

*Estimating the Reasonable Consumption Rates of Subsistence Claimants*

Exhibit 9 of the Settlement Agreement defines the benefits available for loss of Subsistence use of fish and game affected by the Deepwater Horizon oil spill. The Settlement Agreement requires the Claims Administrator to calculate reasonable consumption rates for the various types of fish and game that residents of the Gulf relied upon for nourishment. The Claims Administrator must use this consumption rate formula to determine the amount payable on each Subsistence claim, other than those based upon bartering of resources.

The consumption formula takes into account the height and weight of persons who rely upon fish and game in their diets to determine the amounts reasonably ingested daily. The Claims Administrator asked BP and Class Counsel for their positions on the appropriate elements of this formula and both parties submitted their suggested measures. After detailed review of these proposals and the needs of Subsistence claimants, the Claims Administrator determined that the national USDA recommended caloric intake standard should be modified to reflect the more localized consumption levels of Gulf residents.

To address this issue, the Claims Administrator retained Peter T. Katzmarzyk, PhD, FACSM, FAHA, a Professor and Associate Executive Director for Population Science at the Pennington Biomedical Research Center in the Louisiana State University System, to estimate the actual caloric intake for residents in the Gulf Coast region. Dr. Katzmarzyk has extensive expertise in nutrition, physical activity and obesity-related topics. The Claims Administrator now has received a report from Dr. Katzmarzyk based on his research and will incorporate his recommendations to derive a basis for calculating actual consumption rates that are reasonable for Gulf Coast residents, rather than using a general standard.