically leased for $1,700 per month; the purchasing of expensive SUVs for parish officials; spending on commodities that are not associated with clean-up and disaster remediation such as tasers, use of helicopters for activities not associated with oil-spotting, and the list goes on.[44] This problematic practice has resulted in protracted litigation, which has not only halted legitimate clean-up payments but has resulted in a further entrenchment of corrupt practices and resulted in further trauma for many communities. However, the complexity of the communities impacted by Deepwater Horizon on the Gulf Coast cannot be articulated by the cases of corruption and creation of the BP rich that dominated Louisiana.[45] Although the blurring of regulatory lines that was present in the aftermath of the Deepwater Horizon has resulted in "egregious misconduct," many of these behaviors are simply a continuation of practices that preceded the disaster as well, and in some cases catalyzed the disaster.[46]

Overall, the story of the spillionaires is a story of disastrous corruption that is readily identifiable in many post-disaster situations; it is not unlike the disastrous corruption that preceded the explosion of the Deepwater Horizon oilrig in April of 2010. Certainly, the Gulf Coast became a "zone of political and economic

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[44] Whittell, "Spillionaires."
[45] Ritchie, Gill, and Picou, "The BP Disaster as an Exxon Valdez Rerun."
[46] Rebecca M Bratspies, "Regulatory Wake-up Call: Lessons from BP's Deepwater Horizon Disaster, A," *Golden Gate U. Envtl. LJ* 5 (2011): 7; Alyson Flournoy et al., "Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence," 2010.

calculation" that entailed a "variety of actors, agents, and processes" participating in practices of capital accumulation by dispossession.[47] In many ways, the forces of environmental degradation were slowed and diverted through environmental remediation, deployment of oil booms, de-oiling of birds, etc., but the capitalization of the disaster and fleecing of clean-up funds for disreputable purposes overshadow these practices and distracts attention from the forces of production that initiated the disaster in the first place. The monies that flowed into Gulf Coast communities is representative of eco-commercialism, providing the funds to remediate some of the environmental degradation while creating new economic opportunities directly and indirectly related to the disaster. On one level, this practice reestablished economic normalcy for some citizens whose economic livelihoods were impacted in some way, allowing them to go back to work in some cases, or at least recuperate economic damages that had been incurred as a result of the disaster. Secondarily, the (in)ability to manage the funds often results in arrested disbursements, arrested remediation, and protracted litigation thereby extending the disaster for years, and possibly decades, to come. What's more is that the discursive circulation of the concept of the spillionaires that was pervasive in the aftermath of the Deepwater Horizon disaster distracts from the very real economic, social, and environmental harms that many communities are continuing to suffer. As opposed to understanding the perpetual victimization of the people and environment that is at the heart of the Gulf's sacrifice zone, an faulty image of individual and community greed becomes more politically interesting than the underlying practices of British Petroleum and its conglomerates that necessitate everyday disastrousness. And while some companies and individuals were guilty of gaming the system of clean-up

[47] Watts, "A Tale of Two Gulfs: Life, Death, and Dispossession along Two Oil Frontiers."

contracts, there were far more who did not and still yet others who coincidentally benefitted from the disaster, as in the case of Dawn.

Dawn Saves Wildlife: Accidental Eco-Commercialism and CSR

In 2010, as Earth Day neared, Proctor & Gamble began to air television ads about the effectiveness of Dawn dish detergent in cleaning oiled wildlife. The ads ran well ahead of the April 17th disaster, as early as the summer of 2009, but in the days before the explosion on board Deepwater Horizon, foreshadowed the inevitable, and terrible, fate of many marine animals in the Gulf of Mexico. The commercial campaign entitled 'Dawn Saves Wildlife' highlighted the company's "reputation as the soap of choice among nonprofit groups that clean birds and marine mammals harmed by oil spills."[48] Indeed, the US Fish & Wildlife Service has stated that Dawn is the "preferred washing product and has been shown to be safe and effective for removing oil."[49] This sort of endorsement is something that many other companies could only hope for as it positions the product not just in an environmentally friendly light but also feeds directly into the discourse of being a socially responsible corporation. For more than 30 years, Dawn was also the choice weapon against oil at the International Bird Rescue Center.[50] Today, Dawn and the

[48] Leslie Kaufman, "Spill Provides Marketing Opportunity for Dawn Detergent," *The New York Times*, June 15, 2010, sec. Science / Environment, http://www.nytimes.com/2010/06/16/science/earth/16dawn.html.

[49] "High-Pressure, Hot-Water Washing and Oil Spills | Response.restoration.noaa.gov," [Available Online]: http://response.restoration.noaa.gov/oil-and-chemical-spills/significant-incidents/exxon-valdez-oil-spill/high-pressure-hot-water-washing.html.

[50] "International Bird Rescue - Our Work - Aquatic Bird Rehabilitation - Our Process for Helping Oiled Birds - Washing, Rinsing, Drying, Waterproofing, Release, Preparedness for the Next Emergency," [Available Online]: http://bird-rescue.org/our-work/aquatic-bird-rehabilitation/our-process-for-helping-oiled-birds.aspx.

IBRC are partners, with Proctor and Gamble donating all of the detergent and the rescue center doing the cleaning.

In today's global economy, "businesses are largely responsible for creating the wealth upon which the well-being of society depends. As businesses create wealth, their actions impact societies [. . .] in turn societies, and their governments create laws, regulation and expectations" that govern the way business is conducted.[51] This interaction amongst stakeholders is increasingly important for the ways that corporations manage their brand and CSR may be the competitive advantage that gives one company the edge over another. Dawn has effectively been able to position itself as a good corporate citizen that is not only socially aware but also cares deeply about environmental concerns. While the value of such discursive narratives and positioning is difficult to assess, it became obvious that Dawn was a company that would benefit from favorable marketing and goodwill gestures in the aftermath of the Deepwater Horizon disaster. The commercial campaign depicted "blackened baby otters and ducklings emerging cleansed by a Dawn bubble bath," and had been airing infrequently since the previous year.[52] The timing of the advertisement campaign coincided with the explosion, and eventual sinking, of the Deepwater Horizon rig. The unfortunate circumstances turned out to be a marketing opportunity for Dawn, whose executives, along with the general public were "watching their commercials recreated in TV news reports about hapless birds covered in oil, creating an accidental—and uneasy—bit of product placement."[53] Even with the discomfort, marketers seized upon the opportunity to further entrench the good name of Dawn into consumer consciousness,

[51] Michele V. Gee and Sue M. Norton, "Corporate Social Responsibility: Strategic and Managerial Implications," *Journal of Leadership, Accountability and Ethics* 10, no. 3 (2013): 37–43.
[52] Kaufman, "Spill Provides Marketing Opportunity for Dawn Detergent."
[53] Ibid.

immediately sending more than 7,000 bottles of the detergent to the Gulf gratis. Considering the amount of Dawn needed to de-oil each animal, about 1 bottle per animal, this was a sizable donation that would have at least short-term benefits for some of the traumatized wildlife.[54] This particular strategy has been used in the aftermath of many oil spills and clean-up efforts from industrial accidents. "After a 1971 oil spill, the California-based nonprofit group began experimenting with products including paint thinner and nail polish remover to find the least traumatizing method for cleaning oiled animals. In 1978, the researchers settled on the blue liquid soap," which could cut through the grease but was still gentle enough to be used on traumatized animals.[55]

Although Proctor and Gamble did not orchestrate the circumstances around the Deepwater Horizon disaster, it certainly capitalized on the opportunity, telling its customers: "Every time you use dishwashing liquid from Dawn, you help save wildlife. It's tough on grease yet gentle, making it the only dish liquid wildlife experts trust."[56] Dawn agreed to donate $1 per special bottle of soap, denoted by sea otters and fuzzy ducklings to wildlife rescue organizations but, there was a catch—the donation was not activated automatically by the purchase, rather it necessitated activation by the consumer.[57] This particular discursive strategy

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[54] Mark Russell, Jay Holcomb, and Alice Berkner, "30-Years of Oiled Wildlife Response Statistics," in *PROCEEDINGS OF THE 7TH INTERNATIONAL EFFECTS OF OIL AND WILDLIFE CONFERENCE*, 2003, 1–18.

[55] Melissa Bell, "Procter & Gamble Win Fans as Birds in Gulf Oil Spill Are Cleaned with Dawn Soap," *The Washington Post*, June 17, 2010, sec. Arts & Living, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/15/AR2010061504363.html.

[56] "Dawn Saves Wildlife – You Can Make A Difference With Dawn," [Available Online]: http://www.dawn-dish.com/us/dawn/savingwildlife.

[57] Monica Potts, "Squeaky Clean," *The American Prospect*, July 6, 2010, http://prospect.org/article/squeaky-clean-0. "Gulf Oil Spill Puts Dawn Soap In Spotlight : The Two-Way : NPR," [Available Online]: http://www.npr.org/blogs/thetwo-way/2010/04/gulf_oil_spill_puts_dawn_soap.html.

distracts, once again, from the conditions that produced the disaster in the first place and allays concerns about ecological harm as the product is able to meet the needs of wildlife all while increasing profit and goodwill. Outside of the confusion surrounding the $1/bottle donation, there are other contradictions that need to be highlighted with the use of Dawn as an official disaster response. In keeping with the second contradiction of capitalism, it builds upon the undermining of conditions of production and fails to recognize that Dawn is itself a petroleum-based product, and that is precisely what makes it tough on grease.[58] Mother Nature Network has noted this fact as a "sad irony" in which "every bottle of Dawn used to clean a bird actually adds to our nation's demand for oil."[59] By using an oil-based product to clean oil, remediators knowingly support the industries that have created the disaster, thereby incentivizing further drilling and "making it more likely that there will be another spill" that can again be profitable.[60] Thus, Dawn participates and is involved in the broader production of environmental degradation related to oil extraction and consumption.

Although Procter & Gamble did not initiate donations of Dawn until 1989, the company has more recently raised money "for the [IBRC] and also the Marine Mammal Center" and created distance from critiques that call into question less-than-green practices of the company such as animal testing, chemical use, and

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[58] "Why Dawn Is The Bird Cleanser Of Choice For Oil Spills : NPR," [Available Online]: http://www.npr.org/templates/story/story.php?storyId=127999735. "Capitalizing on Chaos: Climate Change and Disaster Capitalism | Ephemera," [Available Online]: http://www.ephemerajournal.org/contribution/capitalizing-chaos-climate-change-and-disaster-capitalism.

[59] "The Sad Irony of Using Dawn to Clean Oiled Birds," *MNN - Mother Nature Network*, [Available Online]: http://www.mnn.com/earth-matters/wilderness-resources/blogs/the-sad-irony-of-using-dawn-to-clean-oiled-birds.

[60] Ibid.

lobbying against environmental protections.[61] Proctor & Gamble is the number one advertiser in the United States and has successfully marketed Dawn as having particular characteristics that other household soaps do not have.[62] In 2010, the 'Dawn Saves Wildlife' campaign raised more than $500,000 USD for the organizations in the immediate aftermath of the Deepwater Horizon, thanks in part to those $1 donations. And while there is a lot of opportunity for eco-commercial enterprise, there are many concerns about the effectiveness of cleaning birds in the long term as many returned animals become oiled once again. The oil that was being cut by Dawn in the Gulf was so heavy that it took more than three bottles of the product per bird, a practice that raises doubts about the sustainability and effectiveness of this practice.[63] Jay Holcomb, executive director of the IBRC noted that it is impossible to know what happens to the birds after they have been cleaned, he stated: "It is like a Band-Aid to a gunshot wound to the heart."[64] In other words, de-oiling birds does not address the 'grow or die' imperative that is fundamental to the global economy and perhaps more fundamental to the energy industry. Ultimately, de-oiling birds is a way to "focus on the symptoms of a grim social pathology rather than on the pathology itself" thus, the practice itself, in addition to the marketing campaign, normalizes environmental disaster because the efforts that are extended toward environmental remediation are more "directed toward limited goals whose attainment is more cosmetic than curative."[65] The strategies deployed by P&G and other companies to remediate the Deepwater Horizon disaster sustain economic growth and is ultimately

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[61] Kaufman, "Spill Provides Marketing Opportunity for Dawn Detergent." Potts, "Squeaky Clean."
[62] Potts, "Squeaky Clean."
[63] Kaufman, "Spill Provides Marketing Opportunity for Dawn Detergent."
[64] Ibid.
[65] M. Bookchin, *The Modern Crisis* (Black Rose Books Ltd, 1987). Murray Bookchin, *What Is Social Ecology?* (na, 1993).

incompatible with "systemic societal changes necessary to mitigate" the capitalist forces of destruction.[66] But, CSR is a convenient way to distract from this incompatibility, a fact that the public relations team at British Petroleum understood well before the Deepwater Horizon disaster. The carefully constructed brand, which are meant to convey responsibility and ethical handling of the environment, was badly tarnished by the cynicism of BP's disaster response, and the company's ability to frame power/knowledge about environmental disaster was thus brought into question.

Beyond Petroleum—Cynical Social Responsibility Under Capitalist Expansion

> *"Until its Greenwash came tumbling down with the Deepwater Horizon oil spill in 2010, BP was the industry leader in pretending to be something other than an oil company. Typically, the marketing would suggest that BP was deeply concerned about climate change, or that it was transforming into a company dominated by renewable energy."*[67]

Ten years before the Deepwater Horizon Disaster, BP Amoco underwent a facelift; the company rebranded itself as 'bp: beyond petroleum,' an ethical energy company.[68] The corporate makeover conveyed to the public that BP was not just an oil company but, a company that was heavily investing in all sorts of alternative energies—especially solar—highlighted by new logo, which can be described as a mixture of a budding green flower and a yellow sunburst, called Helios, after the mythological Greek sun god. The new lower case lettering can also be interpreted as a giving off a friendlier, less dominating vibe, in essence shedding its imperialistic roots and becoming a company that consumers could feel good about being involved in. Understanding that profit motive, not ethics, was behind BP's

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[66] "Capitalizing on Chaos: Climate Change and Disaster Capitalism | Ephemera."
[67] Pearse, G. (2012). Greenwash: Big Brands and Carbon Scams, Black Incorporated.
[68] Sharon Beder, "BP: Beyond Petroleum?," *Faculty of Arts-Papers*, 2002, 49. Atle Christer Christiansen, "Beyond Petroleum: Can BP Deliver," *FNI-Report* 6 (2002): 2002.

foray into CSR allows for a more sober view of the company's intention behind the rebranding. A critical view of this CSR campaign cannot accept it for its face value; rather a critical view necessitates placing the campaign into "the overwhelming institutional logic of capitalist expansion, crisis and control."[69] The campaign was convincing and customers felt more favorable and positive toward BP as a result.[70] "Along with its new name, bp launched a new line of petrol stations in the US, UK and Australia called bp connect," which helped the company in its effort to reposition itself as an environmentally conscious organization.[71] The image was completed with a thematic remodeling of all petrol stations in a green, white, and yellow color scheme. The branding campaign was successful in giving new life to the company and positioned it as a strong player in an economy that demanded some degree of accountability to its core constituency.[72] Overall, the campaign helped BP to establish itself, although in a disingenuous way, "as an environmental progressive in an industry that largely refused to accept the likelihood of global warming."[73] This sort of corporate salvation campaign allowed BP to garner support for being a "born-again corporate greenie," drowning out the voices of many critics.[74] British Petroleum was successfully able to cultivate a reputation that distracted from the dark side of the oil business. And even though this framing of the company's ethics was hypocritical, and BP was widely understood as playing fast and loose with regulations and safety, it was not until the massive disaster of Deepwater Horizon

[69] Peter Fleming and Marc T. Jones, *The End of Corporate Social Responsibility: Crisis and Critique* (SAGE, 2012).
[70] Christiansen, "Beyond Petroleum: Can BP Deliver."
[71] Beder, "BP: Beyond Petroleum?"
[72] Paul A. Argenti and Bob Druckenmiller, "Reputation and the Corporate Brand," *Corporate Reputation Review* 6, no. 4 (2004): 368–74.
[73] Beder, "BP: Beyond Petroleum?"
[74] G. Pearse, *Greenwash: Big Brands and Carbon Scams* (Black Incorporated, 2012).

that the greenwashed 'beyond petroleum' campaign was weakened.[75] In the aftermath of the disaster the notion of 'beyond' took on a more literal meaning, as the company was in a very real sense "speeding up the demise of its core business resource" through "rampant overuse" and wastage.[76]

The disaster highlighted an important, although not surprising, incongruence between the image that BP had been projecting for years and the reality of their sustainably degrading practices—BP had hypocritically portrayed their business practices. The devastation of the event brought into focus many problematic practices of the company and raised the questions about socially irresponsible behaviors including involvement in countries with poor human rights records, environmentally unsustainable practices, and a dismal safety record.[77] By the time of the Deepwater Horizon disaster, disasters had "become commonplace in the world of British Petroleum," thanks, in part, to its practices of cutting corners and taking risks.[78] "BP has led the Big Oil league in deaths and disaster. In 2005, fifteen people were killed and 170 injured when BP's Texas City refinery blew up due to shoddy safety standards," followed by the collapse of the pioneering deepwater drilling rig *Thunder Horse!* in 2006 after Hurricane Dennis, and the spilling of 20,000 gallons of crude oil in Prudhoe Bay in 2007.[79] The investigations that followed the Deepwater Horizon disaster, including Congressional hearings, found that "BP cut corner after corner to save a million dollars here, a few hours or days there" and the result is an environmental disaster that the entire Gulf Coast

[75] Fleming and Jones, *The End of Corporate Social Responsibility*.
[76] Ibid.
[77] "BP's Dismal Safety Record - ABC News," [Available Online]: http://abcnews.go.com/WN/bps-dismal-safety-record/story?id=10763042.
[78] Bill Belleville, "The Tarball Chronicles: A Journey beyond the Oiled Pelican and into the Heart of the Gulf Oil Spill," *Interdisciplinary Studies in Literature and Environment* 19 (2012): 593–95.
[79] Ibid.

has to pay for.[80] Ultimately, there is no amount of good publicity, advertising, and goodwill generated from corporate social responsibility campaigns that can overcome the reality of BP's destructive practices, although the efforts certainly distract and help to shape public memory. CSR campaigns are not just about the absolution of a guilty corporate conscious—there is money to be made from socially responsible practices, and the marketing that coincides them. CSR attracts new investment opportunities, new customers, and new talent with many young workers wanting to work in companies that are making a positive impact in the world.[81] A successful corporate socially responsible agenda understands that the prosperity of a corporation is facilitated by a number of agents, including: "employees, customers, suppliers, and stakeholders. CSR is about managing these relationships to produce and overall positive impact on society, whilst making money."[82] The branding is a type of promise to customers, telling them what they should expect of a company.[83] Of course, British Petroleum and other corporations that are heavily involved in the destruction of the environment can do well enough through CSR to give the impression that a positive impact is being made, perhaps without having to actually make the impact in reality. As in the case of Dawn, Chevrolet was also able to boost their public image through their official response to the disaster.

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[80] Peter Lehner and Bob Deans, *In Deep Water: The Anatomy of a Disaster, the Fate of the Gulf, and How to End Our Oil Addiction* (Or Books, 2010).

[81] Rob Fenn, "Benefits of Corporate Social Responsibility," *Sustainable Business Toolkit*, [Available Online]: http://www.sustainablebusinesstoolkit.com/benefits-of-corporate-social-responsibility/.

[82] Ibid.

[83] Matthew J. Cox, "Sustainable Communication: A Study of Green Advertising and Audience Reception within the Growing Arena of Corporate Social Responsibility. Case Study: British Petroleum," *Case Study: British Petroleum*, 2008; Argenti and Druckenmiller, "Reputation and the Corporate Brand."

Recycling Oil Booms for Electric Cars: The Chevy Volt

Another notable case of corporate social responsibility that was born out of the Deepwater Horizon disaster is General Motor's ingenious efforts to up-cycle more than 10,000 pounds of the oil booms into parts for the electric Chevrolet Volt.[84] The floating containment booms are designed to halt the surface oil from further encroachment. Of course, the fact that Chevrolet is using the containment booms, which are petroleum products in and of themselves, into an electric car is a message to the general public about their concern for the environment and builds upon the ongoing excavation of their corporate reputation as a green company. CSR provides a company with palliative care or at least a distraction from the root causes of the issues that they are seeking distance from. Although the campaigns tend to satisfy and pacify customers, the environmental impacts of such efforts remain dubious.[85] The processing of the oil-soaked containment booms is a time and labor-intensive process that involves multiple corporations and in the end may be costlier to produce because there must be a profit-margin for each company that is involved in the processing.

> Heritage Environmental, a waste-disposal company, collects the booms, then passes the polypropylene to Mobile Fluid Recovery, which spins the material to separate the plastic from the oil and wastewater. Then Lucent Polymers treats the oil-less plastic, passes

[84] "GM Is Turning Recycled Deepwater Horizon Oil Containment Booms Into New Chevy Volts," *Popular Science*, [Available Online]: http://www.popsci.com/cars/article/2010-12/gm-use-recycled-gulf-oil-spill-containment-equipment-chevy-volt. "GM Recycles Oil-Soaked Booms From BP Spill Into Parts for Chevy Volt : Discoblog," [Available Online]: http://blogs.discovermagazine.com/discoblog/2010/12/21/gm-recycles-oil-soaked-booms-from-bp-spill-into-parts-for-chevy-volt/#.VNz3I8a7ckQ.

[85] Aaron Chatterji and Siona Listokin, "Corporate Social Irresponsibility," *Democracy: A Journal of Ideas* 3 (2007): 52–63.

> it to a GM plant which creates parts from it, and then to a GM assembly line.[86]

Although the practice is not a sustainable one, it was a clever marketing tool for the company. In fact, this strategy may have helped Chevy Volt earn the title of 2011 Green Car of the Year.[87] The end product of the processed oil booms "will make up about 25% of an internal part used to direct air around the Volt's radiators, which sounds kind of negligible until you realize that this recycling will save over 100,000 pounds of polypropylene from ending up in landfills."[88] While the recycled booms provided for the first year of the Volt's production at 10,000 vehicles, more lasting contributions from this recycling program are unlikely.[89] Meanwhile, other profit-driven regimes of disaster response are popping up alongside the emerging landscapes of unconventional oil development. As illustrated in the following section, the Deepwater Horizon disaster has the potential to make lasting impacts for the insurance industry.

Increasing Insurance Premiums & Limits of Liability

The financial impact of Deepwater Horizon, much like the environmental impact, remains uncertain even nearly five years after the disaster. There were many parties involved and, therefore, many ways to assess/argue liability. Presently, the litigation is ongoing although BP has been found to be "grossly negligent" in the case, which if upheld after appeals could "cost the company as much as $18 billion in pollution fines," a penalty that might be as much as $4,300 USD per barrel of oil

[86] "GM Is Turning Recycled Deepwater Horizon Oil Containment Booms Into New Chevy Volts."
[87] "Chevy Volt Selected as Green Car of the Year," [Available Online]: http://focusdailynews.com/chevy-volt-selected-as-green-car-of-the-year-p2466-84.htm.
[88] "GM Is Turning Recycled Deepwater Horizon Oil Containment Booms Into New Chevy Volts."
[89] Schwartz, "Making Lemonade."

spilled.[90] Here again, the eco-managerial focus on quantifying the amount of oil expelled into the Gulf of Mexico as a result of the disaster overlaps in a significant manner with the eco-commercial effects because it is a determining factor for the financial penalty—a fact that BP surely knew when they underestimated the amount of oil spewed into the Gulf.

The magnitude of the disaster means that legal claims will likely be made against all of the corporations involved: "Transocean Ltd, the owner and operator of the rig, British Petroleum PLC, who holds a 65 percent interest in the oil drilling lease, Halliburton Energy Services, Inc., who was engaged in cementing work on the well cap prior to the explosion, and Cameron International Corp., the manufacturer of the blow-out preventer."[91] Moreover, there are many areas of the law that can be used to assess responsibility across a range of issues, across a number of economies. Needless to say, insurance companies backing these corporations are reassessing their desire to be involved in risky deepwater drilling operations and are also reconsidering their methods for assessing limits of liability, which is the maximum amount of judgment payable under a particular policy. The size of British Petroleum, in many ways, insulated it from financial collapse; a smaller company might not have been able to financially weather the disaster.

Nonetheless, the enormity of the disaster also placed severe strain on insurance companies that were involved in financially securing the risks to the physical

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[90] Daniel Gilbert and Justin Scheck, "BP Is Found Grossly Negligent in Deepwater Horizon Disaster," *Wall Street Journal*, September 5, 2014, sec. Business, http://www.wsj.com/articles/u-s-judge-finds-bp-grossly-negligent-in-2010-deepwater-horizon-disaster-1409842182.

[91] "Insurance Implications of the Deepwater Horizon Disaster," [Available Online]: http://www.lexisnexis.com.ezproxy.lib.vt.edu/legalnewsroom/insurance/b/insurance-law-blog/archive/2010/05/17/insurance-implications-of-the-deepwater-horizon-disaster-by-michael-cessna-of-counsel-lathrop-amp-gage-llp.aspx.

infrastructure or other specific parts of the assemblage of deepwater drilling. Although BP was self-insured through a captive insurer—Jupiter Insurance—an 'A' rated company that provides risk-mitigation to its parent company, "within one week of the incident the insurance market paid $560 million as a total loss settlement on the semi-submersible drilling rig."[92] British Petroleum can claim up to $700 million USD from its subsidiary Jupiter Insurance, which was the inadequate limit of liability set by the company when the Deepwater Horizon rig was initially insured. "Jupiter's business is 95% fronted through AIRCO, a unit of American International Group," the same AIG that was bailed out by the Federal Reserve to the tune of $182 billion USD.[93] Captive insurance companies are traditionally formed if a "parent company is not able to find an outside firm to insure against a particular business risk [or] if the parent company determines that the premiums it pays to the captive insurance company are sufficiently deductible" or the captive insurer is more affordable/offers better coverage than other options from outside companies.[94] A.M. Best, an insurance industry ratings agency, reported that Jupiter posted a profit of $740 million USD in 2009 and was slated for a non-taxed $1 billion USD profit in 2010, before the spill.[95] *The Wall Street Journal* cites the tax incentives as a major reason why captive insurers operate

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[92] Julia Kollewe, "Lloyd's of London Warns of 'Perfect Storm' Threat to Insurance Market," *The Guardian*, May 17, 2010, sec. Business, http://www.guardian.co.uk/business/2010/may/18/lloyds-insurance-disasters-profit-warning; "Jupiter Insurance Ratings Are out of This World | Captive Insurance Times News | Captiveinsurancetimes.com," [Available Online]: http://www.captiveinsurancetimes.com/captiveinsurancenews/article.php?article_id=2855#.VNwjdca7ckQ.

[93] "BP Oil Spill Sparks Debate on Captive Insurers," June 9, 2010GMT, http://blogs.wsj.com/source/2010/06/09/bp-oil-spill-sparks-debate-on-captive-insurers/; Daniel Gross, "Remember the $182 Billion AIG Bailout? It Just Wasn't Generous Enough," *The Daily Beast*, October 15, 2014, http://www.thedailybeast.com/articles/2014/10/15/remember-the-182-billion-aig-bailout-it-just-wasn-t-generous-enough.html.

[94] "Captive Insurance Company Definition | Investopedia," [Available Online]: http://www.investopedia.com/terms/c/captive-insurance-company.asp.

[95] "BP Oil Spill Sparks Debate on Captive Insurers."

offshore—the "profits are untaxed and the premiums that the parent [company] paid were tax deductible."[96] Using a captive insurer means that BP will pay the bill for the spill and will need to recapitalize the insurer, a risky practice that ultimately made other insurers and oil conglomerates reconsider the way that they do business.

The Deepwater Horizon disaster resulted in one of the largest one-time losses to ever impact the energy market and caused insurance companies and energy companies alike to question whether they were adequately covered in the event of another major oil catastrophe. Over $270 million of the initial $560 million paid out in the weeks following the disaster was paid by Lloyd's market, a huge hit to any single company.[97] Although captive insurance companies take substantial risks they are also presented with the opportunity for substantial profits—often operating in tax-efficient or tax-free locations.[98] Moreover, captive insurers typically have access to the reinsurance market, an economic safety feature that the parent company may not have access to. This market, however, is increasingly coming under judicial scrutiny as companies are seeking to pass along their exposure and risk to open-market reinsurers.[99] Additionally, smaller oil and gas companies that cannot afford to self-insure are increasingly under strain. Reinsurance, or what some call catastrophe swaps, operate in much the same way that credit default swaps operate. Catastrophe swaps are "customizable financial instrument[s] traded in the over-the-counter derivatives market that enables

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[96] Ibid.
[97] Kollewe, "Lloyd's of London Warns of 'Perfect Storm' Threat to Insurance Market."
[98] William P. Elliott, "A GUIDE TO CAPTIVE INSURANCE COMPANIES (PART 2)," *Journal of International Taxation* 16, no. 7 (2005): 28.
[99] Stephen Tester, Judith Aldersey-Williams, and Neil Beighton, "Captive Insurance Companies under Pressure | Lexology," [Available Online]: http://www.lexology.com/library/detail.aspx?g=8a61f917-12f5-4958-bb92-a3699e9728cd.

insurers to guard against massive potential losses resulting from a major natural disaster."[100] This technique for managing disaster is risky but, there is the potential for perverse profit to be made in the event of disaster, which is framed as being highly unlikely—an impression that ought to be reconsidered as the effects of climate change will certainly impact deepwater drilling rigs more frequently and more severely as a result of wind and storm damage, for example. Indeed, "climate change is likely to lead to an increase in the frequency and/or intensity of certain types of" hazards where some "affected areas become wealthier over time and rational individuals and governments undertake defensive mitigation measures, which requires normalizing economic losses."[101] "In a catastrophe swap, two parties, an insurer and an investor, exchange streams of periodic payments. The insurer's payments are based on a portfolio of the investor's securities, and the investor's payments are based on potential catastrophe losses as predicted by a catastrophe loss index."[102] Presently, there has only been one such third-party catastrophe bond brought to market, which was largely seen as too expensive and too lacking in terms of coverage offered.[103]

Until this mechanism is successfully brought to market, the landscape of oil and gas insurance has been profoundly altered by the Deepwater Horizon disaster. Indeed, there has been a broader acceptance amongst insurance companies of the dangers associated with extreme drilling, extreme technology, and extreme terrain. The predominant way that insurance companies have been able mitigate losses that they may incur as a result of their investments/backing of deepwater

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[100] "Catastrophe Swap Definition | Investopedia," [Available Online]: http://www.investopedia.com/terms/c/catastrophe-swap.asp.
[101] Eric Neumayer and Fabian Barthel, "Normalizing Economic Loss from Natural Disasters: A Global Analysis," *Global Environmental Change* 21, no. 1 (2011): 13–24.
[102] "Catastrophe Swap Definition | Investopedia."
[103] "BP Oil Spill Sparks Debate on Captive Insurers."

drilling operations is to increase insurance premiums on policies covering these risky drilling operations. Oil and gas companies, in particular, must weigh the costs and benefits of purchasing expensive free-market insurance policies (if available), or risk exposure to potential financial ruin by self-insuring against liability and incurring costs for losses.[104] The tension is exacerbated because often it is crucial for claims to be settled quickly to avoid protracted legal costs in addition to the need to salvage a carefully crafted corporate image. According to underwriters, the Deepwater Horizon disaster "drove up premiums for insuring deepwater operations by 25-30% and deepwater drilling by 100%."[105] The chief underwriting officer at Lancashire noted that some clients were purchasing double the amount of coverage in comparison with what they had previously carried before Deepwater Horizon.[106] Some insurers completely halted "third party insurance [of] the offshore oil and gas market," thereby limiting their exposure to unnecessary risks and protecting themselves from potential failure in the case of an unforeseen event.[107]

While all stakeholders involved in deepwater drilling are experiencing an increase in premiums, there is some variation. Exploration and production companies are seeing negligible increases estimated around 10%, while drilling contractors are

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[104] Stephen Tester, Judith Aldersey-Williams, and Neil Beighton, "Captive Insurance Companies under Pressure | Lexology," [Available Online]: http://www.lexology.com/library/detail.aspx?g=8a61f917-12f5-4958-bb92-a3699e9728cd.

[105] Julia Kollewe, "Oil Industry Set for Surge in Insurance Premiums after Deepwater Disaster," *The Guardian*, [Available Online]: http://www.theguardian.com/business/2010/sep/20/deepwater-oil-rigs-insurance-costs.

[106] "RIGZONE - Post-Macondo Insurance Costs Rise, Short-Term Earnings Impact Not Yet Seen," [Available Online]: http://www.rigzone.com/news/oil_gas/a/117025/PostMacondo_Insurance_Costs_Rise_ShortTerm_Earnings_Impact_Not_Yet_Seen.

[107] Kollewe, "Lloyd's of London Warns of 'Perfect Storm' Threat to Insurance Market."

reporting closer to 20% increases.[108] Oil conglomerates argue that the "rarity of catastrophic blowouts, there is a lack of data to estimate actuarially fair premiums."[109] The potential of unconstrained liability, albeit nominal, could mean financial ruin for companies that cannot afford to self-insure—a practice that would further entrench the practices of huge oil conglomerates like Exxon and BP. If insurance companies refuse to cover liability for deepwater drilling, or demand impossible premiums, the state would be forced to assess whether it would be willing/able to subsidize the risk.[110] This debate might also be changed by shareholder concerns over investments in deepwater drilling or reconsiderations of liability limits set under the Oil Pollution Act. According to the OPA regulations at the time of the disaster, British Petroleum is the responsible party required to cover costs "for removal and government response costs, property and natural resource damages, and economic losses resulting from the oil spill."[111] However, there was a $75 million USD limitation of liability in April of 2010, which was revised to $1 billion USD in October of 2010, despite calls from Democrats for an unlimited liability. The $1 billion amount is clearly inadequate to cover the total costs from the disaster; thus, there are costs that taxpayers will have to shoulder.[112]

Meanwhile, oil and gas companies are continuing to turn a profit in the wake of Deepwater Horizon. The rupture of the Deepwater Horizon disaster may have opened the space for a moment of reflection but, if it did, it was short-lived as there

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[108] "RIGZONE - Post-Macondo Insurance Costs Rise, Short-Term Earnings Impact Not Yet Seen."
[109] Joseph E Aldy, "Real-Time Economic Analysis and Policy Development During the BP Deepwater Horizon Oil Spill," *Vand. L. Rev.* 64 (2011): 1793.
[110] Ronen Perry, "Deepwater Horizon Oil Spill and the Limits of Civil Liability, The," *Wash. L. Rev.* 86 (2011): 1.
[111] "Insurance Implications of the Deepwater Horizon Disaster."
[112] "Deepwater Horizon Oil Spill: Preliminary Assessment of Federal Financial Risks and Cost Reimbursement and Notification Policies and Procedures," [Available Online]: http://www.gao.gov/products/GAO-11-90R.

are now even more deepwater rigs in operation than were in existence at the time of the spill.

> [A]fter a brief pause, business has not just returned to normal in the Gulf of Mexico, but been turbo-charged. There are now 39 oilrigs operating in its deep seas, about a third more than before the Deepwater disaster. Elsewhere, exploration has surged further and deeper into the oceans. Five months after Deepwater erupted, the Brazilian oil giant Petrobras achieved another superlative, the world's largest-ever share offering, which raised $67 billion USD to fund its exploitation of the vast, deep and ultra-deep oil fields off its coast. But even this is not the region that has analysts bubbling with most excitement. Africa's west coast, from Angola to Congo to Nigeria, has the world's richest fields.[113]

The "money spill," then, has essentially made more money for the offending parties than it has for the fortunate few spillionaires whose communities are still suffering from "considerable social and economic disruption." [114] Even with tightened regulations and oversight, the oil and gas industry including offshore drilling remains one of the least regulated industries.[115] "BP reported a 17 percent increase in profits for the first quarter of 2011. However, as a result of having to pay for the cleanup, they had to sell off about 20 percent of its assets, which resulted in an 11 percent decrease in production" in comparison with 2010.[116] In the immediate aftermath of the "Gulf of Mexico disaster, BP was making enough profit in four days to cover the entire cost of the spill cleanup."[117] From 2001 to

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[113] Ibid. "BP's Role in Deepwater Horizon Drilling Highlighted by Contractors," *Financial Times*, [Available Online]: http://blogs.ft.com/energy-source/2010/05/11/bps-role-in-deepwater-horizon-drilling-highlighted-by-contractors/.

[114] Ritchie, L. A., D. A. Gill, et al. (2011). "The BP disaster as an Exxon Valdez rerun." Contexts **10**(3): 30-35.

[115] "RIGZONE - Post-Macondo Insurance Costs Rise, Short-Term Earnings Impact Not Yet Seen."

[116] Ibid.

[117] Susan Lyon, Daniel J. Weiss | May 26, and 2010, "Making Money on Oil Disasters," *Name*, [Available Online]:

2009, BP made $163 billion USD in profit, and in the first quarter of 2010—the quarter in which the Deepwater Horizon disaster occurred—BP made $5.6 billion. The Washington Post found that "BP said it spent $350 million in the first 20 days of the spill response, about $17.5 million a day. It has paid 295 of the 4,700 claims received, for a total of $3.5 million. By contrast, in the first quarter of the year, the London-based oil giant's profits averaged $93 million a day."[118] Transocean profited for than $270 million USD from the disaster as a result of insurance payouts because the amount of insurance that the company actually carried on the rig was much larger than the actual value of the infrastructure.[119] Halliburton, similarly profited, with 2012 first quarter profits up more than $511 million USD from 2011.[120] Essentially, any disaster has always resulted in socialized hazards and privatized profits.

Some of Halliburton's profit is likely a result of the company's timely acquisition of Boots & Coots, essentially an oil spill prevention firm that also specializes in oil spill clean-up. Basically, Boots & Coots is a for-profit version of the non-profit Marine Spill Response Corporation.[121] The company that specializes in emergency intervention and management of "pressure control services for oil and gas wells."[122] Although there has been a good deal of speculation about the possibility of Halliburton having advance knowledge about the pressure issues that led, in

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https://www.americanprogress.org/issues/green/news/2010/05/26/7726/making-money-on-oil-disasters/.

[118] Steven Mufson, "BP Facing a Wave of Pressure, but Not from Its Balance Sheet," *The Washington Post*, May 11, 2010, sec. Business, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/10/AR2010051004664.html; Lyon, 26, and 2010, "Making Money on Oil Disasters."

[119] "RIGZONE - Post-Macondo Insurance Costs Rise, Short-Term Earnings Impact Not Yet Seen."

[120] Ibid.

[121] "Marine Spill Response Corporation:," [Available Online]: https://www.msrc.org/.

[122] "Halliburton Agrees to Buy Boots & Coots," *Reuters*, April 10, 2010, http://www.reuters.com/article/2010/04/10/us-halliburton-bootscoots-idUSTRE63907A20100410.re

part, to the explosion of the Deepwater Horizon rig, what is known is that the $240 million USD acquisition of Boots & Coots took place on April 9, 2010, just 9 days before the disaster. This acquisition placed Halliburton, the company that built the faulty cement casings for Deepwater Horizon, in a prime position to profit from the disaster. If Halliburton truly did not have an inkling of the forthcoming disaster, the acquisition of Boots & Coots was a lucky coincidence. However, Halliburton had warned BP, as early as 2009, that the use of cement casings was a practice that ran contrary their suggested best practices for use.[123] The merger begs the question of whether "a company that both builds oil rigs and cleans up oil spills have any motivation to prevent oil rig disasters?"[124] This sort of embedded conflict of interest is what makes many people uncomfortable about the timing of the acquisition. Indeed, shortly after the disaster, Boots & Coots was "under contract with BP to help with the oil spill."[125] Regardless of any veracity to claims of insider knowledge, concerns remain that Halliburton is able to make money not just from the building of oilrigs but also from cleaning up the mess in the case that those oil rigs explode. The complex, and frequently incestuous, relationships that define the oil and gas industry are problematic, not only for the environments that are impacted, but also remain a regulatory conundrum that the United States government has routinely failed to address.

The Deepwater Horizon disaster has raised many questions about responsibility and risk. "The financial sector is key both in terms of project financing but also as oil itself becomes a financialized asset reflecting a radical change in the oil market

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[123] Matt Rocheleau, "As Oil Firms Grow, Response May Slow to Crises like Gulf Oil Spill," *Christian Science Monitor*, June 18, 2010, http://www.csmonitor.com/USA/2010/0618/As-oil-firms-grow-response-may-slow-to-crises-like-Gulf-oil-spill.
[124] Ibid.
[125] Ibid.

itself in the last decade or so. This opens the door to securitization, speculation, and the question of regulatory agencies and the lack thereof."[126] Although some insurance companies stand to make large profits as a result of increased premiums, there are other environmental, political, and economic considerations that must be addressed if similar disasters are to be avoided. Because mechanisms have been developed to adequately address the financial losses that result from disaster, and have found a way to profit in some cases, it is unlikely that the environmental and political concerns will be dealt with in a way that significantly changes the modus operandi of oil and insurance companies. Above all else, profit motive drives these businesses and the risk of what is widely understood as an occasional loss is measured against the guarantee of profit. This search for profit is not confined to large insurance companies and oil companies however. Smaller coastal communities are also maneuvering to see how they might be able to capitalize on the disaster, as in the case of Biloxi, Mississippi.

RESTORING Local Economies: The Biloxi Shuckers

The RESTORE Act was passed by Congress in the wake of the Deepwater Horizon disaster and dedicated up to 80% of the fines that were assessed to BP and other responsible parties, as a result of infractions to the Clean Water Act, to be spent on restoration of Gulf Coast communities in terms of environmental and economic revitalization. [127] The RESTORE Act established the Gulf Coasts Ecosystem Restoration Council, which brought together "governors from the five affected Gulf States,' and the Secretaries from the U.S. Departments of the Interior, Commerce, Agriculture, as well as the Secretary of the Army and the

[126] Watts, "A Tale of Two Gulfs: Life, Death, and Dispossession along Two Oil Frontiers."
[127] "Groups Applaud Passage of RESTORE Act," *Environmental Defense Fund*, [Available Online]: http://www.edf.org/news/groups-applaud-passage-restore-act.

Administrator of the U.S. Environmental Protection Agency."[128] The funds are to be equally divided at 35% to each of the five states for the purposes of "ecological restoration, economic development, and tourism promotion." [129] While this bureaucratic model of governance offered abundant oversight for projects, it also carried the potential for mismanagement and poorly allocated funds. Indeed, because "the money comes from a civil judgment, not taxpayers' pockets" many believed that "the RESTORE funds aren't worthy of oversight."[130] And while the economic windfall that has resulted from the Deepwater Horizon disaster penalties provides "an opportunity to implement good policy with benefits for both the environment and the economy in the Gulf Coast states," there are concerns from conservationist groups on how exactly the funds are being distributed and whether this chance to address systemic environmental and social inequalities is being squandered in the face of more short-term/attractive projects that could wind up costing taxpayers in the long-term.[131] Many believed that the funds spent on the promotion of tourism should be spent on tourism that was more directly related to recreational fishing and other coastal activities that were impacted by the disaster rather than new projects that dubiously helped to offer economic restoration to the Gulf.

Certainly, some conservationists' fears of mismanaged funds have been realized as the RESTORE Act has paved the way for the lobbying of new special interest projects—like the design and development of a minor league baseball stadium—which is hardly related to the negative impacts of the environmental disaster.

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[128] "About the Gulf Coast Ecosystem Restoration Council | RestoreTheGulf.gov," [Available Online]: http://www.restorethegulf.gov/council/about-gulf-coast-ecosystem-restoration-council.
[129] Ibid.
[130] "The Oil Spill Windfall."
[131] Ibid.

Although the trust fund that was established by the RESTORE Act "outlines a structure by which the funds can be utilized to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands and economy of the Gulf coast region."[132] The last item in catalogue of areas in which the funds can be used is just tenuous enough to allow for earmarked projects like the $15 million USD grant "to construct a minor league baseball stadium" in downtown Biloxi, Mississippi.[133] Framing Biloxi as a community that is dependent on tourism, Governor Bryant successfully argued that the "stadium will be a major regional asset for South Mississippi and will be an exciting new attraction for our residents and tourists of Mississippi's Gulf Coast."[134] Indeed, Biloxi was negatively impacted by the Deepwater Horizon disaster, in much the same way as many Gulf Coast communities; however, many critics of the project associate the new baseball stadium as a slush fund project that has been enabled by the disaster. This project has come up against significant resistance from the local community groups, including the NAACP, and it is worth noting that at the time the funds for the Biloxi baseball stadium were earmarked, there was no team in the city. Moreover, the Biloxi City Council has "passed a resolution of intent to issue up to $21 million in bonds" to construct the stadium and the state of Mississippi anticipates matching the $15 million USD from the trust fund to make the $35 million dollar stadium a possibility. Thus, taxpayers will ultimately be held responsible for the construction and maintenance of the project, including the possibility of being faced with increased property taxes.

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[132] "The Oil Spill Windfall," [Available Online]: http://www.weeklystandard.com/articles/oil-spill-windfall_769107.html.
[133] "Gov. Bryant Announces Plans for a Minor League Baseball Stadium - Mississippi's 64th Governor, Phil Bryant," [Available Online]: http://www.governorbryant.com/gov-bryant-announces-plans-for-a-minor-league-baseball-stadium/.
[134] Ibid.

The biggest debate that has surrounded the baseball team, however, was around the name. It was clear that the team would need to represent the seafood industry, which was thriving in Biloxi prior to the disaster. A name the team contest garnered more than 60,000 votes on names like: Beacon (a lighthouse reference), Blackjacks, Mullets, Schooners and Shrimpers.[135] Ultimately, 'Shuckers' won out, a name that handily lends itself to profane taunting from opponents. Despite the opposition, however, the mayor of Biloxi maintains that the stadium will spur economic growth because people who are on vacation will be able to enjoy a baseball game during their time in the city. City leaders are hopeful that the new development will also attract other entertainment such as concerts. "The Gulf Coast Business Council's research foundation estimates the stadium development will spur an additional $10 million annually in visitor spending on the Mississippi Gulf Coast."[136] The establishment of this baseball team is representative of how monies that flow into communities in the aftermath of disaster can help to shape political memory, and sometimes distract from the losses that were incurred.

Biloxi has now acquired the Huntsville, Alabama team, formerly known as the Huntsville Stars, much to the dismay of local residents who believed that their team would remain in Huntsville forever after having been there for more than three decades. However, at least in the near-term 2015 season, the Biloxi Shuckers will play in Huntsville while the new stadium is constructed.[137] Nonetheless,

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[135] Benjamin Hill / MiLB.com, "Biloxi's New Team Has a Name: The Shuckers | MiLB.com News | The Official Site of Minor League Baseball," *MiLB.com*, [Available Online]: http://www.milb.com/r/article?ymd=20141124&content_id=102324870&fext=.jsp&vkey=news_milb&sid=milb.

[136] "Gov. Bryant Announces Plans for a Minor League Baseball Stadium - Mississippi's 64th Governor, Phil Bryant."

[137] Mark McCarter | mmccarter@al.com, "Huntsville Will Host at Least 15 Biloxi Shuckers Minor League Baseball Games in 2015," *AL.com*, [Available Online]: http://www.al.com/news/huntsville/index.ssf/2015/02/professional_baseball_returnin.html.

Mississippi can now boast Shucker baseball, complete with a logo of an angry looking oyster holding a baseball bat, as part of its tourist attractions.

Conclusion: Normalization Via Commercialization

One of the guiding perspectives of this research centers on the idea that widely accepted societal, political, and economic understandings of environmental disaster as an accidental occurrence should be inverted, reframed, and more accurately recognized as a normal part of the capitalist industrial complex. The vignettes above demonstrate various ways in which environmental disaster can be transitioned into a commercial enterprise, sometimes simply offering a distraction from the disaster, and other times reinscribing the very conditions that have produced the disaster, but always attempting to govern or control the disaster. These eco-commercial strategies, practices and processes of disaster response, have the effect of normalizing environmental disaster. Moreover, many of these efforts toward remediation activate and conceal the very economic and political contradictions that have contributed to the disastered ecologies, economies, and bodies along the Gulf Coast.

The Deepwater Horizon disaster might have been seized upon as a moment of historical rupture, an opening for disaster to be reinterpreted as a political subject that is the normal outcome of the tension that is produced when infinite accumulation of capital runs up against the finite reality of natural resources. Rather, there were instances where the disaster became a commodity that offered some the opportunity to profit from the disastrous circumstances. This practice further embeds notions of accidentality and inevitability into assessments of disaster, thereby normalizing the way that disaster is understood and addressed. This understanding of disaster predominantly locates culpability for events like

Deepwater Horizon, Exxon Valdez, and Fukushima in technological failures, regulatory malfeasance, and organizational dysfunction. Although normality is what is understood as what is socially acceptable, neither the Deepwater Horizon disaster was considered socially acceptable, and nor are higher gas prices—and herein tension is produced.[138] This paradoxical condition creates a situation whereby oil companies drill in increasingly risky territory and also take the full blame for the consequences of those increased risks. But, "It's all tied together, the oil that we use in our cars, and the oil that's washing up on our beaches."[139] The inability to understand normality of disaster is impeded by shifting strategies of disaster normalization that are continually adapting for inconsistent political, economic, and societal purposes.

Sustainable degradation is an assessment of the capitalist-industrial complex in its relation to the environment. "Here the underproduction of capital and destruction of nature for some interests becomes a means of producing knowledges about it as well as an opportunity for mobilizing powers to cope with its acknowledged effects."[140] By highlighting the distinction between the narratives being propagated about environmental disasters and the actual experience of those disasters it is possible to understand more chronic socio-environmetnal degradation that coincides the capitalist economy whereby "ecological degradation is not halted, but is instead measured, monitored, and manipulated within certain tolerances as ecological degradation perversely acquires its own sustainability within the contradictory second nature of capitalist built

[138] W David Montgomery and Anne E Smith, "Price, Quantity, and Technology Strategies for Climate Change Policy," *Human-Induced Climate Change: An Interdisciplinary Assessment*, 2007, 328–42.
[139] Belleville, "The Tarball Chronicles: A Journey beyond the Oiled Pelican and into the Heart of the Gulf Oil Spill."
[140] Luke, "The System of Sustainable Degradation."

environments."[141] Moreover, the cynical marketing in/around environmental disaster creates a situation whereby the public tolerance for disaster is increasing elevated because remediation strategies appear to be effective. "Indeed, what distinguishes our time from earlier centuries is not so much the conservation of catastrophe, which has long been recognized, but rather the accelerated pace at which such destruction is now manifesting itself."[142] The result of this is that the accumulation of capital is therefore the "accumulation of catastrophe."[143] "The strategies of sustainable degradation" offer justification for ongoing "translational growth to evade the deep cultural and structural changes that environmental sustainability actually calls for" but it also enables "capital to contract even more value by maintaining the appearances of creating ecological sustainability while exploiting the realities of environmental degradation."[144] In other words, the system of sustainable degradation allows for economic growth to be expanded by addressing the problems caused by this very growth; thus, capitalism is not regulated, rather it finds new avenues for accumulation. This model of economic growth decapitates any possibility for economic and social transformation that would allow the realities that produce environmental disaster to be legitimately addressed.

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[141] Ibid.

[142] John Bellamy Foster, "Capitalism and the Accumulation of Catastrophe," *MONTHLY REVIEW-AN INDEPENDENT SOCIALIST MAGAZINE* 63 (2011): 1–17.

[143] Luke, "The System of Sustainable Degradation"; Foster, "Capitalism and the Accumulation of Catastrophe."

[144] Luke, "The System of Sustainable Degradation."

Chapter 6: Eco-Judicialism

> *"The environment's only value derives from human perceptions. Under this anthropocentric conception, the environment itself has no intrinsic value. As long as humans have the power to alter the environment, they will do so based on human values—the only values that are ascertainable."*[1]

Introduction

The preceding chapters have detailed the way that official responses to the Deepwater Horizon disaster have both managed and manipulated the spill with the aim of returning the environment more quickly to its productive capacity. Eco-managerialism, in this case, was able to produce a sense that the spill, although a terrible accident, was under control. Eco-commercialism transitioned the spill in an economically productive way, creating new conduits for capital accumulation. This chapter will similarly detail the management of the disaster but, from an official administrative perspective, which like eco-managerialism and eco-commercialism had the effect of normalizing environmental disaster in both an immediate way as well as in a more protracted manner by way of securing resource production. Like the expositions of eco-managerialism, and eco-commercialism, this chapter illustrates the danger of forgoing an understanding of the social construction of disaster within the environmentalities that respond to it.

As detailed in Chapter 3, eco-judicialism is a technique for managing public anxieties about environmental degradation administratively through "court

[1] Terry Anderson and Donald Leal, "Free Market Environmentalism: Hindsight and Foresight," *Cornell Journal of Law and Public Policy* 8, no. 1 (October 1, 1998): 111–34.

decisions based on liberal capitalist property laws, and business, commercial and environmental legislation."[2] This instrumentalist view of nature, like the ideology of free-market environmentalism expressed through the opening quotation, does not accept that there is any intrinsic value within nature. Rather, the value of nature is linked to its productive capacity that can be extracted. Drawing on, and critiquing, this utilitarian view of nature, this chapter employs a more flexible interpretation of eco-judicialism that does not solely invoke court decisions but more broadly considers how official governmental responses of an administrative or legal nature provide for the continuance of capital accumulation. Eco-judicialism as a particular reincarnation of capitalism typically allows for civil society to respond to problematic business decisions; for example, the unequal competition for Vessels of Opportunities program clean-up contracts or the negligence of British Petroleum to adhere to state imposed safety regulations. Yet, these administrative and judicial techniques to govern environmental disaster are largely based on technocratic and instrumentalist views of the natural world—the very same technocratic and instrumentalist ideologies that played into the creation of the disaster. It is this particular ideological fidelity that is located in the responses highlighted here. Thus, eco-judicialism governs environmental disaster by employing legal "tools to manage and mitigate damage inflicted upon the bio-physical world" while ensuring a "continuing supply of the conditions of production."[3] It is this value of eco-judicial decision-making that is more reflective of the sense of governmentality that is located in the vignettes that follow.

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[2] Huckle, J. (2009). "Sustainable schools: responding to new challenges and opportunities." Geography: 13-21.

[3] Luke, T. W. (2005). "Neither sustainable nor development: reconsidering sustainability in development." Sustainable development 13(4): 228-238.

The imposition of legal and administrative tools is not only evident in the enactment of temporary air restrictions in the form of a mandated No-Fly-Zone, or the moratorium on deepwater drilling that followed in the wake of the Deepwater Horizon disaster, and the disbanding of the Minerals Management Agency; but, each of these strategies to manage the spill also ironically has the effect of ensuring the supply of the conditions of production as well. Moreover, they neglect to take into consideration the complexity of the disaster. Although Deepwater Horizon was created by a constellation of factors, the official responses to the disaster fail to recognize that "the problems run much deeper than a single risk-taking company and a single dysfunctional regulatory agency."[4]

This chapter highlights specific ways in which eco-judicial strategies were employed in the aftermath of the Deepwater Horizon disaster in order to control the perception of the disaster, and establish a particular governmentality of environmental disaster as a controllable subject. Each of the vignettes highlighted here also has normalizing properties, although this normalization of disaster materializes to different degrees. The first assessment addresses the Federal Aviation Administration's imposition of a no-fly-zone in/around the disaster site. This case highlights eco-judicialism as a discursive frame imposed to control the disaster by withholding access and also problematizes the relationship between government and the oil industry by probing British Petroleum's authority to authorize or prohibit access to journalists. The second illustration also highlights how the categories eco-managerialism and eco-judicialism overlap and reinforce one another. The assessment of the federally imposed, but short-lived, moratorium

[4] A.C. Flournoy, "Three Meta-Lessons Government and Industry Should Learn from the BP Deepwater Horizon Disaster and Why They Will Not," *BC Envtl. Aff. L. Rev.* 38 (2011): 281–567.

on deepwater drilling reveals that eco-judicial techniques can not only assist in rendering the disaster into a governable subject but, that a moratorium also fails to fundamentally alter the quest for capital accumulation. The framing of the moratorium, nonetheless, was a valuable political tool employed by the government so that public confidence in the processes of deepwater drilling, including disaster response, could rebound but, it also offered a legal remedy to the damage. The final example of eco-judicialism offered in this chapter discusses the disbanding of the Minerals Management Service (MMS) and subsequent establishment of the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). This eco-judicial strategy not only revealed many regulatory contradictions but also demonstrates how official administrative responses might be used to alleviate public anxiety. Paradoxically, these eco-judicial strategies all sustain the longer disaster of hydrocarbon capitalism. Before turning to these specific illustrations of eco-judicialism, a brief discussion of the concept is offered.

Differentiating Eco-Judicialism

Judicialism as a concept does not lend itself as neatly to the notion of eco-judicialism employed here, as was the case for the translation of managerialism to eco-managerialism in Chapter 4. Typically, when judicialism is discussed in scholarly literature, it refers to a doctrine that emerged in the United States during the twentieth century. This creed of judicialism advocates the idea that decisions of "constitutional issues is, or should be, exclusively the responsibility of the Supreme Court."[5] Most deviations of this form of judicialism are associated with

[5] Andrew Busch, *The Constitution on the Campaign Trail: The Surprising Political Career of America's Founding Document* (Rowman & Littlefield, 2007).

the roles and responsibilities of the courts and elected officials. What has been referred to as "irresponsible judicialism" holds that "constitutional interpretation is solely the province of the courts."[6] Responsible judicialism, on the other hand, "holds that congress and the president do have a constitutional obligation" that is passive and "limited to ensuring that legislation is consistent" with judicial precedent.[7] Outside of this perspective on judicialism that is primarily concerned with the roles and responsibilities of the courts and elected officials, there are other iterations of the concept. In human rights and development scholarship, arguments often appear that judicialism ought to have an ethical component within the law that can be used to answer "the problems facing political and social theory."[8] What is consistent amongst these variations on judicialism is the 'ought' component—how courts and elected officials ought to behave, and how the law ought to be applied. Eco-judicialism, however takes a different view all together with its starting assumptions strongly located within eco-critique. In this way, the ought component of eco-judicialism is implied rather than explicitly stated. This derivation of judicialism is interested in exposing the ideological leanings of legal and administrative decision-making about the environment rather than make an argument about how the courts ought to operate. As such, eco-judicialism is more concerned with what is rather than what ought to be.

Eco-judicialism is a particular way of understanding how many environmental disputes "have been resolved by court decisions based on liberal capitalist

[6] Ibid.
[7] Ibid.
[8] Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge, 2007).

property laws."[9] Some of the purported benefits of eco-judicialism include access to due process and public accountability for "substandard behavior by state agencies and corporations." [10] However, benefits of transparency and accountability do not always balance out the inherent bias that courts have with regard to their utilitarian view of nature as a source of commodity production. The contradiction between justice for harms incurred to the natural world versus the perception of the natural world as a source of commodity production is at the heart of eco-judicial mentalities of disaster remediation. Moreover, large corporations have a distinct advantage over small communities and individual victims within the legal system as a result of the benefit of access to capital. In much the same way that many of the social, psychological, and even environmental effects of the Deepwater Horizon disaster were not able to be adequately captured through the quantitative methodologies of the Flow Rate Technical Group, eco-judicial decision-making also is unable to capture the true value of nature or assess the true harm to the environment as a result of a disaster because neither is readily quantifiable. This creates a legal environmentality whereby a narrow, rationalistic, and instrumentalist view of nature prevails as a dominant discursive construction. While the vignettes discussed here do not fall within a narrowly construed archetype of eco-judicialism, the concept nonetheless offers a useful framework to explore the way that official administrative responses acted upon some of the regulatory shortcomings that were identified as contributing factors to the Deepwater Horizon disaster.

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[9] parker62, "An Ecosocialist Critique of Sustainable Development: Maintaining Growth through Sustainable Degradation," *Well Sharp*, accessed June 4, 2015, https://wellsharp.wordpress.com/2008/01/23/an-ecosocialist-critique-of-sustainable-development-maintaining-growth-through-sustainable-degradation/.

[10] Ibid.

Shaping Public Knowledge Through the Imposition of a No-Fly Zone

The Federal Aviation Administration imposed a controversial Temporary Flight Restriction across the Gulf of Mexico in the days and weeks that followed the explosion aboard the Deepwater Horizon drilling rig. A temporary flight restriction (TFR) of this sort is an administrative measure imposed by the Federal Aviation Administration to "limit certain aircraft from operating within a designated area over a specified period of time."[11] From a technical perspective, flight restrictions are designed to protect people on the ground, as well as people in the air from potential harm. "Under the Code of Federal Regulations, each TFR must provide a hazard or condition as to why these restrictive measure are being implemented."[12] However, increasingly, flight restrictions are being used as an administrative strategy to avoid surveillance and have been used when there is little threat posed to people in the skies or on the ground as a result of aircraft activity in the skies. The FAA has recently ceded authority to local law enforcement to "place overly restrictive measures limiting the scope of helicopter newsgathering without providing sufficient reason."[13] Foreclosing access to public space impedes the ability of journalists to conduct adequate investigations. This eco-judicial strategy was used not only in the Gulf of Mexico after the oil spill but has also been used in the aftermath of the oil disaster in Mayflower, Arkansas in 2013.[14] In the Mayflower case, Exxon was responsible for overseeing the no-fly-zone, a regulatory function of the government. This created a situation whereby

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[11] Andrea Papagianis, "No Fly Zone | Reporters Committee for Freedom of the Press," March 5, 2012, http://www.rcfp.org/police-protestors-and-press/no-fly-zone.
[12] Ibid.
[13] Ibid.
[14] "Exxon's Unfriendly Skies: Why Does Exxon Control the No-Fly Zone Over Arkansas Tar Sands Spill?," *DeSmogBlog*, accessed June 6, 2015, http://www.desmogblog.com/2013/04/03/exxon-s-skies-why-does-exxon-control-no-fly-zone-over-arkansas-tar-sands-spill.

"any media or independent observers who want to witness the tar sands spill disaster to have to ask Exxon's permission."[15] In a similar fashion to the Deepwater Horizon disaster, the responsible polluter ended up carrying out essential functions of the government. This self-regulating strategy demonstrates the ideological fidelity that the administration has to allowing corporations to operate fairly free from intervention.

As a matter of public policy within a democratic republic, however, there ought to be a degree of transparency that allows for the news media as well as the general public to be informed about environmental disasters. But, allowing corporations to be the arbiters of access impedes the flow of information and obfuscates the realities of the disaster on the ground. The NOTAM (Notice to Airmen) 0/3481 that was issued after Deepwater Horizon "was the mother of all" temporary flight restrictions, encompassing a huge swath of airspace across the coast lines of the four impacted states.[16] While the "circumstances under which airspace may be closed vary," they may include when toxic gases or fumes are on the ground or in the air—the same sort of toxic gases that were being sprayed from planes covering the Gulf of Mexico with the chemical compound Corexit.[17] The idea that safety could be achieved through a no-fly-zone meant that access needed to be restricted, a decision that was reinforced by several reported near-misses of aircraft operating in the area. Unfortunately, however, because British Petroleum was in charge of access to airspace and public beaches, a situation was created whereby knowledge about the size and scope of the disaster was being limited. Limiting access is one

[15] Ibid.
[16] Pat Gray, "Aviation Today: NOTAM 0/3481 Deepwater Horizon," accessed June 6, 2015, http://www.aviationtoday.com/regions/usa/NOTAM-03481-Deepwater-Horizon_70353.html#.VXNLK6a7ckQ.
[17] Ibid.

strategy that British Petroleum has used to possibly defray the limits of liability. Journalists struggled to "document the impact of the oil rig explosion" and "repeatedly found themselves turned away from public areas affected by the spill."[18] For many, the fact that British Petroleum was put in charge of the clean-up, including the coordination of airspace above the disaster, and access to public beaches that were impacted by the spill is illustrative of a broader problem of corporate framing of the event. Essentially this official filtering of images available to the public was a way that the company could try to stem public anxiety about the disaster but it was also a way to control the overall discourse about the harm that had been done.

Even though the oil spill was massive in scope, finding it was difficult considering the fact that access needed to be granted by British Petroleum. Journalists had to be strategic in their coverage or rely on imagery released by British Petroleum. "In the first few weeks after the rig explosion, BP kept a tight lid on images of the oil leaking into the gulf. Even when it released the first video of the spewing oil on May 12, it provided only a 30 second clip."[19] Ted Jackson, a photographer with *The Times-Picayune* reported that British Petroleum was limiting access to public beaches to 10 minute shifts, which had a "strangle hold on the journalism that" could be done.[20] Jackson chartered a flight in attempt to circumvent the restrictions on journalists but, the aircraft was not allowed to descent below 3,000 feet, a height at which even telephoto lenses were not able to capture much detail.[21] From this distance distinguishing between the shadow of clouds on the water and the oil

[18] Jeremy W. Peters, "Efforts to Limit the Flow of Spill News," *The New York Times*, June 9, 2010, sec. U.S., http://www.nytimes.com/2010/06/10/us/10access.html.
[19] Ibid.
[20] Papagianis, "No Fly Zone | Reporters Committee for Freedom of the Press."
[21] Ibid.

slick was nearly impossible. Jackson remarked on the lack of access saying, "This was our coast, these were public beaches, Louisiana wetlands and we felt that we had the right to be able to see that. We felt like, especially with a foreign company, that BP was calling the shots" by making decisions about access on an ad-hoc basis.[22] The visibility of the disaster from an aerial point of view was impinged upon by the FAA imposed no-fly-zone in addition to the erasure that resulted from the massive dumping of the chemical dispersant. Instead of being able to assess the scope of the disaster from a birds-eye-view, the public's attention was trained on the gusher at the ocean floor.

The imposition of a no-fly-zone in the Gulf of Mexico after the Deepwater Horizon disaster was needed for safety reasons, to keep planes and helicopters from crashing into one another, of course, but it was also essential in guarding against public exposure to toxic chemicals. However, this particular official response to the disaster was also an effective rationalistic tool that had the secondary effect of purifying the disaster site by controlling who could see what. This sort of purification and control is not only representative of high-modernist values but it also renders the environmental disaster into a governable subject by making it knowable only to technocrats and corporate executives. Essentially, limiting access to the disaster, including visual access, is a way to erase the spill from the minds of the citizenry and is a dangerous way to govern. Eco-judicial decision-making, when done in favor of corporate interests, tends to protect profit, or at least the conditions for profit to be made, over people and nature. Moreover, because the imposition of a no-fly-zone was used as a way to manage the discourse on the disaster and essentially shape public memory of the disaster, it also foreclosed the

[22] Ibid.

space for systemic factors such as consumerism and manufactured risk to be identified as causal elements that contributed to the disaster. The no-fly-zone also allowed clean-up efforts to occur without impediment by the news media or the general public, making a way for the appearance of the Gulf coasts and wetlands to be more quickly returned to a pre-disaster state of normality.

The appearance of the disaster offered by the official images and videos of British Petroleum stand in relief against the lived realities of the journalists and community members who were denied access to public beaches. Although images of dying marine life, ruined beaches, oil-soaked wetlands, and massive plumes of oil did eventually make their way out of the Gulf Coast and on to global newspapers and into 24-hour news coverage, the difference between the official strategies to manage the disaster and the lived experience is important to recognize. It is this distinction between appearance and reality that exposes the harm of eco-judicialism. As in the case of the no-fly-zone, the moratorium on deepwater drilling discussed below also highlights how eco-judicialism as a particular strategy to manage environmental disaster normalizes a particular mentality about disaster as a controllable subject; and, secondarily, through eco-judicial strategies the conditions of oil production are ensured for a longer-time which sustains commerce as well as environmental degradation.

Ensuring Hydrocarbon Capitalism: A Short-Term Moratorium on Deepwater Drilling

About a month and a half after the Deepwater Horizon exploded in the Gulf of Mexico, President Obama announced that oil drilling would be halted as a result

of the disaster. The Secretary of the Interior, Ken Salazar, formally declared the moratorium on deepwater drilling on May 27, 2010. The press release given by the Department of Interior stated that the moratorium was imposed in addition to a number of other safety precautions "to improve safety of oil and gas development in federal waters, to provide greater environmental protection and substantially reduce the risk of catastrophic events such as the BP Deepwater Horizon oil spill."[23] Secretary Salazar released a public statement along with the order stating:

> Deepwater production from the Gulf of Mexico will continue subject to close oversight and safety requirements, but deepwater drilling operations must safely come to a halt. With the BP oil spill still growing in the Gulf, and investigations and reviews still underway, a six-month pause in drilling is needed, appropriate, and prudent.[24]

Up until the point of the explosion, drilling was not only effective aboard the Deepwater Horizon rig but it was also widely celebrated as safe. Deepwater drilling was assumed to be a knowable subject but the disaster interrupted this sense of understanding and control. The morning of the explosion, BP executives were visiting the oil-drilling platform to celebrate a safety milestone—"seven years without a lost-time accident."[25] While this particular platform had enjoyed a strong safety record, Transocean, the owner of the rig, had been involved in "13 of the 39 deepwater drilling instances investigated by the MMS in the Gulf of

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[23] "Salazar Calls for New Safety Measures for Offshore Oil and Gas Operations; Orders Six Month Moratorium on Deepwater Drilling," accessed June 5, 2015, http://www.doi.gov/news/pressreleases/Salazar-Calls-for-New-Safety-Measures-for-Offshore-Oil-and-Gas-Operations-Orders-Six-Month-Moratorium-on-Deepwater-Drilling.cfm.

[24] "Obama Says He Issued a Six-Month Moratorium on Deepwater Oil Drilling," *@politifact*, accessed June 5, 2015, http://www.politifact.com/truth-o-meter/statements/2010/jun/16/barack-obama/obama-says-he-issued-six-month-moratorium-deepwate/.

[25] Michael O'Brien, "Safety awards that endanger workers' lives," Text, *TheHill*, (May 24, 2010), http://thehill.com/blogs/congress-blog/labor/99487-safety-awards-that-endanger-workers-lives-.

Mexico."[26] Thus, a celebration of this sort not only provides a false-sense of safety but it may also encourage risk-taking behavior by workers who feel discouraged from reporting safety concerns or injuries. Essentially, workers do not want to lose the cash bonus, or prevent peers from receiving the cash bonus, that comes along with these long stretches of safe operation, or at least these long stretches without reports of compromised safety. Moreover, these celebrations and safety awards falsely position an inherently dangerous industry as safe, while erasing the memory of catastrophic events such as the BP-Texas City refinery explosion of 2005.

Progressively, imposing a moratorium on deepwater drilling was one way that eco-judicial strategy might have restructured the default governmental position on unconventional oil and gas exploration.[27] Instead, the administration used the time to explore the technological and human factors that played into the disaster, a tactic that rendered the complexities of the unconventional oil more legible. This legibility is required for efficient control and continuation of the conditions of production.

In addition to halting exploratory drilling, the moratorium also halted consideration for new drilling permits and leases during the six-month period that the Presidential Commission which would investigate the Deepwater Horizon disaster. Pending lease sales in the Gulf of Mexico and proposed lease sales off of the coast of Virginia were canceled and exploratory drilling in the Arctic was also

[26] Ben Casselman, "Rig Owner Had Rising Tally of Accidents," *Wall Street Journal*, May 10, 2010, sec. Business, http://www.wsj.com/articles/SB10001424052748704307804575234471807539054.
[27] Oliver A Houck, "Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law," *Tul. Envtl. LJ* 24 (2010): 1.

suspended.[28] The government also issued new safety considerations that would need to be in place before deepwater drilling resumed, including: "recertification of all Blowout Preventers for floating drilling operations; stronger well control practices, blowout prevention and intervention procedures; tougher inspections for deepwater drilling operations; and expanded safety and training programs for rig workers."[29] While several of these recommendations addressed regulatory and human failings, most of them focused in on technological issues, and none addressed complexity nor systemic issues that have factored into the disaster. Despite the lack of recognition of systemic issues, the administration seemed to take seriously the need to reduce the risk of future such events. Secretary Salazar stressed the need for a strong response to the disaster including adapting a "cautious approach to offshore oil and gas development" as regulatory reform was undertaken to "strengthen safety and oversight of offshore oil and gas operations" more broadly.[30] However, now more than five years after the disaster, the Oil Spill Commission Action, a group of commissioners who served on the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling reports that "Congress has still not taken action to reduce the risk of another accident involving deepwater drilling."[31] Moreover, many Congressional representatives now advocate an expansion of deepwater drilling into new areas outside of the Gulf of Mexico.

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[28] "Salazar Calls for New Safety Measures for Offshore Oil and Gas Operations; Orders Six Month Moratorium on Deepwater Drilling."
[29] Ibid.
[30] Ibid.
[31] "2014 Statement by the Co-Chairs » Oil Spill Commission Action," accessed June 6, 2015, http://oscaction.org/2014-statement-by-the-co-chairs/.

The moratorium was a rationalistic approach to managing the disaster and satisfied the need to sanitize the regulatory climate in and around the development of deepwater drilling. Because there was no end in sight for the oil pouring into the Gulf of Mexico from the seabed, public concern about environmental disaster was elevated and the moratorium helped to alleviate the apprehension. But, the directive that was issued did not apply to existing oil producing rigs, only to exploratory drilling, a fact that was widely misunderstood in the early days of the moratorium. In fact, the moratorium came up against harsh criticism and the administration faced backlash from the oil industry as well as the citizenry whose economic livelihoods were dependent upon the industry.

Many business and government leaders along the Gulf coast argued that the six-month moratorium would "devastate their region's oil industry" and inhibit any possibility for economic recovery.[32] Dale Benoit, Chair of the Plaquemine Association of Business and Industry likened the moratorium to the levies that broke after Hurricane Katrina.[33] In other words, the explosion aboard the Deepwater Horizon was bad enough but the imposition of a moratorium added insult to the environmental and social injuries and by crippling local economies. Even though the moratorium was limited in scope it did result in "substantial economic losses" as nearly 64% of all oil drilling in the Gulf of Mexico takes place in the deep waters.[34] A range of actors including rig workers as well as more well-to-do oil prospectors encountered new economic hardships. Local communities

[32] Brian Mann, "Obama Faces Backlash On Drilling Moratorium," *NPR.org*, accessed June 6, 2015, http://www.npr.org/templates/story/story.php?storyId=127923294.
[33] Ibid.
[34] Steven Shavell, "Should BP Be Held Liable for Economic Losses Due to the Moratorium on Oil Drilling Imposed after the Deepwater Horizon Accident?," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, October 5, 2011), http://papers.ssrn.com/abstract=1939188.

and Gulf Coast states also suffered a loss of royalties and tax revenue during this time. A widely cited estimate from Joseph Mason, a professor at Louisiana State University, claims that the moratorium would "cause approximately $2.1 billion in economic losses to the Gulf states, including approximately $500 million in lost wages."[35] Of course, because many people who were out of work as a result of the disaster found new work through temporary clean-up contracts, wages kept flowing in to local Gulf Coast communities and the much warned economic disaster did not materialize.

Although a more expansive moratorium would have had a larger economic impact, the restriction on new exploratory drilling would have had no impact on a rig like the Deepwater Horizon rig, which was already operational. The confusion about the type of restriction generated more anxiety for some than it relieved and resulted in a range of new lawsuits from challenges to the legality of the moratorium to lawsuits against the government and British Petroleum to "compensate drilling rig workers for moratorium-related wage loss."[36] However, the short-life span and limited scope of the moratorium was generally viewed as a socially beneficial administrative decision that was intended to stave off the possibility of significant environmental disaster.

The moratorium was successfully challenged in federal court "by a supplier to offshore gas and drilling operations" and on June 22nd, 2010 a preliminary injunction against the moratorium was issued.[37] The decision argued that the moratorium would "result in irreparable economic harm to plaintiffs and to the

[35] Ibid.
[36] Ibid.
[37] Ibid.

Gulf state economies."[38] This injunction is not only representative of the high-modernist view of nature as a subject to be controlled, dominated, and made productive but also illustrates how eco-judicialism can be employed to ensure a continuing supply of production. In response to the preliminary injunction, Secretary Salazar and the administration relaxed the requirements of the already limited moratorium allowing "permitted drilling to continue on a number of wells, provided that they adhered to the adjusted and more rigorous safety rules."[39] This move shrank the number of impacted drilling sites to "about two dozen," down from the original 33 deepwater drilling rigs whose operations were halted. This economically friendly administrative provision for corporations to continue their work with minimal regulatory impediment was also evidenced by the waivers that the EPA consistently gave to British Petroleum to continue spraying Corexit over the Gulf of Mexico. Under great industry pressure, and after two federal courts ruled the moratorium illegal, the planned six-month moratorium ended earlier than the original November 30th expiry date. On October 12th, 2010 the administration ended the moratorium completely.[40] However, because the newly formed Bureau of Ocean Energy Management lacked the manpower to process new applications and conduct rigorous safety inspections that were required in the post-Deepwater Horizon era, it took several weeks for drilling in the Gulf to fully resume.

The moratorium on deepwater drilling in the aftermath of the Deepwater Horizon disaster not only transformed the disaster into a governable subject but it also

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[38] Ibid.
[39] Ibid.
[40] Peter Baker and John M. Broder, "Moratorium on Deepwater Drilling Is Lifted, and New Rules Are Imposed," *The New York Times*, October 12, 2010, sec. U.S., http://www.nytimes.com/2010/10/13/us/13drill.html.

paradoxically ensured that oil would continue to be produced in the Gulf of Mexico. In the years following the disaster, "giant new oil projects" returned to the Gulf, supercharging the risky extractive processes and sustaining long-term environmental degradation.[41] These projects are not just larger than the deepwater projects that were online before the Deepwater Horizon disaster but, they are also more expensive, thanks in part to new compliance measures and regulatory requirements in "well design and the requirement that operators maintain subsea robots to operate blowout preventers in case primary control systems fail." [42] Despite continuing concern about environmental degradation, the "Oil and gas industry website Rigzone reports Shell currently has the highest number of deepwater rigs under contract in the Gulf, at seven, followed by BP with six, Chevron with five and AnadarkoPetroleum with four."[43] These new deepwater rigs carry with them "optimistic projections" by oil analysts, "that the Gulf oil rig count could double by 2017—with additional predictions that oil service companies alone could see revenue from the Gulf rise from $4 billion in 2011 to $12 billion in 2015."[44]

Meanwhile, the fines that British Petroleum face have been significantly reduced from the earlier estimates of $40 billion.[45] British Petroleum won a "partial victory"

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[41] Daniel Gilbert, Amy Harder, and Justin Scheck, "Oil Boom Returns to U.S. Gulf After Deepwater Horizon Disaster," *Wall Street Journal*, November 21, 2014, sec. Business, http://www.wsj.com/articles/oil-rigs-return-to-gulf-after-deepwater-horizon-disaster-1416599464.
[42] Baker and Broder, "Moratorium on Deepwater Drilling Is Lifted, and New Rules Are Imposed."
[43] "Deepwater Drilling Reborn in the Gulf," accessed June 6, 2015, http://www.think-energy.org/index.php/articles/25-drilling-fluids/1589-deepwater-drilling-reborn-in-the-gulf.
[44] Ibid.
[45] "Oil Exploration: Too High a Price | Damian Carrington," *The Guardian*, accessed June 6, 2015, http://www.theguardian.com/commentisfree/2012/mar/01/oil-exploration-hidden-price-deepwater.

when a federal judge in New Orleans capped the fine "for polluting the Gulf of Mexico in 2010 at $13.8 billion," a decision that immediately led to a 4% increase in company shares.[46] This unilateral judicial decision by Judge Carl Barbier to contradict the findings by the Flow Rate Technical Group stated: "the Deepwater Horizon spill was 3.2m barrels, greater than the 2.4m barrels argued by BP but less than the 4.2m claimed by the US government."[47] Negotiating and paying lower fines is an effective technique of profit-maximizing firms. "While corporations and their fiduciaries must obey the law, profit-maximizing firms often consider compliance options and related fines and penalties mere costs of doing business."[48] Under this technique, if profit can still be made by breaking the law, economic penalties can be absorbed by that profit margin and shareholder profit can still overcome any environmental costs. This perspective may help to explain the problematic compliance record of British Petroleum and other corporations that are involved in risky industries. Certainly, the fines have not deterred British Petroleum from returning to its risky investments in the Gulf of Mexico. "The company, which pleaded guilty to criminal charges [. . .] is developing technology to drill at greater depths."[49] BP currently has plans to invest $4 billion per year in the Gulf of Mexico over the course of the next decade. Comparatively, British Petroleum has only set aside $3.5 billion to address the clean-up from the disaster, a far cry from the potential $18 billion that the company may still have to pay even

[46] Terry Macalister, "BP Deepwater Horizon Fine Capped at $13.8bn," *The Guardian*, accessed June 6, 2015, http://www.theguardian.com/business/2015/jan/16/bp-deepwater-horizon-spill-fine-cap-14bn.
[47] Ibid.
[48] Miriam Cherry and Judd Sneirson, "Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing after the BP Oil Disaster," *Tulane Law Review* 85 (2011): 983.
[49] Gilbert, Harder, and Scheck, "Oil Boom Returns to U.S. Gulf After Deepwater Horizon Disaster."

after the fine was reduced by a federal judge.[50] What is perhaps more revealing of the company's view of the US government is that despite the much lower cap on penalty, British Petroleum remains confident that the fines the company will ultimately negotiate a penalty that will be much lower than even the newly reduced rate. This confidence stands in the face of internal company documents that are revealed that the company lied about their knowledge of how much oil was flowing into the Gulf of Mexico.[51]

This triumphant return to deepwater drilling demonstrates that the moratorium was a small hurdle that the oil companies were able to easily overcome. After "a brief pause, business has not just returned to normal in the Gulf of Mexico, but has been turbo-charged."[52] British Petroleum is now operating 11 deepwater rigs in the Gulf waters and there are expected to be more than 60 deepwater rigs in the Gulf of Mexico by the end of 2015.[53] Currently under way are "16 development wells, 13 exploratory wells and eight appraisal wells in the U.S. Gulf in water depths between approximately 2,001 and 8,843 feet."[54] Elsewhere, deep water and ultra-deep water drilling is also supercharged, off of Brazilian coasts as well as along Africa's west coast "from Angola to Congo to Nigeria" lie the world's richest underwater oil fields.[55] This renewal of deepwater drilling is another expression of eco-commercialism that has been enabled in the United States, at least, through

[50] Campbell Robertson, "BP May Be Fined Up to $18 Billion for Spill in Gulf - NYTimes.com," accessed June 8, 2015, http://www.nytimes.com/2014/09/05/business/bp-negligent-in-2010-oil-spill-us-judge-rules.html?_r=2.
[51] Macalister, "BP Deepwater Horizon Fine Capped at $13.8bn."
[52] "Oil Exploration."
[53] "Deepwater Gulf Activity Forecast to Continue Rise," accessed June 6, 2015, http://www.rigzone.com/news/oil_gas/a/127904/Deepwater_Gulf_Activity_Forecast_to_Continue_Rise.
[54] Ibid.
[55] "Oil Exploration."

eco-judicialism. Moreover, it illustrates how free-market mechanisms combine with judicial decisions to normalize disaster and sustain degradation.

Although oil prices are presently low, a benefit that consumers are enjoying from the ramped up production of shale, the deep waters of the Gulf of Mexico are also enjoying a boom. "The Gulf of Mexico is on the brink of an unprecedented oil boom. Nearly five years after the Deepwater Horizon disaster briefly paralyzed gulf drilling, analysts predict deepwater oil production is headed into one of the biggest growth spurts in history." [56] The fixation that corporations have on production and profit is understandable but, administrative and judicial aiding of this profit maximization brings into question the role of the state. Is the role of the state to provide for the general welfare by ensuring environmental protections and security or is the state allied to corporations that operate within the territory? Of course, the answer to this question is not either or, rather, the administration of such a complex industry requires a delicate balance to be struck. Because oil production in the Gulf of Mexico is "likely to reach a peak of 1.5 million barrels of crude a day by 2016," production records set in 2009 will not only be surpassed but the risks associated with oil production will also be at an all-time high.[57] "The number of permits for deepwater drilling increased from 14 in 2010 and 247 in 2011 to 603 in 2014."[58]

With regard to the potential for the moratorium to normalize environmental disaster as a governable subject, the halting of new deepwater exploration not only

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[56] "Despite Plunging Oil Prices, Gulf on Brink of Boom," *USA TODAY*, accessed June 6, 2015, http://www.usatoday.com/story/money/markets/2015/01/06/deep-water-oil-production-gulf/20752155/.
[57] Ibid.
[58] Ibid.

aided in soothing public confidence in the government to adequately regulate a complex industry, but the moratorium also provided much needed space for the administration to rationally purify the scene by assessing the technological causes of the disaster. The brief pause in drilling and official review of the state's position on deepwater drilling thereby rendered the disaster into a legible and knowable subject. Although the moratorium was very limited in scope, it paradoxically produced a great deal of anxiety for some workers and local Gulf Coast communities who feared that it would create even more economic hardship for a region that was already reeling from the effects of the environmental disaster. While this anxiety can be understood as a secondary effect, the moratorium nonetheless ended up spurring an economic boon—as soon as the ban was lifted even more drilling in the waters of the Gulf resulted. Understood this way, the moratorium not only returned the Gulf of Mexico (although not its environment) to a pre-disaster state of normality through this particular eco-governmental strategy; but the moratorium ironically led to more expansive extractive, and thereby economic, activity. This return, revamping, and recharging of deepwater drilling enables hydrocarbon capitalism to continue and, albeit in a more strictly monitored way, the conditions of production are secured in the long-term and the systemic causes of disaster remain fundamentally unaddressed, unaltered, and unidentified. As such, carbon can continue to be extracted, refined, and burnt.

Providing for accountability and transparency is essential for eco-judicial strategies to successfully ensure the conditions of production. Regulatory reform, like the imposition of a short-lived moratorium on deepwater drilling, paves the way for sanitization and normalization of the disaster, not only in terms of ecological remediation but also in terms of regaining public trust in government.

The following section details how regulatory reforms in the post-Deepwater Horizon era constitute environmental disaster as a governable subject.

Accountability & Reform: Restructuring the Minerals Management Service

The Minerals Management Service was a regulatory body that operated under the authority of the Department of the Interior at the time of the Deepwater Horizon disaster. The Santa Barbara oil spill in 1968 was considered to be the impetus for the creation of the Environmental Protection Agency in 1971. The public outcry after the Santa Barbara disaster echoed again in the aftermath of the Deepwater Horizon disaster in 2010 and the Minerals Management Service was one of the agencies that was targeted for much-needed reform. The MMS was responsible for leasing activities related to offshore oil and gas, collecting oil and gas royalties, as well as "leasing activities and overseeing offshore operations for the Outer Continental Shelf."[59] This included authorizing the lease to BP for the Macondo tract, an offshore parcel of land owned by the U.S. government that British Petroleum could use to "drill and explore for natural resources."[60]Although the MMS was charged with regulating "an industry possessing some of the most complex technology available in the energy field—the MMS never possessed the proper budget necessary to regulate effectively." [61] Despite the focus on

[59] "Deepwater Drilling Reborn in the Gulf," accessed June 6, 2015, http://www.think-energy.org/index.php/articles/25-drilling-fluids/1589-deepwater-drilling-reborn-in-the-gulf.
[60] "Gulf of Mexico Deepwater Information | BSEE," accessed June 8, 2015, http://www.bsee.gov/Exploration-and-Production/Development-and-Production/Gulf/Gulf-of-Mexico-Deepwater-Information/.
[61] "Changing Direction: How Regulatory Agencies Have Responded to the Deepwater Horizon Oil Spill (Part I of II) | LSU Journal of Energy Law & Resources," accessed June 4, 2015, http://jelr.law.lsu.edu/2014/11/19/changing-direction-how-regulatory-agencies-have-responded-to-the-deepwater-horizon-oil-spill/. Flournoy, "Three Meta-Lessons Government and Industry Should Learn from the BP Deepwater Horizon Disaster and Why They Will Not."

technological failings that most governmental reports cite, the Deepwater Horizon clearly resulted from "many human and technical failings in a risk-taking corporation that operated in an industry with ineffective regulatory oversight."[62] Investigations found that the MMS frequently allowed oil and gas companies to "revise their bids downward after they won contracts" for leasing and development.[63] This shady activity extended to sharing confidential prices and accepting gifts, activities that were documented on at least "118 occasions" costing "taxpayers about $4.4 million" in lost revenue.[64] The failures of funding in addition conflicting responsibilities for regulators also played a pivotal role. "While the Outer Continental Shelf leasing increased by 200 percent between 1982 and 2007, during that time period MMS staffing resources decreased by 36 percent."[65] The budget constraints that the MMS was facing created a situation whereby corporations were expected to be self-regulating in terms of adherence to safety standards because the agency simply could not keep up with the booming unconventional oil industry that was being developed via offshore drilling. When inspections of offshore rigs did take place, they "consisted almost entirely of verifying paperwork," a regulatory measure that fell short of assessing the safety of the technology aboard the rig itself.[66] Although the funding shortfalls were well understood amongst Congressional representatives and administrative personnel, the Deepwater Horizon catastrophe drew public attention to lapses in regulatory oversight, including missed inspections as well as a range of problematic ethical

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[62] Carl Hoffman, "Could the BP Oil Spill Happen Again?," *Popular Mechanics*, accessed June 4, 2015, http://www.popularmechanics.com/science/energy/coal-oil-gas/how-the-bp-oil-rig-blowout-happened.

[63] Charlie Savage, "Sex, Drug Use and Graft Cited in Interior Department," *The New York Times*, September 11, 2008, sec. Washington, http://www.nytimes.com/2008/09/11/washington/11royalty.html.

[64] Ibid.

[65] "Changing Direction."

[66] Ibid.

practices. Among the behaviors exposed in the wake of the Deepwater Horizon disaster, it was found that agents were "caught up in a wide-ranging ethics scandal—including allegations of financial self-dealing, accepting gifts from energy companies, cocaine use and sexual misconduct."[67] However, accepting gifts and socializing had previously been considered acceptable behavior when working with corporations that subscribed to this particular marketing culture. This is one of many clear instances of the embeddedness of industry and government when it came to the MMS. In addition to the ethical issues, the "government inspection reports show BP's Deepwater Horizon oil rig was only inspected six times in 2008 even though government regulations say drilling rigs should be inspected every month. In total, the rig missed 16 inspections since January 2005."[68] By the time the Deepwater Horizon rig exploded, the weak regulatory climate had combined with the riskiness of the complex technology to create a situation whereby disaster was almost an inevitability. However, this inevitability was not recognized. Because the rig had been safe and productive up until that point, there was a general sense amongst its workers and managers that disaster was improbable—the machine was operating as designed. While the behavior that were exposed by the investigation into the regulatory failures of Deepwater Horizon highlighted a number of "management shortcomings, ethical lapses among personnel, and conflicts of interest at MMS" turned out to be the manifestation of ongoing sources of concern for the Department of the Interior.[69] Secretary Salazar noted that the MMS had "three distinct and conflicting missions—that for the benefit of effective enforcement, energy development, and

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[67] Savage, "Sex, Drug Use and Graft Cited in Interior Department."
[68] "BP Rig Missed 16 Inspections Before Explosion - CBS News," accessed June 7, 2015, http://www.cbsnews.com/news/bp-rig-missed-16-inspections-before-explosion/.
[69] Henry B Hogue, *Reorganization of the Minerals Management Service (MMS) in the Aftermath of the Deepwater Horizon Oil Spill* (DIANE Publishing, 2010).

revenue collection must be divided."[70] In a way, the disaster was a catalyst for the changes that the MMS desperately needed.

"Within a month of the Deepwater Horizon incident, the Administration had initiated an administrative reorganization to address these perceived mission conflicts. On June 28, 2010 the MMS was disbanded, restructured, and renamed, establishing the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE).[71] At first glance, the restructuring of the MMS appeared to be about creating a more effective way for the government to regulate the complexities of a burgeoning energy industry but this quick action also conveyed the message to the general public that the administrative shortcomings that contributed to the disaster were being remedied. This sort of massive regulatory reform was also an effective damage control strategy for the government, which focused in on the scathing details of cocaine use and lurid sexual encounters between oil and gas industry representatives and the regulators. Exposing these problematic behaviors rather than addressing chronic underfunding and recognizing the inherent complexity and risk associated with deepwater drilling was a red herring. Perhaps more problematic than the failure to keep the inspection schedule is the lenient penalty statutes that the MMS routinely abided by. This leniency combines with the profit maximization strategies of energy companies to create a situation whereby environmental harm become an acceptable loss incurred through the pursuit of capital accumulation. "The Outer Continental Shelf Lands Act was the main legislation used by the MMS to regulate

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[70] "Salazar Divides MMS's Three Conflicting Missions," accessed June 7, 2015, http://www.doi.gov/news/pressreleases/Salazar-Divides-MMSs-Three-Conflicting-Missions.cfm.
[71] J. R. Thomson, *High Integrity Systems and Safety Management in Hazardous Industries* (Butterworth-Heinemann, 2015). Hogue, *Reorganization of the Minerals Management Service (MMS) in the Aftermath of the Deepwater Horizon Oil Spill*.

offshore drilling. OCSLA was enacted to promote and provide a framework for exploitation of the federal oil and gas resources on the OCS."[72] The promotion of this exploitation, however, often overshadowed the regulatory mandate of the MMS. Here again, administrative promotion of oil exploitation aided British Petroleum in its profit motive, making environmental and human protection subservient to economic aims. The biggest flaw of OSCLA is a flaw that is observable in the governance of most natural resource extraction in the United States—the penalty provisions, "which were extremely weak and highly unlikely to deter risky conduct within a multi billion dollar industry."[73]

> Federal records show that despite chronic safety problems with the industry, MMS imposed paltry fines that often took years to collect. In the overwhelming majority of cases where workers were actually killed, there was no record of fines being paid by the workers' employers to the MMS. When fines did occur, the maximum penalty was only $25,000. In a 20-year period, MMS only fined the drilling industry $21 million dollars for hundreds of serious safety violations. That is roughly $1 million dollars in fines per year for an industry that made $800 billion in profits during that time frame.[74]

Even though these fines are insignificant to the multi-billion dollar oil and gas industry, the aversion of companies to pay the fines demonstrates the lack of regard for the regulatory authority of the government. Moreover, the reluctance of the MMS to levy fines on oil and gas companies combined with the lack of enforcement mechanisms results in an impotent regulatory structure. Upon announcing the reforms to the MMS, Secretary Salazar expressed his hope that the restructuring would bring greater transparency and accountability. He noted:

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[72] "Changing Direction."
[73] Ibid.
[74] Ibid.

"With this restructuring, we will bring greater clarity to the roles and responsibilities of the Department while strengthening oversight of the companies that develop energy in our nation's waters."[75]

The Bureau of Ocean Energy Management now operates "under the supervision of the Assistant Secretary for Land and Minerals Management" and is "responsible for the sustainable development of the Outer Continental Shelf's conventional and renewable energy resources, including resource evaluation, planning, and other activities related to leasing."[76] The reorganization of the MMS has been upheld as "the next step" in the reform agenda that will govern the development of unconventional oil.[77] This separation of the missions of the MMS enables the government to more effectively carry out the "equally important missions" of sustainable development, oversight and safety, as well as royalty and revenue collection "with greater effectiveness and transparency," all the while pushing toward "a clean energy future."[78]

The emphasis on sustainable development and clean energy that BOEMRE purports seems to be a bit disingenuous given the history, complexity, and risk involved in the development of oil and gas. In a 30-day period in 2013, there were more than 30 oil disasters reported globally.[79] The everyday disastrousness of the oil development, though, while evidenced through disasters like Deepwater Horizon that capture media attention, distracts from the more protracted

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[75] "Salazar Divides MMS's Three Conflicting Missions."
[76] Ibid.
[77] "Salazar Divides MMS's Three Conflicting Missions."
[78] Ibid.
[79] "INFOGRAPHIC: 13 Oil Spills in 30 Days: The Dirty Business of Moving Oil," *DeSmogBlog*, accessed August 9, 2013, http://www.desmogblog.com/2013/04/11/infographic-13-oil-spills-30-days-dirty-business-moving-oil.

disastrousness of the industry more broadly. In fact, more oil is spilled from the "network of terminals, pipes, pumping stations and oil platforms every year" in the Niger Delta region of Nigeria, than was lost in the Gulf of Mexico as a result of Deepwater Horizon.[80] Moreover, the disastrousness of the ongoing oil disaster in Nigeria, highlighted by the more punctuated oil disasters associated with the development of unconventional oil in North America, combine to obfuscate the everyday disastrousness and hardship that many suffer each day due to the torturous work conditions, environmental hazards, poverty, conflict, and social-economic-political immobility that is required for capitalists to continue their endless search for accumulation. Restructuring bureaucratic agencies is not enough to curb this environmentally risky and socially destructive behavior—a fact that was recognized by the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling, which concluded, "regulatory oversight alone will not be sufficient to ensure adequate safety."[81] The inherently dangerous nature of the oil and gas industry requires that the industry take "its own, unilateral steps to increase dramatically safety throughout the industry, including self-policing mechanisms that supplement governmental enforcement."[82]

Because the processes of eco-judicialism offer a way to manage anxieties that are exacerbated in times of environmental crisis, the reorganization of the Minerals Management Service is not just a regulatory reform that resulted from the disaster but it can also be understood as an ongoing project. Much of the litigation from Deepwater Horizon particular disaster is ongoing and is expected to be protracted

[80] John Vidal and Environment Editor, "Nigeria's Agony Dwarfs the Gulf Oil Spill. The US and Europe Ignore It," *The Guardian*, accessed June 7, 2015, http://www.theguardian.com/world/2010/may/30/oil-spills-nigeria-niger-delta-shell.
[81] National Commission on the BP Deepwater Horizon Oil Spill and Offshore Dril, *Deep Water* (Perseus Books Group, 2011).
[82] Spill, N. C. o. t. B. D. H. O. and O. Dril (2011). Deep Water, Perseus Books Group.

in years to come with many appeals, pleas, and negotiations yet to be had. There are both civil and criminal charges that have been levied against British Petroleum as well as other involved corporate parties, including individual claims of harm. Meanwhile, many of the decisions that have been made thus far have benefited British Petroleum, including the decision to reduce the fines associated with violations of the Clean Water Act. While due process, accountability for substandard behavior by state agencies and corporations, and the opportunity for civil society to respond are among the advantages offered by eco-judicialism, ceding responsibility to British Petroleum illustrates that there remain lessons to be learned about outsourcing essential roles of government to private corporations. This cozy relationship is emblematic of "the corporatist state" that Klein refers to in *The Shock Doctrine.* Klein asks what "role industry interests play in the shaping the specifics of the law?"[83] This is a question that refers directly to the conduct of conduct and the "whiling revolving door between government and industry." [84] Although the eco-judicial techniques employed to make the Deepwater Horizon disaster a governable subject are designed to restore legitimacy to regulators, and revive faith in the democratic process, these strategies are not enough to resolve the contradictions in the policies that flow down from eco-managerialism and eco-commercialism which "do not alleviate the structural crises behind most corporate decisions."[85] Instead of restoring faith in government and providing for an authentic public accountability, eco-judicialism can also fall into the economically productive role through amending "existing flawed practices to lessen failure, decrease regulatory pressures or curtail

[83] Klein, N. (2007). The shock doctrine: The rise of disaster capitalism, Metropolitan Books.
[84] Ibid.
[85] T.W. Luke, "On Environmentality: Geo-Power and Eco-Knowledge in the Discourses of Contemporary Environmentalism," *Cultural Critique*, 1995, 57–81.

[business] owner's anxieties in the shaky conditions of capitalist production."[86] Eco-judicialism, like eco-managerialism and eco-commericalism produce everyday disastrousness by effectively managing acute disasters. However, the failure to recognize and fundamentally alter structural conditions embeds more chronic environmental and social tragedy.

The restructuring of the MMS is an eco-judicial strategy that not only aided in the construction of disaster as a governable subject but, it also sanitizes public apprehension around the explosion of Deepwater Horizon. Rationally separating out the conflicting duties of the agency not only helped to reestablish public confidence, but the reform also created space so that the closeness of the relationship between industry and government could be assessed. Unfortunately, however, this reform and restructuring was not enough to extract the functions of oversight and safety completely from oil and gas companies. In the short term, the restructuring of the MMS aided in normalizing the Deepwater Horizon disaster by addressing regulatory failures and engendering public confidence in the government's ability to control and manage environmental disaster. In the long-term, however, the lack of recognition of structural issues such as oil consumption, drilling in risky territory, and neoliberal value of nature being tied to its protective capacity means that the deepwater drilling will continue, carbon will continue to be burnt, and everyday disastrousness will continue to be produced as a result.

Conclusion: Failure to Alter the Conditions of Production

In the notably difficult novel *One Hundred Years of Solitude,* Gabriel Garcia Marquez describes an ill-fated town, Macondo, the namesake for the oil and gas

[86] Luke, T. W. (1995). "On environmentality: Geo-power and eco-knowledge in the discourses of contemporary environmentalism." Cultural Critique(31): 57-81.

prospect where the Deepwater Horizon disaster occurred. The words that Marquez chose for his description of the town may also well apply to the Deepwater Horizon:

> It was as if God had decided to put to the test every capacity for surprise and was keeping the inhabitant of Macondo in a permanent alteration between excitement and disappointment, doubt and revelation, to such an extreme that no one knew for certain where the limits of reality lay.[87]

The eco-judicial strategies to govern the Deepwater Horizon disaster were, in some ways, also ill-fated insofar as they failed to sufficiently understand the complex factors that belied the construction of this disaster. Although the imposition of a no-fly-zone, a short-lived moratorium on new exploratory drilling, and regulatory reform by way of restructuring the bureaucracy of the MMS were all effective at soothing and calming the public in the aftermath of the disaster, none of these strategies recognize nor address the systemic political, social, and economic conditions that push the environment toward an ever disastrous existence. Moreover, despite the good that these eco-judicial strategies achieved, all seemed to waiver between providing the public with an authentic transparency and accountability and the disappointment of business-as-usual corpocracy. While these eco-governmental strategies did perform important functions of alleviating public anxiety about environmental disaster in the short-term, five years after the disaster demonstrates that not much has changed. In fact, deepwater drilling has become supercharged, along with other forms of unconventional oil extraction like stripping of tar sands and hydrofracking of shale oil.

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[87] Gabriel García Márquez and Gregory Rabassa, *One Hundred Years of Solitude* (London, 1970).

Throughout this chapter, as in the preceding chapters, a critique of instrumentalist logic has been offered. The vignettes have illustrated how high modernist ideology lies behind these remediation strategies not only constructing the disaster as a knowable subject but also normalizing disaster. The strategies addressed here are not the only eco-judicial strategies that have been used in the aftermath of the Deepwater Horizon disaster; however each of these are representative of a governmentality of environmental disaster that fundamentally fails to understand the conditions that have made disaster possible. Like eco-managerialism and eco-commercialism, eco-judicialism maintains an instrumentalist view of nature that holds the value of the environment as directly tied to its productive capacity. In this way, any eco-judicial strategy is aimed at ensuring economic productivity rather than offering authentic remediation and restitution for socio-environmental harms. This is the contradiction that underlies neoliberal judicial and administrative eco-mentalities. In keeping with this ideological allegiance, the strategies addressed here have fundamentally failed to alter the conditions of production, not only normalizing the Deepwater Horizon disaster in the short-term but, also paving the way for oil extraction and therefore climate change to continue unobstructed.

Chapter 7: Eco-Sensationalism

> **"***Research has shown that there is a relationship between how the media present disaster and the consequent effect on the public attitudes, perceptions and behaviors throughout the event. For instance, sensationalism of an event can create panic, just as underreporting of an event can create a false sense of security in the general public.*[1]

Introduction

The increasing frequency of environmental disasters associated with the development of unconventional oil has created a situation whereby media coverage of the events leads to "oil spill amnesia" amongst the general public.[2] This chapter addresses sensationalism of the Deepwater Horizon disaster and specifically discusses how the subject of environmental disaster is simultaneously normalized through the specific discursive framing of this disaster. Shaping public knowledge of environmental disasters by way of sensationalized framing allows for normalization through desensitization. For example, framing oil spills as one-time exceptional events, while useful in resolving cultural anxiety about environmental disaster, "diverts the general public's attention away from the risks involved in fossil fuel extraction."[3] This incomplete understanding of systemic and manufactured risks not only furthers a mythological understanding of disaster but it also allows instrumentalist and rationalistic management techniques to address the immediate disaster without public questioning of the underlying conditions

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[1] Rebecca Ash, "Disaster Reporting and Sensationalism: New York Times Coverage of Y2K," accessed July 22, 2015, http://www.angelfire.com/journal/worldtour99/y2k.html.
[2] Ashlee Humphreys and Craig J. Thompson, "Branding Disaster: Reestablishing Trust through the Ideological Containment of Systemic Risk Anxieties," *Journal of Consumer Research* 41, no. 4 (December 1, 2014): 877–910, doi:10.1086/677905.
[3] Ibid.

that have produced it. In this way, not only are the risks associated with the development of unconventional oil insufficiently understood, but the constellation of factors that combine to create environmental disaster also remain concealed. Through media coverage, including the conveyance of official corporate and governmental messages about the disaster, a tacit trust is engendered whereby consumers believe that the disaster is "being sufficiently monitored and controlled."[4] Moreover, the political event of the disaster is able to be framed as a spectacle whereby the media uses disturbing imagery to symbolically represent a version of political reality—in this case, either that the disaster was not being effectively addressed or that it was completely under control. Either of these dichotomously represented versions of the truth harkens back to Murry Edelman's claim that media reporting can "evoke a spectacle that is a construction—an interpretation reflecting the social situations of the agents that produced it."[5] The disaster begins to take on meaning, then, that perpetuate dominant narratives and ideologies of both industry and government. This constructed (mis)understanding of the disaster also distracts attention from the systemic embeddedness of oil consumption within the production of environmental disaster. As such, the development of oil can continue unimpeded.

As described in Chapter 3, eco-sensationalism involves the use of graphic or shocking imagery or language to permeate public discourse on the effects of environmental disaster. These exaggerated narratives of the disaster "heighten sensational impact without adding more information" for the public

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[4] Ibid.

[5] Murray Edelman, *Constructing the Political Spectacle* (University of Chicago Press, 1988). Arie S. Soesilo and Philo C. Wasburn, "CONSTRUCTING A POLITICAL SPECTACLE:. American and Indonesian Media Accounts of the 'Crisis in the Gulf,'" *The Sociological Quarterly* 35, no. 2 (May 1994): 367–81, doi:10.1111/j.1533-8525.1994.tb00415.x.

understanding of the disaster.[6] Such problematic discursive constructions of environmental disaster as a political subject can also involve goodwill-marketing campaigns intended to distract attention from disastrous environmental and social effects and promote a sense of corporate stewardship in the aftermath of an environmental disaster. Thus, the result of eco-sensationalism is that the systemic risks, which manufacture the political and socio-economic conditions that perpetuate environmental degradation, remain concealed and can therefore persist without contestation. Desire for quick remediation paradoxically promotes technological fixes to symptomatic issues, while reinforcing values that manufacture risk, thereby normalizing environmental disaster.

To explore how eco-sensationalism might develop a more complete understanding of the official responses to Deepwater Horizon this chapter addresses eco-sensationalized strategies that successfully enabled technocratic and instrumentalist governance of the disaster while concurrently distracting from the fact that neoliberal ideologies enable environmental disaster. The first example assessed is the Deepwater Horizon Spillcam, a live feed of the underwater oil leak that was made available by the now defunct House of Representatives Select Committee for Energy Independence and Global Warming. The Spillcam became an Internet sensation and was also heavily broadcast on 24-hour news networks. The constancy in the coverage of the spill and the intense focus on the gusher at the bottom of the Gulf of Mexico had a desensitizing effect. The second official response that simultaneously sensationalized and normalized the Deepwater Horizon disaster was the declaration by the administration that the Deepwater

[6] Todd Gitlin, *Media Unlimited, Revised Edition: How the Torrent of Images and Sounds Overwhelms Our Lives* (Macmillan, 2007).

Horizon disaster was the "worst environmental disaster in US history."[7] This particular framing of the disaster enabled governmental collaboration and joint investigations into the causes of the disaster "including monitoring of equipment and debris from the spill site."[8] The last strategy assessed is British Petroleum's framing of the disaster through their ad campaign entitled 'Committed to the Gulf.' This campaign, perhaps more than the other eco-sensationalized strategies assessed, is emblematic of how discursive construction of the disaster can shape political memory/amnesia through normalization. Each of these responses to the Deepwater Horizon disaster demonstrates how knowledge can be constructed and how the effects of that knowledge creates a governmentality that ensures the continuation of conditions of production. Before discussing eco-sensational responses to the Deepwater Horizon disaster, a brief explanation and problematization of the practice is offered.

Problematizing Eco-Sensationalism

Sensationalism in environmental reporting occurs when exaggerated interpretations and analyses of noteworthy environmental events are made. Although sensationalism is most frequently linked to media, hyperbole and misrepresentation of events as a discursive strategy can also stem from government and corporations. Notwithstanding the differing motives for each of the aforementioned actors to engage in sensationalized presentation of

[7] "Remarks by the President to the Nation on the BP Oil Spill | The White House," accessed August 9, 2013, http://www.whitehouse.gov/the-press-office/remarks-president-nation-bp-oil-spill.

[8] "Secretary Napolitano's Testimony on Assessing the Nation's Response to the Deepwater Horizon Oil Spill | Homeland Security," accessed June 8, 2015, http://www.dhs.gov/news/2010/05/17/secretary-napolitanos-testimony-assessing-nations-response-deepwater-horizon-oil.

environmental disasters, the strategy effectively prevents "the public from being knowledgeable participants in policy discussions about scientific issues."[9] This creates a situation whereby expert knowledge is employed as de facto truth and best practice. Unfortunately, however, the lack of nuance involved in eco-sensationalism allows for the spread of oversimplified causal explanations, and the proliferation of inaccuracies.[10]

Employing shocking imagery and language about environmental disaster can engender anxiety around a particular, seemingly uncontrollable event. But, these interpretations of disaster also distract from systemic economic/political/social problems that participate in the formation of environmental disaster as well. In this way, a shocking event can be used as a foil to distract from faulty governance and problematic economic practices. "Because democracies rely on an informed citizenry to debate and decide among policy choices, sensationalism may threaten effective involvement by desensitizing the public" to information about environmental risks, in this case, associated with the development of unconventional oil.[11] In complex cases, such as the case in question here journalists may not have the resources to conduct research and report "deeper analyses of complicated and substantive problems."[12] Although the contemporary news media is constantly in competition for the public's attention via ratings, this does not mean that investigative quality should be sacrificed. Unfortunately, however,

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[9] David F. Ransohoff and Richard M. Ransohoff, "Sensationalism in the Media: When Scientists and Journalists May Be Complicit Collaborators.," *Effective Clinical Practice: ECP* 4, no. 4 (2000): 185–88.

[10] T.W. Luke, *Screens of Power: Ideology, Domination, and Resistance in Informational Society* (Univ of Illinois Pr, 1989).

[11] Ransohoff and Ransohoff, "Sensationalism in the Media: When Scientists and Journalists May Be Complicit Collaborators."

[12] Ibid.

complexity is often secondary to expediency in contemporary society. Quick news cycles mean that the media is constantly feeding the public the "catastrophe du jour."[13] However, as evidenced through the 2015 Ebola scare, the catastrophe du jour is not always as dangerous as the media tizzy frames it to be. Approximately 2,000 people succumbed to Ebola globally and while that is a tragedy, it needs to be put into perspective with other less-sensational diseases that are much more deadly. Each day, more than 2,000 people die from malaria each day, more than 1.5 million people die from diarrheal diseases each year, and nearly 40,000 people die from influenza each year in the United States alone. Similar appraisals can be made of how the risk of terrorism is covered in the media.[14] These comparisons demonstrate that not all disasters are covered, reported, or framed equally.

It is said that good public policy rarely translates into good politics. The rift "between what a country needs for its sustainable development, and what politicians must do to satisfy the electorate, interest groups, and their own ambitions" is frequently in tension.[15] The contradiction between environmental aims and economic goals historically tilts in favor of the economy. Often, sensationalized reporting on environmental disaster catalyzes this economic primacy by distracting the public from larger, more complex, and systemic issues. The idea that environmental sustainability and economic development can harmoniously come together through the development of unconventional oil is

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[13] "King: Media Sensationalism Loses Sight of Real Problems," *Houston Chronicle*, accessed June 9, 2015, http://www.chron.com/opinion/king/article/King-Media-sensationalism-loses-sight-of-real-5746645.php.

[14] "9/11 + 10: The Costs of Fear," *Psychology Today*, accessed June 9, 2015, http://www.psychologytoday.com/blog/how-risky-is-it-really/201109/911-10-the-costs-fear.

[15] "America's Worst Environmental Disaster in History: A Reason to Sink Climate-Change Legislation? « The Stanford Progressive," accessed June 8, 2015, http://web.stanford.edu/group/progressive/cgi-bin/?p=575.

simply insincere and this is not only in regard to the risk of major disasters like Deepwater Horizon. Now that British Petroleum is looking to develop tar sands in Alberta, leading scientists warn that the development of this reserve of dirty oil would essentially mean that it is "game over for the climate."[16] Although climate denialists might argue that this view of oil development is itself sensationalized, the fact remains that "oil from tar sands makes sense only for a small number of people who are making money from the project."[17] The development of tar sands is more problematic "for the rest of the people on the planet" because tar sands has a very low energy return on investment (EROI) of 5:1, meaning that per unit of carbon spent for development only 5 units are produced.[18] By contrast, conventional oil boasts an EROI of 25:1.[19] However, with global temperatures rising and a "dangerous level of carbon in the atmosphere" the addition of carbon in the air as a result of developing unconventional oil means that "the climate problem becomes unsolvable."[20] The chronic disaster of climate change, however, is obfuscated by the short-term sensationalism of the Deepwater Horizon disaster.

Because eco-sensationalism has the potential to distract, desensitize, and disinform the general public about environmental events it is important to engage with media, governmental, and corporate messaging with a healthy skepticism

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[16] James Hansen, "Game Over for the Climate," *The New York Times*, May 9, 2012, http://www.nytimes.com/2012/05/10/opinion/game-over-for-the-climate.html.
[17] Damian Carrington, "Tar Sands Exploitation Would Mean Game over for Climate, Warns Leading Scientist," *The Guardian*, accessed June 9, 2015, http://www.theguardian.com/environment/2013/may/19/tar-sands-exploitation-climate-scientist.
[18] Ibid.; "Oil Sands Mining Uses Up Almost as Much Energy as It Produces | InsideClimate News," accessed March 10, 2015, http://insideclimatenews.org/news/20130219/oil-sands-mining-tar-sands-alberta-canada-energy-return-on-investment-eroi-natural-gas-in-situ-dilbit-bitumen.
[19] Charles A. S. Hall, Jessica G. Lambert, and Stephen B. Balogh, "EROI of Different Fuels and the Implications for Society," *Energy Policy* 64 (January 2014): 141–52, doi:10.1016/j.enpol.2013.05.049.
[20] Carrington, "Tar Sands Exploitation Would Mean Game over for Climate, Warns Leading Scientist."

that differentiates disaster pornography from more authentic reflections of the event. This sort of skepticism is central to the project of Critical Theory and is generally understood as "raising questions with respect to knowledge, truth or certainty," whether implicit or explicit.[21] The discussion of eco-sensationalism in the vignettes that follow attempt to engage this sort of skepticism so as to understand the economic and political motives behind the sensationalistic/normalizing framing of the Deepwater Horizon disaster.

Spillcam as a Driving Force for Disaster Response

The Deepwater Horizon well did not "have a remote-control shut-off switch used in two other major oil producing nations" as a redundant protection that could have helped to shut down the oil spewing into the Gulf of Mexico.[22] "The lack of the device, called an acoustic switch," meant that Remotely Operated Undersea Vehicles (ROVs) needed to be dispatched by British Petroleum to assess damage at the well-head and to determine how to best tackle and put a stop to the flow of oil.[23] Cameras were mounted onto the ROVs and captured video footage of the spewing oil. On May 12, 2010, "BP released a 30 second video clip of the leak" sparking a debate about the magnitude of the ongoing spill.[24] The imagery not only ignited a debate within the scientific community about the volume of oil released but, it also "fueled public outrage towards BP, and emboldened

[21] Philip Walsh, *Skepticism, Modernity and Critical Theory: Critical Theory in Philosophical Context* (New York: Palgrave Macmillan, 2005).
[22] Russell Gold and Ben Casselman And Guy Chazan, "Leaking Oil Well Lacked Safeguard Device," *Wall Street Journal*, April 28, 2010, sec. Business, http://www.wsj.com/articles/SB10001424052748704423504575212031417936798.
[23] Ibid.
[24] Cutler Cleveland, CM Hogan, and P Saundry, "Deepwater Horizon Oil Spill," *Encyclopedia of Earth*, 2010.

politicians to pressure BP for more data and a faster response."[25] The footage led many lawmakers to believe that British Petroleum was under reporting the flow rate of the oil, eventually leading to the establishment of the Flow Rate Technical Group. Several senators including Ed Markey (Massachusetts), Bill Nelson (Florida), and Barbara Boxer (California) made direct requests to British Petroleum to make more footage and information about the leak available. Scientists, too, had complained about the lack of transparency and trickle of information and imagery that was coming from BP—a similar complaint that journalists had levied with regard to access.[26] This push for access to the knowledge that British Petroleum had about the disaster was one way that government and technocrats could render the disaster into a legible subject. These calls for transparency and information on behalf of the American public are reluctantly responded to by BP. British Petroleum made a live feed of the gusher available to the now defunct Select Committee for Energy Independence and Global Warming on May 19, 2010, just over one month after the initial explosion aboard the oil drilling platform.[27]

The feed went live the following day and became widely known as the Deepwater Horizon 'spillcam,' a name given to the live feed by Senator Markey's staff. The feed was an instant Internet sensation and high demand actually caused both Markey's site and the House of Representatives entire web system to crash.[28] Spillcam became one of the top Internet searches in the days that followed, with Google reporting that the search terms "BP oil spill live feed" was one of the top

[25] Gold and Chazan, "Leaking Oil Well Lacked Safeguard Device."
[26] Jeremy W. Peters, "Efforts to Limit the Flow of Spill News," *The New York Times*, June 9, 2010, sec. U.S., http://www.nytimes.com/2010/06/10/us/10access.html.
[27] Cleveland, Hogan, and Saundry, "Deepwater Horizon Oil Spill."
[28] "Markey: Spillcam Was Game-Changer in BP Disaster Response," accessed June 8, 2015, http://www.cnn.com/2011/POLITICS/04/20/markey.bp/.

searches during that time.[29] Spillcam was largely understood as a "game changer" for the way that Congress and British Petroleum "were responding to the disaster."[30] The surveillance brought with it an urgency and greater impetus for stopping the gusher of oil. By June 3rd, the number of vantage points to view the spill had increased from 1 to 12.[31] Markey noted that the additional vantage points "of the spill will finally provide the American public and independent observers the unfettered access needed to access both the progress and destruction happening a mile below the Gulf."[32] The added transparency galvanized public concern but also became a postmodern cultural phenomenon with people watching the disaster in real-time at on their home and work computers. This was a crude form of entertainment. By November 2010, the term "spillcam" topped the search terms on the Global Language Monitor's survey.[33]

Of course, the spillcam was not just intended for public consumption of an environmental disaster in the making; these cameras were primarily intended as technical aid to the work of the ROVs as they were manipulated in attempt to stem the flow of oil. But, what began as a single image of the damaged oil well quickly turned into a real-time show of robots wielding ropes, saws, wrenches, and shears in attempt to stop the bleeding. The spillcam fed the "public fascination with

[29] Cleveland, Hogan, and Saundry, "Deepwater Horizon Oil Spill."
[30] "Markey."
[31] Patrik Jonsson, "BP Live Feed 'Spillcam' Now Offers 12 Views of Oil Spill - CSMonitor.com," accessed June 8, 2015, http://www.csmonitor.com/USA/2010/0603/BP-live-feed-spillcam-now-offers-12-views-of-oil-spill.
[32] Ibid.
[33] "Top Words of 2010," *The Global Language Monitor*, accessed June 8, 2015, http://www.languagemonitor.com/new-words/top-words-of-2010/.

instant images from a disaster zone."[34] In fact, the spill cam became a permanent inset within the television picture being broadcast on 24-hour news channels, a sensational accompaniment to the unprecedented event, and unprecedented media coverage. The Pew Research Center for Journalism and Media regularly tracks news coverage of disasters, including coverage of the Deepwater Horizon disaster. The Center reports that "most disasters have been covered as 'one week wonders'—stories that generate a major burst of media attention and then quickly drop out of headlines."[35] But, the Deepwater Horizon was different. It was a "slow-motion disaster that exceeded the usual media attention span, commanding substantial coverage week after week," and constituting the overwhelming majority of news being broadcast from April 20th through July 28th.[36] During this time, public knowledge of the event was being shaped. Coverage of the Deepwater Horizon disaster "accounted for 22% of the newshole, almost twice as much coverage" as the second largest story being covered—the economy.[37] The Gulf disaster was consistently the leading news story "in the mainstream news agenda for nine of those 14 weeks—and it never finished lower than" the third ranked story.[38] The extent and length of the coverage of this particular disaster stands in stark contrast to other disasters—both natural and manmade.

Although it may be counterintuitive that sensationalizing this disaster might ultimately lead to the normalization of environmental disaster more broadly;

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[34] Patrik Jonsson, "What Popularity of the BP Live Feed 'Spillcam' Says about Us," *Christian Science Monitor*, June 4, 2010, http://www.csmonitor.com/USA/2010/0604/What-popularity-of-the-BP-live-feed-spillcam-says-about-us.
[35] Pew Research Center: Journalism and Media staff, "A Different Kind of Disaster Story," *Pew Research Center's Journalism Project*, accessed June 8, 2015, http://www.journalism.org/2010/08/25/oil-spill-was-very-different-kind-disaster-story/.
[36] Ibid.
[37] Ibid.
[38] Ibid.

however, The magnitude of the news coverage about the disaster, combined with the spillcam live feed of the 87-day oil spill gushing into the Gulf of Mexico was desensitizing. Anxiety associated with repeated exposure to the environmental violence of the oil spill lessens over time, and simultaneously public confidence increases that the disaster will be adequately managed through technological and instrumentalist means. The consistency of the Deepwater Horizon disaster in the news media became a mechanism that normalized the disaster in the public's eye. Because spillcam offered a technological picture of a technological fix to what was widely framed as a technological failure, the cultural and social perspective of the disaster as a problem that could be rationally and instrumentally addressed. The parameters of this disaster as a technological subject, as opposed to an economic and socially formed disaster, was perpetuated and further entrenched by the imagery on the spillcam.

The paradoxical relationship between sensationalism and normalization surrounding environmental disasters comes together as a specific form of governmentality that ignores structural conditions and manufactured risk, and thus, allows the development of unconventional oil to continue as a source of capital accumulation.

The Worst Environmental Disaster in US History: Distracting from Systemic Risk

The designation of the Deepwater Horizon disaster as 'the worst environmental disaster in Unites States history' offers a way to analyze the exercise of political power from a distance. This discursive framing of the disaster was a specific

technology of government that enabled instrumentalist and technological remediation to be undertaken without impediment. Moreover, it continued a trend in assessing the Gulf of Mexico as an environmental sacrifice zone or as the unfortunate but necessary byproduct of industrial development. It is important to understand how the government's choice of this language allowed for the Deepwater Horizon to be constituted as a political subjectivity, and furthermore how this discursive construction normalizes the subject of environmental disaster more broadly by concealing knowledge of systemic risks.

On June 15, 2010, President Obama addressed the nation on the Deepwater Horizon disaster. The address to the nation came nearly two months after the explosion aboard the oil rig and while the oil was still flowing into the Gulf of Mexico. The President noted:

> Already, this oil spill is the worst environment disaster America has ever faced. And unlike an earthquake or hurricane, it's not a single event that does its damage in a matter of minutes or days. The millions of gallons of oil that have spilled into the Gulf of Mexico are more like an epidemic, one that we will be fighting for months and even years.[39]

The 'worst' designation has sparked debate amongst environmental historians, who take care to highlight a history "littered with oil spills, explosions, toxic dumps, extinctions and at least one river on fire."[40] So, ranking Deepwater

[39] "National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling | The Gulf Spill," *National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling*, accessed May 25, 2015, http://www.iadc.org/archived-2014-osc-report/media/.
[40] David A. Fahrenthold and Ylan Q. Mui, "Historians Debate Designation of 'Worst Environmental Disaster' in U.S.," *The Washington Post*, June 22, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/21/AR2010062104676.html.

Horizon above the 1930s Dustbowl which resulted in a great deal of social and environmental distress from which the American Southwest will never recover, or the contemporary and protracted drought occurring in California, or the Exxon Valdez spill, or the widespread use of the pesticide DDT begs the question of measurement. The Santa Barbara oil spill of 1969, which was responsible for galvanizing public momentum for the modern environmental movement in the United States was less than one-twentieth the size of Deepwater Horizon yet, the environmental activism that resulted from Deepwater Horizon paled in comparison. Certainly, the Deepwater Horizon resulted in the largest loss of oil but, the economic costs of the disaster were also unprecedented.[41] From this perspective, it can be deduced that the administration is more concerned with the economic loss than it is with environmental degradation, and perhaps this is a representative sentiment given the lack of public outcry against this sort of environmental disaster. Although the White House declined to comment when questioned about the President's rationale for designating the Deepwater Horizon disaster as the 'worst' in US history, there were many scientists whose measurements and calculations supported the claim.[42] Government estimates showed that Deepwater Horizon resulted in an oil loss that was many times, even up to 16x larger than of the Exxon Valdez spill. But, the disaster was also different from Exxon Valdez in that there were few environmentally pristine areas in the Gulf of Mexico that had not already sustained major environmental damage as a result of years of oil extraction and refinement.[43] Distracting from this everyday

[41] "National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling | The Gulf Spill."
[42] Fahrenthold and Mui, "Historians Debate Designation of 'Worst Environmental Disaster' in U.S."
[43] "GULF OF MEXICO: 'Restoration' Is a Shifty Word on the Bayou," accessed June 9, 2015, http://www.eenews.net/stories/1059959142.

disastrousness and systemic risks with an environmental disaster of this magnitude was not a difficult task because the public was already desensitized to the toxic realities of the Gulf coast. The Gulf of Mexico had long been considered a sacrifice zone, even before the Deepwater Horizon disaster—generally understood as a geographic area "that has been permanently impaired by environmental damage or economic disinvestment."[44] The region was infected with unsustainable business practices, including oil refinement, which meant that residents of Gulf coast communities were living and working in proximity to heavy pollution.[45]

Reports also indicated that the multi-scalar nature of the disaster meant that the impacts would be felt in a variety of ways. However, the economic benefit that was to be obtained outweighed the risk of these social, environmental, and economic consequences. The very design of the Macondo deepwater oilrig was not geared toward safety. Although the technology was complex, there were many redundant safety systems that could have been built into the process but were not. Unlike a conventional assembly line, where any operator can push a button to stop the process, workers aboard an oilrig were largely dependent upon the extractive process working as designed. However, the lack of complex safety systems did not meet the requirements for sensationalized national headlines and the sort of questions about safety, oversight, and regulation that should have been part of the journalistic mandate before the disaster were also avoided in a post-disaster coverage.[46]

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[44] Robert D. Bullard, "Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States," *Environmental Health Perspectives* 119, no. 6 (June 2011): A266.
[45] Ibid.
[46] Andrea Miller, Shearon Roberts, and Victoria LaPoe, *Oil and Water: Media Lessons from Hurricane Katrina and the Deepwater Horizon Disaster* (Univ. Press of Mississippi, 2014).

The sensationalism of designating Deepwater Horizon as the worst environmental disaster in US history is not only problematic in terms of its distraction from systemic risks and failures or its clear economic and valuation of nature that falls in line with neoliberal ideology but, this eco-sensationalism also distracts from the fact that the disaster in Gulf of Mexico had much in common with these other catastrophes—"private interests that took risks in search of a payoff" and "a government that wasn't trying hard enough to stop them."[47] In other words, this disaster, as with many others, was the result of the quest for privatized profits and socialized risks and this profit motive is what has been the impetus behind this, and many other disasters, including the Dust Bowl. And, although the Gulf coast had already been considered an environmental sacrifice zone for years, neither the administration nor the media made the economy-environment link explicit in their assessments of the disaster. This willful blindness to systemic risks in favor of economic gain invites disaster.

Creating Oil Spill Amnesia: British Petroleum's Committed to the Gulf Campaign

British Petroleum's responsibility for the Deepwater Horizon disaster created a public relations nightmare of the company. As discussed in Chapter 5, the media coverage, including the sensationalism of the disaster, "caused immense damage to the company" which had spent more than 136 million GBP on a carefully crafted image including the 'beyond petroleum' rebranding.[48] British Petroleum engaged in a media blitz in the months after the disaster to "restore the corporate image"

[47] Fahrenthold and Mui, "Historians Debate Designation of 'Worst Environmental Disaster' in U.S."

[48] Ana Adi, Georgiana Grigore, and David Crowther, *Corporate Social Responsibility in the Digital Age* (Emerald Group Publishing, 2015).

that it had strategically crafted.[49] These efforts were sought as a "means to mitigate the intensity of the ongoing threat to individuals, businesses, and a delicate ecosystem."[50] The 'Committed to the Gulf' ad campaign initially touted the clean-up efforts of BP and featured company employees who live in the Gulf states who clearly convey British Petroleum's commitment to "compensate victims of the spill," "pay for all cleanup activities," and "work to restore the region's ecosystem."[51] Iris Cross, a Louisiana native and Manager of External Affairs at BP, comes across television screens in such a genuine way that it was difficult not to believe what she was saying: "I was born here. I am still here and so is BP. We're committed to the Gulf for everyone who loves it and everyone who calls it home."[52] The emotionality of the message is a theme that continues throughout the series of commercials, each of which have their own take on the commitment.

Subsequent advertisements similarly feature BP employees who live and work in the Gulf of Mexico. These employees are essentially vouching for the company, and giving the public their word that the company will fulfill its commitment to make the environment and economy right in the Gulf of Mexico. Outside of one of the more memorable/infamous ads, though, which featured the former BP CEO, Tony Hayward, there is not much recognition throughout the ad campaign that it was a foreign company who had caused such a mess. The ad featuring Hayward is an apology and a promise—expressing regret for the spill and assurance that

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[49] S. Muralidharan, K. Dillistone, and J.H. Shin, "The Gulf Coast Oil Spill: Extending the Theory of Image Restoration Discourse to the Realm of Social Media and beyond Petroleum," *Public Relations Review* 37 (2011): 226–32.
[50] Ibid.
[51] Andrew Restuccia, "BP launches new advertising campaign," Text, *TheHill*, (December 23, 2011), http://thehill.com/policy/energy-environment/201185-bp-launches-new-advertising-campaign.
[52] Ibid.

financial support would be available for the clean-up.[53] This carefully crafted apology about "a tragedy that never should have happened" drew ire from President Obama, Congressional representatives, and the general public.[54] The deep sorrow that Hayward claimed seemed insincere in light of his less scripted moments, which included fumbled statement on the disruption faced by the victims as a result of the disaster. Hayward muddled the message of commitment in saying, "There's no one who wants this over more than I do. I would like my life back."[55] The insensitive statement not only distracted from the human and non-human lives that had been lost in the disaster but also created a situation whereby Hayward's comments became the new focus of the media's attention. Here again, the sensationalism of the coverage distracts from the true causes and true causes of the disaster.

These ads, which were estimated by Fortune to have cost more than $100 million USD in the initial four months after the disaster, were inescapable for TV viewers for several years after the disaster.[56] At one point, British Petroleum was paying more than $5 million per week for the advertisement campaign.[57] In total, there were approximately 100 commercials made, most of which are available for

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[53] "WATCH: A History Of BP's Ads Since The Gulf Spill," *The Huffington Post*, accessed June 9, 2015, http://www.huffingtonpost.com/2013/04/16/bp-oil-spill-ads-since-deepwater-horizon_n_3093185.html.
[54] "In New Ad, BP's Tony Hayward Thanks U.S. For 'Strong Support' | ThinkProgress," accessed June 10, 2015, http://thinkprogress.org/climate/2010/06/03/174701/hayward-greenwashing-ad/.
[55] "BP CEO Tony Hayward: 'I'd Like My Life Back' | ThinkProgress," accessed June 10, 2015, http://thinkprogress.org/economy/2010/05/31/99948/hayward-wants-life-back/.
[56] Shelly DuBois, "BP's Advertising Budget during the Spill Neared $100 Million - Sep. 1, 2010," accessed June 10, 2015, http://archive.fortune.com/2010/09/01/news/companies/BP_spill_advertising_costs.fortune/index.htm?section=magazines_fortune&utm_source=twitterfeed&utm_medium=twitter&utm_campaign=Feed%3A+rss%2Fmagazines_fortune+%28Fortune+Magazine%29.
[57] Ibid.

viewing on BP's official YouTube channel.[58] Tony Hayward's apology is not amongst the ads available on the BP channel. Instead, most of these ads display a more cheerful image of the Gulf—children playing on beaches and in the waters, vacationers enjoying Gulf seafood, kayaking, scuba diving, and deep-sea fishing. In this concerted effort to create oil spill amnesia, there is nary a mention of the disaster outside of the infrequent comment that the work of the company is not yet complete. And while the campaign ads consistently conveyed the theme of 'commitment,' the commitment varied from commercial to commercial, illustrating British Petroleum's evolution from regret about the 'accident,' on to promotion of tourism and the good life in the Gulf of Mexico, and finally to frustration about the claims process. Nonetheless, topics frequently included progress in safety, environmental clean-up, money spent for remediation, jobs created, adoption of new technologies, etc. The commercial that is currently running features Bob Fryar, BP's Global Safety Standards Leader. Mr. Fryar talks about his Louisiana heritage, framing himself as a native of the Gulf who wants to protect the local environment and economy. This sort of familiarity is meant to engender a sense of confidence in the company but, if that is not enough, the ad also plugs the company's new technologies that are meant to prevent future such accidents. The caption for the advertisement, which is featured prominently on BP's website reads:

> We have spent $28 billion in claims payments and response, clean-up and restoration costs. Our Gulf Coast recovery effort have focused on paying all legitimate claims stemming from the accident and supporting two of the regions most vital industries—tourism and seafood.[59]

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[58] "WATCH."

[59] "Committed to the Gulf | Gulf of Mexico Restoration | BP Global," accessed October 16, 2013, http://www.bp.com/en/global/corporate/gulf-of-mexico-restoration/committed-to-the-gulf.html.

British Petroleum's commitment to the Gulf seemed to be more about a commitment to extracting oil from the Gulf, and making money from the Gulf, than it was about restoring the Gulf's ecosystems, or ensuring that victims were appropriately compensated for damages. By mid-December, the "Unified Area Command, the joint government-BP body formed to oversee the spill response, came out with a fat report that seemed expressly designed to close the book on the disaster."[60] However months earlier, in June of 2013, British Petroleum had suspended its clean-up along much of the Gulf Coast, despite reports that the Macondo well was still leaking.[61] British Petroleum continued in its media offensive which claimed that "the beaches are safe, the water is safe, and the seafood is safe."[62] This particular declaration came from British Petroleum in the wake of 8,000 pounds of tarballs that had been collected from Florida's coast just days before.[63] As recent as April 2015, British Petroleum has purported that "populations of birds, crabs, shrimp, and other species were robust and that there would be no significant long-term impact to the population of any Gulf species."[64] Despite British Petroleum's claim of no significant long-term impact, the health consequences of the disaster that lay ahead for the Gulf of Mexico's mutually constituted residents and ecosystems remain unknown.

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[60] Naomi Klein, "The Search for BP's Oil," *The Nation*, January 13, 2011, http://www.thenation.com/article/157723/search-bps-oil#.

[61] "Coast Guard, BP End Gulf Cleanup in 3 States - CNN.com," *CNN*, accessed June 9, 2015, http://www.cnn.com/2013/06/10/us/gulf-oil-spill/index.html. BySharyl AttkissonCBS NewsJanuary 31, 2013, and 8:04 Pm, "Unknown Substance Leaking from Deepwater Horizon Site," accessed June 9, 2015, http://www.cbsnews.com/news/unknown-substance-leaking-from-deepwater-horizon-site/.

[62] Klein, "The Search for BP's Oil."

[63] Ibid.

[64] "BP Really Wants You to Think the Gulf Is OK," *Www.nationaljournal.com*, accessed June 10, 2015, http://www.nationaljournal.com/energy/bp-really-wants-you-to-think-the-gulf-is-ok-20150419.

Arguably, British Petroleum has yet to live up to its commitment to restore the Gulf but, arguably the ecosystem and public health impacts will not be known for decades to come. Despite the efforts of BP to stay ahead of the disaster with media messaging, "advertising doesn't make up for fundamental problems in their execution of duties as a company." [65] Moreover, the media messaging is a distraction from the ongoing realities along the Gulf coast. However, there are organizations fighting against BP's effort to create oil spill amnesia. On the fifth anniversary of the disaster the Environmental Defense Fund, National Audubon Society, National Wildlife Federation, and the Lake Pontchartrain Basin Foundation released the following joint statement:

> As we approach the fifth anniversary of one of the worst environmental disasters in U.S. history, there is no question that the damage unleashed by the BP oil spill is serious, evident, and ongoing. Five years have passed and BP is still sidestepping responsibility. Despite BP's attempts to convince the public through high-priced publicity campaigns that the Gulf is fine, the negative impacts of its 'gross negligence' will be felt for decades. BP claims that the Gulf's natural resources have rebounded, but peer-reviewed scientific studies and visible ongoing effects tell another story. Five years later, 10 million gallons of oil remain on the Gulf floor. Last month, a 25,000 pound BP tar mat was discovered on a Louisiana barrier island. And Cat Island—an important nesting site for brown pelicans and other coastal birds—has nearly disappeared since the spill. Even more troubling are the lingering effects not visible: significant damage from oil and chemical dispersants to the food web, wildlife, and overall ecosystem of the Gulf Coast.[66]

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[65] Ibid.

[66] "Five Years after BP Oil Spill: Focus Should Be on Continued Need for Restoration - National Wildlife Federation," accessed June 10, 2015, https://www.nwf.org/News-and-Magazines/Media-Center/News-by-Topic/Wildlife/2015/04-16-15-Five-Years-after-BP-Oil-Spill-Focus-Should-Be-on-Continued-Need-for-Restoration.aspx.

The tension between making the disaster visible and helping the disaster disappear is at the heart of disaster management through media campaigns. Oil spill amnesia, while helped along through media campaigns such as BP's 'Committed to the Gulf,' is essentially about failing to learn lessons from the Deepwater Horizon disaster. Even in the midst of the ongoing fallout from the disaster, the federal government continues to issue leases to "drill deepwater without ensuring all necessary precautions."[67] Many of the lease applications that have been received since the Deepwater Horizon disaster are submitted without "the detailed analysis necessary to understand the potential environmental impacts on already damaged ecosystems."[68] In fact, the Mississippi Canyon Block, widely considered Ground Zero for the Deepwater Horizon disaster, has returned to productivity as if nothing had ever occurred there. Many applications submitted for leasing this tract "relied on incomplete information from before the BP spill," which is a clear violation of the National Environmental Protection Act (NEPA).[69] The wishful thinking of oil and gas companies, as well as the federal government, that the Mississippi Canyon Block was as pristine as it was before the Deepwater Horizon disaster is not only disingenuous but it maintains the same reckless ideological allegiance to capital accumulation that led to the disaster in the first place. Robert Bea, engineer at the University of California-Berkeley, and former offshore drilling worker notes that "although there have been some improvements, a cultural shift towards safety may still be a long way off. The

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[67] Mike Ludwig, "BP Amnesia: Life and Death After the Spill," *Truthout*, accessed June 10, 2015, http://www.truth-out.org/news/item/12084-bp-oil-spill-amnesia-life-and-death-after-the-spill-cam.

[68] "Five Years after BP Oil Spill."

[69] "New Lawsuit Fights Oil Spill Amnesia | David Pettit's Blog | Switchboard, from NRDC," accessed June 10, 2015, http://switchboard.nrdc.org/blogs/dpettit/new_lawsuit_fights_oil_spill_a.html.

industry as returned essentially to business as usual."[70] The charge of 'gross negligence' that has been levied against British Petroleum is now being used to describe the federal government's response to the disaster.[71] Bea notes that other countries have learned more about preventing and managing oil spills than the United States has. He concludes that, "Our national response to the Macondo disaster has been a disaster . . . What a waste of an opportunity to learn and do better."[72]

Although the history behind the Deepwater Horizon oil spill should have been a regulatory wake up call for the country, lessons of the disaster have yet to be learned. The shaping, and perhaps more importantly erasing of political memory about the oil disaster has occurred, at least in part, through the 'Committed to the Gulf' ad campaign. Sensationalizing the economic and environmental recovery in the Gulf, not only promoted the idea that life had returned to normal after the disaster; but, the ad campaign also self-servingly promoted the company's eco-managerial prowess. In essence, the sensationalized ads demonstrated that even though British Petroleum created the disaster, they were also able to efficiently manage it. The appearance of manageability, promoted through the media, allows for systemic conditions to be overlooked and for causal explanations of the disaster to continue to be oversimplified. In a similar fashion to the Deepwater Horizon Spillcam, the Committed to the Gulf ad campaign did spark some anxiety about the environmental and human costs of the spill even though it was intended to alleviate these anxieties. However, the ad campaign attempted to divert attention

[70] Mark Schrope, "Lessons of Deepwater Horizon Still Not Learned," *Nature*, April 17, 2012, doi:10.1038/nature.2012.10455.
[71] Ibid.
[72] Ibid.

from the violence being enacted on the environment that was constantly streamed via Spillcam. Ultimately, BP's saturation of the airwaves and newspapers with feel-good stories of a Gulf Coast that was in better shape than it had been before the disaster was an eco-sensational strategy that normalized the disaster and allowed for the conditions of production to continue without impediment.

Conclusion: Perpetuating Mythologies of Disaster Through Eco-Sensationalism

The framing of the Deepwater Horizon disaster in the media, by the government, and by British Petroleum offer an opportunity to assess how, and for what purpose, sensationalized discourses of environmental disaster are constructed. Each of the vignettes discussed above not only perpetuate a mythological discourse around environmental disaster but, through that discourse eco-sensational strategies also engender a second regime of disaster because the conditions of production have been obfuscated and oversimplified. As argued throughout this project, this research is grounded by the notion that disasters are widely misunderstood and mythologized leading to their management through technological and instrumentalist strategies. In this way, the constellation of societal, political, and economic precipitants are incompletely understood. Spillcam, as an example, while providing transparency and a catalyst for the disaster, demonstrates the shaping and sensationalism of disaster discourse, allowing the subject of environmental disaster to be normalized through desensitization. The declaration of Deepwater Horizon as the 'Worst Environmental Disaster in U.S. history,' while enabling a range of administrative responses and funding, captured the event as a singular event, distracting not only from the everyday disastrousness of capitalism but also distracting from the myriad ways in which the disaster was disastrously managed, e.g. the use of

Corexit which further toxified the Gulf of Mexico, inadequate regulatory reforms, lack of transparency and accountability for clean-up funds, etc. Finally, British Petroleum's 'Committed to the Gulf' ad campaign, while offering a positive image of the company, devisualizes the disaster and promotes oil spill amnesia by disinforming the public about the continuing ramifications from the disaster being experienced along the Gulf Coast. Together, these eco-sensationalized strategies normalize faulty disaster management and knowledge by contributing to a mythological environmentality of environmental disaster. Rather than framing the Deepwater Horizon as a routine outcome of the capitalist industrial complex, these framing strategies further entrench environmental disaster as an accidental and manageable subject.

Although the occurrence of the Deepwater Horizon disaster invited a rational response, the opportunity for reflexivity alongside that rationality was not taken advantage of. Rather, the media, the government, and British Petroleum each sensationalized the disaster, creating a situation whereby there was public outcry to stop the bleeding. However, the emotionally wrenching depiction of the disaster created a situation whereby technological and instrumentalist quick fixes were deployed in favor of longer-term reforms and lessons-learned. Eco-sensationalism, like eco-managerialism, eco-commercialism, and eco-judicialism further entrenches the notion of accidentality and inevitability into assessments of disaster, thereby normalizing a faulty environmentality of disaster. As such, the responses or strategies to address one disaster often beget subsequent economic, social, and even environmental disaster

Chapter 8: Aesthetic Eco-Resistance

"We have art in order not to perish from the truth."[1]

Introduction

This chapter examines artwork that emerged in the aftermath of the Deepwater Horizon oil spill as a critical political response to inadequate governance of the oil industry and the disastrous consequences for the Gulf of Mexico. To highlight how the aesthetic response to the Deepwater Horizon disaster represents an alternative politics, or counter-discourse, which resists the construction of environmental disaster as a political subjectivity this chapter employs an eco-governmental assessment of several examples of aesthetic eco-resistance. The deployment of the term aesthetic eco-resistance is a play on the dual interpretation of aesthetics, the first referencing the concern or appreciation of beauty; and the second referencing the principles that guide or influence an artists' work. Essentially, what is intended through the use of the term is an assessment of the environmental critique that is embedded in each of the works—each of which can be understood as a visual history of the present.

The first art piece assessed is Anthony Burrill's screen prints entitled "Oil and Water Do Not Mix."[2] The screen prints utilized tarballs that were collected along the Gulf Coast as the paint material and effectively constitutes a protest to the conditions that manufactured the disaster. As such, Burrill's work reflects Marcuse's notion that "art has this magic power as the power of negation. It can

[1] Herman Rapaport, *Is There Truth in Art?* (Cornell University Press, 1997).
[2] "ANTHONY BURRILL - OIL AND WATER DO NOT MIX," [Available Online]: http://www.anthonyburrill.com/projects/oil-and-water-do-not-mix.

speak its own language only as long as the images are alive and refute the established order."[3] Here, Marcuse's use of the concept of negation can be interpreted in various ways as there are "two levels of negation in capitalist societies;" however, it is generally understood that Marcuse's employment of negation "refers to the revolutionary consciousness that seeks to negate [. . .] oppressive social structures."[4] The goal of negation, for Marcuse, as for many scholars of Critical Theory is emancipation from repressive and dominative social and economic systems.[5] The chapter builds on the 'Oil and Water Do Not Mix' vignette to explore other explore pieces of art that were inspired by the Deepwater Horizon and to address the potential of each to resist societal repression, interpreted as the harmful impacts of the disaster itself and of oil consumption more broadly, including brief overviews of 'Dolphin Drip Disaster' by Asher Jay, 'Crude Awakening' by Jane Fulton, and the anti-drilling campaign promoted by the Surfrider Foundation t-shirt design.[6] The second oeuvre addressed is Daniel Beltra's award-winning photo compilation entitled "Spill."[7] This particular set of visually stunning photographs are assessed as a discursive strategy that distressingly relate the consequences of this disaster on the natural world, most powerfully in terms of the cosmetic effects of the disaster. This collection of photos also exposes/critiques the power of humans to destroy the environment by

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[3] "Frankfurt School: From One Dimensional Man, by Herbert Marcuse," [Available Online]: https://www.marxists.org/reference/archive/marcuse/works/one-dimensional-man/ch03.htm.
[4] Arnold Farr, "Herbert Marcuse," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2014, 2014, http://plato.stanford.edu/archives/fall2014/entries/marcuse/.
[5] C. Merchant, "Key Concepts in Critical Theory: Ecology," *Atlantic Highlands, NJ: Humanities Press*, 1994.
[6] Matthew Newton, "The (Artistic) Upside of the Oil Spill," *Esquire*, [Available Online]: http://www.esquire.com/the-side/feature/bp-oil-spill-artwork-090910. "O'Neill, Surfrider T-Shirt Supports Gulf Coast Clean Up - Transworld Business," [Available Online]: http://business.transworld.net/40271/news/oneill-surfrider-t-shirt-supports-gulf-coast-clean-up/.
[7] "Daniel Beltrá | SPILL," [Available Online]: http://www.danielbeltra.com/spill.

effectively illustrating the sheer enormity of the scale of the disaster. The imagery of Beltra's photographs transports viewers "to locations where man and nature are at odds," with the goal of "instilling a deeper appreciation for the precarious balance we are imposing on the planet."[8] The third discursive strategy of eco-resistance examined is the manipulation of the BP logo, and coinciding re-design contest sponsored by Greenpeace, which was geared toward exposing BP not only for *not* being 'beyond petroleum' but for actually being heavily invested in unconventional oil extraction.[9]

Each of these narratives raises important questions about the uneasy relationship between democracy, capitalism, and the commodification of nature, especially with regard to whose or what voice is heard through traditional channels of governance. Unlike the illustrations offered in the preceding chapters, the vignettes considered here resist the normalization of environmental disaster and subtly probe the conditions that led up to the Deepwater Horizon disaster. While instrumentalist techniques inherent to eco-managerialism, eco-commercialism, eco-judicialism, and eco-sensationalism catalyze the normalization of environmental disaster as a political subjectivity, aesthetic eco-resistance resists the instrumentalist urge of purification. As opposed to rendering environmental disaster legible, controllable, calculable, and manageable, (and thereby returning the commodity source back to full production), these works of aesthetic eco-resistance offer a reminder of the environmentally calamitous impacts of instrumental rationality. These works not

[8] "Spill: Images from the Gulf by Acclaimed Photographer Daniel Beltra- at G2 Gallery | Use Celsias.com - Reduce Global °Celsius," [Available Online]: http://www.celsias.com/article/spillimages-gulf-acclaimed-photographer-daniel-bel/.
[9] "BP Logo Gets Oily, Gruesome Redesigns Courtesy of Greenpeace Followers | Fast Company | Business + Innovation," [Available Online]: http://www.fastcompany.com/1651496/bp-logo-gets-oily-gruesome-redesigns-courtesy-greenpeace-followers.

only interrupt the mythology of environmental disaster as a governable subject but also, perhaps, provide an entrée for a reformed understanding of the everyday (normal) disastrousness of resource extraction and consumption. Indeed, while the Deepwater Horizon disaster has been called "the worst environmental disaster in U.S. history," the oil that was spewed into the Gulf of Mexico could have only powered the United States for approximately 6 hours.[10] The 4.9 million barrels of oil spilled caused a great deal of outrage. Meanwhile the 19.05 million barrels of oil that are consumed each day in the United States are barely noticed. Is it the visceral nature of the spill that engendered disgust? Or, the fact that the unspent oil could be seen in giant underwater plumes and in tarballs washing up on the beach despoiling coastal vistas? Or was it simply that these 4.9 million barrels of oil may not be spent and therefore failed to serve their combustive purpose of fueling modern life?

The artwork inspired the Deepwater Horizon may be understood as narratives of resistance, offering an alternative perspectives on the disaster that go beyond relegating it as a subject to be managed, monitored, and manipulated. Rather than operating on the assumption that the environment and oil spills are given objects that happen to collide in a sometimes-disastrous manner, modes of aesthetic eco-resistance understand that these "unstable" subjects of inquiry as "instantiated and

[10] "Oil from Gulf Spill Could Have Powered 38,000 Cars (and More) for a Year, Researcher Says -- ScienceDaily," [Available Online]: http://www.sciencedaily.com/releases/2010/06/100609171849.htm. "The Gulf Spill: America's Worst Environmental Disaster? - CNN.com," [Available Online]: http://www.cnn.com/2010/US/08/05/gulf.worst.disaster/. "How Much Oil Is Consumed in the United States? - FAQ - U.S. Energy Information Administration (EIA)," [Available Online]: http://www.eia.gov/tools/faqs/faq.cfm?id=33&t=6.

made politically operable in relationship to one another."[11] Essentially, these works of resistance push back against normalizing strategies and illustrate that the oil spill is ongoing. While many techniques of sequestering the oil spill, and making it legible, like each of the vignettes of preceding chapter illustrate, have had the effect of underwriting "a new regime of disconnection between the disaster and the public," aesthetic eco-resistance protests have struggled against this mode of alienation by baring the realities of the disaster for the world to see.[12] The following vignettes can, perhaps, be framed as 'everyday acts of resistance' that occur on a small scale and are usually employed without collective action.[13] Such forms of resistance are often overlooked as lacking sufficient mobilization, but can mount a strong counter-discourse. This, the final chapter of the project, posits that the emancipatory potential of aesthetic eco-resistance offers a way to speak to truth to powerful (mis)conceptions of environmental disaster and its governance; and while "the truth of art lies in its power to break the monopoly of established reality to define what is real," even artistic works that are designed with the intentionality of resistance can ultimately become appropriated into the system of capital accumulation.[14]

Aesthetic Eco-Resistance as Eco-Critique

[11] "How Much Oil Is Consumed in the United States? - FAQ - U.S. Energy Information Administration (EIA)," accessed March 19, 2015, http://www.eia.gov/tools/faqs/faq.cfm?id=33&t=6.
[12] Ibid.
[13] "Everyday Forms of Peasant Resistance - James C. Scott," *Libcom.org*, [Available Online]: http://libcom.org/history/everyday-forms-peasant-resistance-james-c-scott.
[14] Herbert Marcuse, *The Aesthetic Dimension: Toward a Critique of Marxist Aesthetics* (Beacon Press, 2014).

Traditional channels of democratic engagement have proven largely ineffective for progressing an environmental agenda in the United States. Indeed, not much has changed since the environmental heyday of the 1970s. Richard Nixon is widely understood to be one of the most environmentally friendly presidents in U.S. history, having created the EPA, established NEPA, and passed regulations such as the Clean Water Act, Safe Water Drinking Act, and the Endangered Species Act, to name a few. He pushed the environmental agenda forward but, personally disdained environmentalists, and the environmental movement more generally.[15] In private, President Nixon would make offensive comments about environmentalism, indicating that he felt "as though the movement was 'overrated,' served the 'privileged,' and was 'crap' for 'clowns.'" [16] Nixon recognized that environmentalism aimed to thwart a system in which he was very much embedded.

> He admitted his belief that "people don't give a shit about the environment" and were irrationally challenging American politics. In a conversation with Henry Ford II, head of Ford Motor Company, he more intimately revealed his opinions on social environmental advocates saying they "aren't one really damn bit interested in safety or clean air . . . What they are interested in is destroying the system, I am for the system." He was skeptical of the extreme attitudes being supported by the environmental activists of the time, believing that if they attained their ideal, it would involve society returning "back and liv[ing] like a bunch of damned animals [. . .][17]

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[15] "The 6 Most Environmental Presidents: Richard Nixon," *MNN - Mother Nature Network*, [Available Online]: http://www.mnn.com/earth-matters/politics/photos/6-eco-friendly-presidents/richard-nixon. Russell E. Train, "The Environmental Record of the Nixon Administration," *Presidential Studies Quarterly*, 1996, 185–96.
[16] Melvin Small, *The Presidency of Richard Nixon* (University Press of Kansas Lawrence, 1999); Rudy Lamy, "Nixon's Compromise: Establishing the Environmental Protection Agency," 2012.
[17] Small, *The Presidency of Richard Nixon*; Lamy, "Nixon's Compromise: Establishing the Environmental Protection Agency."

With this less-than-enthusiastic outlook on environmentalism, as one of the perspectives that foregrounded U.S. environmentalism, it is no wonder that the achievements of the environmental movement remain shallow and highly fractured. In many ways, some of the contemporary critiques levied toward environmental primitivists and survivalists remain similar to the sentiments of Nixon. Moreover, environmental regulation and enforcement continue to be problematic, generally operating within a neoliberal framework of environmentalism that favors environmentally restorative processes rather than preventative measures. Radical environmental activists are similarly demonized as the contemporary environmental resistance movement has been placed under a great deal of scrutiny as a result of extra-legal activities. The ineffectiveness of mainstream environmentalism's liberal democratic approach to remediating or preventing environmental degradation that is directly attributed to processes of industrialization has given rise to fringe organizations that use a broad range of tactics to advocate for environmental justice and equity. All too often, however, these tactics operate outside of legal boundaries and reject mainstream politics that fecklessly embrace "compromise, incrementalism, and adherence to rules."[18] On the other hand, radical environmental politics offers its adherents a way to engage environmental ideology with what some believe is a "refreshing vision of political empowerment" that aims to halt the destruction of the natural world often with a 'by any means necessary' perspective.[19] Although there are many shades of green along the continuum of environmentalism, few have been successful in presenting

[18] Steve Vanderheiden, "Radical Environmentalism in an Age of Antiterrorism," *Environmental Politics* 17 (May 2008): 299–318.
[19] Ibid. "Guiding Principles of Deep Green Resistance," [Available Online]: https://deepgreenresistance.org/en/who-we-are/guiding-principles-of-deep-green-resistance.

an approach that has the potential to be an effective change agent in environmental discourse.

Eco-critique, I believe, offers a fruitful middle(-left)/progressive ground for environmentalism—recognizing the political limitations of mainstream environmentalism while maintaining a critical stance on the forces of environmental destruction. The strength of this approach lies in its ability to identify the chronic issues, ideologies, and practices that most directly produce environmental degradation. There are many forms of "ecologically grounded criticism" in circulation "in present day American mass culture, partisan debate, consumer society, academic discourse, and electoral politics as episodes of ecocritiques, contesting our politics of nature, economy, and culture in the contemporary global system of capitalist production and consumption."[20] In this way, eco-critiques "constitute an important discursive tradition in critical ecological theory and environmental analysis, which can [. . .] appraise how effectively green resistance movements have contested the politics of nature, economy, and culture" in the "contemporary global system of capitalist production and consumption."[21] Similarly, eco-critique can address the legitimacy of corporate discourses of social and environmental obligation and reveal contradictions between the heavily funded appearance and the messier/darker/uglier realities. In much the same way, it is possible to evaluate the potential for aesthetic eco-resistance, or episodes of aesthetic eco-resistance such as those described here, to open an important conversation on the conditions that produce environmental disaster. Because protest art can be framed as action without violence it satisfies the

[20] Luke, *Ecocritique: Contesting the Politics of Nature, Economy, and Culture*.
[21] Ibid.

material inclinations of environmental activists in addition to the more theoretical inclinations of negation that underlie eco-critique. In essence, art that is critical of the processes of environmental degradation is a discursive strategy that can be understood as a materialized form of eco-critique that helps to renegotiate power relationships, which are, in part, reliant upon symbols.[22] "Resistance, as a practice that makes claim to power, also relies on symbols to delineate where power is contested. Protest art [. . .] is one such practice of resistance to power as it usurps the symbols of the state" and their corporate allies."[23]

While some may view eco-critique as an inherently normative task, the possibility for the manifestation of concrete effects—beyond the creation of protest art and into the realm of political, social, and economic changes—remains largely unrealized at present. Eco-critique is a cultural criticism from an environmental point of view.[24] Nonetheless, eco-critique highlights the interconnections that link "the implicit dialogue between [discourse] and the environmental" conditions including its inconsistencies and contradictions.[25] In this way, the artistic representations of resistance discussed here effectively bring together many of the themes that have been discussed throughout this project, including: the inherent desire for purification within instrumental rationality; the second contradiction of capitalism; the challenge of normalizing environmental disaster so that it becomes a subject to be managed in order for the environment to be returned to production (sustainable

[22] Katherine A. Keesee-Clancy, "Graffiti and Street Art: Resistance in the Middle East | Jackson School Journal," [Available Online]: http://depts.washington.edu/jsjweb/?p=1546.
[23] Ibid.
[24] Greg Garrard, "Ecocriticism," *The Year's Work in Critical and Cultural Theory*, 2010, mbq005.
[25] Glen A. Love, *Practical Ecocriticism: Literature, Biology, and the Environment* (University of Virginia Press, 2003).

degradation); and the larger issue of ineffectiveness within traditional channels of democratic governance.

Eco-criticism offers an "explicit critical response to unheard dialogue, an attempt to raise it to a higher lever of human consciousness."[26] In this way, creative processes underlying aesthetic eco-resistance are "intimately connected to underlying political values" and can spawn new forms of political, social and cultural solidarity around environmental issues.[27] Luke notes that eco-critique has the potential to "reconstitute our nature/economy/culture equations, materially and symbolically" without necessarily reproducing or perpetuating "much of the ecological destruction" that defines the modus operandi of the inner-workings and outer-manifestations of the relationships between nature, economy, technology, and culture.[28] He continues to discuss the potential for eco-critique to push forward progressive environmentalism:

> By reworking the practices of our economies and polities, new industrial metabolisms, fresh process aesthetics, [and] alternative technology, regimes might find a place in material existence beyond the simplicities of either radical anthropocentrism or fundamentalist biocentrism in survivable communitarian ecologies within which people dominate neither other human beings nor their fellow nonhuman beings.[29]

One possibility for sparking this reworking of the economic and political practice may be through artwork that provokes a visceral response from the populace,

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[26] Ibid.
[27] Jim Shorthose, "A More Critical View of the Creative Industries: Production, Consumption and Resistance," *Capital and Class*, 2004, 1–10.
[28] Luke, *Ecocritique: Contesting the Politics of Nature, Economy, and Culture*.
[29] Ibid.

perhaps catalyzing activism and political and economic change. Because eco-aesthetic resistance interrupts hegemonic flows of power, it thereby indicates areas where political change is needed and this identification is one of the first steps toward public recognition of the need for, and action toward change. The pictures, paintings, and graphics that were generated in the aftermath of Deepwater Horizon outlast the oil slicks that were quickly chemically dispersed, outlast the television inset that shows the real-time oil gusher, and outlast the CSR campaigns designed to shape memory of the public—all which have a normalizing effect on environmental disaster more generally. Although it is difficult to imagine that imagery and art would have a stronger influence in changing the course of political decision-making and/or economic determinism than the human and ecological loss and simple repugnancy of the disaster did, these art works capture the physical and environmental impacts for posterity and therefore engender the possibility of catalyzing social change. Simply stated, whereas the eco-governmental strategies of normalization attempt to sanitize environmental disaster, aesthetic eco-resistance resist the idea that the disaster has come to an end. This is especially powerful in conveying the larger concerns of eco-critique because it allows for an extended analysis of environmental disaster to identify the normal, everyday disastrousness of resource extraction, which is not sensationalized.

Because traditional democratic channels, as well as channels of violent resistance, have failed to produce environmental security, artistic expression and resistance endures as one of the last possibilities for revolutionary potential. Aesthetic eco-resistance as visible discursive strategy, deploying economic and political critique, challenges the subjectification and normalization of environmental disaster.

Oil and Water Do Not Mix

One of the most provocative pieces of Deepwater Horizon protest art was produced collaboratively on an international scale. A small design/ communications/ advertising company in Brussels called Happiness Brussels sought out Anthony Burrill, a British graphic artist, print-maker, and designer known for working with typography and short, punchy messages to produce a piece with the help of a local Louisiana screen printing company called Purple Monkey—all for the purpose of generating proceeds benefitting the Coalition to Restore Coastal Louisiana.[30] This screen print used tarballs that had washed up on the beaches of Grand Isle, Louisiana, and the sand that the oil had mixed into it, to produced a limited number of posters to help raise money for the clean-up. The decision to use the crude oil as the paint material for the poster reflects a direct remonstration with the forces of production that led to the disaster. It simply relays many of the ethical dilemmas bound up in the case of Deepwater Horizon: the technologies employed in the extraction of crude oil, the strategies used to remediate environmental disaster, the problematic relationships between corporations and governmental regulators, and even the broader issue of (over)consumption and commodification of nature. In this way, it meets the standard of refuting the established order set out by Marcuse. The quantity of posters produced was restrained. Ultimately, 200 posters produced were sold for 150 Euros/each for a total of approximately $36,000 USD over a 48-hour period.[31] While these posters and other forms of artistic eco-resistance have been very well received by the general public, it did not present an open challenge to the established processes of governance and oil production, and that is, perhaps

[30] "ANTHONY BURRILL - OIL AND WATER DO NOT MIX."
[31] Addy Dugdale, "Oil Spill Used for Limited-Edition Poster Prints," *Fast Company*, [Available Online]: http://www.fastcompany.com/1697982/oil-spill-used-limited-edition-poster-prints.

one reason that is resonates in such a powerful way. Instead, the saying is a well-known English language idiom that is used in both a literal and figurative manner to highlight diametrically opposed forces. In this case, it could be the literal oil of the Gulf of Mexico and the oil that was disgorged from its seafloor; alternatively, but it could also represent the contradictions between government regulators and hydrocarbon capitalists, and/or the tension generated as a result of the clogged lines of democratic governance.

Patronage of the arts by hydrocarbon capitalists has also come under fire as a consequence of the works of aesthetic eco-resistance, which has ignited a larger debate about the ethics of corporate sponsorship in a cultural arena that has historically been a refuge for social and political critique. Although the highly celebrated 'Oil & Water Do Not Mix' was Burrill's first foray into environmental protest, it may not be his last as he has indicated a strong care for environmentalism in interviews.[32] The simplistic poster has become a symbol of oppositional resistance, lamenting the effects of oil disaster. Burrill has said that the slogan for the print was "almost quite stupid," but that the straight-forwardness of it, in addition to the fact that it was printed with the oil from the Deepwater Horizon well "gives it a resonance and an importance."[33] Burrill has remarked on the challenge of eroding political memory noting that there is "a perception among many people that the oil in the Gulf of Mexico is just going to somehow disappear," a notion that has surely been helped along by many of the eco-governmental strategies assessed here.[34] The poster, along with other materializations of aesthetic

[32] *OIL & WATER DO NOT MIX*, 2013, https://www.youtube.com/watch?v=8PSjH6kDDY8&feature=youtube_gdata_player.
[33] Ibid.
[34] "BP's Oil Used as Paint For 'Oil & Water Do Not Mix' Posters," *Gizmodo*, [Available Online]: http://gizmodo.com/5673400/bps-oil-used-as-paint-for-oil--water-do-not-mix-posters.

eco-resistance is a reminder that "people in the Gulf, including Louisiana, the effects of this disaster will be around for a long time."[35] Ultimately, Burrill's poster communicates dissatisfaction with the governance of offshore drilling and is also emblematic of the surprisingly restrained political resistance that grew out of the disaster. More critically read, works of aesthetic eco-resistance can touch on the uneven geography of environmental goods and harms as well as issues that many people have passionate opinions on; it has the potential to address "our innermost sense of who we are and why we are, as well as our moral visions about how we should act in the world."[36] Fundamental questions of responsibility are embedded within Burrill's message. Moreover, the message that Burrill's art conveys brings other issues to light—like the relationships between art galleries and corporate sponsors as well as the much larger issue of the problem with offshore oil drilling. The 'Oil & Water Do Not Mix' poster has been garnered a good deal of press, and has been reproduced on dozens of websites, as well as in many books and magazines.[37] Perhaps most prominently, it was attained for the new acquisitions gallery at the Victoria & Albert (V&A) Museum in London, one of the few museums in Britain that has been identified by the Art Not Oil Coalition as having a "relatively good reputation" of operating without corporate sponsorship, although it should be noted that it has accepted some monies from Shell.[38] Contrary to the limited engagement with accepting funding from oil companies of the V&A, many major museums around London receive major monetary contributions from British Petroleum, Shell and other oil companies including: the British Museum, the Tate

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[35] Ibid.

[36] James M. Jasper, *The Art of Moral Protest: Culture, Biography, and Creativity in Social Movements* (University of Chicago Press, 2008).

[37] "Oil & Water Do Not Mix - TOM GALLE WORK," [Available Online]: http://tomgalle.me/Oil-Water-Do-Not-Mix.

[38] "Institutions - Art Not Oil Coalition - Ending Oil Industry Sponsorship of the Arts," [Available Online]: http://www.artnotoil.org.uk/institutions.

galleries, the British Film Institute, the National Maritime Museum, the Royal Opera House, Southbank Centre, the National Portrait Gallery, and the Science Museum Group.[39] A large demonstration was held at Tate Britain just a few short months after the Deepwater Horizon disaster during a summer party that was supposed to celebrate 20 years of partnership between Tate and British Petroleum.[40] An open letter, signed by more than 170 artists and activists, was printed in the Guardian, calling for ties to be severed between the cultural institution and the corporate giant. Concern about possibility for British Petroleum to censor or hold sway over what sort of artistic representations or resistance are displayed was at the heart of this protest. This concern is akin to Marcuse's critique of the one dimensionality of artistic and cultural production, especially with regard to their consumption within a market economy.[41] However, there is also a more general concern with the ethics of the partnership with companies that have shady records on human rights, safety, and environmental destruction. The open letter highlights that "[t]hese relationships enable big oil companies to mask the environmentally destructive nature of their activities with the social legitimacy that is associated with such high-profile cultural associations."[42] Effectively, accepting funding from oil companies can be understood as amounting to promoting environmental disaster and climate change.

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[39] Amber Hickey, "To BP, or Not to BP?," n.d. "Institutions - Art Not Oil Coalition - Ending Oil Industry Sponsorship of the Arts."

[40] "Art Protesters Foul Tate Entrance," *BBC*, June 29, 2010, sec. Entertainment & Arts, http://www.bbc.co.uk/news/10431694.

[41] Marcuse, *One-Dimensional Man*.

[42] "BP and the Tate: Curators, Crude Oil and an Outdated Cultural Mix | Business | The Guardian," [Available Online]: http://www.theguardian.com/business/2010/jun/28/bp-tate-curator-oil.

What is behind this sort of corporate sponsorship is not just a CSR campaign. Rather this type of institutional sponsorship has the possibility of influencing the type of art that is available for public consumption and/or the sanitization of cultural/political/social critique. This sort of economic power can shape "the way that society thinks of these corporations."[43] Because of the powerful role that companies can play through their marketing, it is crucial to understand the degree to which the corporation is actually committed to their present and future environmental and social obligations.[44] "Therefore, [. . .] the acceptance of corporate sponsorship can drastically impact [communities, health, and environment]. If a corporation's logo is on an institution with a good reputation, the reputation of the corporation will improve by association."[45] Because Burrill's work avoided the hold of corporate partnership it may be a rare example protest art that could avoid the falling prey to commodification—although the possibility remains for his work to be resold to collectors. Marcuse warned against appropriated forms of communication noting that "[i]f mass communications blend together harmoniously, and often unnoticeably, art, politics, religion, and philosophy with commercials, they bring these realms of culture to their common denominator – the commodity form."[46] The Great Refusal was, in part, about resisting the forces that consign creativity and culture to commodity form; but it was perhaps more importantly an individual refusal or resistance posted to oppressive social structures. This struggle, or dilemma, Marcuse believed, was a

[43] Hickey, "To BP, or Not to BP?"; Derrick Chong, "Institutions Trust Institutions Critiques by Artists of the BP/Tate Partnership," *Journal of Macromarketing* 33, no. 2 (2013): 104–16.
[44] J.M.T. Balmer, S.M. Powell, and S.A. Greyser, "Explicating Ethical Corporate Marketing. Insights from the BP Deepwater Horizon Catastrophe: The Ethical Brand That Exploded and Then Imploded," *Journal of Business Ethics*, 2011, 1–14.
[45] Hickey, "To BP, or Not to BP?"; Chong, "Institutions Trust Institutions Critiques by Artists of the BP/Tate Partnership."
[46] "Frankfurt School: From One Dimensional Man, by Herbert Marcuse."

vicious cycle in which the individual was directly implicated—both producing the conditions of his/her own oppression and also struggling to find ways to be liberated from masochistic and self-destructive practices. Art and the artist, Marcuse alleged, was one of the last hopes for a break in this wicked cycle." As a dialectical thinker, Marcuse was able to see [that] while art embodied revolutionary potential, it was also produced, interpreted, and distributed in a repressive society."[47] Marcuse also theorized that the social and economic alienation that an artist experienced could be a catalyst for social change—although this sort of economic and social separation from society can hardly be identified in any of the artists/artworks that grew out of the Deepwater Horizon disaster. Marcuse frames 'The Great Refusal' in slightly different manners depending on the work; in 'One Dimensional Man' he frames it in strictly political terms, noting that it is a "refusal of repression and injustice, [. . .] an elemental opposition of oppression, a noncompliance with the rules of a rigged game, a form of [. . .] resistance."[48] Developing a radical subjectivity "that is not able to tolerate injustice and that engages in resistance" in the face of environmental disaster, while necessary for a discursive shift away from disaster normalization, remains elusive, as does the freedom "to live without anxiety" from the effects of environmental disaster.[49]

The Spill

Conservation photographer, Daniel Beltra, was tasked by Greenpeace to spend forty days in the Gulf of Mexico chronicling the environmental impacts of the

[47] Farr, "Herbert Marcuse."
[48] Ibid.
[49] H. Marcuse, *Eros and Civilization: A Philosophical Inquiry into Freud*, vol. 496 (Beacon Press, 1974). Douglas Kellner, "Marcuse and the Quest for Radical Subjectivity," accessed October 22, 2013, http://www.dogma.lu/txt/Kellner-Marcuse01.htm.

Deepwater Horizon disaster. Before 'The Spill,' Beltra's beautiful environmental photography from the Arctic, the Amazon, the Southern Oceans, Patagonian ice fields, deforested geographies in the Congo, as well as other remarkable places had been featured in "some of the biggest publications in the world, including *The New York Times, Newsweek, and LeMonde*."[50] Unlike Burrill, whose first expedition into the world of aesthetic eco-resistance helped him to establish a reputation in the art world, Beltra knew what it took to grasp the attention of the world and to tell a story about environmental disaster through art. Moreover, his intention was somewhat clearer, as he wanted to bring attention to the scale of the disaster in the Gulf of Mexico through the use of aerial photography. He has publicly spoken about his motivation for doing such work, saying that it does not make him depressed, and that he is interested in exposing what other forces are trying to hide.[51] He says, "This was really more a project exposing what is happening" as opposed to being a fine arts project. [52] As such, his work is not just about beautiful photography. It about illustrating the planetary impacts of human activity and is essentially a way to open a conversation about the practices that have led up to the disaster, including how to address these practices in order to prevent future disaster, and move toward a more sustainable future. Raising awareness about the harmful environmental effects of industrial activity through photography is a relatively straightforward process; but creating lasting change is more complex, and there are powers that are invested in maintaining the status-quo 'grow or die' ideology that defines the energy industry. Beltra begins an interview with his

[50] "Interview: Wildlife Photographer Of The Year 2011 Daniel Beltrá," [Available Online]: http://www.bobbooks.co.uk/ask-bob/blog/interview-wildlife-photographer-year-2011-daniel-beltr%C3%A1.

[51] *Interview with Daniel Beltra, Conservation Photographer -- Plum TV Aspen*, 2010, https://www.youtube.com/watch?v=XzzcpSTdVos&feature=youtube_gdata_player.

[52] Ibid.

publication house by distinguishing his perspective on the disaster. "I would not call this a natural catastrophe. This is clearly a man-made catastrophe."[53] He follows the statement by noting that the disaster raises the critical question as to "why we need to go and prospect for oil in places where we really cannot control the damage that occurs?"[54] The question, just as the statement, is an important one because it offers insight into Beltra's position on the processes environmental degradation, going beyond inferences that can be made from his chosen career as a photographer exposing environmental harms and injustices. Moreover, the statement firmly locates responsibility for the disaster, not at the hands of the workers who silenced alarms on the rig, not at the wheel of technological failings, but more broadly on the demand and consumption of oil, and the political, technological, social, cultural, and economic processes that must be activated for this demand to be fed. This positioning links back to several theoretical positions that have guided this research, including: James C. Scott's explication of high-modernism, which articulates a strong critique of instrumental governance of nature. Additionally, Beltra's work echoes Ulrich Beck's theory of the risk society, whereby society is generating hazards that it cannot control, and Barry Turner's position on disasters resulting from "collapse of existing cultural beliefs and norms about hazards" and understanding about how to deal with their impacts.[55] Beltra goes on to note that the boats employed to skim oil from the surface of the water seems to be an "absolutely useless" practice because of the massiveness of the spill.[56] Both Beck's and Turner's sociological perspectives incorporate an analysis

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[53] Ibid.
[54] Ibid.
[55] Ulrich Beck, *Risk Society: Towards a New Modernity*, vol. 17 (SAGE Publications Limited, 1992). Barry A Turner and Nick F Pidgeon, *Man-Made Disasters* (Wykeham Publications (London), 1978).
[56] Interview, editing, and Eric Hilaire, "Daniel Beltrá on the Deepwater Horizon Oil Spill," *The Guardian*, May 7, 2010, sec. Environment,

of problematic human behavior into their discussions of environmental crisis, including greed, corruption, and insistence on promethean ideologies as productive of environmental disaster.

While the composition of images "impress upon the viewer the shocking magnitude of the damage, [and] they also reveal a strange beauty" in the man-made disaster.[57] This is a material representation and artistic reproduction of the abyss between individuals and the environment that resists cultural assimilation.[58] Moreover, the methods by which the photos were taken subverted the federally imposed restriction on airspace, discussed in Chapter 6. Beltra notes that almost all "99%" of the aerial photos were taken "above 3,000 feet because of the temporary flight restriction on the whole region"— not just in the locale around the site of the Deepwater Horizon well itself but "all along the coast line for hundreds of miles."[59] Indeed, the scope of the disaster may provide important clues to the dispersed resistance movements that protest it.[60] In telling the story of gaining access to sites around the Deepwater Horizon disaster, Beltra noted that he was kicked out of many beaches and community centers because British Petroleum would not allow him access there. He continues, "I was really surprised by that. How is it possible that a private British company is going to give me access to a U.S. public beach?"[61]

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http://www.theguardian.com/environment/interactive/2010/may/06/deepwater-horizon-oil-spill-beltra.

[57] "Spill: Images from the Gulf by Acclaimed Photographer Daniel Beltra- at G2 Gallery | Use Celsias.com - Reduce Global °Celsius," [Available Online]: http://www.celsias.com/article/spillimages-gulf-acclaimed-photographer-daniel-bel/.

[58] David Held, *Introduction to Critical Theory: Horkheimer to Habermas*, vol. 261 (Univ of California Press, 1980).

[59] *Interview with Daniel Beltra, Conservation Photographer -- Plum TV Aspen*.

[60] Jasper, *The Art of Moral Protest: Culture, Biography, and Creativity in Social Movements*.

[61] *Interview with Daniel Beltra, Conservation Photographer -- Plum TV Aspen*.

The question demonstrates that governance challenges of regulation extend into the processes of remediation.

Obviously, Beltra is very thoughtful in his work and in his identification of problematic practices and relationships—he discusses how prevention of these disasters should be more important than cleaning them up; but of course, in the administered society this concern is overlooked in favor of instrumentalized governance of nature. The difficulty, and perhaps impossibility of cleaning up oil disasters, has been seen time and time again; but it seems that the lesson of prevention is lost while new techniques and strategies of cleaning up and returning nature to its productive capacity remains a preeminent concern of government, corporations, and a large portion of society as well. Recognizing that photography can be a language and technology of resistance is as important as recognizing that it can also be a tool of manipulation. Photography can be a "tremendously powerful tool" that sparks a conversation and amplify the effects of everyday activities—environmental, political, economic, and industrial activities in this case.[62] Beltra notes, "Clearly, BP did not want this to be shown, and the more exposed it was, the more liable they were going to be later."[63] The value of documenting the disaster through photography is that it captures the event for future generations and demonstrates the harm that reverberates from the explosion. In other words, the disaster is not over once the well has been capped or when the oil has been chemically dispersed. The philosophy of exposing harmful practices as a guiding force behind his work, situates Beltra (perhaps unknowingly) within the camp of Critical (environmental) Theory, which not only explores the socio/politico/enviro-

[62] "Spill: Images from the Gulf by Acclaimed Photographer Daniel Beltra- at G2 Gallery | Use Celsias.com - Reduce Global °Celsius."
[63] *Interview with Daniel Beltra, Conservation Photographer -- Plum TV Aspen*.

effects of our own making but also ascribes to the alienation effect. This dialectical strategy has become a guiding principle for Critical Theory—making the familiar appear strange and making the strange familiar in order to provoke critical social response. Critical Theory explores how cultural phenomena interact with other dimensions of social and political life; and a Critical Theory of aesthetics sometimes understands the aesthetic dimension as having a code language that is able to articulate the contradictions that punctuate the mundane effects on the lived experience.[64] Beltra discussed his perspective on the disaster, and his view on the forces which have created the disaster in the Gulf, in an interview with the publishers of his book, 'The Spill." He noted:

> I'm interested in people thinking about what they're looking at the implications of the way we live our lives. There are 7 billion of us on this planet and if we want to be here for the long haul we're going to have to start taking care of it. The oil spill was, of course, awful, but beauty can be found in it, as strange as that may sound.[65]

Indeed, it was the remarkable and unusual beauty of the photos that Beltra took in the Gulf of Mexico that garnered so much attention. The striking colors are gripping to be sure, and help to establish a record of the disaster in the face of both public amnesia, and public policy amnesia. The photo of the oiled pelicans in the top right frame of the collage was the image that helped Beltra to capture the 2011 Veolia Wildlife Photographer of the Year Award.[66] The photo has been on display at the British Natural History museum, Beltra's dream exhibition hall and one of the few British museums that has *not* been identified by the Art Not Oil Coalition as having accepted funding from British Petroleum. Oddly, the 'Wildlife Photographer of the

[64] Held, *Introduction to Critical Theory: Horkheimer to Habermas*.
[65] "Interview."
[66] Ibid.

Year' accolade was for a photo that was taken in a manner that is uncharacteristic from Beltra's typical aerial perspective. Nonetheless, the award brought even more attention to the massive scale of the disaster, as well as the other photos in the series that depicted this. With regard to the oiled pelicans photo, Beltra noted that this particular photo continues to have a profound impact on him, grounding him to his work and reminding him of "what we are doing to the world."[67] Since arriving in the Gulf of Mexico in the days after the explosion, Beltra fancied an opportunity to document the plight of birds, especially Brown Pelicans—the state bird of Louisiana—and had spent some time offshore in attempt to do so. However, the confluence of circumstances brought him and other photographers on-shore, where he captured the image. He notes:

> We were at a facility for cleaning birds. For the first week, myself and other photographers were offshore taking photographs of the spill. At some point the oil reached the coast and it was the pelicans' nesting season. It was especially cruel to learn they had only been taken off the endangered species list the year before. I tried to get permission to spend a day with them and it was actually during my second trip to the gulf that I took this shot. They were held in a wooden box and they spray them with light oil, which mixes with the heavy oil. What's captured in the image is the oil running off their feathers and on to a white sheet. I had no lighting or tripod. The opportunity came every 30-minutes or so, in bursts of 5/10 seconds because they didn't open the tiny little door more than that. I did crop the image a little because there were some distractions in the frame. But basically, aside from some sharpening and saturation, what you see is what I got.[68]

[67] "Spill: Images from the Gulf by Acclaimed Photographer Daniel Beltra- at G2 Gallery | Use Celsias.com - Reduce Global °Celsius."
[68] "Interview."

The power of conservation photography lies in its "double message."[69] On one hand, the photograph of the oiled pelicans reaches an audience of millions and relays an implicit message about "the aesthetic and ethic influence" that humans have on nature.[70] Secondly, the photograph, and indeed the entire series of photographs, conveys the "idea that our generation has no right to destroy what future generations may enjoy."[71] 'The Spill' as a collection, is a critical narrative about the power of humans to destroy the planet that sustains us. It is "arrested decay" and a "powerful hint of an apocalyptic future."[72]

In terms of 'The Spill' coming together as a form of aesthetic eco-resistance, it is difficult to gauge the discursive impact that the collection has had. Certainly, it has brought attention to the larger issue of environmental degradation that coincided oil exploitation. Beltra has successfully constructed a discourse that resists the formation of environmental disaster as governable subject and in so doing, has posed an effective opposition to the idea that the environment, and disaster can be made legible. As Foucault suggested, "where there is power, there is resistance."[73] While Beltra and other artists are resisting the forces of environmental disaster through the construction of an alternative discourse, corporations and governments are likewise resisting any long-term deviation from instrumentalized understandings of nature for this would be a deviation also from the economic productivity that nature supplies—for Marcuse this would amount to resistance of control and domination.[74] Indeed, the absence of "obvious credible solutions [to the

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[69] Nicholas B. Dirks, Geoff Eley, and Sherry B. Ortner, *Culture/power/history: A Reader in Contemporary Social Theory* (Princeton University Press, 1994).
[70] Ibid.
[71] Ibid.
[72] Ibid.
[73] Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans." "Resistance versus Emancipation."
[74] Luke, *Ecocritique: Contesting the Politics of Nature, Economy, and Culture*.

environmental crisis] and the knowledge to implement them, sustain concerns and anxiety for the environment."[75] Beltra's photography, like Burrill's work, provides a vehicle through which anxieties, frustrations, and fear about environmental disaster can be expressed, a discourse through which critics of the new hydrocarbon economy feel that their voices are heard; however, serious challenges to power/knowledge constructions remain unrealized, and any attempts at restructuring these relations would ultimately be bound up in the existing relations of power, because "resistance is never in a position of exteriority in relation to power."[76]

Greenpeace Sponsored BP Logo Redesign Contest

Although Greenpeace is actively, and continually, involved in protesting the development of unconventional oil, and the activities of oil companies in general, the Deepwater Horizon disaster gave rise to a spike in environmental activism from the organization. Several methods of organized resistance were employed against British Petroleum in the aftermath of the Deepwater Horizon disaster, including protesting at petrol stations and BP offices, scaling the BP headquarters in London and replacing the corporate flag with one that says 'British Polluters,' and opening a fake twitter account with the company's moniker and sending out negative and threatening messages.[77] However, one of the most creative forms of protests that Greenpeace sponsored was a logo redesign contest that sought to expose British Petroleum, for the part that the company played in the Deepwater Horizon

[75] Darier, *Discourses of the Environment*.
[76] Ibid. Foucault, "The History of Sexuality, Vol. 1, An Introduction, Trans."
[77] "BP Logo Gets Oily, Gruesome Redesigns Courtesy of Greenpeace Followers | Fast Company | Business + Innovation."

disaster, as well as in the destruction of the planet through harmful exploitative practices more generally.

Although this campaign may have been reactionary in light of the disaster in the Gulf of Mexico, the launch of this public relations offensive and coinciding logo redesign contest is an intentional way to alter the logo and promote a counter-perspective "of the brand, [which] is clearly in direct conflict with what the owners of the brand want it to stand for."[78] Typically, this sort of resistance becomes viral on the Internet and garners attention for its shock factor, more than for it's paltry $200 cash prize. The power of social media, in addition to bungled crisis communications from company executives, threw BP's reputation into disrepair.[79] The implosion of the brand demonstrates the power of discourses of aesthetic eco-resistance. Indeed, this campaign, called "Behind the Logo" is an ongoing effort that continues to present day, although the focus of the campaign has now been turned more generally toward unconventional oil development via stripping of the Alberta tar sands.[80] The new logos are going to be used by Greenpeace in their activism "in innovative and exciting ways" as part of their international confrontation of BP.[81] The targeting of a logo is a way for people to adopt an "anticorporate attitude" and channel their outrage.[82] Indeed, exposing BP's greenwash brings attention to their environmentally destructive practices and

[78] Hickey, "To BP, or Not to BP?"
[79] Gwyneth VJ Howell, Rohan Miller, and Georgina Rushbrook-House, "# A Little Bird Told Me: Birdcaging the Message during the BP Disaster," *Journal of Global Scholars of Marketing Science* 24, no. 2 (2014): 113–28.
[80] "Behind the Logo | Greenpeace UK," [Availale Online]: http://www.greenpeace.org.uk/files/tarsands/logo-competition.html.
[81] Hickey, "To BP, or Not to BP?"; "BP Logo Gets Oily, Gruesome Redesigns Courtesy of Greenpeace Followers | Fast Company | Business + Innovation." Peter Modd, "Corporate Identity Change: A Qualitative Research of BP," 2011.
[82] Naomi Klein, *No Logo* (Macmillan, 2009).

engaging in aesthetic eco-resistance is a way to help people come together with the fuel for a political movement.[83] The hijacking of the brand logo allows for environmental activists to resist the false positioning by the company as being a corporation that is 'beyond petroleum,' and reframe the company as not living up to its green and sunny reputation, or logo. In essence, these faux-logos exposed BP's faux-CSR—the only thing that is actually green about the company is the color of its Helios-style logo.[84] Although the majority of BP public relations focuses on the alternative energy investments that the company is undertaking, more than 90% of the energy portfolio remains invested in oil and gas, with less than 3% invested in wind energy, solar, and biofuels.[85] Some watchdog organizations have estimated that BP has spent more on the development of an eco-friendly logo, more than $200 million USD, than they actually invest in alternative energies over the course of a year.[86] In fact, BP is the fourth largest carbon producer in the world.[87] The 'Behind the Logo' call for logos states: "A few years ago, BP rebranded themselves as 'beyond petroleum.' And yet BP is pursuing 'unconventional oil'—the Canadian tar sands and deepwater drilling, despite the massive environmental damage that's being caused by their business."[88] The logo redesign contest drew more than 2,000 entries, some featuring wildlife, some that resembled Mr. Yuk, the 80's poison control sticker, while others donned new slogans, and of course, many with profanity and sheer disgust for the company—'British Polluters,' 'Broken Promises,' 'Behind Politics, 'Bayou Poison,' 'Bad Planning,' 'Biosphere Polluters,'

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[83] Ibid.
[84] Sharon Beder, "BP: Beyond Petroleum?," *Faculty of Arts-Papers*, 2002, 49.
[85] Hickey, "To BP, or Not to BP?" Beder, "BP: Beyond Petroleum?"
[86] Miriam Cherry and Judd Sneirson, "Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing after the BP Oil Disaster," *Tulane Law Review* 85 (2011): 983.
[87] David M. Standlea, *Oil, Globalization, and the War for the Arctic Refuge* (SUNY Press, 2012).
[88] "Behind the Logo | Greenpeace UK." Burghardt Tenderich, "Design Elements of Transmedia Branding," *Retrieved April* 4 (2013): 2014.

'Broken Pipe,' 'Bad People,' 'Bitch Please,' 'Billions in Profit,' and 'Brutalized Planet' are just a few of the new interpretations of what BP stands for.

All of the designs attempted to clarify the mythological character that BP had built for itself through the 'Beyond Petroleum' campaign. The imagery that goes alongside these new slogans is equally as colorful as the language. While, the satirical campaign is unlikely to spark real change within the company, it does bring attention to lesser-heard consumer demands and lays bare the environmentally destructive practices that continue, and have been supercharged in some geographies after the Deepwater Horizon disaster. And, Greenpeace has had some notable victories over BP as a result of their perpetual environmental resistance—including forcing the company to abandon lobbying efforts to open ANWR for drilling.[89] Overall, the campaign is a type of "cultural jamming" whereby activists organize to "counter the bombardment of consumption-oriented messages in the mass media."[90] This mode of activism is sometimes also referred to as hacktivism and can be a way to critique "the apparatus of representation in late modernity, as it relates to both images and discourses of the media and commodity system, and the expression of political will."[91] This type of aesthetic eco-resistance is central to the development of a larger environmental agenda that is critical of the development of unconventional oil. It helps to bring into focus the social practices that stakeholders engage in as part of the complex assemblage of the new hydrocarbon economy. By sabotaging and subverting the formal slogan and logo of the company, activists aim to spawn critical thought as well as action.[92]

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[89] Standlea, *Oil, Globalization, and the War for the Arctic Refuge*.
[90] Vince Carducci, "Culture Jamming A Sociological Perspective," *Journal of Consumer Culture* 6, no. 1 (March 1, 2006): 116–38, doi:10.1177/1469540506062722.
[91] Ibid.
[92] Henry A. Giroux, "Theories of Reproduction and Resistance in the New Sociology of Education: A Critical Analysis," *Harvard Educational Review* 53, no. 3 (1983): 257–93.

Like, Burrill's and Beltra's work, the redesigned logo raises questions about investments of cultural and social capital into a less-than-ethical brand. Ultimately, aesthetic eco-resistance calls attention to the need for consumers, media, and political decision-makers to confront their own ideological perspectives and "unravel" the economic, social, and political "interests that are embedded" in those ideologies, and also within the larger discourse of environmentalism, including greenwashed corporate messaging as well as sensationalized activist campaigns.[93] Once again, rather than transcending oppression and arriving at a place of freedom from cultural and social limitations, the logo redesign contest does not necessarily inspire a sense of liberation. Despite the high level of awareness of corporate negligence raised by these works of aesthetic eco-resistance, a general anxiety remains in the American public about environmental disaster.[94] Unfortunately, however, little has been done in terms of substantive policy changes that will address these fears and even less has been done to interrupt the instrumental rationality that undergirds the production of and response to environmental disaster. What remains is that the eco-managerial, eco-commercial, eco-judicial, and eco-sensational strategies to normalize environmental disaster as a governable and legible political subject outweigh the attempts by works of aesthetic eco-resistance to struggle against this discursive oversimplification.

Greenpeace's 'Behind the Logo' campaign displays overtly political commentary and connects to a broader version of environmental critique that lies dormant in

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[93] Ibid.

[94] "The Chapman University Survey on American Fears | Chapman University," [Available Online]: http://www.chapman.edu/wilkinson/research-centers/babbie-center/survey-american-fears.aspx. "Survey on American Fears - Homeland Security Digital Library Blog," [Available Online]: https://www.hsdl.org/blog/newpost/view/survey-on-american-fears.

many stakeholders, and is sometimes suppressed by the government. The grotesque nature of the disaster, coupled with the grotesque crisis communications from BP—indicating to the public that the crisis was not that big of a deal—catalyzed usually passive stakeholders into protest, and for some the logo redesign contest was a creative opportunity to vent their frustration. Because Greenpeace's campaign is an unconcealed attempt to subvert the given system, it resists, rather than reinforces capitalist production.

Other Examples of Aesthetic Eco-Resistance

The three examples of aesthetic eco-resistance illustrated above are a sampling of several notable artistic protests that were inspired by the Deepwater Horizon disaster. Although it is difficult to find beauty in the face of environmental catastrophe, it served as inspiration for "an international cadre of artists and pranksters."[95] While some of the work created an imaginative space for the expression of anguish brought on by the disaster, others created more distress. One of the most infamous and inflammatory examples was Steven Meisel's 24-page oil spill fashion editorial in *Vogue Italia* featuring a model depicting suffocating, injured, and dying animals.[96] Some residents from the Gulf Coast did not take umbrage to the photos, while others felt that it made light of the disaster, and mocked people whose lives were truly impacted by the disaster.[97] The spread was critiqued as being tasteless, and starting controversy for the sake of controversy,

[95] Newton, "The (Artistic) Upside of the Oil Spill."
[96] Taylor Combs, "Vogue Italia Runs A Controversial Oil Spill-Inspired Editorial," *Refinery29*, [Available Online]: http://www.refinery29.com/oil-spill-fashion-photoshoot-from-vogue-italia.
[97] "Oil-Inspired Spread for August Issue of Vogue Italia Stirs Muck," [Available Online]: http://artdaily.com/news/39884/Oil-Inspired-Spread-for-August-Issue-of-Vogue-Italia-Stirs-Muck-#.VOvoRMa7ckQ.

ultimately creating "more grief than it soothed."[98] While the fashion shoot, entitled 'Water and Oil' successfully brought attention to the magazine, and the photographer, less attention was given to the actual disaster in the Gulf of Mexico. Moreover, because of the incendiary way in which the shoot was done, with tens of thousands of dollars worth of luxury clothing being destroyed, the work, while perhaps intended as a protest, ended up "glamorizing [. . .] ecological and social disaster for the sake of fashion."[99] The distribution and circulation of these photos via *Vogue Italia* indicate that this was a quasi-protest that was subsumed by the capitalist industrial complex. 'Crude Awakening' by Jane Fulton was another fine art photography project depicting the impact of Deepwater Horizon. Fulton's photos were certainly less glamorous than Meisel's, as they depicted regular families who appear to be vacationing on the beaches of the Gulf Coast smeared with Hershey's syrup. [100] This particular example of aesthetic eco-resistance seems to be well intentioned but, a somewhat poorly executed enterprise for profit, not for charity. Fulton notes on her website that she wanted to bring attention to the impact that the disaster had on the 2010 "swimming season."[101] In a more insightful statement than the photos convey, Fulton explains her motivation further: "This environmental, social, and economic catastrophe highlights a much larger problem that has inflicted untold suffering as we exploit the Earth's resources worldwide." [102] Unfortunately, this message got lost in "its hurried, lo-fi production" and some saw the photos as exploitation of another kind—"unintentionally mock[ing] the Gulf Coast's reality."[103] The indelicacy of these two

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[98] Newton, "The (Artistic) Upside of the Oil Spill."
[99] 5 and Combs, "Vogue Italia Runs A Controversial Oil Spill-Inspired Editorial."
[100] Newton, "The (Artistic) Upside of the Oil Spill."
[101] "Jane Fulton Alt Fine Art Photography," [Available Online]:
http://www.janefultonalt.com/Portfolio.cfm?nK=11978&nS=3.
[102] Ibid.
[103] Newton, "The (Artistic) Upside of the Oil Spill."

examples of aesthetic eco-resistance connect to a wider perspective of cultural politics whereby art is free to creatively represent, reject, or resist the conditions that inform everyday life.

Asher Jay, the artist behind 'Dolphin Drip Disaster' is best known for her "cause-driven art, sculpture, design, installations, films, and advocacy advertising campaigns" that bring attention to environmental issues including the illegal ivory trade, dolphin slaughter, overfishing, and oil spills.[104] Jay seeks to bring attention to conservation issues through art and believes that "the unique power of art is that it can transcend differences, connect with people on a visceral level, and compel action."[105] Essentially, art and activism are "inextricably linked" for Jay, with each nourishing the other.[106] In keeping with this political tradition, Jay's activism in the aftermath of the Deepwater Horizon incorporated many elements to create a self-proclaimed "visual discourse" about "contemporary ecological and humanitarian concerns" and specifically focused on charismatic mega fauna.[107] Respectably, Jay donates 100% of the profits from her work "to support the creation of more wildlife conservation related art."[108]

The final example of aesthetic eco-resistance that I will highlight is an anti-drilling campaign promoted by the Surfrider Foundation, in partnership with O'Neill. The

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[104] "Dolphin Drip Disaster - Asher Jay - Art for Conservation," [Available Online]: https://www.artforconservation.org/store/product_details.php?pr=6868.
[105] Ibid.
[106] "'Ocean Love Affair' Event to Blend Art and Advocacy in Support of Marine Environmental Research Institute | Mission Blue," [Available Online]: http://mission-blue.org/2013/01/ocean-love-affair-event-to-blend-art-and-advocacy-in-support-of-marine-environmental-research-institute/.
[107] Ibid. Naomi Klein, "The Search for BP's Oil," *The Nation*, January 13, 2011, http://www.thenation.com/article/157723/search-bps-oil#.
[108] "Dolphin Drip Disaster - Asher Jay - Art for Conservation."

duo has come together to create a portable billboard protesting offshore drilling, in the form of a t-shirt, building off of the Surfrider Foundations 'Not the Answer' campaign against offshore drilling.[109] It is worth noting that the communities benefitting from the funds raised through this campaign are communities that surfing companies rely on. This wearable protest art features an image of an offshore rig on the front with a red circle and slash through it; the back of the shirt has red script reading "Oil and Water don't Mix."[110] The shirt raises awareness about the dangers of offshore drilling and draws attention to long-standing efforts by Surfrider to (re)impose a federal moratorium on the dangerous method of oil extraction. All proceeds from the sale benefit the clean-up efforts along the Gulf of Mexico and extend the commitment of the company to "protecting America's oceans and coastal communities."[111] Jordy Smith, an O'Neill team rider hopes that the t-shirt "will help bring more awareness to the issue and keep oil companies away from the waters we love."[112]

The Limits of Aesthetic Eco-Resistance

Efforts to normalize environmental disaster as a governable subject seems to be an inextricable element within capitalism. The instrumental rationality that is embedded within neoliberalism simply cannot be overcome by aesthetic eco-resistance. As long as environmental disaster is understood as

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[109] "O'Neill, Surfrider T-Shirt Supports Gulf Coast Clean Up - Transworld Business," [Available Online]: http://business.transworld.net/40271/news/oneill-surfrider-t-shirt-supports-gulf-coast-clean-up/. "OIL AND WATER DON'T MIX FOR O'NEILL, SURFRIDER FOUNDATION - Www.sportswearnet.com," [Available Online]: http://www.sportswearnet.com/businessnews/pages/protected/OIL-AND-WATER-DONT-MIX-FOR-ONEILL-SURFRIDER-FOUNDATION_2858.html.q

[110] "O'Neill, Surfrider T-Shirt Supports Gulf Coast Clean Up - Transworld Business."

[111] Ibid.

[112] "OIL AND WATER DON'T MIX FOR O'NEILL, SURFRIDER FOUNDATION - Www.sportswearnet.com."

governable/manageable/legible, it will be manipulated through technology, and will appear to be within societally acceptable levels of tolerance. All the while, the harmful consequences of environmental disaster will continue to be socialized (expansion), the commercial benefits will continue to be privatized (contraction), and disasters will materialize again and again (repeat cycle). Anti-normalization campaigns such as boycotts, divestment, and ecotage, have all raised awareness of the problematic regulatory relationship between the U. S. government and energy companies; however these efforts have been limited in their capacity to catalyze lasting change and remain largely ineffective politically.[113] Similarly, the strategies of aesthetic eco-resistance employed to protest the effects of the Deepwater Horizon disaster, while a softer and more creative form of protest and critique, have raised awareness of the problematic conditions of energy production that often lead to environmental disaster, but have been feeble in convincing companies and policy makers to adopt a new position on unconventional oil development Indeed, British Petroleum has a "Deep Commitment" to exploiting the deep waters of the Gulf of Mexico. Over the course of the last 10 years BP has spent more than any other energy company to extract oil from the Gulf of Mexico and is currently the "leading acreage holder in the deepwater Gulf, with ownership [of] around 620 leases."[114] The moratorium on deepwater drilling was lifted after just six months; and "giant new oil projects are returning to the Gulf—bigger and more expensive than ever." [115] Nonetheless, aesthetic eco-resistance efforts are potentially an

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[113] Vanderheiden, "Radical Environmentalism in an Age of Antiterrorism."

[114] "Deepwater Gulf of Mexico | About BP | BP Global," [Available Online]: http://www.bp.com/en/global/corporate/about-bp/bp-worldwide/bp-in-america/our-us-operations/exploration-and-production/deepwater-gulf-of-mexico.html.

[115] Laurel CalkinsMargaret Cronin Fisk, "Deepwater Oil Drilling Ban by Obama Lifted by U.S. Judge," *Bloomberg.com*, [Available Online]: http://www.bloomberg.com/news/articles/2010-06-22/u-s-deepwater-oil-drilling-ban-lifted-today-by-new-orleans-federal-judge; "Oil Boom Returns to U.S. Gulf After Deepwater Horizon Disaster - WSJ," [Available Online]: http://www.wsj.com/articles/oil-rigs-return-to-gulf-after-deepwater-horizon-disaster-1416599464.

important cultural strategy to raise the level of mindfulness, and critique, amongst the general public about the harmful practices of energy extraction—it engages a populace that would not usually involved in environmental activism.

"Resistance has always been integral to many art forms and movements."[116] The vignettes of aesthetic eco-resistance illustrated here present a formidable challenge to the conventional wisdom not only of a carefully sculpted brand, but also because they present an alternative and more complex depiction of the causal factors that converge in the production of environmental disaster. Because Critical Theory rejects the world and its constructed subjectivities as they are given, a critical theory of art necessitates an excavation of aesthetic works as well, distinguishing institutionalized styles of art under capitalism from works of aesthetic eco-resistance that defy appropriation. Regrettably, several of these works of art are folded back into the capitalist system of production and consumption, and none have sparked the societal, political, and economic revolution that Marcuse hoped for in the Great Refusal.[117] Certainly, these works of aesthetic eco-resistance have succeeded in a Foucaultian sense of resistance by acting as an "offensive antagonism" toward systems of oppression and destruction.[118] However, unfortunately, many of these works of resistance did not make much of a difference in terms of political, social, and environmental progress.[119]

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[116] Shorthose, "A More Critical View of the Creative Industries: Production, Consumption and Resistance."
[117] Marcuse, *One-Dimensional Man*.
[118] "Resistance versus Emancipation."
[119] "Gene Ray: Toward a Critical Art Theory | Eipcp.net," [Available Online]: http://eipcp.net/transversal/0806/ray/en.

Strategies of normalization—eco-managerialism, eco-commericalism, eco-judicialism, and eco-sensationalism—not only present a false image of disaster manageability but also foster a dangerous psychology whereby blind faith in technology is reinforced. This is a durable process that is not easily infiltrated. Not only do the techniques through which environmental disaster is normalized stifle the progressive development of sustainable and renewable energy regimes but they also repress the emergence of critical discourses on the environment by reinforcing the idea that environmental degradation and sustainable development can co-exist. In essence, eco-governmental strategies conceal the second contradiction of capitalism and create a sense of comfort with environmental disaster. As such, eco-governmental strategies of normalization create a false sense of working toward environmental sustainability while crystallizing the conditions of environmental production/degradation over a longer period of time. Eco-governmentality thus contributes, albeit unwittingly, to the perpetuation of the status-quo of disastrous political, economic, and social relationships that produce environmental disaster. From this standpoint, critics of eco-aesthetic resistance are able to consign creative protests to the same problematic Western view of "environmental politics as a luxury indulgence available only to the world's wealthy."[120]

Conclusion: Unrealized Liberation; Enduring Emancipatory Potential

History has shown, time and time again, the power of imagery and the "ubiquitous connections between art, culture, ideology, and power."[121] The recent destruction

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[120] R. Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard Univ Pr, 2011). Charles Reitz, *Art, Alienation, and the Humanities: A Critical Engagement with Herbert Marcuse* (SUNY Press, 2000).

[121] David Darts, "Visual Culture Jam: Art, Pedagogy, and Creative Resistance," *Studies in Art Education*, 2004, 313–27.

of antiquities in Iraq, the birthplace of civilization, is a revolting reminder of how the creation/destruction of art has coincided the creation/destruction of ideology throughout history. There are many examples throughout history of art being employed to help achieve ideological goals, although most successfully for hateful and harmful purposes. Yet, the production of art can function as a powerful discourse of resistance, as in the case of the works of aesthetic eco-resistance described here. These moments of resistance have generated a critical conversation about the tools and techniques employed for disaster mitigation even if they have not spawned a broader resistance to the strategies that normalize disaster. The enduring "ties between art, culture, politics, and power" are undeniable.[122] Art supports ideological interests, conveys political messages, and can be tactically employed to help groups, or individuals, achieve their purpose. Thus, art can be controversial and raise important questions about relations of power. "[A]rt both protests [social] relations, and at the same time transcends them. Thereby art subverts the dominant consciousness, the ordinary experience."[123] From this perspective, aesthetic eco-resistance maintains the potential to negate normalized conceptions of environmental disaster.

The Deepwater Horizon disaster itself "implicates fundamental questions of how corporations are governed, how they present themselves to the public, and the goals they are supposed to achieve."[124] Even though the disaster brought to light broader problematic practices such as the commodification of nature, and the

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[122] Ibid.; Kareem Shaheen in Beirut, "Isis Fighters Destroy Ancient Artefacts at Mosul Museum," *The Guardian*, [Available Online]: http://www.theguardian.com/world/2015/feb/26/isis-fighters-destroy-ancient-artefacts-mosul-museum-iraq.
[123] Marcuse, *The Aesthetic Dimension: Toward a Critique of Marxist Aesthetics*.
[124] Cherry and Sneirson, "Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing after the BP Oil Disaster."

relationships between technology, politics, culture, and the economy, the works of aesthetic eco-resistance that emerged in the aftermath are an attempt to sustain a public conversation about the disastrous relationship between government and corporations. In essence, the imagery is a way to preserve the visceral initial response. The art illustrates disappointments with the ability of the government to manage its regulatory relationships with energy companies, disappointments with reified instrumentalist understanding and management of environmental disasters, disappointment with unfinished clean-up efforts but, the art also generates more grief for some victims.

The solidarity and collectivism that is required for the Great Refusal to be achieved on the back of aesthetic eco-resistance remains unrealized; and although society has not been liberated from the oppressive forces the coincide oil exploitation, the protest art that was inspired by the Deepwater Horizon disaster has effectively transformed instrumentality in that it has generated an important conversation amongst the public about the disastrous conditions of production that are responsible for the ecological and social devastation. The discourses that normalize environmental disaster, as described in previous chapters, are firmly entrenched and are difficult to shake loose through unsustained acts of resistance. The continual subjectification of the environment as an object of inquiry not only normalizes environmental disaster but also normalizes the strategies employed to assuage the effects of the disaster. Although the creative expressions of frustration with government and corporations gave voice to a populous who felt unheard through traditional channels of governance, the processes by "which nature is subjected to the violence of exploitation and pollution" remains an active economic and political function of the state.

Chapter 9: Conclusions

> *Call it environmentality, green governmentality, or geo(socio)engineering, the conformist agendas of an ecologistic environmentalism are starting to work today. Their commonly affirmed ways of living in accord with rulings from sustainability science are both causing, and then responding to (as adaptations for and mitigations of), the Anthropocene.*[1]

Throughout this project, official responses to the Deepwater Horizon disaster have been considered for their constitutive capacity in the construction of broader, and often problematic, narratives on socio-environmental disasters. In keeping with the managerial logic of ordering the environmental uncertainties of the Anthropocene, these strategies and techniques often operate in a self-legitimating cycle of crisis and response. The preceding pages have witnessed several arguments based on the assumption that instrumentalist quick-fixes can be dangerous, and that they are not only insufficient in exposing the systemic conditions that produce and respond to disaster, but that they often conceal these very conditions.

A framing of environmental disaster that accounts for high-modernist ideologies is useful if interruption into the self-legitimating cycle of crisis-response-crisis is to become a meaningful political consideration. By exposing how the values of high-modernism are productive of, and responsive to, socio-environmental disasters, the processes by which environmental disasters are normalized can be revealed. Essentially, high-modernist responses to environmental disaster not only oversimplify disaster response but also perpetuate a problematic logic of eco-governmentality that forecloses a socially informed understanding of disaster.

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[1] Timothy W. Luke, "The Holocene-Anthropoce Extinction Event: Ecocritique as Probing the Impact of Urbanistan*" (WPSA Conference, 2013).

Under this eco-mentality the extractivist perspective of nature as little more than a source of commodity production is advanced.

Moreover, a socially informed understanding of environmental disaster would allow for the manufactured risks of the extractive industries to be understood as an increasingly materialized result of global hydrocarbon capitalism. In order to reveal the fallacy of what is widely understood as the causality of environmental disaster (human and technological failings), it is necessary to reveal the contradictions between dominant discourses of disaster and disaster management, and the actual experience of those disasters.

To illustrate instrumentalist governance of the environment is not novel; nor is the argument that socio-environmental disasters are increasing in scope and frequency. Critical scholars, such as those employed throughout the dissertation, have been making these claims for decades and others have increasingly taken up this view as the effects of climate change increasingly materialize. Apart from exploring these claims through the lens of the Deepwater Horizon disaster, what this project has endeavored to do is to illustrate the processes through which socio-environmental disasters are normalized, rendered legible, and how those processes of normalization close the space for the systemic conditions that produce disaster to be sufficiently recognized. At the very basic level, this project is an attempt to crack open a space for a broader recognition of the self-legitimating systemic conditions that are both productive of, and responsive to, socio-environmental disaster. By unsettling the traditional remit of the causality of environmental disaster, this project presents an argument for a conception of environmental disaster as socially formed.

Bringing together the categories of rationalistic and instrumentalist thought with socio-environmental disaster disallows the oversimplification of their mutually productive enmeshment. Rather, exposing how these categories come together in a material context reveals the complex ways in which they are articulated by way of managerial techniques (Chapter 4), through commodification of disaster (Chapter 5), how they are extended administratively (Chapter 6), how they are simultaneously sensationalized and normalized (Chapter 7), and how instrumental views of environmental disaster might be resisted through art (Chapter 8). As such, the project has successfully employed the case of Deepwater Horizon to highlight the processes and effects of eco-governmental strategies to construct the knowledge/power in/around environmental disaster.

As mentioned throughout the project, the disastrous impacts of petrovore lifestyle seem to make little difference in the way that socio-environmental disasters are thought of, and thus, there is relatively little change to the way that they are governed. At present, the Deepwater Horizon disaster is more than 5 years in the past but, the lessons from it have not been learned even though there have been many socio-technical disasters related to oil that have occurred since. In fact, contemporary society is thirstier for oil than it has ever been. Despite a market over supply and falling oil prices, energy companies are increasingly going into riskier territory to extract and oil disasters are increasingly a part of the backdrop of everyday life. The Arctic is one of these previously inaccessible areas that is now threatened with environmental harm.

New Terrains of Extraction

The opening of the Arctic to deepwater drilling is a particular irony tied to the contemporary hydrocarbon economy. This opening can be understood on several levels: it is not only a geographic phenomenon with geopolitical ramifications and new security concerns but, it is also an economic opening for oil conglomerates as well as an opening for massive environmental disaster. While the melting sea ice in the Arctic may be a sort of environmental canary in the coal mine, telling of other environmental changes that will attend a warming climate, the desire to develop the fossil fuels contained below indicates political blindness. The previously inaccessible fossil fuel reserves have only become accessible as a result of the burnt fossil fuels. This is fully representative of the second contradiction of capitalism, as the reality of climate change is cynically conceded yet economically exploited. The possibilities for economic gain posed by the opening of the Arctic is highlighted by the new shipping and trade routes that will become available, the new changes for tourism, and the possibility of deepwater drilling for oil. Royal Dutch Shell is the company that is pioneering deepwater drilling in the Arctic waters but, other companies are also planning on extending their operations into the area.[2]

With the Deepwater Horizon disaster in the not-too-distant past "a growing group of disaster-response officials, political leaders, environmental groups, and scientists are all raising concerns about the environmental impact of this new drilling activity."[3] Not only are Arctic terrains untested but, the waters are deeper

[2] Michelle Fox, "Arctic Drilling a Long-Term Game: Shell Oil President," accessed July 21, 2015, http://www.cnbc.com/2015/05/14/arctic-drilling-a-long-term-game-shell-oil-president.html.
[3] Natasha Geiling, "As Shell Looks To Drill In Arctic, Environmentalists Rally To Remember Historic Arctic Oil Spill," *ThinkProgress*, accessed July 21, 2015, http://thinkprogress.org/climate/2015/03/24/3638043/rally-remembers-exxon-valdez/.

(more than 10,000 feet), colder, and more volatile, a testament that frequently plays out on a wide range of 'reality' shows in the US, a fact that studies into ultra-deepwater drilling have concluded.[4] A disaster in these waters could well be more severe than what was experienced on the Gulf Coast in 2010 not only because the infrastructure to deal with disaster is not yet in place but also because of the extreme conditions that would have to be dealt with in the wake of a disaster, e.g. deeper, colder, more inaccessible waters. A 2014 Environmental Impact Statement released by the US Department of the Interior estimates that there is a 75 percent chance that a major oil spill will occur over the life of the project proposed by Royal Dutch Shell.[5] Smaller spills are even more likely.

Although plans to drill in the Arctic have been delayed because of a series of lawsuits and poor planning, a May 2015 a conditional approval was issued by President Obama, giving the permission for deepwater drilling to take place in the Arctic waters off of the Alaskan coast.[6] Scientists believe that the region may contain as much as 15 billion barrels of accessible oil and up to 90 billion barrels of undiscovered oil resources.[7] This decision supports the idea that the instrumentalist view of nature is deeply embedded within American policy, and that despite the public outcry against risky environmental practices, short-term economic benefits are valued over the protracted environmental costs. While the decision represents a major victory for the oil industry, it is a blow for

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[4] John Shaughnessy et al., "More Ultra-Deepwater Drilling Problems," 2007.
[5] Krista Langlois, "Drilling the Arctic Comes with a 75 Percent Chance of a Large Oil Spill," December 10, 2014, https://www.hcn.org/articles/drilling-the-arctic-comes-with-a-75-percent-chance-of-a-large-oil-spill.
[6] Kevin Liptak, "Obama Administration Approves Drilling in Arctic - CNNPolitics.com," accessed July 21, 2015, http://www.cnn.com/2015/05/11/politics/obama-approves-arctic-drilling/.
[7] Fred Dews, "MAP: Undiscovered Arctic Oil and Gas and Potential Trade Routes," *The Brookings Institution*, accessed July 21, 2015, http://www.brookings.edu/blogs/brookings-now/posts/2014/03/map-undiscovered-arctic-oil-gas-trade-routes.

environmentalists who are concerned about the social and environmental costs of drilling in this extreme territory. What the decision also demonstrates is that in the long-view of history, the Deepwater Horizon disaster, even with its enormous scope, really had no lasting impact on public policy toward deepwater drilling. Instead, it seems as if public policy has become resistant, even defiant, to the lessons of the Deepwater Horizon disaster. To be sure, it has been a harrowing experience for the families who lost loved ones and for the non-human nature that suffered (and continues to suffer) as a result of bathing in oil; but these human and environmental costs stand in contrast to the economic gain that oil exploitation promises.

Outside of the Arctic, there are other geographies of unconventional oil development, transportation, and refinement that warrant further consideration and critique under an eco-governmental framework. The spate of oil train derailments, many of which are carrying highly-volatile crude from the Bakken Shale and the Northern Alberta tar-sands, present the possibility for contamination of waterways, destruction of landscapes, and loss of human and non-human life that extend well beyond the localized sites of extraction. And while these acute disasters make headlines, the fact that the extraction of these oils pushes the detrimental realities of climate change ever-closer remains an implicit connection for many scholars. Indeed, this case illustrates that the increasing normality of acute oil-related disasters is not only obfuscated by techniques and strategies of normalization but a similar obfuscation of everyday or chronic disastrousness related to oil is also present.

General Findings

There are several key findings that are highlighted by this project. While these findings highlight complexities of environmental governance historically articulated within eco-critique, they are an effective means for illustrating the self-legitimating processes and ideologies through which the political subject of environmental disaster becomes known, managed, and re-inscribed. Through these illustrations anticipation is created for the possibility of a reconceptualization of environmental disaster that accounts for the miscalculated assurances of high-modernist thinking; however, it is worth note that social, political, and corporate institutions tend toward simplistic views of disaster that do not account for the intermingled complexities mélange present in situations of regulatory capture, manufactured risk, and commodification of nature. As such, these findings do not portend that there is a meta-narrative that can replace current understanding of environmental disaster; however by broadening the discourse of consumption and risk that surround environmental disaster to include discussions about how society's ideological values participate in the construction of environmental disaster, it is possible to move toward a critical environmental realism that presents debates within environmental politics in an open space that allows for alternative understandings of ecological, and political reality, that do not ascribe to hegemonic perspectives.[8]

1. ***Socio-Environmental Disasters are manufactured, at least in part, by high-modernist values.*** There is an unflagging confidence within the energy industry, and reinforced by the United States federal government, that science and technology has an unfaltering ability to order the natural world. This blind

[8] Timothy Forsyth, *Critical Political Ecology: The Politics of Environmental Science* (Routledge, 2013).

faith in the ability of science and technology permeates the effort to efficiently extract oil from the riskiest territories, often without regard to the social and environmental consequences that result when nature refuses to be ordered by high modernist values.[9] This perspective is supported by the Deepwater Horizon case study. This promethean ideology, that the problems that are created and "produced by past innovation, growth, and technology" can be solved "through continued innovation, growth, and technology" carries through to the tactics and strategies that are deployed to address environmental disaster, which often create subsequent environmental and social harms.[10] The instrumentalist rationality that is inherent to high-modernism has an impulse toward purification, which can be readily identified in many of the discursive strategies that have been employed to manage, commodify, and litigate the Deepwater Horizon disaster.

2. ***The Deepwater Horizon disaster is representative the cyclical transformation of legitimation crisis into crisis legitimation.*** Legitimation crisis occurs when governing and regulatory entities retain the legal authority to govern; but this authority is undermined by the inability to fulfill fundamental and primary obligations for which the institution is intended.[11] As a result, the practical duties of the state are outsourced to private industry, which hold primacy of profit over social and environmental considerations. As such, the responsibility for disaster mitigation and remediation is often left to the offending parties, as was the case in the remediation efforts delegated to British Petroleum. This

[9] Oliver A Houck, "Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law," *Tul. Envtl. LJ* 24 (2010): 1.
[10] John S Dryzek, *The Politics of the Earth: Environmental Discourses* (Oxford University Press, 1997).
[11] J. Habermas, *Legitimation Crisis*, Vol. 519 (Beacon Pr, 1975).

push toward capital accumulation often results in degradation of the environment, thereby creating new opportunities for enterprise, as well as effectively completing and regenerating the cycle of environmental crisis. Crisis legitimation is thus ideological armor for accidental normality.

3. ***Eco-governmental tactics are able to shape political memory and shade environmental disaster with certain levels of opacity as permitted by existing administrative, legal, and technical practices.*** These practices, while able to confound the causality and responsibility for the oil spill, are not able to engage in fully reductionist explanations of environmental disaster that permit a wholesale continuation of status-quo industry operations and governmental practices.[12] While the size, scope, and scale of this particular disaster bring into question the systemic technological failures that played into the disaster, systemic factors relating to the global economic system are further obfuscated and scapegoated through the focus on technical failings. Moreover, the scope of this disaster, while considered to be one of the "worst environmental disasters in U.S. history," while compared to daily oil expenditures in the United States, demonstrates the everyday disastrousness of oil production is a chronic condition of our contemporary political economy.[13]

4. ***The framework of eco-governmentality offers the possibility for better understanding a wide-range of wicked problems.*** The eco-governmental categories employed here are among a number of potential categories that

[12] Zygmunt JB Plater, "Learning From Disasters: Twenty-One Years After the Exxon Valdez Oil Spill, Will Reactions to the Deepwater Horizon Blowout Finally Address the Systemic Flaws Revealed in Alaska?," *Environmental Law Reporter* 40 (2010): 11041.
[13] "The Gulf Spill: America's Worst Environmental Disaster? - CNN.com," accessed March 19, 2015, http://www.cnn.com/2010/US/08/05/gulf.worst.disaster/.

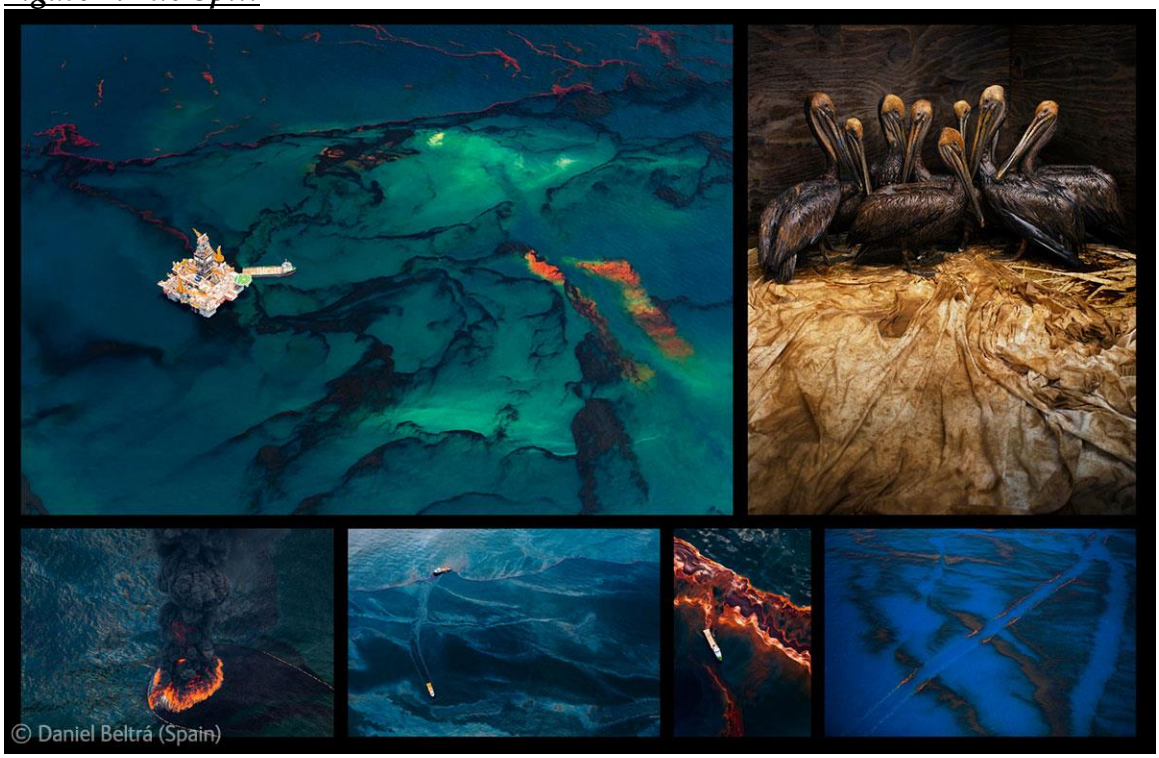
might be employed to better understand how social interactions with the natural world are regulated. The framework disallows simplistic explanations and is therefore a useful tool to move beyond traditional abstractions of environmental harm.

As a field of study, critical environmental theory is full of potential for future research. It maintains the prospect of explaining how and why socio-environmental disasters have become a regular feature of contemporary life. But, scholars need to more fully engage the potential that lies within the methods and critiques of this field. Moreover, by bringing theory and material context together it is possible to convey the dangers of extractivist and instrumentalist mentalities. A healthy environmental theory cannot disregard the lived experiences and everyday disastrousness of dangerous ideologies, nor can it refuse to mount a challenge to the problematic rules, regulations, and relationships that govern the environment. Exploring socio-environmental disasters through the lens of eco-governmentality not only opens a space for a reinterpretation of causality but in so doing it may also help envision new modes of environmental governance for the Anthropocene.

Figure 1: Oil & Water Do Not Mix

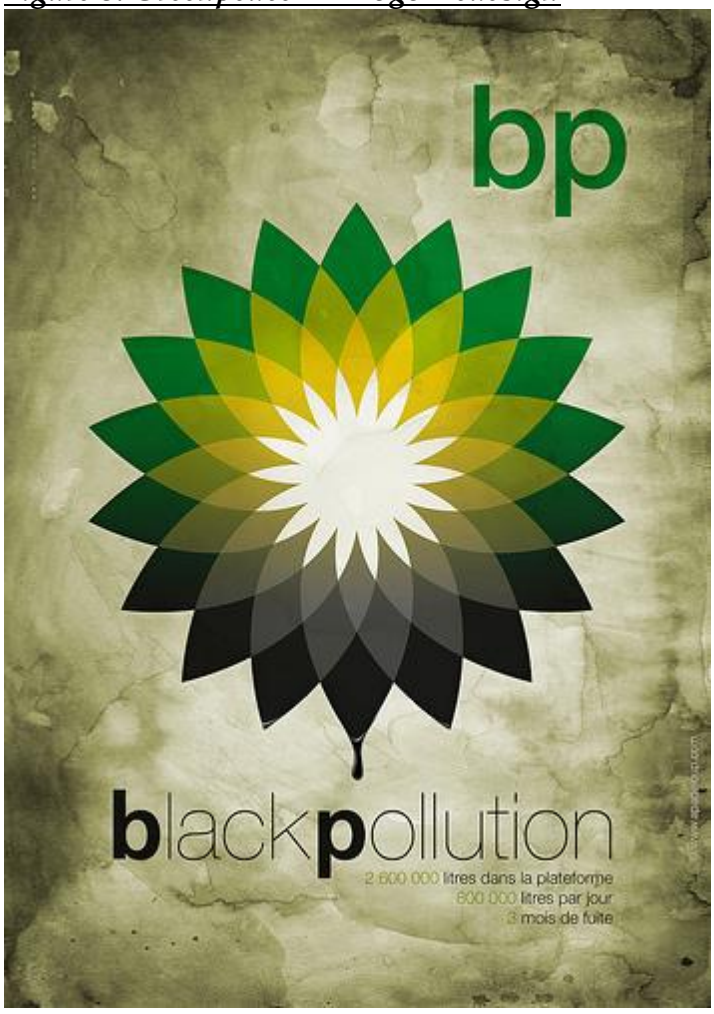
Source: "ANTHONY BURRILL - OIL AND WATER DO NOT MIX." Accessed February 17, 2015. http://www.anthonyburrill.com/projects/oil-and-water-do-not-mix. Used under fair use, 2015.

Figure 2: The Spill



Source: "Daniel Beltrá | SPILL." Accessed February 17, 2015. http://www.danielbeltra.com/spill. Used with kind permission of Daniel Beltra, 2015.

Figure 3: Greenpeace BP Logo Redesign



Source: "BP Logo Gets Oily, Gruesome Redesigns Courtesy of Greenpeace Followers | Fast Company | Business + Innovation." Accessed February 17, 2015. http://www.fastcompany.com/1651496/bp-logo-gets-oily-gruesome-redesigns-courtesy-greenpeace-followers. Used under fair use, 2015.

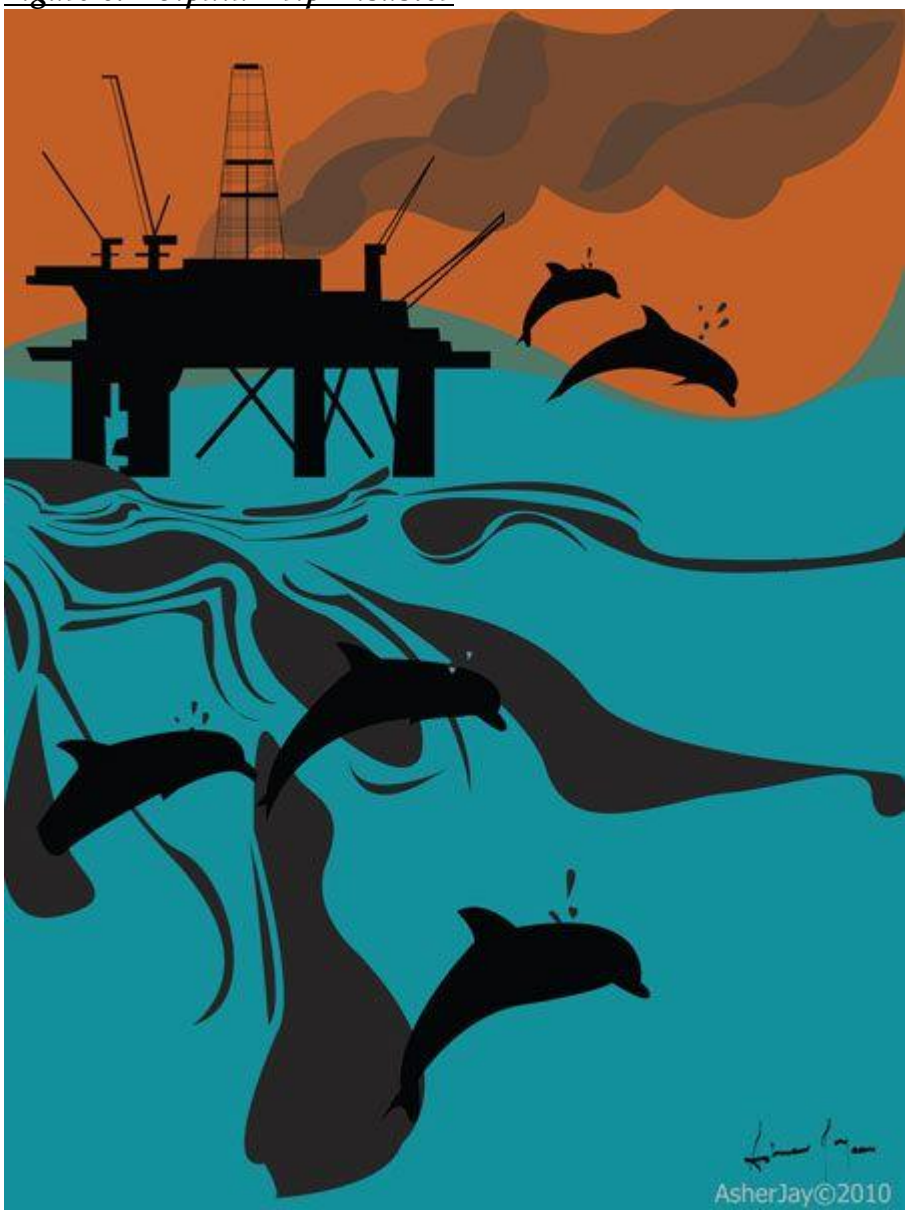
Figure 4: Vogue Italia Water and Oil

Source: "Steven Meisel—Water & Oil." Accessed February 24, 2015. http://www.vogue.it/en/magazine/cover-story/2010/08/water-oil#ad-image28149. Used under fair use, 2015.

Figure 5: Crude Awakening

Source: "Jane Fulton—Crude Awakening." Accessed February 24, 2015. http://www.janefultonalt.com/Portfolio.cfm?nK=11978&nS=3. Used with kind permission of Jane Fulton, 2015.

Figure 6: Dolphin Drip Disaster



Source: "Dolphin Drip Disaster - Asher Jay - Art for Conservation." Accessed February 19, 2015. https://www.artforconservation.org/store/product_details.php?pr=6868. Used under fair use, 2015.

Figure 7: Surfrider Foundation/O'Neill Anti-Drilling T-Shirt

Source: "O'Neill, Surfrider T-Shirt Supports Gulf Coast Clean Up - Transworld Business." Accessed February 19, 2015. http://business.transworld.net/40271/news/oneill-surfrider-t-shirt-supports-gulf-coast-clean-up/. Used under fair use, 2015.

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