

# **EXHIBIT 16**

**Excluded Industries Chart**

**Exclusion:** *Claims for recovery of Moratoria Losses are excluded from the Economic and Property Damages Settlement Class, and no Class Member shall recover for Moratoria Losses.*

**Definition:** *“Moratoria Losses” means any loss whatsoever caused by or resulting from federal regulatory action or inaction directed at offshore oil industry activity – including shallow water and deepwater activity – that occurred after May 28, 2010, including the federal moratoria on offshore permitting and drilling activities imposed on May 28, 2010 and July 12, 2010 and new or revised safety rules, regulations, inspections, or permitting practices.*

Oil & Gas Industry <sup>1</sup>	Support Services to Oil & Gas Industry <sup>2</sup>	Gaming, Banking, Insurance, Funds, Defense Contractors, and Developers <sup>3</sup>
<p><b>Businesses / Employers</b></p> <ul style="list-style-type: none"> <li>Excluded from the Economic &amp; Property Damages Settlement Class.</li> </ul>	<p><b>Businesses / Employers</b></p> <ul style="list-style-type: none"> <li>Businesses / employers on the list of “Industry Types Subject to Automatic Review by Claims Administrator for Potential Moratoria Losses” in Section I of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses” shall be subject to automatic review for potential moratoria losses upon submission of business claim, based on the NAICS code shown on claimant’s 2010 tax return or business permit, or other evidence of the business’s activities that allow the Claims Administrator to determine whether a business falls under the Support Services to Oil &amp; Gas Industry. The Claims Administrator</li> </ul>	<p><b>Businesses / Employers</b></p> <ul style="list-style-type: none"> <li>Businesses / employers in these categories of excluded industries are barred from recovery in the settlement for any type of business economic losses.</li> <li>Businesses / employers in these categories are permitted to pursue coastal and wetlands claims.</li> <li>No recovery permitted for businesses / employers in these categories under any other aspect of the Economic &amp;</li> </ul>

<sup>1</sup> NAICS codes listed in “Oil & Gas Industry Exclusions” (026694-26703).

<sup>2</sup> NAICS Codes listed in Sections I & II of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses” (026613- 026631).

<sup>3</sup> NAICS Codes listed in “Economic Loss and Property Class Definition Exclusions” (028759 - 028772).

	<p>shall create dedicated team to evaluate business economic loss claims from such businesses / employers.</p> <ul style="list-style-type: none"> <li>• Businesses / employers on the list of “Industry Types Subject to Question Regarding Support Services to Oil &amp; Gas Industry and Possible Review by Claims Administrator for Potential Moratoria Losses,” in Section II of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses,” based on the NAICS code shown on claimant’s 2010 tax return or business permit, or other evidence of the business’s activities that allow the Claims Administrator to determine whether a business falls under the Support Services to Oil &amp; Gas Industry are subject to the following question: “In 2009, did your business provide significant services, goods, and/or supplies to businesses in the offshore oil &amp; gas industry in the Gulf of Mexico?”<sup>4</sup> If the claimant responds affirmatively, its claim shall be routed by the Claims Administrator to a team dedicated to the evaluation of business economic loss claims for potential moratoria losses. Claimant shall be required to provide supplemental information in order for Claims Administrator to conduct this review. If the claimant responds negatively, its claim proceeds under normal processing.</li> <li>• All businesses / employers in this category are barred from recovery for moratoria damages.</li> </ul>	<p>Property Damage Settlement Class.</p>
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<sup>4</sup> See the NAICS Codes listed in Section II of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses” (026613 - 026631).

	<ul style="list-style-type: none"><li>• No businesses / employers in this category release moratoria claims.</li><li>• All businesses / employers in this category permitted to pursue business economic loss claims for (i) non-moratoria business interruption from Oil &amp; Gas industry support service activities &amp; (ii) non-Oil &amp; Gas Industry economic losses, but claimant must establish (i) &amp; (ii) were in the judgment of the Administrator due to or resulting from the DWH Spill.</li><li>• The standard business economic loss frameworks for causation shall apply to non-moratoria losses. Causation shall be determined prior to the determination of the Moratorium Loss. However, if in the judgment of the administrator, the result of this causation test is driven predominantly by the inclusion of the moratorium losses in the calculation, then the administrator shall conduct an individual review of the claim file to determine whether the non-moratorium portion of the loss was in whole or in part due to or resulting from the DWH Spill.</li><li>• In determinations of moratoria losses, the standard business economic loss framework shall not apply. Rather, the Claims Administrator’s dedicated team shall be given parameters agreed upon by the parties that must be applied to distinguish among</li></ul>	
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	<p>economic loss due to or resulting from (i) moratoria and (ii) non-moratoria economic loss.</p> <ul style="list-style-type: none"> <li>• BP and PSC to develop agreed upon guidance that the Claims Administrator shall apply in making compensation determinations that adhere to the moratoria exclusion in the settlement agreement.</li> <li>• <i>In general, one of the parameters shall be that the Claims Administrator shall be directed to calculate the claimant's non-moratoria economic loss due to or resulting from the DWH Spill by isolating losses that occurred prior to imposition of the moratoria on May 28, 2010, and any continuation of such losses that might have been expected in the absence of the moratoria. The incremental impact of the moratoria on claimant's losses generally would not be recoverable in the settlement.</i></li> <li>• RTP applied only to the claimant's base economic loss, if any, that the Claims Administrator determines is non-moratoria economic loss due to or resulting from the DWH Spill. Claimant receives RTP for Other Industries for the zone in which it is located.</li> <li>• Such businesses / employers are permitted to pursue all other recovery permitted under other aspects of Economic &amp; Property Damage Settlement Class.</li> </ul>	
<b>Individuals / Employees</b>	<b>Individuals / Employees</b>	<b>Individuals / Employees</b>

<ul style="list-style-type: none"> <li>• Individuals / employees employed by businesses or employers in Oil &amp; Gas Industry are barred from recovery in the settlement for any type of individual economic loss claim arising out of any employment or former employment within the Oil &amp; Gas Industry.</li> <li>• However, such individuals / employees are permitted to pursue individual economic loss claims for other jobs outside of excluded industries. If any of claimant’s other jobs is for a business / employer in the Support Services to Oil &amp; Gas Industry, evaluation of the claimant’s individual economic loss claim, shall proceed pursuant to requirements specified in Support Services to Oil &amp; Gas Industry column of this chart. If all the claimant’s other jobs are for a business / employer other than an excluded industry, business / employer in the Oil &amp; Gas Industry, or Support Services to Oil &amp; Gas Industry, then the claimant’s claim shall be evaluated under the standard frameworks</li> </ul>	<ul style="list-style-type: none"> <li>• An individual / employee claimant’s application shall include sufficient evidence of their employer’s business activities to allow the Claims Administrator to determine whether the business / employer falls under the Support Services to Oil &amp; Gas Industry NAICS codes in “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses.”</li> <li>• Individuals / employees of businesses or employers on the list of “Industry Types Subject to Automatic Review by Claims Administrator for Potential Moratoria Losses” in Section I of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses” are subject to automatic review for potential moratoria losses upon submission of an individual claim and are routed by Claims Administrator to dedicated team for evaluation of individual economic loss claims from such employees.</li> <li>• Individuals / employees of businesses / employers on the list of “Industry Types Subject to Question Regarding Support Services to Oil &amp; Gas Industry and Possible Review by Claims Administrator for Potential Moratoria Losses” in Section II of “Industry Types Subject to Review by Claims Administrator for Potential Moratoria Losses” and whose business / employer affirms that in 2009 the business / employer provided significant services, goods, and/or supplies to businesses in the offshore oil &amp; gas industry in the Gulf of Mexico</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals / employees employed by businesses or employers in excluded industry category are barred from recovery in the settlement for any type of individual economic loss claim for work performed for an excluded employer.</li> <li>• However, such individuals/employees are permitted to pursue individual economic loss claims for other jobs outside of excluded industries. If any of claimant’s other jobs is for a business / employer in the Support Services to Oil &amp; Gas Industry, evaluation of the claimant’s individual economic loss claim shall proceed pursuant to requirements specified in Support Services to Oil &amp; Gas Industry column of this chart. If all the claimant’s other jobs are for a business / employer other than an employer in the Oil &amp; Gas Industry or Support Services to Oil &amp; Gas Industry, then the claimant’s claim shall be evaluated under the standard framework for economic loss claims.</li> <li>• Such individuals / employees are permitted to pursue all other recovery permitted under other aspects of Economic &amp; Property Damage</li> </ul>
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<p>for economic loss claims.</p> <ul style="list-style-type: none"> <li>• Such individuals / employees are permitted to pursue all other recovery permitted under other aspects of Economic &amp; Property Damage Settlement Class.</li> <li>• All individuals / employees in this category are barred from recovery for moratoria damages.</li> <li>• Individuals / employees in this category do not release moratoria claims.</li> </ul>	<p>shall be subject to review for potential moratoria losses upon submission of an individual claim and are routed by Claims Administrator to dedicated team to evaluation of individual economic loss claims from such employees. Claimant shall be required to provide supplemental information in order for Claims Administrator to conduct this review.</p> <ul style="list-style-type: none"> <li>• An individual / employee claimant will not be subject to automatic review for potential moratoria losses if, before the individual / employee's economic loss claim is approved for payment, his business / employer already has been approved for claim compensation by the Claims Administrator with no Moratorium Losses deducted.</li> <li>• All individuals / employees in this category are barred from recovery for moratoria damages.</li> <li>• No individuals / employees in this category release moratoria claims.</li> <li>• All individuals / employees in this category are permitted to pursue settlement claims for economic loss incurred as a result of their employment in the Support Services to Oil &amp; Gas Industry for (i) non-moratoria business interruption from Oil &amp; Gas industry support service activities &amp; (ii) non Oil &amp; Gas Industry economic losses. Claimant must establish (i) &amp; (ii) were due to or resulting from the DWH Spill.</li> </ul>	<p>Settlement Class.</p> <ul style="list-style-type: none"> <li>• All individuals / employees in this category are barred from recovery for moratoria damages.</li> <li>• Individuals / employees in this category do not release moratoria claims or claims for excluded losses.</li> </ul>
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	<ul style="list-style-type: none"><li>• No causation presumptions for any individuals / employees in this category seeking recovery for economic losses incurred as a result of their employment in the Support Services to Oil &amp; Gas Industry. However, the standard individual economic loss Causation Presumptions do apply to economic losses incurred not in the Support of Services to the Oil &amp; Gas Industry as reflected in the businesses identified within the NAICS codes attached.</li><li>• In determinations of moratoria losses, the standard individual economic loss framework shall not apply. Rather, the Claims Administrator shall distinguish for a claimant’s Support Services to Oil &amp; Gas Industry job among economic loss due to or resulting from (i) moratoria and (ii) non-moratoria economic loss. BP and PSC to develop agreed upon guidance that the Claims Administrator shall apply in making compensation determinations that adhere to the moratoria exclusion in the settlement agreement.</li><li>• With regard to the claimant’s Support Services to Oil &amp; Gas Industry job, he or she shall be eligible to payment pursuant to the settlement only for non-moratoria economic losses due to or resulting from the DWH Spill, based upon BP &amp; PSC guidance to Claims Administrator.</li><li>• <i>In general, one of the parameters shall be whether individuals lost their job more than thirty (30) days after the May 28, 2010</i></li></ul>	
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	<p><i>moratorium, which will generally indicate that the individual incurred such economic losses as the result of the moratorium, not due to or as a result of the DWH spill.</i></p> <ul style="list-style-type: none"><li><i>In general, one of the parameters shall be whether individuals experienced reduced hours prior the moratorium but did not lose their job, which will generally indicate that the full value of the lost earnings through December 2010 were losses due to the DWH Spill and not due to the moratorium.</i></li><li>For the claimant's Support Services to Oil &amp; Gas Industry job, an RTP shall be applied only to the base economic loss, if any, that the Claims Administrator determines is non-moratoria economic loss due to or resulting from the DWH Spill. Claimant receives the RTP for Other Industries for the zone in which employer is located.</li><li>Claimants in this category are permitted to pursue individual economic loss claims for other jobs outside the Support Service to Oil &amp; Gas Industry under standard individual economic loss frameworks.</li><li>Claimants in this category are permitted to pursue all other recovery permitted under other aspects of Economic &amp; Property Damage Settlement Class.</li></ul>	
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