

1 CAUSE NO. 05CV0337  
2 MIGUEL ARENAZA, ELIZABETH ) IN THE DISTRICT COURT  
RAMON, DAVID G. CROW and )  
3 JUANITA G. CROW, et al. )  
) )  
4 VS. ) 212TH JUDICIAL DISTRICT  
) )  
5 BP PRODUCTS NORTH AMERICA )  
INC., B.P. CORPORATION )  
6 NORTH AMERICA INC., DON )  
PARUS, AND JE MERIT )  
7 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS

8  
9 CAUSE NO. 05CV0337-A  
10 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
MARCH 23, 2005 )  
11 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
PROCEEDINGS )  
12 ) GALVESTON COUNTY, TEXAS

13  
14  
15 \*\*\*\*\*

16 ORAL VIDEOTAPED DEPOSITION OF  
17 KATHLEEN LUCAS  
18 VOLUME 2  
19 AUGUST 11, 2006

20 \*\*\*\*\*  
21  
22  
23  
24  
25

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1  
2 ORAL VIDEOTAPED DEPOSITION OF KATHLEEN LUCAS,  
3 produced as a witness at the instance of the  
4 Plaintiffs and duly sworn, was taken in the  
5 above-styled and numbered cause on August 11, 2006,  
6 from 10:06 a.m. to 2:34 p.m., before Stephanie  
7 Barringer, Certified Shorthand Reporter in and for  
8 the State of Texas, reported by stenographic means at  
9 the offices of Fulbright & Jaworski, 1301 McKinney,  
10 Suite 5100, Houston, Texas, pursuant to the Texas  
11 Rules of Civil Procedure and the provisions stated on  
12 the record or attached hereto.  
13 Since this deposition has been realtimed and you  
14 may be in possession of a rough draft form, please be  
15 aware that there may be a discrepancy regarding page  
16 and line numbers when comparing the realtime draft  
17 and the final transcript. Also, please be aware that  
18 the realtime screen and the unedited, uncertified  
19 rough draft transcript may contain untranslated  
20 steno, a misspelled proper name and/or nonsensical  
21 English word combinations. All such entries are  
22 corrected in the final certified transcript.  
23  
24  
25

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1 THE VIDEOGRAPHER: On the record  
2 starting Tape 1 at 10:06.  
3 KATHLEEN LUCAS,  
4 having been first duly sworn, testified as follows:  
5  
6 EXAMINATION  
7 Q. (BY MR. COON) Good morning, Ms. Lucas.  
8 This is a continuation of the deposition that we  
9 started back in December of '05, and we had some  
10 additional follow-up questions for you today.  
11 I don't know if you remember who I  
12 am, but my name is Brent Coon. I had the  
13 opportunity to ask you questions some months ago on  
14 behalf of the steering committee that the Court has  
15 appointed to investigate, on behalf of the  
16 plaintiffs, the matters associated to the March 23  
17 explosion.  
18 At that time we had asked you to  
19 provide certain documents responsive to what is  
20 called the subpoena duces tecum that was attached  
21 to your deposition. And it's my understanding that  
22 you did so and described the documents that you  
23 were aware of and had made those available at that  
24 time; is that correct?  
25 A. That's correct.

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1 MR. BROWN: We are going to object  
2 to the form, but go ahead.  
3 Q. (BY MR. COON) Since that time, since  
4 it's been a matter of months, are there things that  
5 you need to provide to that prior subpoena duces  
6 tecum?  
7 A. Not that I am aware of, no.  
8 Q. Have you had an opportunity to read over  
9 the deposition that you gave back in December  
10 before you came in today?  
11 A. Yeah, well, I glanced at it. I didn't  
12 have time to read the whole thing.  
13 Q. Have you looked at anything else to help  
14 refresh your memory or to better prepare you for  
15 your testimony today?  
16 A. I also looked briefly at a deposition I  
17 gave on the defamation cases.  
18 Q. Those being the cases brought on behalf  
19 of certain parties who were terminated as part of  
20 your investigation?  
21 A. That is correct.  
22 Q. And you gave a formal sworn statement in  
23 that matter, a deposition of some sort?  
24 A. A regular deposition, yeah.  
25 Q. Do you recall when that was?

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1 THE WITNESS: Do you?  
2 MR. BROWN: No.  
3 Q. (BY MR. COON) The last two or three  
4 months?  
5 A. My recollection is it was sometime this  
6 summer.  
7 Q. Have you given any other depositions or  
8 statements to anyone as a result of the statements  
9 or fall out of the March 23rd explosion?  
10 A. This is my third deposition.  
11 Q. And that includes the deposition you gave  
12 in this case in December?  
13 A. December --  
14 Q. That's one.  
15 A. -- for this, the one on the defamation  
16 case, and this is the third deposition.  
17 Q. Okay. We can call this the third or the  
18 continuation of your first, whichever you're more  
19 comfortable with.  
20 But have you given any other  
21 statements, not just a deposition where you were in  
22 a room with attorneys like this, but have you just  
23 given a statement to anyone?  
24 A. What would you call a "statement"?  
25 Q. A statement would be anything where

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1 someone came in and asked you questions associated  
 2 to any matters related to the March 23rd event.  
 3 For instance, at your last  
 4 deposition, we had an exhibit that was attached to  
 5 the transcript which was a statement that you gave  
 6 to a Mr. Holt as part of an internal investigation  
 7 associated to the explosion. Do you recall that?  
 8 A. Right.  
 9 Q. Have you given any other statements of  
 10 that nature to anyone, whether it was from Mr. Holt  
 11 or from anyone --  
 12 A. Okay.  
 13 Q. -- else internally, from OSHA, from CSB,  
 14 from EPA, anyone else?  
 15 A. Okay. So I was interviewed by an  
 16 internal BP investigation.  
 17 Q. When was this?  
 18 A. That was, I would say, in the last couple  
 19 of months.  
 20 Q. Any others?  
 21 A. I was interviewed by the Baker Panel.  
 22 Q. Any others?  
 23 A. I was interviewed by the CSB.  
 24 Q. Any others?  
 25 A. That's the only ones I can recall.

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1 Q. Are you aware of any other requests that  
 2 are outstanding or that you believe may be coming  
 3 to provide additional statements or testimony to  
 4 any agency, internal or external?  
 5 A. Not for me, no.  
 6 Q. Okay. We will probably end up jumping  
 7 around some this morning since we have a pretty  
 8 good idea of a lot of what your testimony would be  
 9 from your prior deposition; but since you just  
 10 brought up these investigations, let's go ahead and  
 11 go to them.  
 12 It's my understanding from  
 13 deposing Mr. Gower and Mr. Parus and most recently  
 14 Mr. Hoffman, that there is an ongoing internal BP  
 15 investigation that is, as I understand, new and  
 16 different from what they were investigating last  
 17 year; is that correct?  
 18 A. It is -- it is what I would call an  
 19 accountabilities -- what I have heard referred to  
 20 as an accountabilities investigation.  
 21 Q. Do you know who was responsible for the  
 22 oversight of that investigation?  
 23 A. No, I do not.  
 24 Q. Do you know who ordered that  
 25 investigation?

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1 A. No.  
 2 Q. Do you know or understand who the other  
 3 parties are that are included in that  
 4 investigation?  
 5 A. That are being investigated?  
 6 Q. Yes, ma'am.  
 7 A. I know -- I was informed by Pat Gower.  
 8 So that's the person that I know is also.  
 9 Q. Okay. Well, I was going to ask you those  
 10 questions, too.  
 11 When was it that you found out  
 12 about this BP internal investigation?  
 13 A. It was actually just prior to my  
 14 defamation deposition.  
 15 Q. Have you got an idea of about what month?  
 16 Around March or April or May?  
 17 A. I -- no, I do not.  
 18 Q. Okay. And you were apprised of this  
 19 internal BP investigation by Mr. Gower?  
 20 A. That's correct.  
 21 Q. And do you know why it was that he was  
 22 the one that communicated this to you?  
 23 A. No.  
 24 Q. Did you know that Mr. Parus was also part  
 25 of this internal affairs investigation?

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1 A. No.  
 2 Q. Did Mr. Gower ever tell you who else was  
 3 involved in this internal investigation?  
 4 A. The only other person he mentioned was  
 5 himself.  
 6 Q. Did he tell you when it was that he found  
 7 out that he was part of an internal affairs  
 8 investigation?  
 9 A. No.  
 10 Q. Have you since found out from anyone else  
 11 that anyone other than Mr. Gower himself and you,  
 12 ma'am, were part of this internal affairs  
 13 investigation?  
 14 A. I understood, during the course of my  
 15 investigation, that they were trying to talk to  
 16 Don.  
 17 Q. Don Parus?  
 18 A. Yes.  
 19 Q. Have you talked to Mr. Parus since the  
 20 deposition in December of '05?  
 21 A. No.  
 22 Q. And my recollection from that deposition  
 23 is that you had not talked to him as of December of  
 24 '05 all the way back to maybe the summer of '05  
 25 when he left the site?

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1 A. That's correct.  
 2 Q. Do you have any idea what he's up to  
 3 today or how he is doing?  
 4 A. I heard he's teaching at one of the  
 5 junior colleges.  
 6 Q. Do you know anything about what BP  
 7 plans -- or let me rephrase.  
 8 Do you know what BP's plans for  
 9 Mr. Parus are at this time?  
 10 A. No, I don't.  
 11 Q. Have you talked to anyone about  
 12 Mr. Parus' status with BP?  
 13 A. Not really.  
 14 Q. At all?  
 15 A. No.  
 16 Q. Who else other than yourself, Mr. Gower,  
 17 and Mr. Parus do you have reason to believe is part  
 18 of this investigation?  
 19 A. I would think that if -- if it's an  
 20 accountabilities investigation, it could be -- you  
 21 know, Hoffman could be involved.  
 22 Q. This being Mike Hoffman --  
 23 A. Mike Hoffman.  
 24 Q. -- in London? But he --  
 25 A. But I do not know.

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1 Q. Okay. He has given us a deposition last  
 2 week and confirmed with us that he apparently is  
 3 part of this accountability investigation.  
 4 But you have not heard anything  
 5 about his deposition or know one way or the other  
 6 personally; is that correct?  
 7 A. No.  
 8 Q. Do you know if Mr. Hoffman's boss,  
 9 Mr. Manzoni, is part of this internal affairs  
 10 investigation?  
 11 A. No.  
 12 Q. Do you know if Mr. Manzoni would be the  
 13 person responsible for the oversight of this  
 14 accountability investigation?  
 15 A. I don't know.  
 16 Q. Where do these types of investigations  
 17 normally come from?  
 18 A. This is --  
 19 MR. BROWN: Objection, form.  
 20 Go ahead.  
 21 A. This is the first time I have ever been  
 22 involved in one. So I don't -- I don't know who  
 23 would have initiated one or...  
 24 Q. (BY MR. COON) In your past years,  
 25 including being a BUL at another plant and your

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1 leadership role at Texas City, you -- you've had no  
 2 understanding as to how these internal affairs  
 3 investigations take place or who is responsible for  
 4 the oversight of them?  
 5 MR. BROWN: Objection, form.  
 6 A. I never experienced one in -- in  
 7 Australia, no.  
 8 Q. (BY MR. COON) All right. Is this the  
 9 first time you have ever had an experience of being  
 10 involved in one?  
 11 A. In this form, yes.  
 12 Q. In what other kind of form had you known  
 13 them to exist?  
 14 A. Well, this is -- this is the only one I  
 15 have ever seen.  
 16 Q. Okay. Are the other types of internal  
 17 affairs investigations other than the form that you  
 18 have seen this one take place --  
 19 A. Yes.  
 20 Q. -- that you are aware of?  
 21 A. Yes.  
 22 MR. BROWN: Objection, form.  
 23 A. Yes. There -- I mean, there's -- of  
 24 course we -- you know, there is a process for  
 25 investigating complaints and that's -- there's a

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1 system called OpenTalk where anyone, any employee  
 2 or a contractor could put in a -- if you want to  
 3 say a complaint that would be investigated.  
 4 Q. Okay. We're familiar with those. I  
 5 think you told us about those at your last  
 6 deposition.  
 7 Other than those types and the one  
 8 that you were personally involved in regarding your  
 9 investigation and roles in the discipline of  
 10 employees associated to the incident and this  
 11 internal affairs investigation, are you aware of  
 12 other types of investigations into the activities  
 13 of individuals that may exist within the BP  
 14 infrastructure?  
 15 MR. BROWN: Objection, form.  
 16 A. I think we would investigate anything  
 17 that's -- you know, like if there was a security  
 18 incident or, you know, something like that.  
 19 Q. (BY MR. COON) Okay. I take it that you  
 20 have an ability to handle some types of  
 21 investigations and set them up within an area of a  
 22 plant, such as within a unit, that there is  
 23 probably an ability for somebody that has a  
 24 leadership role within a unit to conduct some kind  
 25 of basic inquiry into certain issues if they choose

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1 to do so?  
 2 A. That's correct.  
 3 Q. And if the matter is serious enough, it  
 4 probably gets reported up the chain of command to  
 5 their superiors and the investigation may be  
 6 broader based. Is that a fair statement?  
 7 A. That's fair.  
 8 Q. At the business unit leader level, what  
 9 types of investigations do you normally have other  
 10 than the OpenTalk's one you just described and what  
 11 we know to be the typical investigations into  
 12 incidents?  
 13 MR. BROWN: Objection, form.  
 14 Go ahead.  
 15 A. So there -- there could be, you know,  
 16 investigations into, you know, any -- any acts that  
 17 wouldn't be in line with the code of conduct. So  
 18 harassment.  
 19 Q. (BY MR. COON) Would these types derive  
 20 from the human resources department?  
 21 A. Perhaps. That's one source.  
 22 Q. Okay. So if there is complaints of  
 23 mistreatment, those types of things get  
 24 investigated?  
 25 A. Yes.

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1 Q. If there is complaints of improper  
 2 conduct on the part of personnel out there, those  
 3 get individually investigated?  
 4 A. Those would be investigated.  
 5 Q. And if there are accidents or incidents  
 6 or near incidents, those get investigated?  
 7 A. Those would be --  
 8 MR. BROWN: Objection, form.  
 9 Q. (BY MR. COON) Correct?  
 10 A. They would be investigated --  
 11 Q. And I think --  
 12 A. -- that's right.  
 13 Q. -- you told us about the types of  
 14 incidents that are even categorized as Level C's,  
 15 B's, and A's, based on severity?  
 16 A. That is correct.  
 17 Q. You also have fatal investigations in the  
 18 event someone has an incident in which there is a  
 19 fatality on the jobsite, correct?  
 20 A. That's correct.  
 21 Q. And you have the OpenTalks, which are, I  
 22 take it, more informal types of investigations?  
 23 A. Well, they could be very formal. The  
 24 OpenTalk just provides an -- an anonymous form. So  
 25 a person can put a complaint in or a concern into

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1 OpenTalk anonymously.  
 2 Q. Do you have any type of department at the  
 3 business unit level that regards criminal  
 4 investigations, if you think someone is doing  
 5 something criminal at your facility?  
 6 A. There is no department like that.  
 7 Q. If you had something like that where you  
 8 thought someone out there was doing something  
 9 criminal, either by their behavior associated to  
 10 the plant or they were even involved in, say,  
 11 illegal betting or stealing stuff at the plant,  
 12 where do those kinds of issues go to?  
 13 A. Well, there is -- I mean, we have  
 14 security, a security department.  
 15 Q. So the security detail would normally  
 16 investigate those types of concerns associated with  
 17 criminal wrongdoing?  
 18 A. It would depend on the level; but our  
 19 security department for me would be the first port  
 20 of call and then they would decide. They would  
 21 know their protocol.  
 22 Q. Okay. Outside the business unit level,  
 23 when you get to, say, Chicago and their  
 24 responsibility for the oversight of numerous  
 25 plants, what type of additional investigations can

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1 arise out of Chicago?  
 2 A. I --  
 3 Q. I'm saying Chicago. It may be Naperville  
 4 or whatever, but your BP headquarters here  
 5 stateside.  
 6 A. I -- I don't know. I mean, I suppose  
 7 they could do the same sorts of investigations that  
 8 would be done on a business unit level -- level  
 9 just on a larger scale.  
 10 Q. Have you been aware of circumstances  
 11 where requests or orders came from Chicago -- is  
 12 Chicago the right place to call for headquarters?  
 13 A. I think I understand what you're talking  
 14 about.  
 15 Q. Do you have a preferred geographic region  
 16 to reference?  
 17 A. Chicago works for me.  
 18 Q. Okay. Do you -- have you had occasions  
 19 where orders came from Chicago to initiate an  
 20 investigation into any matters?  
 21 MR. BROWN: Objection, form.  
 22 A. I have not had any experience with that.  
 23 Q. (BY MR. COON) Are you aware of those  
 24 types of occurrences having happened in the past?  
 25 A. I am not personally aware of any.

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1 Q. Have you heard of investigations  
 2 originating out of Chicago?  
 3 MR. BROWN: Objection, form.  
 4 A. I am thinking of, you know, one I  
 5 experienced in Mandan; but that actually was  
 6 initiated at the business unit. It involved  
 7 traveling and entertainment expense.  
 8 Q. (BY MR. COON) Okay. And this was  
 9 something that happened in -- when you worked out  
 10 of Mandan, North Dakota?  
 11 A. That's correct.  
 12 Q. And that had to do with maybe abuses of  
 13 charging privileges or something with --  
 14 A. That's correct.  
 15 Q. -- with some of the -- some people at  
 16 some level of leadership there?  
 17 A. Actually, it was an individual  
 18 contributor.  
 19 Q. You were the optimization manager, I  
 20 think, out there, weren't you?  
 21 A. That's correct.  
 22 Q. Were you involved in that investigation  
 23 or asked to assist in the investigation?  
 24 A. No, I was not.  
 25 Q. "No" to both?

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1 A. "No" to both, yes.  
 2 Q. Did you give a written statement to the  
 3 persons that have interviewed you on this internal  
 4 affairs investigation?  
 5 MR. BROWN: Objection to form.  
 6 A. I do not -- I mean, I have not seen a  
 7 written statement of that discussion.  
 8 Q. (BY MR. COON) Was there someone there to  
 9 transcribe it; that is, a court reporter or someone  
 10 taking some kind of shorthand or something to get a  
 11 verbatim transcript?  
 12 A. There was no court reporter, I don't  
 13 think.  
 14 Q. Such as what we have here to your left?  
 15 A. There was no -- there was no court  
 16 reporter, no.  
 17 Q. Okay. You weren't put under oath or  
 18 anything like that?  
 19 A. No.  
 20 Q. Was there a recording made, an audio  
 21 recording of some sort?  
 22 A. There was no audio recording.  
 23 Q. Someone was there taking notes and asking  
 24 you questions?  
 25 A. There were -- there were four people

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1 there.  
 2 Q. Who were they?  
 3 A. One was Bill Bonse. It's B --  
 4 Q. How do you spell Mr. Bonse?  
 5 A. "B-o-n-s-e" is how you spell the -- the  
 6 last name.  
 7 Q. B-o-n-s-e --  
 8 A. Uh-huh.  
 9 Q. -- and it's --  
 10 A. It's a German --  
 11 Q. -- pronounced Bonse?  
 12 A. -- name. It's a German name. That is my  
 13 pronunciation.  
 14 Q. And what is his role at BP, if you know?  
 15 A. I don't know his current role.  
 16 Q. What did you understand his role to be at  
 17 the time that he was interrogating you?  
 18 A. I don't know --  
 19 MR. BROWN: Objection, form.  
 20 A. I don't know what his role then -- I --  
 21 the last role I remember Bill being in was the  
 22 company president -- the country president of  
 23 Germany.  
 24 Q. (BY MR. COON) Do you know why it was  
 25 that he had been assigned to come over here and

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1 interview you?  
 2 A. No, I don't.  
 3 Q. Who else was participating in this  
 4 interview?  
 5 A. Jeff Heller was there.  
 6 Q. What's his role?  
 7 A. He's an attorney for BP.  
 8 There was a lady whose name I  
 9 don't recall from HR.  
 10 Q. HR where? London?  
 11 A. I believe she worked in Westlake, in the  
 12 upstream business.  
 13 And there was another woman whose  
 14 name I don't recall who I think was a paralegal,  
 15 but I don't know for sure.  
 16 Q. Were you advised of any rights that you  
 17 had to either not testify based on your legal  
 18 rights or based on some corporate rights that may  
 19 exist at the facility?  
 20 A. No.  
 21 Q. If you are being investigated, do you  
 22 have a right to go to a department that can  
 23 participate on your behalf with respect to the  
 24 inquiry?  
 25 A. Not that I know of.

<p style="text-align: right;">Page 409</p> <p>1 Q. You have that for certain personnel, 2 don't you? 3 A. For hourly personnel, they can have the 4 right to Union representation. 5 Q. So if you want to interrogate an hourly 6 person who is a member of the Union at Texas City, 7 they have the right to have a representative of the 8 Union Hall present with them during the inquiry? 9 A. That's correct. 10 MR. BROWN: Objection, form. 11 Q. (BY MR. COON) Is that correct? 12 A. That's correct. 13 Q. And for you being salaried, you do not 14 have that right contractually? 15 A. That is correct. 16 Q. And did they advise you you had a right 17 to have an attorney present if you so chose? 18 A. No, they did not. 19 Q. Generally, what was the topic of 20 discussion in this investigation? 21 A. As I recall, there were questions around 22 what my accountabilities were as site operations 23 manager. There were questions around my -- my 24 reporting, you know, who -- who I reported to, who 25 I believed -- this is March 23rd, pretty much right</p>	<p style="text-align: right;">Page 411</p> <p>1 relations people, wasn't it? 2 A. The first thing I did was went upstairs 3 and made sure that Don was notified, that we got 4 the public and governmental affairs and IMT was -- 5 our incident management team was notified and set 6 into action. 7 Q. All right. Has there been any criticism 8 since this investigation and meeting of the course 9 of conduct that you engaged in as a result of the 10 explosion? 11 A. No, there hasn't. 12 Q. Anything else they asked you about the 13 March 23rd incident? 14 A. You know, they asked me about the site, 15 what I saw out there. They asked, you know, how I 16 communicated during that time. 17 Q. Did they ask you about the Telos Report? 18 A. I don't recall if they asked me about the 19 Telos Report. 20 Q. All right. Did they ask you about the 21 statements that you had given to Mr. Holt after the 22 incident regarding your observations of the 23 condition of the kit when you came back to the 24 plant in 2005? 25 A. I think they might have asked me about</p>
<p style="text-align: right;">Page 410</p> <p>1 then -- who I believed Don reported to. 2 There were questions around the 3 visibility of leaders outside of Texas City. So 4 how often did I see Pat Gower, how much contact did 5 I have with him, how often had I seen Mike Hoffman, 6 did I have much contact with him. 7 Q. Did any of the interviewers express any 8 concern to you or anything that was negative to you 9 about any of their findings to date or any opinions 10 that they may have regarding the investigation? 11 A. They were very professional and just 12 asked me questions, and I gave them the answers. 13 They didn't really offer opinions. 14 Q. Did they ask you anything specific to the 15 March 23rd incident? 16 A. They did. 17 Q. What were the kinds of questions asked of 18 you regarding the explosion? 19 A. They -- they asked me what I did on 20 March 23rd. 21 Q. As in where you were? 22 A. Where I was before the incident and what 23 I did in response to the incident. 24 Q. And I think the first thing you did after 25 the incident was call the public -- public</p>	<p style="text-align: right;">Page 412</p> <p>1 that, actually. 2 Q. Did they ask you questions about the 3 comments that you made in your statement that you 4 were concerned that the same things had been 5 occurring when you came back to the plant as you 6 saw occurring ten years prior, that maybe people 7 weren't learning their lessons or improving on -- 8 on things from -- and the opportunity to engage in 9 lessons learned? 10 MR. BROWN: Objection, form. 11 A. I don't recall them asking me 12 specifically about that. 13 Q. (BY MR. COON) You do recall, in your 14 statement to Mr. Holt, that that was one of your 15 observations in the short time that you were there 16 after coming in in January before the explosion? 17 A. That's correct. 18 Q. And those were the same types of comments 19 that were reflected pretty routinely in the Telos 20 Report, weren't they? 21 MR. BROWN: Objection, form. 22 A. I think -- I haven't read the Telos 23 Report from cover to cover. 24 Q. (BY MR. COON) Do you think you should? 25 A. I think at some point I probably will.</p>



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1 And so I can't really comment on, you know, all of  
 2 the comments that were in there.  
 3 Q. Okay. Fair enough.  
 4 If there were, in fact, a number  
 5 of comments expressed by those that were surveyed  
 6 in the Telos Report that the same mistakes seem to  
 7 be made over and over again, that would be  
 8 consistent with the comments that you had made to  
 9 Mr. Holt in your interview in the spring of 2005,  
 10 wouldn't it?  
 11 A. It would not surprise me if there were  
 12 some employees who agreed with that.  
 13 Q. Has the investigative committee,  
 14 Mr. Bonse or others, indicated to you what their  
 15 goal is in this internal affairs investigation?  
 16 A. My understanding is that it is for  
 17 determining if there's a need for discipline, if  
 18 there's a need for further action on the part of  
 19 BP management.  
 20 Q. Has there been any indication as to the  
 21 persons that are considered to be looking at for  
 22 discipline as a result of these interviews?  
 23 A. They haven't discussed that with me.  
 24 Q. Was this something that you understand to  
 25 be focused on management at BP Texas City and

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1 elsewhere or going back to those persons that you  
 2 disciplined yourself back in May of 2005?  
 3 A. My understanding was this was focused on  
 4 management.  
 5 Q. Were there people that they asked you  
 6 about in particular in your interview other than  
 7 your own conduct; that is, did they ask you  
 8 questions about Mr. Gower or Mr. Parus, Mr. Hoffman  
 9 about what you thought about them or how  
 10 communications work with them?  
 11 A. They did -- like I said, they asked me  
 12 about their visibility on site, when they came to  
 13 the site, what sort of things did we discuss.  
 14 Q. Did they ask you if you had any  
 15 complaints or constructive criticism with respect  
 16 to how each of those gentlemen had engaged in their  
 17 responsibilities?  
 18 A. No, they didn't.  
 19 Q. Did they ask you anything about your  
 20 subordinates at Texas City; that is, the  
 21 responsibilities, knowledge or capability of those  
 22 persons that worked immediately under you?  
 23 A. They did ask me about -- about my  
 24 organization, you know, how many people did I have,  
 25 what were their accountabilities. And I don't

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1 recall the level of detail; but I think they did  
 2 ask some about their background, you know, were  
 3 they experienced operations people.  
 4 Q. All right. Did that include Mr. Barnes,  
 5 who I think was the HSSE leader at the time of the  
 6 explosion?  
 7 A. I don't recall specifically if they asked  
 8 about Joe.  
 9 Q. You are aware that there has been some  
 10 criticism of Mr. Barnes' appointment as head of  
 11 HSSE in light of his lack of sufficient training in  
 12 process safety management?  
 13 MR. BROWN: Objection, form.  
 14 A. I only understood that come -- came out  
 15 of his deposition.  
 16 Q. (BY MR. COON) And, in fact, I think it  
 17 was discussed at some point that you were aware  
 18 that when Mr. Barnes was transferred out of his  
 19 title as head of HSSE after this explosion, that he  
 20 felt it was some form of discipline?  
 21 A. Joe did share that with me.  
 22 Q. And his title now is what, ma'am?  
 23 A. Joe has recently accepted a new job in  
 24 the upstream business.  
 25 Q. So he has left Texas City?

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1 A. Yes, he has.  
 2 Q. Do you know what the responsibilities are  
 3 where he's moved to and where he's moved to?  
 4 A. I know he's moved to our Houston Westlake  
 5 office.  
 6 Q. Do you know what he's doing there?  
 7 A. I will probably mess up his title, but  
 8 it's a regional manager for common processes. So  
 9 things that need to be done on all of the assets  
 10 and all of the processes that are done across -- I  
 11 think it's the E&P Gulf of Mexico assets.  
 12 Q. Does that stream include the pipelines?  
 13 A. Certain --  
 14 MR. BROWN: Objection, form.  
 15 A. Certain pipelines, maybe in upstream.  
 16 Q. (BY MR. COON) Does it include the  
 17 Alaskan pipelines that are controversial and in the  
 18 media right now?  
 19 A. I believe those are still in the upstream  
 20 business.  
 21 Q. Okay. And you've understood there's been  
 22 a lot of criticism of the Texas City facility with  
 23 respect to the condition of this infrastructure at  
 24 the time of the explosion, aren't you, ma'am?  
 25 MR. BROWN: Objection, form.

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1 A. I -- I know that we were really focused  
 2 on improving our infrastructure. We had quite a  
 3 few programs in place to do inspection and  
 4 upgrading of infrastructure.  
 5 Q. (BY MR. COON) And those improvements are  
 6 being made because they needed to be made. Fair  
 7 statement?  
 8 A. Well --  
 9 Q. Well, you're not doing it --  
 10 A. -- yes.  
 11 Q. -- because you have too much money to  
 12 spend and you've got to spend it somewhere. You're  
 13 doing it because it needs to be done?  
 14 A. That's correct.  
 15 Q. And it needs to be done because in the  
 16 past it hadn't been done the way it should have  
 17 been?  
 18 A. It needed to be done because it needed to  
 19 be done for whatever reason.  
 20 Q. And I -- as I understand, BP has made a  
 21 pledge of commitment to around a billion dollars in  
 22 the capital improvements for the Texas City  
 23 facility since the explosion of March 23rd?  
 24 A. That is correct. And that would be  
 25 capital and expense improvements.

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1 Q. And a large portion of that  
 2 billion-dollar budget that has been earmarked is  
 3 not just for new improvement projects, but for  
 4 repairing the infrastructure that had been in some  
 5 period of deferred maintenance?  
 6 A. I couldn't describe to you, you know, how  
 7 much is for what you might call deferred  
 8 maintenance, how much is improvements; but there --  
 9 you know, it's all about improving.  
 10 Q. And improving includes including and  
 11 replacing things that had been in need of  
 12 replacing?  
 13 A. Some of them may, you know, have been in  
 14 need of replacing. Some of them are just upgrades  
 15 to technology. Many of them are, you know,  
 16 upgrades to people, you know, through training and  
 17 better systems.  
 18 Q. And a lot of those things were identified  
 19 in the Telos Report as needing to be done; that is  
 20 better training, better supervision, upgrading  
 21 technology or responsive and reliable maintenance  
 22 and inspections?  
 23 A. Those were some of the --  
 24 MR. BROWN: Objection, form.  
 25 A. Those were some of the things that were

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1 brought up in the Telos Report.  
 2 Q. (BY MR. COON) And do you feel like a lot  
 3 of the reasons those are being addressed with such  
 4 intensity now is due specifically to what happened  
 5 on March 23rd?  
 6 A. It would be hard to comment because a lot  
 7 of those things we were in action on before  
 8 March 23rd. I would certainly say that the focus  
 9 and the intensity has increased since March the  
 10 23rd, as you would expect.  
 11 Q. Okay. And I think BP also made a pledge  
 12 to remove most, if not all, of the blowdown drums  
 13 at Texas City; is that correct?  
 14 A. The blowdown stacks that -- that have any  
 15 light hydrocarbons, especially those heavier than  
 16 air.  
 17 Q. That's because those that engage in  
 18 operations that utilize products or processes that  
 19 are heavier than air have an ability to come out of  
 20 the vent stack and then settle back at ground  
 21 level, posing a potential vapor cloud explosion?  
 22 A. That -- that would be one.  
 23 Q. And that was something that was  
 24 recognized from an engineering and process safety  
 25 standpoint before this explosion, wasn't it?

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1 MR. BROWN: Objection, form.  
 2 A. I never saw that written in anything, no.  
 3 Q. (BY MR. COON) But you know a whole lot  
 4 about process safety management, don't you,  
 5 Ms. Lucas?  
 6 A. That is correct.  
 7 Q. And you understood, before you even went  
 8 back to Texas City in January of 2005, that heavier  
 9 than air hydrocarbon, if they came out of a vent  
 10 stack, could, in fact, settle at ground level?  
 11 A. There's -- there is that potential.  
 12 Q. And because of that potential and in  
 13 light of what happened on March 23rd, BP is trying  
 14 to reduce the risk at that plant for a similar  
 15 episode by getting rid of those blowdown drums,  
 16 correct?  
 17 A. The blowdown stacks, yes.  
 18 Q. And how much of this billion dollars, if  
 19 any, is part of what it's costing to get rid of all  
 20 the blowdown stacks?  
 21 A. I don't know the exact number. The  
 22 blow -- I mean, because it's the blowdown stacks.  
 23 We're also --  
 24 Q. Okay.  
 25 A. -- looking at, you know, atmospheric

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1 reliefs. We're looking at our flare systems. It's  
 2 a very comprehensive review of all relief systems.  
 3 And as far as a price tag on that, I don't actually  
 4 know what that is.  
 5 Q. Do you -- do you know if the cost  
 6 associated with getting rid of these open vent  
 7 stacks is part of the billion dollars that has been  
 8 pledged or those additional capital expenditures?  
 9 A. No. That -- that project is part of the  
 10 Focus on the Future, which is the umbrella project.  
 11 Q. Do you have any idea as to the general  
 12 range that has been projected as to the cost of  
 13 designing and engineering these blowdown stacks  
 14 out?  
 15 A. I would be guessing --  
 16 Q. What was --  
 17 A. -- because --  
 18 Q. -- your best guess?  
 19 A. -- you know, they haven't all been  
 20 designed and engineered yet. So that's still to  
 21 come.  
 22 Q. But you have access to budgets, don't  
 23 you?  
 24 A. I could go look at a project like that,  
 25 for example.

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1 Q. And you've been kept in the loop as to  
 2 generally what the -- the range of costs associated  
 3 with these various projects would be if  
 4 implemented, aren't you?  
 5 MR. BROWN: Objection, form.  
 6 A. I don't look at that every day. If I  
 7 wanted to go find that information, I could  
 8 certainly get access to it, that's correct.  
 9 Q. (BY MR. COON) Okay. But in your -- in  
 10 your position there, you're briefed at some level  
 11 with respect to the -- the general costs associated  
 12 with these major capital improvement projects?  
 13 A. That's correct.  
 14 Q. Not every day, but from time to time?  
 15 A. From time to time.  
 16 Q. And so you have some understanding as to  
 17 the costs associated with removing these stacks, as  
 18 BP has pledged to do, and install inherently safer  
 19 systems, which are the flares, right?  
 20 MR. BROWN: Objection, form.  
 21 A. That's correct.  
 22 Q. (BY MR. COON) And what is your  
 23 understanding of the general ballpark range of what  
 24 BP believes it's going to cost to fully implement  
 25 this project?

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1 A. It would really be a wild guess, but I --  
 2 I would say it's probably 100 to \$200 million. But  
 3 the -- the fact is it really doesn't matter what  
 4 it's going to cost because it's going to be done.  
 5 Q. And it's going to be done because,  
 6 particularly in light of what happened on  
 7 March 23rd, BP doesn't want to assume that risk  
 8 again?  
 9 A. It's going to be -- be done because we  
 10 don't want to make -- we want to make sure that  
 11 people don't get hurt.  
 12 Q. Now, when you're talking about blowdown  
 13 stacks, I want to make sure that it's not an  
 14 apples-and-oranges comparison. We had -- I just  
 15 want to be sure I'm on the same page with you with  
 16 respect to the terminology we are using.  
 17 We know that at the ISOM unit, you  
 18 had a blowdown drum and attached to it was the vent  
 19 stack?  
 20 A. That's correct.  
 21 Q. And overflow product, liquid or vapor,  
 22 could run into the blowdown drum through the relief  
 23 valves and then could emanate out of the vent stack  
 24 by rising up to the top, correct?  
 25 A. That was not as it was intended, but that

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1 is what happened on March 23rd.  
 2 Q. Now, when you're talking about getting  
 3 rid of the blowdown stacks, are you talking about a  
 4 process that BP is looking at just to get rid of  
 5 the vent stacks and still utilize the drums in some  
 6 capacity or are you talking about getting rid of  
 7 the blowdown drums and the vent stacks or some of  
 8 each?  
 9 MR. BROWN: Objection, form.  
 10 A. It's a very complex project. So in some  
 11 cases, if there was a -- a drum that's separate  
 12 enough from the stack that could be used as a  
 13 knockout drum for a flare, there might be a case  
 14 where you would retain the drum. If there -- you  
 15 know, I'm trying to think.  
 16 Most cases that I'm familiar with  
 17 that we are in action right now, we've actually  
 18 brought in new drums.  
 19 Q. (BY MR. COON) Are they locating the  
 20 drums where the pre-existing blowdown drums were?  
 21 For instance, if you had one that  
 22 was in a unit as opposed to away from a unit or are  
 23 they replacing it in the same location or are they  
 24 moving them to another location?  
 25 A. That also depends. So --

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1 Q. On what?  
 2 A. -- some -- well, what's -- you know,  
 3 what's available in terms of units where -- where  
 4 they have space on the unit. What's -- you know,  
 5 if they share a flare, you might not want to mix  
 6 two blowdown -- you know, unit blowdown drums into  
 7 a flare. You might want to -- they would have a  
 8 separate flare drum that isn't necessarily, you  
 9 know, geographically in the same spot.  
 10 So there's a variety of solutions,  
 11 and it just depends on the design.  
 12 Q. Who would you say is the best person to  
 13 talk to at BP Texas City regarding the designing  
 14 and the engineering that's taking place to address  
 15 the blowdown drums and flare systems?  
 16 A. I would say our technical manager, Walt  
 17 Wundrow.  
 18 Q. And I take it you probably also have some  
 19 outside design consultants and engineers involved?  
 20 A. Quite a few, yes.  
 21 Q. Is there a project engineer that's  
 22 charged with the major responsibility?  
 23 A. There are several project engineers.  
 24 Q. Do you know who --  
 25 A. There's --

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1 Q. -- the main company or companies would be  
 2 that were working on this project?  
 3 A. Well, I think there's a variety of  
 4 contract companies, as well. So Walt has people  
 5 that work for him; and he would be the best to tell  
 6 you who -- you know, whatever aspect if you are  
 7 talking about the design, the construction, I -- I  
 8 would say Walt is the one to refer to.  
 9 Q. Is Merit or Fluor -- and by "Merit," I'm  
 10 including Jacobs -- are either of those companies  
 11 involved in any of these construction projects, not  
 12 just the blowdown drums, but all the other things  
 13 you say are taking place now?  
 14 A. Yes, they are.  
 15 Q. Is there a point person at Jacobs or a  
 16 point person at Fluor that you know of that is kind  
 17 of the overall manager for the various activities  
 18 that are taking place that involve those  
 19 contractors?  
 20 A. I actually don't know if Fluor is doing  
 21 anything on the -- the blowdown project.  
 22 For Jacobs, our -- our contact  
 23 with Jacobs is -- a BP person is Chad Smith.  
 24 Q. That was Chad Smith?  
 25 A. Uh-huh.

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1 Q. Is that the liaison for BP to Merit,  
 2 Jacobs?  
 3 A. Yes.  
 4 Q. Who is the person that they communicate  
 5 with as the lead project person at Jacobs, if you  
 6 know?  
 7 A. I don't know.  
 8 Q. Okay. Have you dealt with any of the  
 9 project engineers or managers with Jacobs in the  
 10 past?  
 11 MR. BROWN: Objection, form.  
 12 A. My primary contact onsite with Jacobs is  
 13 a man called Steve Farris who is their site  
 14 superintendent. I don't know what his exact title  
 15 is, but...  
 16 Q. (BY MR. COON) And what type of  
 17 communications do you have, based on your role at  
 18 BP, at Texas City, and what Mr. Farris is  
 19 responsible for at Jacob's?  
 20 A. Mr. Farris has the execution resources at  
 21 Jacobs. So our conversations are largely around  
 22 safety. If he has a safety concern on -- on one of  
 23 the units or an overall safety concern and when  
 24 there's safety celebrations, Steve always calls me  
 25 and says that I can go out and support, you know,

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1 go to celebration lunches or whatever and support  
 2 the Jacobs -- his work for us, to congratulate  
 3 them.  
 4 Q. Was Mr. Farris the contact person back in  
 5 March of '05 at the time of the explosion?  
 6 A. No, he was not.  
 7 Q. Who was the person then?  
 8 A. Then, I worked with a man named Dave  
 9 Senko, who's --  
 10 Q. Senko?  
 11 A. S-e-n-k-o.  
 12 Q. S-e-n-k-o?  
 13 A. (Nods head.)  
 14 Q. Okay. He had about the same title as  
 15 Mr. Farris?  
 16 A. I don't know.  
 17 Q. Okay. Do you know why there has been any  
 18 change, if any?  
 19 A. Dave left Jacobs.  
 20 Q. Where did he go, if you know?  
 21 A. I don't know where he went.  
 22 THE REPORTER: Could you spell  
 23 "Farris"?  
 24 MR. COON: Is that --  
 25 THE WITNESS: I believe it's

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1 F-a-r-r-i-s.  
 2 Q. (BY MR. COON) You don't know if he's kin  
 3 to a former Judge Farris, do you?  
 4 A. I do not.  
 5 Q. There were also some Merit/Jacobs people  
 6 referenced in the Mogford report, Mr. Norfleet, I  
 7 believe, and a Mr. Simmons.  
 8 Do you recall those individuals?  
 9 A. Norfleet, no, I do not remember that  
 10 name.  
 11 Q. How about the other gentleman?  
 12 A. That's --  
 13 Q. I may not even have the name right. I  
 14 don't know.  
 15 A. That doesn't even sound familiar. And  
 16 neither does, really, Norfleet sound familiar.  
 17 Q. Did you have any communications with the  
 18 people that were involved with the Mogford report,  
 19 the fatal report?  
 20 MR. BROWN: Objection, form.  
 21 A. Are you talking about the investigation  
 22 team?  
 23 Q. (BY MR. COON) Yes, ma'am, the -- the  
 24 investigation team that was led by John Mogford.  
 25 MR. BROWN: Objection, form.

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1 A. No. At various times, I've had  
 2 conversations with various members of that team.  
 3 Q. (BY MR. COON) Did you have any  
 4 conversations with anyone -- with the contractors  
 5 involved in that investigation? I think there were  
 6 some contractor reps.  
 7 A. No, I did not.  
 8 Q. Okay. Let's go back to the  
 9 investigations.  
 10 Okay. You told me about a couple  
 11 of other investigations. One was an interview with  
 12 the CSB. When did that occur?  
 13 A. That occurred -- I recall it was on a  
 14 Sunday morning; and it was maybe in that April, May  
 15 time frame.  
 16 Q. Of this year?  
 17 A. Yes.  
 18 Q. Okay. And what was the general topic of  
 19 that interview?  
 20 A. I believe we talked about trailer siting  
 21 and process safety, you know, inspection and those  
 22 sort of things.  
 23 Q. Who did you meet with on behalf of the  
 24 CSB?  
 25 A. I believe it was Don Holmstrom.

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1 Q. I think he's the lead investigator, isn't  
 2 he?  
 3 A. I believe so.  
 4 Q. Anyone else?  
 5 A. Yes, and I cannot recall his name.  
 6 Q. Someone at CSB, you understood --  
 7 A. Yes --  
 8 Q. -- him to be a CSB rep?  
 9 A. -- I understood him to be a CSB employee.  
 10 Q. Was anyone else in attendance at this  
 11 meeting?  
 12 A. Yes. George Wilkinson went with me.  
 13 Q. And George Wilkinson is a BP rep?  
 14 A. He's an attorney with Vinson Elkins.  
 15 Q. And why did you have Mr. Wilkinson there?  
 16 A. He had been working on behalf of BP as  
 17 the liaison, I guess you would say.  
 18 Q. Liaison to CSB?  
 19 A. Working with us, you know, as legal  
 20 representation, I guess.  
 21 Q. Just for whatever legal representation,  
 22 may be part of why it's needed?  
 23 A. That was my understanding.  
 24 Q. Did you know that Mr. Wilkinson is a  
 25 person you just need to call if you had -- had

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1 meetings with agencies as part of the investigation  
 2 or --  
 3 A. Actually, you know, the request to have  
 4 an interview with me came through George.  
 5 Q. Okay.  
 6 A. They asked me.  
 7 Q. Okay. So you understood that there had  
 8 been communication between the CSB and -- and BP's  
 9 legal counsel and that brought you in for an  
 10 interview?  
 11 A. That's correct.  
 12 Q. Was this recorded or transcribed?  
 13 A. It was not transcribed; but the other  
 14 CSB individual, Mr. Holmstrom, did have a recorder.  
 15 Q. Okay. Had -- were you put under oath for  
 16 that?  
 17 A. No, I was not.  
 18 Q. Do you know if any kind of transcript was  
 19 made of the recording?  
 20 A. I have not seen one.  
 21 Q. Did the CSB ask you any questions  
 22 regarding the specifics of what happened  
 23 March 23rd?  
 24 A. I really don't recall.  
 25 Q. Did they express any degree of concern or

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1 criticism with anything in particular associated  
 2 with the March 23rd incident?  
 3 MR. BROWN: Objection, form.  
 4 A. I don't recall any specific criticism,  
 5 no.  
 6 Q. (BY MR. COON) Do you know whether or not  
 7 the CSB was interviewing any other personnel at BP  
 8 than yourself?  
 9 A. The CSB has interviewed a number of  
 10 personnel, a large number of personnel.  
 11 Q. Have they provided you or, to your  
 12 knowledge, anyone else at BP Texas City with any  
 13 updated findings that --  
 14 A. I haven't received any, no.  
 15 Q. Do you have an understanding that they're  
 16 still working on a final report?  
 17 A. That is my understanding. And, of  
 18 course, they've commissioned the Baker Panel, as  
 19 well.  
 20 Q. And that was the other agency I wanted to  
 21 talk to you about, although I don't know if  
 22 "agency" is the right word.  
 23 But you did understand that it was  
 24 requested that BP put together an independent panel  
 25 to go out and look at systemic issues associated

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1 with all their plants here in the States?  
 2 A. That's correct.  
 3 Q. And you told me, I think, earlier that  
 4 one of the interviews you have given since our  
 5 deposition started in December was this interview  
 6 with the Baker Panel?  
 7 A. That's correct.  
 8 Q. When was that given? And it doesn't need  
 9 to be the specific, but --  
 10 A. I think --  
 11 Q. -- if you remember the month or...  
 12 A. It was -- it was after the CSB interview.  
 13 I'm thinking maybe June.  
 14 Q. And what did the Baker Panel represent as  
 15 wanting to know from you?  
 16 A. The Baker Panel focused on, you know, a  
 17 wide variety of things. They wanted to under --  
 18 understand my background. Then we talked about  
 19 some of the -- the findings from the investigate --  
 20 the FAIR, the Mogford report. We talked about  
 21 process safety.  
 22 Q. Was this interview recorded, or were you  
 23 sworn in?  
 24 A. No, I was not.  
 25 Q. Do you know if it was recorded?

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1 A. We did not have a court reporter, and I  
 2 didn't -- no one, you know, showed any tape  
 3 recorders or anything.  
 4 Q. Was someone there taking notes?  
 5 A. There were several people there that took  
 6 notes.  
 7 Q. Was this done with one interview?  
 8 A. There was one primary questioner.  
 9 Q. Okay. But was all this done just with  
 10 one interview, or did you have a follow-up  
 11 interview?  
 12 A. There was only one interview.  
 13 Q. And who were the persons at this meeting?  
 14 Anyone at BP?  
 15 A. There was -- there was several attorneys  
 16 from Baker Botts, and there was a Wilmer Hale  
 17 attorney. That's the BP firm -- I mean, the law  
 18 firm that BP has that's the working -- liaising  
 19 with Baker Botts on the Baker Panel work.  
 20 Q. Okay.  
 21 A. And I don't recall his name.  
 22 Q. Anyone else there? Mr. Maclean or other  
 23 officers --  
 24 A. No.  
 25 Q. -- at BP?

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1 A. No. I was the only BP employee there.  
 2 Q. Okay. Did you have to get permission  
 3 with anyone -- say, the BUL at Texas City, Mr. --  
 4 is Mr. Maclean still the BUL there?  
 5 A. Yes, he is.  
 6 Q. Okay. Did you have to go to Mr. Maclean  
 7 or even to Mr. Gower or London to let them know  
 8 that any of these interviews were going to take  
 9 place with CSB or with the Baker Panel?  
 10 A. No. It's just expected that if they ask  
 11 for an interview, you go to it.  
 12 Q. Any other interviews that you recall  
 13 since our last deposition?  
 14 A. I actually did have a PSM specific  
 15 interview.  
 16 Q. By whom?  
 17 A. By two gentlemen from -- well, one was  
 18 from ABS. This -- this is the consulting firm that  
 19 the Baker Panel has hired to do the PSM specific  
 20 work, and so I did speak with two of them.  
 21 Q. When was this?  
 22 A. That was right before the larger Baker  
 23 Panel interview.  
 24 Q. Did the Baker Panel seem to express any  
 25 particular focus on the Mogford report, such as

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1 trailer siting or issues of casual compliance or  
 2 chain of command, those kinds of issues that were  
 3 commented upon?  
 4 A. They actually, I would say, focused on,  
 5 you know, more the accountability, the -- the  
 6 broader issues, are people's messages being heard,  
 7 you know, what are we doing about making sure  
 8 concerns get voiced, things like that.  
 9 Q. Have you had any dealings with the EPA  
 10 since the explosion?  
 11 A. Not that I recall.  
 12 MR. BROWN: Objection, form.  
 13 A. Not that I recall.  
 14 Q. (BY MR. COON) Did you give a recorded  
 15 statement to the ABS Consulting group?  
 16 A. No, not recorded.  
 17 Q. Have you reviewed anything that anyone  
 18 else may have provided in any of the interviews  
 19 from any of these investigations?  
 20 A. No, I have not seen those.  
 21 Q. Ms. Lucas, do you have any present plans  
 22 to leave your present position at BP Texas City?  
 23 A. No.  
 24 Q. Has it been expressed to you that there's  
 25 a possibility that you're going to be reprimanded

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1 as part of any of these investigations?  
 2 A. That is a possibility. That has not  
 3 been -- I mean, it's a possibility. No one has  
 4 said that to me. There's a possibility in my  
 5 mind --  
 6 Q. Okay.  
 7 A. -- because there was an investigation.  
 8 Q. Okay. Has anyone indicated to you that  
 9 there's a possibility that any of the other persons  
 10 that have been interviewed by these agencies are  
 11 going to be reprimanded in some manner?  
 12 MR. BROWN: Objection, form.  
 13 A. I don't know that anyone has said to  
 14 me -- the fact that there is an investigation leads  
 15 one to believe that there is the potential for  
 16 reprimands.  
 17 Q. (BY MR. COON) Okay. With respect to the  
 18 internal affairs investigation, if -- if  
 19 Mr. Hoffman is part of that investigation -- that  
 20 is, he is being investigated by Mr. Bonse, just  
 21 like you were -- would you have any idea or  
 22 understanding as to who would be responsible for  
 23 that investigation based on your knowledge of how  
 24 the corporation works?  
 25 MR. BROWN: Objection, form.

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1 A. I would suspect that it would be someone  
 2 in a higher position than Mr. Hoffman.  
 3 Q. (BY MR. COON) Okay. And you understood  
 4 that Mr. Hoffman reports to Mr. Manzoni?  
 5 A. That is correct. That's my  
 6 understanding.  
 7 Q. And based on your many years of  
 8 experience there and the fact that you were a  
 9 business unit leader at another plant, is it your  
 10 best guess that Mr. Manzoni would be the next  
 11 person to go to ask questions regarding an  
 12 investigation that involved Mr. Hoffman?  
 13 MR. BROWN: Objection, form.  
 14 A. Are you asking would I go to Mr. Manzoni  
 15 and ask him about that?  
 16 Q. (BY MR. COON) Well, if -- if you're  
 17 outside looking in or trying to look in and you  
 18 know that Mr. Hoffman is being investigated for his  
 19 accountability in this matter and you've worked at  
 20 BP many years as a business unit leader and other  
 21 responsibilities, who would you next look to to try  
 22 to find out what's going on as it relates to  
 23 Mr. Hoffman?  
 24 MR. BROWN: Object --  
 25 Q. (BY MR. COON) Would it be Mr. Manzoni?

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1 MR. BROWN: Objection, form.  
 2 A. I guess it would be really hard to -- to  
 3 make a guess on that.  
 4 Q. (BY MR. COON) Well, if you were given  
 5 one -- one phone call or asked to pick one person  
 6 that you think is most likely the -- the next  
 7 person that would be good to at least ask what's  
 8 going on, who would it be?  
 9 MR. BROWN: Objection, form.  
 10 A. That would be just -- I guess that --  
 11 that could come from a variety, I guess, of -- of  
 12 places.  
 13 Q. (BY MR. COON) Would it be fair to state  
 14 that most likely Mr. Hoffman's immediate superior  
 15 would be at least informed as to what's going on if  
 16 it involved an investigation of Mr. Hoffman?  
 17 A. I would --  
 18 MR. BROWN: Objection, form.  
 19 A. I would think he would be informed since  
 20 they were talking to some -- you know, someone.  
 21 Q. (BY MR. COON) Do you know who else would  
 22 have authority to call for an investigation of  
 23 Mr. Hoffman in the BP system other than  
 24 Mr. Manzoni?  
 25 MR. BROWN: Objection, form.

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1 A. I would think that, you know -- actually,  
 2 in the BP world, anyone could call for that  
 3 investigation through OpenTalk.  
 4 But, you know, if it were coming  
 5 from higher in the organization, which I -- I would  
 6 assume, it's possible it could be from -- you know,  
 7 directly from John Browne. It could be from the  
 8 board that could make those, you know, calls. It  
 9 could be through the BP America --  
 10 Q. (BY MR. COON) Just --  
 11 A. -- organization, you know --  
 12 Q. I'm sorry. I didn't mean to interrupt.  
 13 Just so I understand, though -- you talked about  
 14 OpenTalk earlier.  
 15 If you wanted to conduct an  
 16 investigation of Mr. Hoffman, you can't order one,  
 17 can you, ma'am?  
 18 I mean, you can't just say, "I'm  
 19 starting an investigation of Mr. Hoffman and I'm  
 20 sending people up there next week and he better  
 21 answer my questions." You don't have the authority  
 22 to do that, do you?  
 23 A. No.  
 24 Q. The person that would have to have that  
 25 authority would be somebody that would be a

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1 superior in the chain of command to Mr. Hoffman?  
 2 A. Well, I -- I couldn't order an  
 3 investigation of a particular person; but any  
 4 investigation would have to be based on a situation  
 5 for which the -- the company would feel a need to  
 6 investigate.  
 7 So, you know, I could have a  
 8 complaint about somebody.  
 9 Q. Right. I understand the difference  
 10 between a complaint and an investigation.  
 11 I just want to make sure that I  
 12 understand where we need to go to find out more  
 13 about why Mr. Hoffman is being investigated. I  
 14 mean, we want to know, on the plaintiffs' side, why  
 15 Mr. Hoffman is being investigated, just like you  
 16 were, and what kind of questions were asked of him.  
 17 And first we understand that the  
 18 request for investigations can be made below and go  
 19 above.  
 20 A. Right.  
 21 Q. But the order for an investigation cannot  
 22 go from below to above. It has to come from above  
 23 and go down, right?  
 24 A. The commissioning of an investigation, I  
 25 would say, would come from --

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1 Q. Above?  
 2 A. Right.  
 3 Q. And if we are looking above Mr. Hoffman,  
 4 who is above him in the chain of command?  
 5 Mr. Manzoni is his immediate superior, isn't he?  
 6 A. Immediate supervisor, but there could be  
 7 other people who could initiate that sort of  
 8 investigation. And --  
 9 Q. Okay.  
 10 A. -- therefore, it would be just  
 11 speculation on my part to --  
 12 Q. And did you understand Mr. Manzoni's  
 13 immediate superior to be Lord John Browne?  
 14 A. That is correct.  
 15 MR. COON: We'll take our break  
 16 here.  
 17 THE VIDEOGRAPHER: Off the record  
 18 at 11:05.  
 19 (Recess taken.)  
 20 THE VIDEOGRAPHER: Back on the  
 21 record starting Tape 2 at 11:19.  
 22 Q. (BY MR. COON) Ms. Lucas, we have taken a  
 23 break and we were asking you questions about the  
 24 various investigations and interviews that you have  
 25 given over the last six or eight months since your

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1 deposition in December.  
 2 Are there any others that you  
 3 recall that we have not discussed prior to the  
 4 break?  
 5 A. No.  
 6 Q. You had told us in your first deposition  
 7 that your husband worked at BP. Does he still work  
 8 out there?  
 9 A. That's correct.  
 10 Q. And he did something with compliance  
 11 issues and ethics issues, as I recall?  
 12 A. He is in the BP group compliance and  
 13 ethics.  
 14 Q. What is compliance and ethics?  
 15 A. Well, the particular area that my husband  
 16 is in is working on a compliance project.  
 17 Q. I am sorry. Compliance with what?  
 18 A. The -- his project is on safety and  
 19 environmental regulations --  
 20 Q. Is this --  
 21 A. -- for different plants.  
 22 Q. Is this compliance with regulatory  
 23 agencies like the EPA?  
 24 A. That's correct.  
 25 Q. Okay. This is environmental compliance



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1 primarily?  
 2 A. Environmental and safety compliance.  
 3 Q. Okay. So you are dealing with the EPA  
 4 and the TCEQ?  
 5 A. It depends where -- I mean, he has  
 6 various facilities that he's working with. So  
 7 he's --  
 8 Q. Are these facilities inside and outside  
 9 Texas?  
 10 A. That's correct.  
 11 Q. Are all of them in the States.  
 12 A. They are all in the United States, yes.  
 13 Q. All right. So he deals with the EPA  
 14 nationally, and he deals with the TCEQ here in the  
 15 States and probably similar state agencies  
 16 elsewhere?  
 17 A. That's correct. He deals with their  
 18 regulations. He does not deal with the regulators.  
 19 Q. Okay. Of those that he deals with, I  
 20 assume that includes California?  
 21 A. He would have Carson.  
 22 Q. Which would be Carson.  
 23 Does Carson, and as a result of  
 24 that facility being in California, is it subjected  
 25 to more stringent types of regulations than

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1 typically, say, with your other business units here  
 2 in the States?  
 3 MR. BROWN: Objection, form.  
 4 A. I am not real familiar with California  
 5 regulations.  
 6 Q. (BY MR. COON) Well, the reason I ask --  
 7 A. I know -- I know some of their product  
 8 quality regulations are more stringent.  
 9 Q. The reason I ask is that I understood  
 10 TCEQ to pretty much pattern itself after the EPA  
 11 rules and regulations.  
 12 Do you know one way or the other  
 13 it that's true?  
 14 A. I don't know the specifics on that.  
 15 Q. Okay. And I also understood that  
 16 California had, generally speaking, more  
 17 restrictive criteria with respect to environmental  
 18 compliance.  
 19 Do you know whether or not that's  
 20 true as a general statement one way or the other?  
 21 A. As --  
 22 MR. BROWN: Objection, form.  
 23 A. As it manifests itself in product quality  
 24 specifications, the -- California has traditionally  
 25 been more stringent not -- what I see is that the

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1 rest of the country is moving closer to those  
 2 California regulations.  
 3 Q. (BY MR. COON) It may be by coincidence.  
 4 But if you wanted to find out somebody at BP who  
 5 knew about the different types of regulations, from  
 6 an environmental compliance or safety compliance  
 7 issue that applied state by state, would your  
 8 husband be a good person to go to to say, you know,  
 9 "What do you see as the substantive differences  
 10 state by state the ones you deal with and do you  
 11 have opinions that this state has more restrictive  
 12 guidelines on certain issues than another"?  
 13 A. He's probably -- he's not particularly an  
 14 environmental specialist. I would say you would  
 15 probably look to someone more of an environmental  
 16 management line.  
 17 Q. Who do you think would be a good person  
 18 to go to about the differences that would exist  
 19 state by state if we wanted to know which states  
 20 had the most restrictive environmental compliance  
 21 issues and what had to be unique within the BP  
 22 infrastructure to address them?  
 23 A. The person that I would call would be  
 24 Sandy Medley-Perry, who is just --  
 25 Q. And is that a Mr. or Mrs.?

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1 A. It's a she.  
 2 Q. And where does Sandy reside? Maybe not  
 3 reside, where does she work at, in what facility or  
 4 what office?  
 5 A. She's in the Chicago area. I don't know  
 6 exactly her office.  
 7 Q. She works in headquarters in Chicago?  
 8 A. Yes.  
 9 Q. And how do you spell her last name?  
 10 A. It's M-e-d-l-e-y dash Perry, P-e-r-r-y.  
 11 Q. Do you know whether or not some states,  
 12 as a result of their environmental compliance  
 13 issues, that may be more restricted than the EPA,  
 14 for instance? Let me back up.  
 15 Do you know if any of the states  
 16 had more restrictive regulations than the EPA at  
 17 any level?  
 18 MR. BROWN: Objection, form.  
 19 A. No.  
 20 Q. (BY MR. COON) Okay. Assuming that is  
 21 the case, do you know whether there are some  
 22 states, for instance, that banned the utilization  
 23 of blowdown drums that involve heavier than air  
 24 hydrocarbon releases?  
 25 A. No, I don't know that.

<p style="text-align: right;">Page 449</p> <p>1 Q. If you take it outside the States and 2 start comparing US regulations and minimum 3 requirements to places that BP operates elsewhere, 4 for instance, Australia -- 5 A. Uh-huh. 6 Q. -- where you worked before as a business 7 unit leader in Kwinana, correct? 8 A. Kwinana, yes. 9 Q. Are you aware of differences in the 10 safety or environmental regulations that existed 11 there as compared to what you see in Texas City? 12 A. There were differences, yes. 13 Q. Overall would you say that Australia's 14 regulations -- let me back up. 15 Were the regulations in place in 16 Australia country-wide, or did it vary by province? 17 How did that work? 18 A. It was similar to the US in that there 19 were -- well, no, they were largely state, state 20 regulations. 21 Q. State -- 22 A. The national regulations were starting to 23 come into more prominence, but they were largely 24 state regulations. 25 Q. Okay. So you had state based regulations</p>	<p style="text-align: right;">Page 451</p> <p>1 Those are the ones that I am most 2 familiar with. 3 Q. (BY MR. COON) Having worked outside the 4 States for BP, were you made aware of the 5 differences that may exist with respect to 6 regulatory compliance issues in other countries, 7 not just the two you have worked, here being the 8 States and then Australia. 9 Were you given some idea as to 10 other regulatory considerations that may take 11 place, for instance, in Germany or at the Veba 12 plant, Coryton in the UK, things of that nature? 13 MR. BROWN: Objection, form. 14 A. As the commercial manager and the 15 business unit leader, the two roles I had in 16 Kwinana, the comparators that I actually saw had 17 more to do with product quality. So, you know, 18 what were overall product qualities from gasoline 19 and diesel in the various geographic areas. 20 Q. (BY MR. COON) And would you say that 21 there was generally a goal towards uniformity or 22 consistency of quality, vis-a-vis, the various 23 plants, irrespective of environmental compliance 24 issues? 25 A. What -- what do you -- I don't know what</p>
<p style="text-align: right;">Page 450</p> <p>1 that you dealt with at the unit, the unit you 2 worked at? 3 A. Yes. 4 Q. And as I understand, they were 5 formulating some cohesive national regulations, but 6 they were not effective -- 7 A. There were some that were in effect and 8 that was a growing portion of our regulatory 9 issues. 10 Q. And in comparing the environmental issues 11 that you dealt with in Australia versus what you 12 deal with in Texas City, would you say that they 13 were pretty similar or that theirs were more 14 restrictive or less restrictive? 15 MR. BROWN: Objection, form. 16 A. The environmental regulations covered, 17 you know, very broad areas, you know, air, water, 18 solid waste, product qualities, the -- it's -- so 19 to make generalizations would be very tough. 20 But for specifics, there were 21 certain air regulations in Texas that are much more 22 stringent than some of the air regulations we have 23 in western Australia where I worked. There were 24 product quality regulations that were pretty 25 similar to most of the US.</p>	<p style="text-align: right;">Page 452</p> <p>1 you mean there. 2 Q. When you talked about product quality, 3 was there a desire to have a consistency of product 4 throughout the system, being the BP system? 5 MR. BROWN: Objection, form. 6 A. Well, those product qualities, the 7 regulations would be set by the regulatory body, 8 whoever might -- that might be. And we produced 9 the product, as did everyone else, to those 10 specifications. 11 You know, for instance, diesel had 12 to be -- have a certain ppm sulfur or low sulfur 13 diesel. And there might be a regulation on the 14 horizon that said, "We want everyone to make 10 ppm 15 sulfur diesel." 16 That wouldn't be particular to BP. 17 It would be particular to if you want to sell 18 diesel in this country or this state, these are the 19 specs it has to meet. 20 Q. (BY MR. COON) How many plants did 21 Australia have that were owned or operated by BP 22 Amoco? 23 A. There were two. 24 Q. What were the names of the two? 25 A. Kwinana, which is on the west coast, and</p>

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1 Bulwer, which is on the east coast near Brisbane.  
 2 Q. How old were those plants?  
 3 A. They were both in the '50s.  
 4 Q. Built in the 1950s?  
 5 A. Uh-huh.  
 6 Q. Were they refineries or chemical plants  
 7 or a combination?  
 8 A. Both refineries.  
 9 Q. Did either one utilize blowdown drums as  
 10 part of the ventilation system?  
 11 A. I don't know about Bulwer, and I believe  
 12 we had maybe one blowdown at Kwinana.  
 13 Q. Do you know what it is attached to --  
 14 A. No.  
 15 Q. -- what type of unit?  
 16 A. Uh-huh.  
 17 Q. Do you know if it involved the use of a  
 18 lighter than air versus heavier than air  
 19 hydrocarbon process?  
 20 A. No, I don't.  
 21 Q. Do you know when that unit utilizing a  
 22 blowdown drum had been constructed?  
 23 A. No.  
 24 Q. Was a flare the technology typically  
 25 utilized for the years that you worked out there

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1 for any new construction?  
 2 MR. BROWN: Objection, form.  
 3 A. We actually didn't construct any new  
 4 units while I was there.  
 5 Q. (BY MR. COON) Did you have any idea from  
 6 being the BUL at that plant as to when the last  
 7 time that facility had constructed anything new  
 8 utilizing the blowdown drum?  
 9 A. No.  
 10 Q. Do you know if there were any regulations  
 11 in that state in Australia dealing with the  
 12 utilization of open ventilation systems?  
 13 A. No.  
 14 (Brief interruption.)  
 15 MR. COON: That was not addressed  
 16 to me, was it?  
 17 Q. (BY MR. COON) Ms. Lucas, one of the  
 18 things that we wanted to look into as part of our  
 19 investigation is what type of knowledge individuals  
 20 at BP had with respect to the potential hazards  
 21 associated with the utilization of blowdown drums  
 22 before this event. Okay?  
 23 A. Uh-huh.  
 24 Q. And we have all read the Mogford report,  
 25 and I think early on in that report there is an

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1 acknowledgment by BP that flares are inherently  
 2 safer than open vent systems, like the blowdown  
 3 drum used here.  
 4 Do you recall that?  
 5 A. I recall that in the report.  
 6 Q. And you have a pretty fair amount of  
 7 process safety management experience as part of  
 8 your background, don't you, ma'am?  
 9 A. A fair amount, yes.  
 10 Q. Would you agree with that statement that  
 11 was made by Mr. Mogford in the fatal record?  
 12 A. I would have to look at the statement to  
 13 see exactly how it was worded, of the exact...  
 14 Q. Well, I will tell you what. We have a  
 15 copy right here in front of us, but it's about  
 16 400 pages thick. It may take me a few minutes to  
 17 find it.  
 18 A. I'm familiar with it.  
 19 Q. So I will pass it on to my able assistant  
 20 to look at; and when he finds it, we will go back  
 21 to it. Okay?  
 22 A. Thank you.  
 23 Q. And we will find out whether he is an  
 24 able assistant or not, I guess.  
 25 Did you recall any prior instances

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1 in your years working in the refinery chemical  
 2 sector or what are called pukes as they relate to  
 3 liquid upsets coming out of flares or blowdown  
 4 drums?  
 5 A. Do I recall? Not associated with  
 6 blowdown drum, but a flare incident.  
 7 Q. What circumstances in the past had you  
 8 heard of or observed a puke at a flare blowdown  
 9 drum where you had a liquid overfill going through  
 10 a tower?  
 11 A. My recollection of one incident was some  
 12 liquid that came out the ultracracker flare, and  
 13 this was a long time ago. So I am trying to recall  
 14 as best I can.  
 15 Q. Is this back when you worked at Texas  
 16 City the first time?  
 17 A. That's correct.  
 18 Q. Between '82 and '96?  
 19 A. That is correct.  
 20 Q. Do you recall about what years that was?  
 21 A. I think it would have been in the early  
 22 '90s. I would say between '91 and '94.  
 23 Q. What is it that you recall about that  
 24 liquid overfill at the ultracracker flare?  
 25 A. My recollection is we had a spray of

<p style="text-align: right;">Page 457</p> <p>1 liquid that came out of the flare and that we 2 actually had a grass fire that we had to call the 3 fire department to put out. 4 Q. Did the flare to the ultracracker -- let 5 me reask that. 6 Was the flare for the ultracracker 7 located in a flare yard or at the unit? 8 A. It's located in a flare yard north of the 9 ultracracker. 10 Q. Okay. So you understood that from a 11 design standpoint, somebody had felt that they had 12 ought to put the flare away from the unit in a 13 flare yard for the very reason that you observed, 14 which was a liquid overfill resulting in a fire 15 catching the grass on fire at the base of the 16 tower, right? 17 MR. BROWN: Objection, form. 18 A. I wasn't involved in the decision about 19 where to put the flare, but that's -- that is where 20 the flare is. 21 Q. (BY MR. COON) Well, you understand 22 that's what flare yards are for, though, is that in 23 the event of a liquid overfill or a big fire from 24 an overfill or a lot of vapors that the fire will 25 be -- if you have a fire, it's going to be in an</p>	<p style="text-align: right;">Page 459</p> <p>1 MR. BROWN: Objection, form. 2 A. The flare, the liquid that came out of 3 the flare actually was a flare knockout drum; and 4 this liquid actually went past that flare knockout 5 drum. 6 Q. (BY MR. COON) Sure. 7 It went through the knockout drum, 8 up through the flare and out the top of the flare; 9 and it ignited because of the pilot at the top of 10 the flare, right? 11 A. That's correct. 12 Q. And because it was not vapors, it 13 actually caught the liquids on fire; and the 14 liquids cascaded back all the way to the base of 15 the tower and caught the grass on fire at the base 16 of the tower? 17 A. That's correct. 18 Q. And that's one of the many reasons that 19 you don't have trailers and Port-O-Johns and 20 equipment buildings or anything else at the base of 21 the tower at one of these flares because there is 22 the possibility -- and it's recognized with process 23 safety -- of a liquid overfill, resulting in a 24 fire -- a potential fire at the base of the tower? 25 A. That would be one possibility. And the</p>
<p style="text-align: right;">Page 458</p> <p>1 area away from the unit and, hopefully, away from 2 personnel as well? 3 MR. BROWN: Objection, form. 4 A. I am not a flare designer. But there is 5 a -- there is a design standard about, you know, 6 the radiant heat. So, you know, it -- to have 7 people away from the radiant heat that might come 8 out of a flare, if the unit were to use it. 9 Q. (BY MR. COON) Well, sure. And you 10 understand from both your position and your 11 experience with process safety management that 12 flares have a pilot on the top so that they can 13 ignite vapors and burn them off, hopefully safely, 14 in the event there is an overpressurization in the 15 system, correct? 16 A. That's correct. That's the purpose. 17 Q. And you also recognize from your 18 experience and your personal observations of the 19 liquid overfill at the ultracracker flare that 20 there are occasions that do happen where an upset 21 in the system is so severe that not only do you 22 have a vapor release but you also have a backup 23 liquid release coming through the system as well 24 that emanates from the end stream, whether it's a 25 blowdown drum or a tower?</p>	<p style="text-align: right;">Page 460</p> <p>1 other, of course, being, you know, thermal 2 radiation. 3 Q. Sure. 4 You look at two things, one is 5 that just the heat generated from the flames -- 6 A. That's correct. 7 Q. -- poses a risk to equipment and 8 personnel. And then -- 9 A. That's correct. 10 Q. -- you also have the fire itself -- 11 A. That's correct. 12 Q. -- posing a risk to equipment and 13 personnel -- 14 MR. BROWN: Objection, form. 15 Q. (BY MR. COON) -- correct? 16 A. That's correct. 17 Q. And that's why, from a good engineering 18 standpoint, you put the flares out in a flare yard 19 in any end stream away from a unit so that if there 20 is an overfill and there is a fire, it's away -- 21 it's in an area that's removed from the unit so 22 it's less likely to result in an explosion of the 23 hydrocarbons in a unit and it's less likely to pose 24 a risk to the equipment and the personnel working 25 in the area --</p>

<p style="text-align: right;">Page 461</p> <p>1 MR. BROWN: Objection.  2 Q. (BY MR. COON) -- right?  3 MR. BROWN: Objection, form.  4 A. It's an -- an area far enough where --  5 from where people would normally be located, is the  6 way I would put it.  7 Q. (BY MR. COON) Right.  8 And the problem that we had, for  9 instance, with the March 23rd incident was two  10 things: One was that it was an open containment  11 system so that nothing burned off. It just blew  12 out the top and did not ignite because there was no  13 pilot there. So the vapors and liquids all just  14 went everywhere to an -- an ignition source  15 elsewhere.  16 That was one problem, wasn't it?  17 MR. BROWN: Objection, form.  18 A. That was a problem.  19 Q. (BY MR. COON) And the other problem was  20 that when it did go through the blowdown drum and  21 up through the top of the vent and spewed  22 hydrocarbons back out, it spewed them back out into  23 the unit itself instead of away from the unit where  24 you would normally have a flare located for that  25 very same purpose, right?</p>	<p style="text-align: right;">Page 463</p> <p>1 first time you worked there, that if that did  2 happen, any vapors or liquids would fall back into  3 the area of the unit as opposed to falling down in  4 a flare yard. Management knew that, didn't they?  5 A. To be clear, I didn't see the  6 ultracracker. I didn't see that come out of the  7 top of the --  8 Q. Okay.  9 A. -- ultracracker flare, nor did I see  10 the -- the liquids come out of the ISOM blowdown  11 stack.  12 It never was a -- in anyone's  13 wildest imagination, you know, seeing that you  14 could have the volume of liquids that came out of  15 that blowdown stack on March 23rd.  16 MR. COON: I'll object to the  17 answer as nonresponsive.  18 Q. (BY MR. COON) First, Ms. Lucas, I  19 appreciate you -- you clarifying an issue.  20 When you talked about the liquid  21 overfill at the ultracracker flare that occurred  22 sometime around 1990, early 1990's, that was  23 something that you knew occurred out at Texas City  24 because you worked out there at that time?  25 A. That is correct.</p>
<p style="text-align: right;">Page 462</p> <p>1 MR. BROWN: Objection, form.  2 A. That was one of the problems, as well.  3 Q. (BY MR. COON) And this was something  4 that you could casually observe before this  5 explosion. It wasn't like the vent stack was  6 hidden in some corner and nobody knew it was there  7 and you couldn't see it.  8 It was something that the people  9 at the plant knew was there and knew it was an open  10 containment system, right?  11 A. Could you -- could you ask the --  12 Q. Sure.  13 A. -- question again?  14 Q. Sure.  15 Management at BP Texas City knew  16 that there was a blowdown drum with a vent stack  17 that did not have a pilot on the top of it to light  18 any gases or liquids, and they knew that that was  19 the way that system was built before the explosion  20 of March 23rd?  21 A. That was the -- yes.  22 Q. And -- and management knew that if there  23 was a vapor release or liquid release coming  24 through that unit -- just like what had happened at  25 the ultracracker flare that you saw yourself the</p>	<p style="text-align: right;">Page 464</p> <p>1 Q. But as I understand from your testimony,  2 you did not personally observe that occurrence?  3 A. That is correct.  4 Q. Okay. How was it that you found out  5 about the liquid overfill on the ultracracker  6 resulting in a fire at the flare yard?  7 A. Because I was associated with that unit,  8 with the ultracracker -- I can't remember if  9 that -- if I was a unit superintendent at that time  10 or just had been -- I had -- I had worked on that  11 unit before.  12 Q. Had you been made aware of any prior  13 upsets in other units that had resulted in a liquid  14 overfill prior to the March 23rd, 2005 explosion?  15 A. No.  16 (Discussion off the record.)  17 Q. (BY MR. COON) Ms. Lucas, there  18 apparently was a history reflected by witnesses,  19 that I believe was also documented, of a liquid  20 overfill at the -- one of the ultracrackers in  21 October --  22 A. There's only one ultracracker.  23 Q. -- in August -- okay. In August -- I  24 think it's August. It might have been October,  25 2004. It was either August or October, sometime in</p>

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1 the late summer or fall.  
 2 A. Uh-huh.  
 3 Q. I remember Ms. Coley had talked about it  
 4 in her deposition, and there was an attachment.  
 5 Do you recall that set of  
 6 circumstances?  
 7 A. I think that might be the -- the one I am  
 8 talking about.  
 9 Q. Okay. Well, that one, as I understand,  
 10 did not result in a major fire, unless I'm  
 11 mistaken.  
 12 My recollection was that was one  
 13 that did not ignite and that that one occurred in  
 14 2004?  
 15 A. My recollection of that was that we did  
 16 have a small grass fire.  
 17 Q. At the one that occurred in late 2004?  
 18 A. I'm -- I could be getting, you know,  
 19 confused; but my recollection is that there was a  
 20 small grass fire.  
 21 Q. Okay. Well, there's a big difference  
 22 between a liquid overflow that you recalled in the  
 23 early '90s versus the one in 2004.  
 24 Does it sound like there was two  
 25 different events?

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1 A. Yes. I mean, 2004. I was getting  
 2 confused there. I was thinking '94 versus 2004.  
 3 Q. Okay. We're -- we're talking about one  
 4 that other witnesses have told us about that  
 5 occurred in the -- the late summer or fall of 2004  
 6 at the ultracracker. And I think --  
 7 A. So I --  
 8 Q. -- you're telling us --  
 9 A. -- wasn't there in 2004.  
 10 Q. Right. You didn't come back until  
 11 January of '05?  
 12 A. That's correct.  
 13 Q. And you recall one of these liquid  
 14 overfills occurring at the ultracracker the first  
 15 time you worked out there from '82 to '96, correct?  
 16 A. That's correct.  
 17 Q. And you believe that that date was  
 18 sometime in the early 1990s?  
 19 A. That's correct.  
 20 Q. So if there is a history of another  
 21 liquid overflow at the facility, most likely the  
 22 ultracracker, in the fall of 2004, that would have  
 23 been a separate event from the one you told us  
 24 about earlier?  
 25 A. That's correct, yes.

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1 Q. And you did not work out there in the  
 2 fall of 2004. So if that did occur, you weren't  
 3 aware of it at the time?  
 4 A. No.  
 5 Q. Were you ever made aware of that set of  
 6 circumstances after you came to the plant and  
 7 before the explosion?  
 8 A. No.  
 9 Q. Are you aware of any history, as we sit  
 10 here today, of any other liquid overfills that had  
 11 ever occurred at any of the units at Texas City?  
 12 MR. BROWN: Objection, form.  
 13 A. Liquid overfills that --  
 14 Q. (BY MR. COON) I'm talking about liquid,  
 15 yes, ma'am.  
 16 Liquid overfills that ended up  
 17 going all the way through a blowdown and out a vent  
 18 stack and all the way through a knockout drum or  
 19 something, through a tower and out the top of the  
 20 tower, something we would call a puke.  
 21 MR. BROWN: Objection, form.  
 22 A. I'm really going to have to recall.  
 23 There was certainly, in the  
 24 Mogford report, some instances that were recorded  
 25 where the ISOM blowdown stack had had some

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1 releases.  
 2 Q. (BY MR. COON) Okay.  
 3 A. Not nearly to the extent that the -- the  
 4 event of March 23rd.  
 5 Q. And that was a history of vapor clouds,  
 6 was it not?  
 7 A. I think the ones I recall were vapor. I  
 8 don't recall any that had --  
 9 Q. Liquid overfills?  
 10 A. -- liquid.  
 11 Q. Okay. Let's talk first about any units  
 12 that you recall out there, the years that you  
 13 worked there or even that you heard about in years  
 14 you were not there that involved what you  
 15 understood to be a liquid overflow emanating from  
 16 the end of the system, whether it be a flare or a  
 17 blowdown drum vent stack.  
 18 You told us about the one that you  
 19 knew of. We talked about the one that Ms. Coley  
 20 and others have described in their testimony that  
 21 occurred in 2004.  
 22 Are you aware of any others that  
 23 you heard about or knew about?  
 24 A. The -- the other flare I recall having  
 25 issues was -- you know, with liquid is flare -- I

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1 believe it's Flare 2 associated with the cokers.  
 2 Q. With the coker?  
 3 A. Uh-huh.  
 4 Q. And when did you understand that one to  
 5 have likely had a liquid overflow resulting in a  
 6 puke?  
 7 A. I couldn't put any dates to that.  
 8 Q. Was it this last time you were out or the  
 9 first time you worked there?  
 10 A. Oh, this would be the first -- the first  
 11 time.  
 12 Q. So you think that happened sometime  
 13 between '82 and '96 and just don't recall about  
 14 when?  
 15 A. It could have even been before '82,  
 16 because I -- because I also worked on the cokers.  
 17 Q. You worked on the cokers before '82?  
 18 A. No, no. I worked on the coker after '82;  
 19 but, you know, it would have been an event that --  
 20 I don't recall who related it to me or if I read it  
 21 in relation to my job at the coker.  
 22 Q. Okay. It may be something that happened  
 23 before you went to work there, is that what you're  
 24 saying?  
 25 A. That's possible.

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1 Q. Okay. Are you aware of any history of  
 2 these kind of liquid overfills occurring at other  
 3 BP units over the years?  
 4 MR. BROWN: Objection, form.  
 5 A. Certainly since the ISOM, there's been  
 6 much more diligence on recognition of the risk. So  
 7 I'm aware of one that has occurred at Toledo since  
 8 March 23rd.  
 9 Q. (BY MR. COON) Was that through a  
 10 blowdown drum or from a flare?  
 11 A. That was a tower overflow.  
 12 Q. Tower overflow.  
 13 Did it result in a fire?  
 14 A. No, it did not.  
 15 Q. Do you know what kind of unit that one  
 16 was attached to?  
 17 A. I actually want to say that was a coker.  
 18 Q. You cannot be --  
 19 A. I cannot be sure.  
 20 Q. You don't recall if that one caught on  
 21 fire or ignited or exploded?  
 22 A. I don't think it did.  
 23 Q. Any others that you recall?  
 24 A. I also recall one from Whiting.  
 25 Q. And when did this occur?

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1 A. Post March 23rd.  
 2 Q. Did that one come from a blowdown drum?  
 3 A. This was a tower overflow.  
 4 Q. What type of unit?  
 5 A. And I believe that was on the ultraformer  
 6 unit.  
 7 Q. Did that tower overflow result in  
 8 combustion of the materials, any kind of fire or  
 9 explosion?  
 10 A. I don't think so.  
 11 Q. Any others that you recall hearing about?  
 12 A. Not that come to mind right now.  
 13 Q. Okay. Mr. Hoffman told us about one when  
 14 he worked out at Cherry Point back in the '80s.  
 15 Have you ever heard about that  
 16 one?  
 17 A. Was that on a coker?  
 18 Q. I have no idea, ma'am.  
 19 A. I have a vague recollection, I think;  
 20 but, no, I can't say definitively.  
 21 Q. Okay. Are you aware of any history of  
 22 these types of liquid overfills resulting in any  
 23 kind of fire or explosion at any of your  
 24 competitors' facilities?  
 25 A. No, I can't think of any.

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1 Q. Okay. Did you ever work under Mr. Rick  
 2 Hale, or did he leave before you got out there?  
 3 MR. BROWN: Objection, form.  
 4 A. I know Rick; but, no, I never worked with  
 5 Rick.  
 6 Q. (BY MR. COON) Okay. Mr. Hale told us  
 7 about a large fire from a liquid overflow at  
 8 another tower that he knew about when he worked out  
 9 at Texaco some years ago.  
 10 Do you know anything about that  
 11 one? Did he ever tell you about it, or did you  
 12 ever hear about it?  
 13 A. Huh-uh.  
 14 Q. Okay. Let's talk about vapor clouds.  
 15 You've told us about times you  
 16 recall pukes happening where liquid came through  
 17 the system and sometimes did and sometimes did not  
 18 catch on fire. Let's talk about just vapors where  
 19 vapors have come out from the flares as a result of  
 20 an upset in the system or have come out of blowdown  
 21 drums.  
 22 You know specifically that it was  
 23 documented that that kind of problem had occurred  
 24 at the ISOM unit several times before the  
 25 explosion, right?

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1 A. I don't remember how many times from the  
 2 examples that I have, but I do recall that in the  
 3 report.  
 4 Q. Was the first time that you were made  
 5 aware of the history of those prior vapor cloud  
 6 excursions after the explosion of March 25 --  
 7 March 23?  
 8 A. Yes.  
 9 Q. And the reason I ask is that I think the  
 10 documented history, what was reflected in Mogford  
 11 and other documents, shows that a number of those  
 12 vapor cloud excursions from that blowdown drum vent  
 13 stack at the ISOM unit had occurred in years while  
 14 you were working at the BP Texas City facility.  
 15 Did you recall that being the  
 16 case?  
 17 A. Yes.  
 18 Q. Do you know why it was that with those  
 19 types of things happening, there was not,  
 20 apparently, a real good communication or tracking  
 21 of those type of events to impress upon management  
 22 what was going on on those units and the risk  
 23 associated with those vapor clouds posing a  
 24 potential explosion hazard?  
 25 MR. BROWN: Objection, form.

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1 A. There -- there actually -- you know, it  
 2 would depend on the job I was at. I was -- when I  
 3 was there from '82 to '96, there was -- I spent  
 4 some of my time in -- in roles that weren't  
 5 directly in operations. I thought we did a pretty  
 6 good job of sharing incidents, you know, by safety  
 7 talks and other things back then.  
 8 I think we do an even better job  
 9 now, you know, because you've got e-mail and faster  
 10 communication, I would say.  
 11 Q. (BY MR. COON) Okay. So you believe that  
 12 back in the '80s when you worked there, that if  
 13 there had been vapor cloud excursions coming from a  
 14 blowdown drum that had posed a potential explosion  
 15 hazard, that that type of incident would have been  
 16 pretty well communicated to management to put them  
 17 on notice that it had, at least, in fact, occurred?  
 18 MR. BROWN: Objection, form.  
 19 A. That would be my expectation.  
 20 Q. (BY MR. COON) And the reality is that  
 21 that's something that is not supposed to happen;  
 22 that is, have vapor clouds of hydrocarbons forming  
 23 at ground level posing an explosion risk.  
 24 That's a fair statement, isn't it?  
 25 A. That is not what is supposed to happen.

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1 Q. And most people that work in refineries  
 2 can appreciate the risk associated with a vapor  
 3 cloud at ground level in a refinery, can't they?  
 4 A. Yes, I believe they could.  
 5 Q. And certainly anybody with any level of  
 6 experience in process safety management would  
 7 understand and appreciate that risk?  
 8 A. We don't want any loss of containment.  
 9 The hydrocarbons are supposed to stay in the pipe.  
 10 Q. Sure.  
 11 Safety Rule Number 1 in process  
 12 safety management is to keep the hydrocarbons  
 13 contained within the system?  
 14 A. That's correct.  
 15 Q. And that if there is any kind of upset --  
 16 which we all know happens from time to time, don't  
 17 we? There are upsets?  
 18 A. There are.  
 19 Q. Just the reality of doing business in  
 20 that sector, right?  
 21 A. Yes.  
 22 Q. And that when it does happen, you want to  
 23 do what you can reasonably do to minimize the  
 24 impact from those events; that is, to minimize the  
 25 risk to damage to the equipment and to minimize the

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1 risk to damage or harm to individuals or the  
 2 environment?  
 3 A. That is correct.  
 4 Q. And as a result of that, you have, for  
 5 instance, relief valves so that a system, if it  
 6 overpressures, it doesn't blow up. That's the  
 7 purpose of relief valves, right?  
 8 A. That's the purpose.  
 9 Q. And so that we understand when we talk  
 10 about "blow up," a plant or a unit can blow up from  
 11 an ignition of the hydrocarbons or it can also just  
 12 blow up from the internal pressure if a system is  
 13 overpressured, just as if you overinflated a tire  
 14 and caused it to blow up.  
 15 The same kind of analogy, isn't  
 16 it?  
 17 MR. BROWN: Objection, form.  
 18 A. You know, you would have to describe blow  
 19 up -- and overpressure?  
 20 Q. (BY MR. COON) Yeah.  
 21 A. Things can overpressure.  
 22 Q. Sure.  
 23 And -- and just as you can go to a  
 24 gas station and hook up a compressor and put it in  
 25 a tire there, you understand that you can sometimes



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1 overpressure tires to the point where they can pop?  
 2 A. Well --  
 3 Q. Maybe I can use a balloon for an example.  
 4 You can overfill a balloon until  
 5 it pops. You've seen kids do that --  
 6 A. You can over --  
 7 Q. -- from time to time, haven't --  
 8 A. -- fill a balloon. I believe you can  
 9 overfill a balloon --  
 10 Q. And the same --  
 11 A. -- to the point it pops.  
 12 Q. -- kind of thing, by analogy, can happen  
 13 in a vessel where you can overpressure it; and if  
 14 there were no relief valves, it would force the  
 15 rupture of the tank or vessel or a rupture in the  
 16 lines somewhere to relieve that pressure at some  
 17 point, wouldn't it?  
 18 A. That's why we install relief valves, just  
 19 so that doesn't happen.  
 20 Q. And -- and we haven't spent a lot of time  
 21 talking about that in the past.  
 22 But that is the purpose of the  
 23 relief valves is to make sure that any  
 24 overpressurization results in a release through the  
 25 relief valve to reduce the level of pressure so

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1 that it does not compromise the integrity of the  
 2 unit and cause a rupture in the system itself?  
 3 A. That's the purpose of the relief valves.  
 4 Q. And in the ISOM unit, as well as all the  
 5 units out there, there is some mechanism in place  
 6 to relieve overpressurization through some relief  
 7 system, usually a relief valve, so that you don't  
 8 rupture the system itself in the unfortunate event  
 9 of overpressurization?  
 10 A. That is correct.  
 11 Q. And overpressurization can come from  
 12 several different means. One is putting too much  
 13 in and not pulling enough product out.  
 14 That causes overpressure, doesn't  
 15 it?  
 16 A. It might.  
 17 Q. And then overheating a product is another  
 18 example, where you can heat the amount of product  
 19 in there to the point where the -- the volume  
 20 increases as a result of the heat process?  
 21 MR. BROWN: Objection, form.  
 22 A. That would -- that typically increases  
 23 pressure.  
 24 Q. (BY MR. COON) Okay. And so what we want  
 25 to happen in the ideal situation is that if those

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1 kind of bad things happen as a result of just  
 2 something going wrong, that the relief valves open  
 3 and all of that vapor and even product, the liquid,  
 4 can go somewhere safe for disposal?  
 5 A. Okay. I am not a relief systems designer  
 6 or relief systems expert and -- but my  
 7 understanding is that you design relief systems,  
 8 whatever they might be, typically relief valves,  
 9 for, you know, the worse-case scenario you would  
 10 expect -- you would normally expect to see.  
 11 So a designer of relief systems  
 12 would look at what if -- what if the system were  
 13 blocked in -- what if the system were blocked in  
 14 and we had a fire, typically called a fire case. A  
 15 designer might look at what if we had a power  
 16 failure, you know, and for some reason -- maybe  
 17 something was getting pressure from one vessel to  
 18 another, what would that relief scenario look like.  
 19 They might look at cooling and say, you know,  
 20 what -- what sort of relief system would we need in  
 21 that scenario.  
 22 And for each system, they would  
 23 look at what's -- you know, what are some of the  
 24 potentials that could occur and which of those is  
 25 the worse case and that would be the basis upon

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1 which they would design their relief system.  
 2 Q. It would be fair to say that if there had  
 3 been prior documented vapor cloud excursions of the  
 4 blowdown system at the ISOM forming a ground level  
 5 vapor cloud, that there had been a risk of an  
 6 ignition of those vapors?  
 7 A. Certainly hydrocarbons out in the air, if  
 8 they find an ignition source in the right mixture,  
 9 that's a source.  
 10 Q. And one of the things that comes into  
 11 good design is an ability to try to keep heat  
 12 sources away from escaped hydrocarbons to the  
 13 extent possible?  
 14 A. Well, actually --  
 15 MR. BROWN: Objection, form.  
 16 A. Actually, you just want to keep the  
 17 hydrocarbons away from the ignition sources.  
 18 Q. (BY MR. COON) Sure.  
 19 Rule 1 is keep them contained in  
 20 the system, right?  
 21 A. Rule 1.  
 22 Q. And the backup rule is that if Rule 1  
 23 fails because of operator error or mechanical  
 24 failure or some other abnormality, then there are  
 25 additional safeguards that can be utilized to

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1 reduce the risk in the event of such events, right?  
 2 MR. BROWN: Objection, form.  
 3 A. There is a whole host of additional  
 4 safeguards.  
 5 Q. (BY MR. COON) Sure.  
 6 And the whole host includes, for  
 7 instance, if there is an upset, you can have safety  
 8 interlocks on the board systems that shut the  
 9 system down automatically. That's something that  
 10 you know technology provides, isn't it?  
 11 MR. BROWN: Objection, form.  
 12 A. Depending on the scenario, that might be  
 13 an appropriate mitigation system.  
 14 Q. (BY MR. COON) Okay. Did you know that  
 15 Ms. Detmar testified in this case that she could  
 16 have put safety software on the board that operated  
 17 the ISOM unit and nobody had asked her to do it?  
 18 MR. BROWN: Objection, form.  
 19 A. No, I didn't know you had talked to her.  
 20 Q. (BY MR. COON) Do you know enough about  
 21 the DCS systems to know what's involved in  
 22 providing that additional software?  
 23 A. Not specifics about the Honeywell system,  
 24 no.  
 25 Q. Did you know that BP utilized board

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1 systems in other scenarios where you had automatic  
 2 safety features that shut the safety system down in  
 3 the event of upsets?  
 4 A. Sure.  
 5 Q. Are you also familiar with the concept of  
 6 mechanical interlocks that allow for product to  
 7 circulate back through the system or go to some  
 8 other disposal site in the event of an upset?  
 9 A. Sure.  
 10 Q. And that was not something that was  
 11 available in the ISOM unit on the day of the  
 12 explosion, was it?  
 13 A. The raffinate splitter was not equipped  
 14 with a system like that.  
 15 Q. But certainly from a design standpoint,  
 16 it was feasible to have done so, wasn't it?  
 17 A. You know, it's feasible. I don't think  
 18 that the scenario we experienced on March 23rd  
 19 would be one that anyone would have imagined to  
 20 design for. It isn't one of those cases that you  
 21 would have thought, "I am going to, you know, base  
 22 my design on this scenario."  
 23 MR. COON: Object to the  
 24 responsiveness after "feasible."  
 25 Q. (BY MR. COON) Ms. Lucas, were you aware

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1 that there had been an ignition, at least on one  
 2 prior occasion, of vapors out of the ISOM unit from  
 3 the blowdown drum before this explosion?  
 4 A. I am aware of a vapor issue at the ISOM  
 5 that ignited. I'm not aware of that tying to the  
 6 blowdown drum, and I'm thinking of the Guy Holdren  
 7 fatality.  
 8 Q. I'm sorry. You're thinking of when?  
 9 A. Of Guy Holdren's fatality.  
 10 Q. Was that in '92?  
 11 A. I believe it was in that time frame.  
 12 Q. Okay. And you understood that was an  
 13 operator that died on that unit as a result of a  
 14 hydrocarbon escape?  
 15 A. Yes, that's correct.  
 16 Q. Okay. Are you aware that there was  
 17 another fire that occurred actually on the  
 18 ventilation system -- that is, the blowdown drum to  
 19 vent stack -- several years after that where the  
 20 vapors that had emanated from an overfill ignited  
 21 on that unit?  
 22 A. I believe that's the one that was  
 23 recorded in the Mogford investigation.  
 24 Q. Do you recall an instance around 2000  
 25 where that had happened and it had taken a couple

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1 of days before the fire department out there could  
 2 put it out?  
 3 MR. BROWN: Objection, form.  
 4 A. Was that particular event on the ISOM?  
 5 Q. (BY MR. COON) Yes, ma'am.  
 6 Is that news to you?  
 7 A. I recall an event from Ultraformer 1 or  
 8 Ultraformer 2.  
 9 Q. Are those the ones that you told us about  
 10 earlier --  
 11 A. No.  
 12 Q. -- or are these additional ones?  
 13 A. No, this -- this was one that was not  
 14 related to the blowdown stack, as I understand it.  
 15 Q. Okay. Well, the ones that you just told  
 16 me about that you were aware of, the ultraformer,  
 17 are those ones you told us about earlier where  
 18 there had been fires through the towers?  
 19 A. No, no.  
 20 Q. Okay.  
 21 A. Because the -- the Ultraformer 1 was a  
 22 bull plug issue.  
 23 Q. I'm sorry. It was what?  
 24 A. A bull plug is a --  
 25 Q. The bull plug. Okay. I just didn't hear

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1 you.  
 2 Okay. You understood there was a  
 3 fire from a vapor ignition out of a bull plug?  
 4 A. Where a bull plug was missing.  
 5 Q. Where was it?  
 6 A. The operator hadn't installed it or the  
 7 craftsman, whoever took it out, hadn't installed  
 8 it.  
 9 Q. Okay. Are you aware of vapor clouds  
 10 coming out of any of the other blowdown drums on  
 11 the other units at Texas City other than the ones  
 12 that you have already told us about that you knew  
 13 about at the ISOM unit?  
 14 A. No.  
 15 Q. Do you know what kind of records, if any,  
 16 BP would have kept that would be a central location  
 17 to track those types of events in light of the  
 18 potential risk associated with them?  
 19 MR. BROWN: Objection to form.  
 20 A. Well, since -- since the process safety  
 21 regulation went into effect, so 1910.119, it's  
 22 my -- it's my expectation that those type of  
 23 events -- of events would be recorded as PSM  
 24 incidents. So they should be recorded, at least  
 25 since 1992.

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1 Q. (BY MR. COON) Okay. Ms. Lucas, to move  
 2 things along, let's go to over to another topic for  
 3 a little while. Let's talk about the budgets.  
 4 A. Okay.  
 5 Q. Are you aware there was a budget cut  
 6 coming out of London after the BP/Amoco merger in  
 7 1999?  
 8 MR. BROWN: Objection, form.  
 9 Q. (BY MR. COON) And specifically I'm  
 10 talking about one that dealt with a 25 percent  
 11 mandate for across-the-board fixed operational cost  
 12 reductions at the business units?  
 13 MR. BROWN: Objection, form.  
 14 A. At the time of the merger, I was in  
 15 Mandan; and I recall a -- I would call it a goal of  
 16 a 25 percent merger, I guess, cost improvement  
 17 budget decrease.  
 18 Q. (BY MR. COON) And how was it that you  
 19 were made aware of this 25 percent budget  
 20 reduction?  
 21 A. I was in Mandan as the optimization  
 22 manager. And this was -- it was communicated  
 23 pretty broadly as a goal of the combined company to  
 24 look for opportunities to cut 25 percent in fixed  
 25 costs.

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1 Q. Okay. Did you know Paul Maslin? I think  
 2 he was head of technology in London.  
 3 A. I know Paul, yes.  
 4 Q. Did you know that he was the business  
 5 unit leader at Coryton when this 25 percent budget  
 6 cut came into effect?  
 7 A. I knew he was a business unit leader at  
 8 Coryton. I didn't know what years.  
 9 Q. Okay. Mr. Maslin has testified in the  
 10 case, and we asked him about these issues. And he  
 11 said he was aware of them also because he was the  
 12 BUL at Coryton when it came down.  
 13 And he said it was more of a  
 14 command than a request. Would you disagree with  
 15 his terminology?  
 16 MR. BROWN: Objection, form.  
 17 A. That was not my experience. Because I  
 18 actually worked in two business units. That was  
 19 not my experience at Mandan, and that was not my  
 20 experience at Kwinana.  
 21 Q. (BY MR. COON) Do you think that people  
 22 at various units may have taken this more or less  
 23 serious than others in terms of a request versus a  
 24 command?  
 25 A. That's possible.

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1 Q. Has there been discussion amongst the  
 2 business unit leaders or other people in management  
 3 since the explosion about various interpretations  
 4 that the leadership teams may have had at different  
 5 business units regarding this request that came  
 6 from London in '99 and how it was interpreted and  
 7 how it was applied?  
 8 A. I haven't been involved in any  
 9 discussions with the -- with the BULs around that  
 10 25 percent cut and how that might be interpreted.  
 11 Q. Do you know Susan Dio?  
 12 A. Yes, I do.  
 13 Q. Susan Dio gave an interview to Telos.  
 14 Were you aware of that?  
 15 A. No. But that doesn't surprise me. I  
 16 think they interviewed everyone on the leadership  
 17 team.  
 18 Q. Okay. If I recall correctly, her  
 19 interview reflected that you said that at Kwinana,  
 20 that y'all took that request there as a grain of  
 21 salt.  
 22 Do you recall saying anything to  
 23 that --  
 24 A. With a grain of salt?  
 25 Q. Yeah.

<p style="text-align: right;">Page 489</p> <p>1 MR. BROWN: Objection, form.  2 Q. (BY MR. COON) Is that terminology that  3 you maybe would utilize?  4 A. That's possible.  5 Q. Okay. Well, you're grinning like that's  6 something that you might have said at some point?  7 A. Actually, you know, that was my  8 experience at Kwinana, yes, that -- that -- that  9 the -- the budget -- sort of the target of the  10 25 percent budget cut was seen as, you know,  11 something we would -- we would look at; but we  12 would not sacrifice safety or environmental  13 compliance, you know, even -- things that we as a  14 leadership team needed to be done, for that  15 25 percent.  16 Q. Okay. And that was something that y'all  17 had to look at when you transferred over to  18 Kwinana --  19 A. March of 2000.  20 Q. -- in, what, 2000, wasn't it?  21 A. March of 2000.  22 Q. And that rule or request or command,  23 however you want to call it, had just gone into  24 effect a few months before it was being applied to  25 the business units around the world, wasn't it?</p>	<p style="text-align: right;">Page 491</p> <p>1 A. Exactly.  2 Q. The derived synergies of mergers?  3 A. That's exactly right.  4 Q. Some people reference it almost in  5 conjoining with "merge and purge."  6 Have you heard that --  7 MR. BROWN: Objection, form.  8 Q. (BY MR. COON) -- as corporate lingo?  9 A. I have not heard "merge and purge." I  10 have heard the -- the synergies, the merger  11 synergies.  12 Q. (BY MR. COON) Now, with respect to  13 Mr. Maslin, when he received a request at Coryton,  14 he said it was ridiculous. I think those were his  15 exact words. I may be mistaken, but I believe  16 those were his exact words.  17 I do remember another thing he  18 said that I can quote was that it was nonsensical  19 to try to effect a 25 percent savings in fixed  20 operational.  21 Assuming he said that, would you  22 tend to agree, based on the responsibilities you  23 had as the BUL at Kwinana and the costs that you  24 were already dealing with?  25 MR. BROWN: Objection, form.</p>
<p style="text-align: right;">Page 490</p> <p>1 MR. BROWN: Objection, form.  2 A. I actually don't recall when that sort of  3 target of the 25 percent budget cut was made, or  4 fixed cost challenge was --  5 Q. (BY MR. COON) Sure. The fixed cost  6 challenge.  7 And you're aware that there were  8 several other fixed cost challenges or requests or  9 mandates that came down from London after that one,  10 as well, are you not?  11 MR. BROWN: Objection, form.  12 A. You know, I'm not, you know, aware of  13 coming down from London fixed cost challenges, that  14 doesn't really mean anything to me.  15 Q. (BY MR. COON) Okay. Do you know where  16 the request came from?  17 A. The 25 percent?  18 Q. Yes.  19 A. My understanding was that that was a  20 target that John Browne had just as, you know,  21 benefits from the merger.  22 Q. Sure.  23 And that was what he hoped to  24 derive as a result of consolidation resources and  25 things of that nature?</p>	<p style="text-align: right;">Page 492</p> <p>1 A. I think -- I think that it would depend,  2 you know, on your particular business unit. You  3 know, perhaps some of them had been under tighter  4 cost pressures than others. And -- and like you  5 said, perhaps some of them took them as a command  6 versus a challenge.  7 Q. (BY MR. COON) Did you have the  8 impression, in talking to Colin Maclean at some  9 point, that he didn't take it particularly  10 seriously where he worked at the time as the BUL  11 and --  12 A. You know, Colin and I have never  13 discussed the 25 -- I don't even -- I think he  14 might have been at Grangemouth at that time. I  15 don't -- we've -- we've never discussed it.  16 Q. I think he was actually at another plant  17 here stateside at the time and then went to  18 Grangemouth after the fire, but I could be --  19 A. Okay.  20 Q. -- mistaken.  21 Speaking of Grangemouth, there was  22 something that you're aware of called the Lessons  23 Learned from Grangemouth?  24 A. That's correct.  25 Q. And that's something that was distributed</p>

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1 within the leadership team at Texas City and  
 2 elsewhere because of the recognition that what  
 3 happened there was something that needed to be  
 4 communicated to others in the BP system to reduce  
 5 the likelihood of that type of bad event happening  
 6 at their unit, right?  
 7 A. That's correct.  
 8 Q. Where do you think you could lop off  
 9 25 percent of your fixed operational costs in  
 10 running a unit as a result of a merger of  
 11 companies?  
 12 MR. BROWN: Objection, form.  
 13 A. The places that -- you know, if I were  
 14 the CEO that I would look are departments where you  
 15 might be able to -- things like, you know,  
 16 procurement department, where you've got an Amoco  
 17 person who services a certain customer and you have  
 18 a BP person that services a certain customer. Now,  
 19 you're one company. You don't necessarily need two  
 20 people.  
 21 So I would say that there are  
 22 certain functions that you would be able to, you  
 23 know, see some pretty good synergies.  
 24 Q. (BY MR. COON) Do you know what they  
 25 tried to do at Texas City -- "they," I can say

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1 specifically Mr. Scruggs, who was in charge at the  
 2 time, and Mr. Carter and others in the leadership  
 3 team, do you know what, if anything, they did to  
 4 try to accommodate the 25 percent budget reduction?  
 5 A. No. I mean, I wasn't even in the  
 6 country.  
 7 Q. Do you know that one of the things they  
 8 did was to reduce the number of board operators in  
 9 the ISOM from two to one?  
 10 MR. BROWN: Objection, form.  
 11 A. No, I don't know that to be, you know,  
 12 the driver for that change.  
 13 Q. (BY MR. COON) Did you know that there  
 14 were two board operators operating the control room  
 15 in the ISOM in the years that you worked there  
 16 before you left to go to North Dakota and then on  
 17 to Australia?  
 18 MR. BROWN: Objection, form.  
 19 A. No. Well, I found that out -- out later.  
 20 I didn't know that when --  
 21 Q. (BY MR. COON) And did you know that as a  
 22 result of the budget reductions, a decision was  
 23 made by the leadership team at Texas City in 2000  
 24 to reduce the number of board operators in the ISOM  
 25 from two to one?

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1 MR. BROWN: Objection, form.  
 2 A. I don't know what -- when or if that  
 3 reduction was made, and I don't know what would  
 4 have driven that. I mean, there's a variety of  
 5 things that might drive you to look at board  
 6 operator consolidation.  
 7 Q. (BY MR. COON) Did you know that that  
 8 reduction was done over the objections of the labor  
 9 union at the time out of an expressed concern for  
 10 safety associated with reducing staffing in that  
 11 area?  
 12 A. No, I didn't; but that would not surprise  
 13 me.  
 14 Q. Were you aware that after this reduction,  
 15 that there was a union grievance based on the  
 16 failure of the plant to at least have two control  
 17 board operators in times of start up of the units  
 18 that were attached to that control room?  
 19 Are you aware of that grievance?  
 20 A. I was not made aware of it in terms of a  
 21 grievance. I'm aware of a practice that the ISOM  
 22 has, when starting up a major unit, like starting  
 23 up the ISOM reactor, the Penex reactor, where they  
 24 would have two board operators if the other units  
 25 were running.

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1 Q. Were you aware of the grievance that was  
 2 filed by the union complaining of the safety risk  
 3 associated --  
 4 A. No --  
 5 Q. -- with operating --  
 6 A. -- I wasn't aware of the grievance.  
 7 Q. -- with one board operator under those  
 8 circumstances, even in times of start up?  
 9 A. No, I was not aware.  
 10 Q. Are you aware that Mr. Carter denied that  
 11 grievance?  
 12 A. No.  
 13 Q. Were you aware that the NDU system was  
 14 tied in as a new unit to that same control room,  
 15 increasing the responsibilities of the board  
 16 operator in 2003?  
 17 A. I am aware that the NDU comes into that  
 18 control room. I'm also aware that the NDU has what  
 19 I would call a safe park system that requires  
 20 little, if any, board operator intervention in case  
 21 of an emergency shutdown.  
 22 Q. Okay. So your NDU unit is a system that  
 23 is built where you don't need anybody to look at  
 24 anything regarding the gauges or instrumentation?  
 25 MR. BROWN: Objection, form.

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1 A. That is not what I said, no.  
 2 Q. (BY MR. COON) Okay. Were you aware  
 3 that -- did you know Paul Trapp, the ISOM  
 4 supervisor?  
 5 A. Yes, I do.  
 6 Q. Do you like him?  
 7 A. Yes.  
 8 Q. Do you think he's a responsible fellow?  
 9 A. Yes.  
 10 Q. Did you know he requested his supervisors  
 11 to go back to two board operators after they tied  
 12 the NDU unit in out of his own expressed concerns  
 13 over safety?  
 14 A. No, I didn't know that. And Paul never  
 15 brought any of those concerns to me.  
 16 Q. Had he brought them to you after you came  
 17 out to the plant, would you have addressed them and  
 18 considered putting two board operators back in  
 19 there?  
 20 A. I would have looked at them, at that  
 21 concern.  
 22 Q. Did you know that not only Mr. Trapp  
 23 expressed that concern, but a number of other  
 24 hourly and salaried individuals, in a letter to  
 25 management in 2003?

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1 A. No, I didn't.  
 2 MR. COON: We'll take a break  
 3 here.  
 4 THE VIDEOGRAPHER: Off the record  
 5 at 12:19.  
 6 (Recess taken.)  
 7 THE VIDEOGRAPHER: Back on the  
 8 record starting Tape 3 at 12:32.  
 9 Q. (BY MR. COON) Ms. Lucas, we were talking  
 10 about budget cuts before the break and I want to  
 11 talk about a few others.  
 12 One is with respect to Texas City  
 13 in particular. Were you aware of any specific  
 14 budget cuts that Mr. Carter or Mr. Scruggs or  
 15 others made as a result of the -- the London  
 16 25 percent budget cut of circa 1999, 2000?  
 17 A. I wasn't aware of any. I know that they  
 18 looked at a lot of things. I wasn't aware of any  
 19 budget cuts.  
 20 Q. Did you ever see a chart that has been  
 21 produced in this litigation that lists a long --  
 22 I'm trying to remember how it was grouped. I don't  
 23 have it in front of me.  
 24 But there was a grouping of all of  
 25 these different areas to cut and how much they

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1 would save and where the area was to cut and who  
 2 was responsible for the cut and whether or not the  
 3 cut was actually made. Have you seen a document  
 4 like that?  
 5 A. I don't recall seeing that, no.  
 6 Q. Okay. I'm going to represent to you that  
 7 one exists. I just don't have it in front of me.  
 8 But that budget cuts were made in  
 9 a number of areas affecting training and a number  
 10 of areas affecting safety and safety programs and  
 11 safety banquets. Did you know anything about any  
 12 of those?  
 13 A. Safety what?  
 14 Q. Safety banquets, that is some kind of  
 15 program where apparently people did well with  
 16 safety got treated to a meal at the end of the year  
 17 or something.  
 18 A. Okay.  
 19 Q. Some kind of BP party for safety.  
 20 A. Okay.  
 21 Q. Did you know about any of those things  
 22 being cut in the few years prior to your return to  
 23 the facility in 2005?  
 24 MR. BROWN: Objection, form.  
 25 A. I don't know of any of that being cut in

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1 service of the 25 percent budget challenge.  
 2 Q. (BY MR. COON) Were you aware of those  
 3 kind of cuts being made, irrespective of what the  
 4 reason for it was?  
 5 A. I don't know of any specific budget cuts  
 6 made in those areas.  
 7 Q. (BY MR. COON) Okay. Well, for instance,  
 8 you were there in '95, '96. Did they have the  
 9 safety awards program?  
 10 A. I recall a program we called "Ideas in  
 11 Action," which was an employee suggestion form  
 12 that -- and that did have a -- what I would call an  
 13 annual awards banquet.  
 14 Q. Did you recall when you came back that  
 15 that rewards banquet or similar award banquets had  
 16 been canceled by BP as a result of -- any reason,  
 17 budget cuts or otherwise?  
 18 A. That program was -- was no longer in  
 19 existence.  
 20 Q. Did you have an understanding as to why  
 21 that program was no longer in existence?  
 22 A. No.  
 23 Q. So today would be the first time that you  
 24 would have understood that may have been something  
 25 that Mr. Carter and Mr. Scruggs canceled as a

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1 result of the budgetary requests from London?  
 2 A. I don't --  
 3 MR. BROWN: Objection, form.  
 4 A. I don't know when it was canceled  
 5 actually.  
 6 Q. (BY MR. COON) As part of what has  
 7 occurred at the March 23rd explosion, you have not  
 8 undertaken an effort to go back and find out what  
 9 types of budget cuts, if any, were made in the  
 10 years prior to your arrival to see if they had the  
 11 potential impact for safety, environmental, or  
 12 other considerations?  
 13 A. My recollection of looking at fixed costs  
 14 at Texas City is that -- and I don't remember the  
 15 exact year on which this chart started -- was that  
 16 Texas City actually had a continuing increase in  
 17 costs and increase in budget -- well, increase in  
 18 costs. I don't know what the budget was.  
 19 But our spending had actually --  
 20 and I'm thinking it was 2000 to 2004 numbers, 2005  
 21 numbers what I was looking at.  
 22 Q. Okay. I have seen those charts or some  
 23 like them that show that the spend for fixed costs  
 24 had actually gone down all the way through some  
 25 period in the early to mid '90s until after the

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1 merger as a result of other budgetary  
 2 considerations that came into play prior to the  
 3 merger.  
 4 Are you aware of any of those?  
 5 MR. BROWN: Objection, form.  
 6 A. I'm sure I saw budget charts when -- when  
 7 I was there before. I don't recall the -- the  
 8 shape of the trend. I do recall -- I mean, because  
 9 it's been more recent -- the -- the -- sort of 2000  
 10 to current it's actually been increasing over those  
 11 years.  
 12 Q. (BY MR. COON) Well, would you agree that  
 13 part of the reasons for the recent increases is to  
 14 deal with issues of deferred maintenance associated  
 15 with postponing some maintenance projects?  
 16 MR. BROWN: Objection, form.  
 17 A. The totality of the budget, you know, the  
 18 drivers for those increases would come, in my view,  
 19 from many different areas, you know, increased  
 20 regulatory, I guess regulatory issues, regulations  
 21 that we need to comply with, cost of living  
 22 increases.  
 23 So I couldn't look at it and say  
 24 the driver of it -- you'd have to do a budget  
 25 analysis to figure that out.

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1 Q. (BY MR. COON) Okay. Have you undertaken  
 2 an effort to do that yourself?  
 3 A. No.  
 4 Q. From your experience working at BP over  
 5 the years, do you know much about what I'm going to  
 6 call generically "human factors"?  
 7 A. I understand a bit about human factors.  
 8 I would not call myself an expert on human factors.  
 9 Q. I want to ask you a few questions about  
 10 those and how they may relate to certain aspects of  
 11 operating a refinery.  
 12 And before I do, could you just  
 13 explain to -- to me and the benefit of the jury  
 14 that are watching you by videotape what you  
 15 understand human factors to be?  
 16 A. Okay.  
 17 Q. What are we talking about when we sit  
 18 here and discuss "human factors"?  
 19 A. So when I -- when I think about human  
 20 factors in the context of the -- the site  
 21 operations, you know, I think about things like the  
 22 people, you know, have we got the right people, are  
 23 they doing the right role, have they been trained  
 24 correctly, have -- have we -- you know, are they on  
 25 a shift schedule that's reasonable, are they -- you

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1 know, so that's sort of what I would call people  
 2 factors.  
 3 Then there is what I would call  
 4 the compliant factors, you know. Do they have a  
 5 decent office or control room in which to work, do  
 6 they have, you know, decent chair -- chairs to sit  
 7 in and things like that, as part of human factors.  
 8 So those are sort of plant or environment things.  
 9 And then there is what I would  
 10 call culture things. Do they have a relationship  
 11 with their supervisor, do they have -- do they feel  
 12 like they have a voice to raise concerns. Those  
 13 are all things that I would consider human factors.  
 14 Q. Would that part of human factors you just  
 15 described interplay with culture behavior?  
 16 A. I think -- I think cultural and human  
 17 factors, there's large, you know, intersecting  
 18 blocks there.  
 19 Q. All right. Did you recall that there was  
 20 a significant amount of criticism directed at  
 21 BP Texas City regarding safety culture deficits  
 22 that were in existence at that facility prior to  
 23 the explosion?  
 24 MR. BROWN: Objection, form.  
 25 A. When I arrived, which is what I can speak

<p style="text-align: right;">Page 505</p> <p>1 to, there were -- you know, the management team  2 really wanted to understand the safety culture; and  3 that was really, as I understand it, the origin of  4 the Telos study.  5 Q. (BY MR. COON) That was Mr. Parus ordered  6 that survey to help address safety culture issues  7 at the facility?  8 A. I don't know how it actually got sort of  9 initiated because there were safety culture surveys  10 being done, you know, elsewhere.  11 But I know that the site  12 leadership was really focused on, you know, safety  13 culture as part of its overall improvement plan,  14 trying to improve the safety culture, understand  15 it, decide what needed to be done in those areas,  16 people, plan, and process, to improve the safety  17 culture.  18 Q. Now, my recollection from your first  19 deposition date in December is that you didn't put  20 a lot of stock in Telos.  21 Do you recall saying something to  22 that effect?  23 A. No, but it's not unthinkable that I might  24 have said that.  25 Q. Okay. But I understood today that you</p>	<p style="text-align: right;">Page 507</p> <p>1 A. No.  2 Q. Mr. Parus took a lot of stock in the  3 Telos Report, didn't he?  4 A. I think we all took the Telos Report very  5 seriously.  6 Q. But you didn't really know what it said,  7 though, did you?  8 A. The -- the --  9 Q. I'm not being argumentative with you,  10 ma'am. I just thought you said you didn't read it  11 before.  12 A. I did not read it cover to cover.  13 Q. Okay.  14 A. I did have an opportunity to sit on --  15 sit through a leadership team meeting with the  16 Telos principals where they talked about the  17 results of the survey as they saw it.  18 We were actually -- we had maybe  19 at least one other meeting where we talked about,  20 "Well, what are those broad themes, how do we get  21 in action around them," and then March 23rd  22 happened.  23 Q. Have you understood that the intent of  24 the Telos survey was to keep all of the findings  25 from those that participated confidential so that</p>
<p style="text-align: right;">Page 506</p> <p>1 really haven't read it very well to truly  2 understand the flavor of what was discussed by  3 those persons who participated in that process, nor  4 the comments expressed by those who conducted the  5 surveys?  6 A. You know, I had an opportunity to see the  7 report and -- and, you know, I think that the broad  8 themes, if I can call them that, of the Telos  9 Report really aligned with things that the  10 leadership team was already working on. And  11 there's a lot of, what I would say, commonality in  12 the -- the Mogford themes, if you will.  13 Q. Did you know what Mr. Barnes' opinions  14 were with respect to his review of the Telos Report  15 and the comments in there?  16 A. No.  17 Q. Did you know that he had expressed an  18 opinion that all of the complaints and criticisms  19 voiced in Telos were the same types of complaints  20 and criticisms he had heard out at the facility for  21 the last 20 years?  22 MR. BROWN: Objection, form.  23 A. Joe never said that to me.  24 Q. (BY MR. COON) If he said that that was,  25 in fact, his opinion, would that surprise you?</p>	<p style="text-align: right;">Page 508</p> <p>1 they wouldn't be subject to any potential reprimand  2 or disciplinary action for commenting in a negative  3 fashion about the facility or even about their  4 peers or superiors?  5 MR. BROWN: Objection, form.  6 A. Well, I think that's generally why you  7 use confidential surveys like that, so people can  8 freely express their opinion without fear of  9 reprisal.  10 Q. (BY MR. COON) And were you aware that  11 there was the intention at some point to destroy  12 all of the findings in the Telos Report?  13 MR. BROWN: Objection, form.  14 A. No, I didn't understand that. I  15 understood that -- that there was a -- that the  16 notes that the Telos people took, you know,  17 wouldn't be provided to BP. They were the  18 Telos' --  19 Q. (BY MR. COON) Okay. And --  20 A. -- the Telos company's.  21 Q. And did you understand that after this  22 incident, attorneys for BP went to Telos and  23 requested that they be given back all that  24 underlying data?  25 A. No, I wasn't aware of that.</p>



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1 Q. Were you aware that Telos was forced,  
 2 against their own objections, to provide all the  
 3 underlying data, including the identity of the  
 4 persons who complied with interviews and the  
 5 contents of their statements, back to BP?  
 6 A. No.  
 7 Q. Were you ever made aware that the  
 8 interviews that were given of about a hundred of  
 9 the BP representatives at Texas City, many of whom  
 10 were management, that the contents of their  
 11 statements was disbursed back amongst at least some  
 12 people in management at BP?  
 13 MR. BROWN: Objection, form.  
 14 A. That actually does surprise me because I  
 15 never saw those.  
 16 Q. (BY MR. COON) Okay. You did understand  
 17 that in addition to the blind surveys that were  
 18 sent out, that there were about a hundred people  
 19 who were individually interviewed by Telos  
 20 representatives?  
 21 A. The Telos -- Linda Gioja told me that.  
 22 Q. Sure.  
 23 And Linda and Geoffrey and  
 24 Mr. Walker, when they conducted these interviews,  
 25 obviously had to know the identity of the persons

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1 in order to conduct the interviews, right?  
 2 A. Right.  
 3 Q. And so you had anonymity with respect to  
 4 the people that filled out forms and sent them in  
 5 because they did not list their names or -- or  
 6 other identifying characteristics; but for the  
 7 individuals who met with the representatives to  
 8 give one-on-one interviews, obviously their  
 9 identities were known, at least to Telos.  
 10 You understood that, didn't you?  
 11 A. Well, I believe you if you say that.  
 12 Q. Okay. Did you know that after --  
 13 A. Linda didn't tell me.  
 14 Q. Did you know that at some point those  
 15 confidentiality agreements that were agreed upon between BP  
 16 and Telos were dissolved as a result of BP's  
 17 request and, in fact, mandate that Telos give back  
 18 to BP all of that underlying data identifying the  
 19 persons who gave the comments?  
 20 MR. BROWN: Objection, form.  
 21 Q. (BY MR. COON) Were you aware that that  
 22 request had been made?  
 23 MR. BROWN: Objection, form.  
 24 A. I don't know anything about  
 25 confidentiality agreements between BP and Telos. I

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1 will honestly tell you that my belief is that BP  
 2 had an obligation, once the ISOM happened and all  
 3 this stuff was being requested, we had to preserve  
 4 that because in no way did it have any sort of --  
 5 it wasn't protected by any legal privilege and it  
 6 was all discoverable.  
 7 And -- and I can recall, post the  
 8 ISOM, saying, you know, gee, we've got all of this  
 9 stuff -- we were all in the process of making sure  
 10 that people understood they had to preserve things  
 11 in relation to the incident and we went, "Oh, well,  
 12 this has to be preserved."  
 13 Q. That's fine. I'm not faulting the  
 14 reasons that they may have done it. I'm just  
 15 asking what you're aware of.  
 16 And so in that regard, you are  
 17 aware that requests were made to give back the data  
 18 that Telos had provided in their interview  
 19 processes and give it back to BP representatives?  
 20 A. I would -- I believe you if you said  
 21 that. No one came to me and said, "We are going to  
 22 go to Telos and get the data."  
 23 Q. Okay. I'm just trying to find out if  
 24 you're aware that BP, in fact, received the data  
 25 back that then disclosed the names of the persons

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1 and the comments they would have, if you knew one  
 2 way or the other?  
 3 A. No, I don't.  
 4 Q. Okay. Did you know that the persons that  
 5 gave statements have -- at least some of them have  
 6 been asked if, in fact, the statements reflected in  
 7 the Telos surveys were things that they actually  
 8 said; that is that persons that gave interviews  
 9 have now been confronted by BP representatives  
 10 regarding the contents of their confidential  
 11 interviews?  
 12 MR. BROWN: Objection, form.  
 13 A. I have had a few people tell me, you  
 14 know, that they were confronted with things that  
 15 other people said about them, yes.  
 16 Q. (BY MR. COON) And I take it some people  
 17 didn't take those things very well?  
 18 A. I think -- I don't know if they took them  
 19 well or not.  
 20 Q. Okay.  
 21 A. I think there were things that they heard  
 22 that they did not hear directly from that person.  
 23 Q. Okay. For instance, Bill Ralph, in his  
 24 report, said that Don Parus did not take process  
 25 safety management serious.

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1 Are you aware that he said that in  
 2 his statement?  
 3 A. No. That is not something that I have  
 4 heard, no.  
 5 Q. That's something that is new to you today  
 6 as we sit here discussing these matters?  
 7 A. That Bill Ralph said that --  
 8 Q. Yes.  
 9 A. -- about Don? In the context of the  
 10 Telos Report, yeah.  
 11 Q. Did you know that Bill Ralph was of the  
 12 opinion that Don Parus did not take process safety  
 13 management seriously?  
 14 A. I think Bill had -- Bill had come to  
 15 me not -- in those words, no, he never said that to  
 16 me. I think Bill had a view on how process safety  
 17 was -- you know, was viewed by the leadership team,  
 18 I think.  
 19 Q. And he expressed --  
 20 A. That's how I would characterize it.  
 21 Q. I'm sorry. I didn't mean to interrupt.  
 22 And he expressed some degree of  
 23 frustration over his lack of on ability to  
 24 communicate to the leadership how important he felt  
 25 process safety management was and should be at

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1 Texas City, didn't he?  
 2 MR. BROWN: Objection, form.  
 3 A. The -- the conversations I had with Bill  
 4 were in the context of the refinery process safety  
 5 committee because I was coming in to be the -- the  
 6 chairman of that. And, you know, so Bill and I had  
 7 chats about the role of process safety, the -- the  
 8 broad communications of process safety.  
 9 And he really had some ideas that  
 10 he wanted to improve sort of that -- the elevation  
 11 of process safety. And I agreed with him. And  
 12 that was a finding, I think, of -- or something  
 13 that the leadership concurred with him, at least  
 14 members of the leadership team that I talked to.  
 15 Q. Would you agree that Bill Ralph was  
 16 probably the most knowledgeable person at Texas  
 17 City regarding process safety management and its  
 18 principals?  
 19 A. Bill was certainly -- I would consider  
 20 Bill the local site specialist as regards the --  
 21 you know, he understands the OSHA regulations, he  
 22 understands the -- you know, what's required by the  
 23 law and he understood the -- and still understands,  
 24 the Texas City -- what I would call the  
 25 "implementation plan."

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1 Q. Why was he not given a position on the  
 2 leadership team?  
 3 A. That's -- that's not atypical, actually.  
 4 Q. Okay. Well, why was --  
 5 A. From what --  
 6 Q. -- he not -- based on his knowledge in  
 7 the importance of process safety management, why,  
 8 in your opinion, was he not given a position on the  
 9 leadership team?  
 10 A. No one ever asked me about that, but --  
 11 Q. Did Mr. Ralph ask you that?  
 12 A. To be on the leadership team, no.  
 13 Bill -- Bill did indirectly want to report in to  
 14 me --  
 15 Q. As opposed --  
 16 A. -- to be on --  
 17 Q. As opposed to whom?  
 18 A. He was reporting in to Joe Barnes HSE.  
 19 And it -- I think it had very little to do with the  
 20 person --  
 21 Q. Okay.  
 22 A. -- as much as he wanted to report in to  
 23 operations because operations delivers process  
 24 safety.  
 25 Q. Sure.

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1 Well, also Mr. Ralph expressed to  
 2 you the fact that he questioned Mr. Barnes'  
 3 capacity to understand key process safety  
 4 management issues because he had no experience in  
 5 that field, correct?  
 6 A. I don't -- I don't know that Bill ever  
 7 directly criticized Joe to me.  
 8 Q. Bill never criticized Mr. Barnes' lack of  
 9 understanding of key process safety management  
 10 issues and principles with you or to anyone else to  
 11 your knowledge?  
 12 A. I don't know that Bill directly  
 13 criticized Joe. Certainly post the incident, yes,  
 14 but pre the incident, I don't know that he came --  
 15 I think he viewed that process safety in the  
 16 organization would be elevated if he reported in to  
 17 operations at a level with the MDLs, so the -- the  
 18 operations leaders that worked for me -- where he  
 19 could directly influence them more closely.  
 20 Q. Sure.  
 21 He wanted to have direct access to  
 22 you guys so he could communicate his concerns  
 23 without having to go through Mr. Barnes, right?  
 24 A. Well, he didn't say that was the reason  
 25 why.

<p style="text-align: right;">Page 517</p> <p>1 Q. But he did want to be able to voice those 2 concerns directly to you guys so that he could make 3 sure that his issues and areas of concern were at 4 least heard, if not addressed? 5 A. That is correct. 6 Q. And as far as you know, with him having 7 to go to Joe Barnes, Joe Barnes then had to become 8 his mouthpiece and Mr. Ralph was concerned that 9 Mr. Barnes could not effectively communicate to you 10 guys Mr. Ralph's concerns? 11 MR. BROWN: Objection, form. 12 A. Bill never brought that to me, but 13 certainly Bill wanted to be in the line 14 organization. But Bill never hesitated from 15 coming -- my view is Bill never hesitated bringing 16 concerns to me. 17 Q. (BY MR. COON) Okay. 18 A. And, you know, we had a lot of 19 chats about -- not a lot, but we had some chats 20 about the role of process safety, areas that he 21 thought that we needed to really focus an 22 improvement on. 23 Q. Well, he didn't bring concerns to you 24 about Mr. Barnes before the incident. And after 25 the incident, he did.</p>	<p style="text-align: right;">Page 519</p> <p>1 A. That's correct. 2 Q. And what you did find out, though, is 3 that when everything focused on process safety 4 after this explosion, Mr. Ralph started vocalizing 5 to you how frustrated he had been over the lack of 6 appreciation of the importance of process safety 7 management at that facility prior to your arrival. 8 And that's something he told you 9 about and complained to you about after the fact, 10 isn't it? 11 MR. BROWN: Objection, form. 12 A. Yeah, we -- Bill did express concerns to 13 me. 14 Q. (BY MR. COON) Yeah. 15 He was pretty mad and pretty upset 16 and pretty frustrated in those conversations, 17 wasn't he? 18 A. He -- 19 MR. BROWN: Objection, form. 20 A. He certainly had a point -- you know, 21 Bill's a pretty calm person; but he certainly had a 22 view -- 23 Q. (BY MR. COON) And -- 24 A. -- on process safety. 25 Q. In his expression of those emotions and</p>
<p style="text-align: right;">Page 518</p> <p>1 In fact, after the incident, he 2 expressed some vocal criticism of Mr. Barnes' 3 competency in that position, didn't he, ma'am? 4 MR. BROWN: Objection, form. 5 A. I'm trying to recall if they were vocal 6 or if I got some in the e-mail or -- I understood 7 where Bill -- 8 Q. (BY MR. COON) Sure. 9 A. I don't remember exactly how, but I 10 understood how Bill felt -- 11 Q. Sure. 12 A. -- about reporting in to safety. 13 Q. Well, and we're not faulting you, 14 Ms. Lucas. I don't mean to -- to make you feel 15 defensive about it. 16 You just got back to that plant, 17 what, two months, three months before the 18 explosion? 19 MR. BROWN: Objection, form. 20 A. In January. 21 Q. (BY MR. COON) Yeah. 22 And you were still probably trying 23 to figure out the lay of the land once you got 24 there because it's a big plant and lots going on, 25 right?</p>	<p style="text-align: right;">Page 520</p> <p>1 his displeasure with Mr. Barnes' position as the 2 senior spokesperson for HSSE, did any of that have 3 a play in subsequently transferring Mr. Barnes out 4 of that position and replacing him with someone 5 more experienced? 6 MR. BROWN: Objection, form. 7 A. You know, I don't know why -- why they 8 moved Joe. That -- that decision was made by 9 someone, not me. They didn't involve me in the 10 discussions. 11 Q. (BY MR. COON) Who was involved in the 12 decision? 13 A. The person that came to me was Pat Gower 14 and said, "We want to move Joe out of HSSE." 15 Q. Didn't -- 16 A. What -- 17 Q. -- you have an understanding as to why 18 Mr. Gower felt that y'all needed to take Mr. Barnes 19 back out of the HSSE? 20 A. The -- the reason that was expressed to 21 me, because I asked, was Joe is not an HSSE 22 professional; and they wanted to bring someone in 23 who was an HSSE professional. 24 Q. Sure. 25 And Mr. Barnes was a nice guy,</p>

<p style="text-align: right;">Page 521</p> <p>1 wasn't he?  2 A. Sure.  3 Q. And most people out there like him,  4 didn't they?  5 A. Joe is very well respected and very  6 passionate about safety.  7 Q. And he just, unfortunately, didn't have  8 the training or experience to be the head  9 spokesperson at a major petrochemical plant  10 regarding HSSE issues. And that was recognized by  11 Mr. Gower and he said, "He's a nice guy, he's got a  12 lot of passion, but he's not qualified for this  13 position and we need to get somebody else here that  14 is."  15 A. I don't know what all factored into their  16 decision. I don't know that I necessarily agree;  17 but I think for the time and where we were in Texas  18 City, it was the right decision to put an HSSE  19 professional in there.  20 Q. Ms. Lucas, we digressed some. We were  21 talking earlier about human factors. I want to go  22 back to them real quick on a couple of issues.  23 A. Okay.  24 Q. Did BP in Australia, or in any other  25 countries you're aware of, have restrictions on the</p>	<p style="text-align: right;">Page 523</p> <p>1 rules, right?  2 A. Yes.  3 Q. Are there rules other than those dealing  4 with interstate truckers that you're aware of that  5 apply to BP personnel in other countries?  6 A. Yes.  7 Q. If you would elaborate on those, please.  8 A. So that's -- that's what I was saying.  9 There -- there are other countries where the --  10 whether it's hours in a day or the number of  11 consecutive days, I couldn't give you specifics on  12 those; but there are regulations, some that are  13 driven by the rules of the land, some that are  14 BP policy.  15 Q. With respect to hours in Australia, was  16 there a limit on the number of hours or number of  17 days your hourly personnel could work in the plant?  18 A. We were on 12-hour shifts. And we, on  19 rare occasions, did have someone working an 18-hour  20 shift, so where they would have to split a shift  21 due to an emergency illness or something like  22 that --  23 Q. So if somebody doesn't show up, the next  24 person, instead of being able to leave, they've got  25 to wait for somebody to relieve them. And so the</p>
<p style="text-align: right;">Page 522</p> <p>1 number of hours employees can work in terms of  2 consecutive days or the number of hours in the day?  3 A. Yes.  4 Q. Can you tell me about those circumstances  5 you are aware of in which BP, within its system,  6 limited the number of days or the number of hours  7 personnel could work?  8 A. In -- in some countries -- and I couldn't  9 give you each -- you know, country-by-country  10 detail --  11 Q. Sure.  12 A. -- there's, you know, regulations to that  13 effect, working time directives, that's what I  14 believe the terminology is.  15 Q. For instance, in the United States, there  16 are specific federal regulations dealing with the  17 number of hours an interstate trucker can drive?  18 A. That's correct.  19 Q. And the limitation on those hours is  20 derived primarily in recognition of fatigue causing  21 an increased incidence of lack of attention,  22 falling sleep, and motor vehicle incidents?  23 A. That's correct.  24 Q. And that's something that a number of  25 other countries have recognized and applied similar</p>	<p style="text-align: right;">Page 524</p> <p>1 person that would normally come in 12 hours later  2 comes in six hours earlier and they split --  3 A. That's right.  4 Q. -- that difference?  5 A. That's correct.  6 Q. Okay. We're familiar with that.  7 A. All right. We -- I don't think we had  8 any legal rules on the number of hours. That was a  9 BP rule.  10 The -- in Australia, the normal  11 workweek was a -- it was a 35-hour workweek. And  12 our operators -- I'm trying to remember how many  13 hours they worked. I couldn't -- I couldn't tell  14 you what their average weekly hours was.  15 Q. Was there a prohibition against working  16 any hourly person, for instance, more than 30 days  17 consecutively without a day off?  18 A. I don't know that that ever came up as an  19 issue in Australia. Our operators were -- while  20 they were union represented, they were not paid by  21 the hour. They actually had -- were on an annual  22 salary. So they managed their own overtime.  23 Q. To your knowledge, did you ever require  24 any of your hourly personnel or the people that are  25 at that hourly level that may have been -- I guess</p>

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1 they are salaried there?  
 2 A. Well, we would call them --  
 3 Q. Non -- non-management hourly --  
 4 A. Yeah.  
 5 Q. -- salaried or --  
 6 A. Yeah.  
 7 Q. Okay. For that level of personnel, your  
 8 operators and people like that that are just  
 9 working in the field, working on the units --  
 10 A. Uh-huh.  
 11 Q. -- was there a BP rule or a state or  
 12 federal rule that you were aware of that limited  
 13 the number of days that you could require that  
 14 person to show up?  
 15 A. There was no rule like that, no.  
 16 Q. When you were out at Kwinana, did you  
 17 ever know of circumstances where you would require  
 18 one of your field operator personnel to work  
 19 30 days straight, 12-hour shifts or longer without  
 20 a day off?  
 21 A. In general, our turnarounds were shorter.  
 22 So I never experienced that or it was never brought  
 23 up as an issue to me, actually. And the guys  
 24 tended to manage -- manage -- because they weren't  
 25 getting paid for overtime, they tended to manage

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1 it; and the staff that was necessary to run the  
 2 unit was the staff that showed up.  
 3 Q. Okay. So they just provided enough  
 4 personnel under both circumstances as to allow the  
 5 people that worked out there reasonable time off  
 6 because they're not getting paid for the extra time  
 7 anyway, right?  
 8 A. That's correct.  
 9 Q. And y'all did not require the same  
 10 persons to show up. The way the rules worked  
 11 there, you just had a -- you had to have a person  
 12 qualified show up?  
 13 A. A qualified person, that's right.  
 14 Q. And it was up to the personnel as to --  
 15 to determine which individual showed up to work  
 16 that shift?  
 17 A. Of course, they had a schedule; and if a  
 18 person, you know, wanted off, you know, they had to  
 19 work it out. So we made sure we had staffing.  
 20 Q. Okay. So they were paid on a 35-hour  
 21 week, right?  
 22 A. That's right.  
 23 Q. So it stands to reason that none of them  
 24 would want to volunteer to work 80 or 90 hours a  
 25 week for --

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1 A. They were actually --  
 2 Q. -- weeks on --  
 3 A. -- paid -- their annual salary was based  
 4 on a 35-hour workweek, plus a percentage of  
 5 overtime.  
 6 Q. Okay.  
 7 A. And, you know, if they worked less than  
 8 that, then that was great. If they worked more  
 9 than that, they tried to work out and get the  
 10 overtime reduced.  
 11 Q. Are you aware of restrictions in the UK,  
 12 Europe or elsewhere that specifically preclude  
 13 working the field operators 30 days consecutively?  
 14 A. I know there are working time regulations  
 15 in other countries. I don't know that they have a  
 16 consecutive day or if it's hours a week. I don't  
 17 know the specifics of those.  
 18 Q. Okay. Let's shift gears then. Let's  
 19 talk about the trailers.  
 20 You read from the Mogford report  
 21 some criticism associated to the trailers, did you  
 22 not?  
 23 A. Yes, I did.  
 24 Q. And it's something you didn't need to  
 25 read the report to understand that there would be

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1 criticism associated to it, correct?  
 2 A. No, I didn't.  
 3 Q. And, in fact, one of the things that was  
 4 done at BP Texas City after this explosion was to  
 5 remove all of the trailers from anywhere around any  
 6 of the operating units?  
 7 A. That's correct.  
 8 Q. And, in fact, most of the trailers that  
 9 had been identified at Texas City as existing on  
 10 the facility within the perimeter of the fence were  
 11 moved outside the fence to a common yard, were they  
 12 not?  
 13 A. Well, we did a variety of things with  
 14 occupants in trailers, including moving trailers  
 15 outside to a common yard and including -- we  
 16 actually refurbished -- refurbished an old Kmart.  
 17 So we put people in -- in offices. Then we did a  
 18 variety of things to just move people out of  
 19 trailers and --  
 20 Q. Okay.  
 21 A. -- into permanent buildings.  
 22 Q. With respect to the trailers that were  
 23 involved and impacted from this explosion, you  
 24 would agree here today that they should not have  
 25 been occupied?

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1 I'm saying not even considering  
 2 the hindsight issues, the question I have of you:  
 3 You would agree that they had not gone through a  
 4 proper management of change so that they had been  
 5 approved for occupancy?  
 6 A. They actually had gone through a  
 7 management of change process to look at those  
 8 trailers.  
 9 Q. Well, had one been started or one been  
 10 completed?  
 11 A. I know the PHA had been done. Now,  
 12 whether all the paperwork was done, I couldn't tell  
 13 you.  
 14 Q. It's your understanding here today that  
 15 all the PHAs for that MOC had been completed?  
 16 A. The PHA, is my understanding, had been  
 17 done. The -- I don't know that all of the  
 18 close-out was done.  
 19 Q. Okay. You did understand that those  
 20 trailers had not been commissioned for occupancy at  
 21 the time of the explosion?  
 22 A. No, I did not understand that.  
 23 Q. You did not know that? Sitting here  
 24 today, you did not know that those trailers had not  
 25 been commissioned for occupancy?

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1 A. Oh, I thought you meant as of March 23rd.  
 2 Q. No, ma'am. I mean, today here, you  
 3 understand that those trailers had not been  
 4 commissioned for occupancy?  
 5 A. I understand that the MOC was not  
 6 complete -- fully completed.  
 7 Q. And if the MOC is not completed, they're  
 8 not supposed to be occupied?  
 9 A. The change should not be commissioned.  
 10 Q. And that was something that you knew  
 11 before the Mogford report told everybody that?  
 12 MR. BROWN: Objection, form.  
 13 A. In -- in the course of the investigation  
 14 at some point.  
 15 Q. (BY MR. COON) Okay. Well, y'all took  
 16 this explosion very seriously out at BP Texas City,  
 17 didn't you?  
 18 A. Yes.  
 19 Q. And you personally assumed the  
 20 responsibility of conducting an investigation into  
 21 what happened and determining whether or not  
 22 disciplinary action should be taken against certain  
 23 individuals for any things that they did wrong that  
 24 you feel contributed to this incident, correct?  
 25 A. For people in my line organization, yes.

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1 Q. And that included all the people that  
 2 worked at the ISOM unit?  
 3 A. Well, all of the people that were  
 4 involved in the incident.  
 5 Q. Yeah.  
 6 And you conducted an investigation  
 7 with Mr. Willis to determine whether or not any of  
 8 those personnel should be disciplined in any  
 9 manner?  
 10 A. That's correct.  
 11 Q. And, in fact, at the conclusion of your  
 12 investigation -- that of you and Mr. Willis --  
 13 y'all made a decision to terminate six of the  
 14 individuals that worked at the ISOM for things that  
 15 y'all felt they did wrong to merit termination?  
 16 A. That's correct. We -- we terminated six  
 17 employees.  
 18 Q. Who else assisted in the decision to  
 19 terminate those six employees?  
 20 A. Well, Willie Willis, he -- he  
 21 participated in the investigation with me and Tommy  
 22 Lambright. Tommy -- I needed Tommy because he  
 23 understands the union contract and made sure I  
 24 was -- at least for the hourly employees that were  
 25 represented was that they -- that I followed all

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1 the right rules in that process for them.  
 2 Q. Anyone else?  
 3 A. Well, I mean, I consulted, in the course  
 4 of the investigation, with -- with Pat Gower.  
 5 But --  
 6 Q. Anyone else?  
 7 A. -- they made it clear that the decision,  
 8 the final decision, was mine.  
 9 Q. Did you vacillate on whether or not some  
 10 of those individuals should be fired; that is that,  
 11 you looked at the totality of the circumstances,  
 12 mitigating circumstances and at the end decided to  
 13 terminate them, although you had some questions as  
 14 to whether or not that was the proper measure of  
 15 discipline?  
 16 MR. BROWN: Objection, form.  
 17 A. As you can imagine, this was a very  
 18 serious incident and very -- you know, these are --  
 19 the decision to terminate is never an easy one. I  
 20 mean, you're taking away someone's livelihood. So  
 21 I had to consider a lot of things and -- and, you  
 22 know, whether it was termination or DML or...  
 23 Yes, I spent a lot of hours and  
 24 time and very carefully about what that decision  
 25 meant because I know the -- the gravity of that

<p style="text-align: right;">Page 533</p> <p>1 decision on those people.  2 Q. (BY MR. COON) Okay. Do you know --  3 A. I also know the gravity of the results of  4 the ISOM.  5 Q. Okay. Do you understand the concept  6 within BP of what's called the "just culture"?  7 A. Yes. I have never been trained on just  8 culture, but I'm familiar with it.  9 Q. Sitting here today, in the general  10 application of just culture, do you believe that  11 the persons that you terminated in May of 2005 all  12 merited termination under the general principles of  13 just culture?  14 A. Yes, I do.  15 Q. And we have a copy -- I don't have --  16 MR. COON: Counsel, this has been  17 attached as an exhibit in other cases.  18 Q. (BY MR. COON) I know with Mr. Hoffman  19 and others, but this is the --  20 A. Okay.  21 Q. -- Texas City Site Update dated  22 February 15th, 2005.  23 Do you recall seeing that  24 PowerPoint?  25 A. Yes.</p>	<p style="text-align: right;">Page 535</p> <p>1 update on the 1000-Day Goals, and that was the  2 biggest thing I remember about that.  3 Q. Okay. Were you there for the duration of  4 the meetings with Mr. Parus and the other people  5 that showed up that day?  6 A. I sat through the entire meeting, yes.  7 Q. Okay. Do you recall any comments that  8 Mr. Parus had made as part of a briefing of  9 observations noted in the Telos Report?  10 I think...  11 A. I think that -- I don't know if it was at  12 this meeting or other times when Don talked about  13 the Telos Report that certainly before March 23rd,  14 we were very glad we had conducted it. We thought  15 it was a great way to get input from a wide group  16 of people. People participated, you know. We had  17 a great rate of participation.  18 Most of the people felt like  19 safety was on the upswing, that we were making  20 improvements. And, you know, it helped solidify  21 for us some areas that we needed to go to work in.  22 And that's kind of the things I remember Don  23 talking about --  24 Q. Okay. And --  25 A. -- as far as the Telos Report.</p>
<p style="text-align: right;">Page 534</p> <p>1 Q. And, in fact, what was discussed that day  2 with you and Mr. Hoffman and Mr. Parus and some  3 other individuals was a number of things to get  4 everybody up-to-date as to developments at  5 Texas City?  6 A. That's correct.  7 Q. And Mr. Hoffman was there and Mr. Gower  8 had come down from Chicago for the purposes of the  9 meeting, as well?  10 A. That's correct.  11 Q. And Mr. Parus had told us that he also  12 included some briefing on the Telos Report since  13 they had just received the Telos Report a couple of  14 weeks before and there had been some addressing of  15 that with some of the leadership team.  16 Do you recall that?  17 A. I would have to look at the PowerPoint  18 packet because I don't --  19 Q. Okay. Do you --  20 A. -- recall.  21 Q. Do you recall any discussion that  22 Mr. Parus had had with the people that showed up at  23 that meeting regarding some observations or  24 comments within the Telos Report?  25 A. My part of that was I was to provide an</p>	<p style="text-align: right;">Page 536</p> <p>1 Q. And do you remember talking to the group  2 about Mr. Gower and Mr. Hoffman were both present  3 that day. Do you recall that?  4 A. Let me be clear. That I recall Don  5 talking about the Telos Report, I don't recall  6 particularly at this meeting. I -- it may have  7 been there. It could have been there plus other  8 places. I just --  9 Q. Okay.  10 A. I was focused on I had to do a  11 presentation on the 1000-Day Goals and I hadn't  12 been there for near enough time to feel very  13 prepared to do that.  14 Q. You were just really focused on your  15 responsibilities that day, which was presenting  16 something important to your peers and superiors.  17 That was your focus that day?  18 A. That was my focus because I wanted to,  19 you know, tell the Texas City story on the  20 1000-Day Goals and I had spent a lot of time  21 working with a lot of people to make preparation  22 for that.  23 Q. Okay. If Mr. Parus testified that he  24 fully informed Mr. Gower and Mr. Hoffman of the  25 salient findings in the Telos Report in their</p>

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1 visits back in mid February, 2005, you wouldn't  
 2 disagree with that, would you?  
 3 A. I would have -- you know, I would believe  
 4 if that's what Don said, that Don is telling the  
 5 truth.  
 6 Q. Okay. You had an understanding that what  
 7 was contained in the Telos Report was generally  
 8 communicated to people in Chicago and London before  
 9 the explosion, though?  
 10 A. Well, if Don said he did it at that  
 11 meeting, then he did it to, you know, his direct  
 12 superior. And, you know, to say it's generally  
 13 communicated to Chicago and London, well, I don't  
 14 know -- then I heard Don talk about it, and Don  
 15 says he talked about it at that meeting. So  
 16 there's two guys, one in Chicago and one in London.  
 17 Q. Okay. And when -- with respect to the  
 18 investigation -- I'm jumping around again.  
 19 But after the explosion and the  
 20 investigation that you conducted with Mr. Willis, I  
 21 presume that you made an effort to make it as  
 22 comprehensive of an investigation as you could so  
 23 that you were as fair as possible in making the  
 24 decision since it did impact the livelihood of  
 25 individuals?

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1 A. That's correct.  
 2 Q. And do you know why it was that with  
 3 respect to not what caused the explosion, but what  
 4 happened to people -- for instance, all the people  
 5 that were killed in the trailers, do you understand  
 6 why it was that the investigative team assigned  
 7 with that responsibility never identified or  
 8 indicated an ability to even identify who at BP in  
 9 management was responsible for allowing those  
 10 trailers to be located there and occupied on the  
 11 date of the explosion?  
 12 MR. BROWN: Objection, form.  
 13 A. I don't -- I don't know exactly what  
 14 you're asking me.  
 15 Q. (BY MR. COON) Okay. Do you recall that  
 16 there was never, in any of the investigations, any  
 17 indication of who in BP management was responsible  
 18 for allowing those trailers to have been occupied  
 19 so close to a known operating unit -- that is, the  
 20 ISOM unit -- particularly with an open ventilation  
 21 system and going through a startup protocol and  
 22 that that -- those trailers were allowed to be  
 23 located there and occupied there without having  
 24 been commissioned?  
 25 MR. BROWN: Objection, form.

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1 A. Okay. I still don't know exactly what  
 2 you're asking me.  
 3 Q. (BY MR. COON) Okay. Well, does it  
 4 surprise you that the investigative team charged  
 5 with the responsibilities of a comprehensive  
 6 investigation into all issues associated with that  
 7 explosion never ascertained who at BP management  
 8 was charged with the responsibility of making sure  
 9 that the trailers out there had been commissioned  
 10 before they were occupied?  
 11 A. I don't know what they looked at. I  
 12 mean, I think, you know -- or I can only speculate  
 13 that maybe because it was -- they were there for  
 14 the ultracracker and it was an incident on a  
 15 different unit. So I don't know --  
 16 Q. Okay.  
 17 A. -- you know, why they would.  
 18 Q. Well, if you were conducting that  
 19 investigation instead of the disciplinary  
 20 investigation of the persons working the ISOM unit,  
 21 would you not have wanted to ascertain who in  
 22 management at BP would have been responsible, in  
 23 whole or in part, for allowing those trailers to  
 24 have been located there and occupied in violation  
 25 of BP policy?

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1 MR. BROWN: Objection, form.  
 2 A. Well, I would have suspected that the --  
 3 the incident investigation did look thoroughly at  
 4 that. I mean, you're telling me they did look  
 5 thoroughly at that, but --  
 6 Q. (BY MR. COON) I don't know if they did  
 7 or didn't, but it was indicated by omission that  
 8 there was nobody ever identified as the person  
 9 responsible, from a management standpoint, of  
 10 allowing those trailers to have been located and  
 11 occupied there.  
 12 I mean, is this all news to you?  
 13 MR. BROWN: Objection, form.  
 14 A. Well, I think that that's certainly the  
 15 way I'm approaching MOCs today is you don't  
 16 commission an MOC until it's completely --  
 17 commission -- do the change until the MOC is  
 18 completely complete.  
 19 Q. (BY MR. COON) Well, sure. And I won't  
 20 go into all the details with trailer siting.  
 21 But you understand that these  
 22 trailers are not to be occupied until they go  
 23 through the approval process? I mean, you know  
 24 that, don't you?  
 25 A. That's correct.



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1 Q. And you know that those trailers, in  
 2 fact, were occupied, and had been occupied for  
 3 months before the explosion, and had never been  
 4 commissioned for occupancy. You knew that, too?  
 5 A. Yes.  
 6 Q. And --  
 7 A. Post March 23rd.  
 8 Q. And you knew at some point after the  
 9 explosion, after the investigations, that it was  
 10 never identified who was responsible in  
 11 BP management for allowing that to have happened?  
 12 A. I think that the finding was that there  
 13 was a lack of clarity on the accountability, who  
 14 would be accountable for that.  
 15 And so what we've done now is we  
 16 have a plot of the whole place; and anything that  
 17 happens, there's a -- it's clear who's accountable.  
 18 That is what I recall as a finding from the Mogford  
 19 report -- Mogford report is that there was a lack  
 20 of clarity on who was accountable.  
 21 Q. Okay. And so it ends up being because of  
 22 a lack of clarity, it is determined that nobody in  
 23 management should be held accountable or  
 24 responsible for allowing all of those trailers to  
 25 be out there without being properly commissioned?

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1 MR. BROWN: Objection, form.  
 2 Q. (BY MR. COON) And, therefore, no  
 3 discipline should be affected against anyone in  
 4 management?  
 5 MR. BROWN: Objection, form.  
 6 A. Well, it -- what are you calling  
 7 management?  
 8 Q. (BY MR. COON) Well --  
 9 A. We had a superintendent --  
 10 Q. To your knowledge --  
 11 A. -- a step-up superintendent and two  
 12 supervisors out of those six terminations.  
 13 Q. Okay. And were they terminated because  
 14 they allowed those trailers to be occupied there?  
 15 Are they the people you're blaming  
 16 for allowing those trailers to be occupied?  
 17 A. No.  
 18 Q. Who did y'all blame for that?  
 19 MR. BROWN: Objection, form.  
 20 A. I don't know that there was blame,  
 21 if there was --  
 22 Q. (BY MR. COON) Well, y'all blamed --  
 23 A. -- necessarily that it was blame that was  
 24 being looked for first.  
 25 Q. Sure. But y'all ended up blaming

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1 employees for allowing this overfill to occur; and  
 2 as a result, you terminated them, right?  
 3 MR. BROWN: Objection, form.  
 4 A. No. The employees were terminated for  
 5 not fulfilling accountabilities for which they were  
 6 out there --  
 7 Q. (BY MR. COON) Okay. Then why  
 8 weren't they --  
 9 A. -- in relation to the raffinate splitter  
 10 startup.  
 11 Q. Then why weren't management people  
 12 terminated for the lack of accountability that was  
 13 so poor that it allowed trailers to be occupied in  
 14 hazardous areas where if there was a vapor cloud  
 15 explosion, the trailers would be ripped apart and  
 16 all the people would be killed?  
 17 A. I -- I don't know; and I don't know that  
 18 the -- the accountability -- as we talked at the  
 19 beginning of this deposition, the accountability  
 20 for that -- I don't know that there won't be.  
 21 Q. Okay. Well, you understand that there  
 22 was a lot of criticism by many people, after the  
 23 incident report came out and after the termination  
 24 of six individuals, that management was covering up  
 25 their own responsibility by exclusively blaming and

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1 punishing low-level personnel and accepting no  
 2 responsibility above that level of command and that  
 3 no one above those low-level personnel were  
 4 terminated or otherwise punished?  
 5 MR. BROWN: Objection, form.  
 6 A. I -- you know, I know that that was a  
 7 criticism. I don't know that that's a fact because  
 8 I -- in my view, it depends on what you consider  
 9 punishment.  
 10 Q. (BY MR. COON) Okay. Well, the guys that  
 11 were terminated were punished for what was  
 12 determined under your just culture to have either  
 13 been premeditated negligence or reckless violations  
 14 of existing policies at BP.  
 15 A. You would have to --  
 16 MR. BROWN: Objection, form.  
 17 A. You would have to individually look at  
 18 the letters for each individual because each case  
 19 was looked at on its own merit.  
 20 Q. (BY MR. COON) Sure.  
 21 But you did apply the just culture  
 22 principals?  
 23 A. We look at the -- the flowsheet as we  
 24 considered --  
 25 Q. Sure.

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1 And it was the just -- just  
 2 culture principles that y'all had used in your  
 3 PowerPoint just a few weeks before the explosion.  
 4 That's what you utilized in determining what is the  
 5 proper measure of punishment in reviewing the  
 6 conduct of your employees?  
 7 A. I would have to look at what you're  
 8 looking at there to see if it's the same --  
 9 Q. I'll show it to you right here.  
 10 A. Okay.  
 11 Q. This is Exhibit 562 and it's one of the  
 12 PowerPoints.  
 13 And this is your just culture  
 14 flowchart, isn't it?  
 15 A. That's it, yes. And we did look at that.  
 16 Q. And if we start out over here, you ask in  
 17 your investigation, "Were the actions as intended?"  
 18 Did the person do what they intended to do?  
 19 A. Yes.  
 20 Q. That's what you look at first.  
 21 If the answer is "yes," you go  
 22 down here, right?  
 23 A. Uh-huh.  
 24 Q. And in this case, you looked at each of  
 25 these six individuals and you said, "Were the

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1 actions as intended?"  
 2 If the answer was "yes," you go  
 3 down here?  
 4 A. Yes.  
 5 Q. If the answer to that was, "Were results  
 6 as intended," you go here; and you determined that  
 7 there was willful negligence or intentional  
 8 misconduct.  
 9 That's where that flowchart would  
 10 go if the answer to these is "yes," right?  
 11 A. That is if you use that strictly like  
 12 that. I mean, that's a tool.  
 13 Q. Okay. And then, alternatively, if you  
 14 looked at each of these six individuals and the  
 15 answer here is, "Were results as intended," if the  
 16 answer is, "yes," it's willful negligence,  
 17 intentional misconduct and they're terminated,  
 18 right?  
 19 And then what happens here as you  
 20 go up the scale? If they --  
 21 MR. BROWN: Objection, form.  
 22 Q. (BY MR. COON) -- do this and do this and  
 23 do this, they're terminated under the just culture  
 24 principles, right?  
 25 A. That -- that would be a strong

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1 consideration.  
 2 Q. Now, alternatively, you can deviate once  
 3 you get here and it says, "Were the results as  
 4 intended," if the answer is "yes," you go here and  
 5 say they did it on purpose, we terminate them.  
 6 If it's "no," then you look over  
 7 here?  
 8 A. Uh-huh.  
 9 Q. That's where your flowchart goes --  
 10 A. Yes.  
 11 Q. -- on your just culture you utilize at  
 12 BP, right?  
 13 A. Yes.  
 14 Q. So here you say, "Knowingly violated the  
 15 safety procedures?"  
 16 If the answer is "yes," you go  
 17 down here. If the answer is "no," you go over  
 18 here, right?  
 19 A. That's right.  
 20 Q. So for all of these employees, you either  
 21 went straight down here or you went to here and  
 22 then straight down here and determined that it --  
 23 it justified termination because it had to be the  
 24 willful negligence or possible reckless violation.  
 25 And if it's anything less than

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1 that, they don't get terminated under your  
 2 diminishing blame scale?  
 3 A. That's not --  
 4 MR. BROWN: Objection, form.  
 5 A. That actually isn't a fact. This is a  
 6 tool that you can use when deciding on levels of --  
 7 of discipline. There's also always judgment rate.  
 8 So --  
 9 Q. (BY MR. COON) So what would you look at  
 10 as mitigating circumstances? If you looked at a  
 11 vacuum of information and you came through your  
 12 just culture chart, the only times you terminate  
 13 under your just culture chart is straight off of  
 14 this line right here, isn't it, ma'am, where you've  
 15 got to have willful negligence or reckless  
 16 violations?  
 17 If it's less than that, you would  
 18 want to look into giving them some benefit of the  
 19 doubt and see if you can discipline them in some  
 20 positive manner or coach and intervention or more  
 21 training? That's the scale as it slides up?  
 22 A. That -- that is what that shows.  
 23 Q. And that --  
 24 A. But we also have certain offenses for  
 25 which an employee can be fired without prior levels

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1 of discipline, you know, white card offenses.  
 2 Q. Did it --  
 3 A. It's come -- it's posted rules, white  
 4 card offenses.  
 5 Q. Did these white card offenses exist as to  
 6 some or all the persons you disciplined in May of  
 7 2005?  
 8 A. My recollection is the six terminations  
 9 were all on a white card offense.  
 10 Q. So you did not even utilize the just  
 11 culture principals? You just said, "They're all  
 12 white card offenses. They're all fired?"  
 13 MR. BROWN: Objection, form.  
 14 A. The -- you know, I -- I think we looked  
 15 at this; but I don't think we said -- you know,  
 16 used it as a hard tool. It is not meant to be, you  
 17 know, the decision-making tool.  
 18 The decision-making tool is the  
 19 judgment of the supervisor. That's a -- that's a  
 20 guide. The white card offenses are a guide. An  
 21 employee's past behaviors are a guide. There  
 22 are -- there's many things that a supervisor takes  
 23 into account when making a disciplinary -- taking  
 24 disciplinary action.  
 25 Q. (BY MR. COON) Okay. Ms. Lucas, there's

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1 a number of questions I'd like to ask you; but I  
 2 think we have a general agreement to try to wrap up  
 3 at a reasonable hour today. I do know that there's  
 4 another attorney that wants to ask you a few more  
 5 questions. I'm just going to ask you one more line  
 6 real quick.  
 7 A. Okay.  
 8 Q. How do you get along with the labor  
 9 organization out there at Texas City?  
 10 A. I have a very good relationship and a  
 11 long-term relationship with -- with Les Green.  
 12 We've worked together, gosh, on projects before I  
 13 left. And -- and he and I actually worked together  
 14 when the -- at the very beginning of the -- what  
 15 turned into the labor partnership agreement.  
 16 Joe, I don't know as well; but I  
 17 think I have a -- you know, a good relationship  
 18 with Joe. It's like one of the -- you know, we  
 19 all -- we have different views; but they know they  
 20 can come and talk to me; and they do, yell, scream,  
 21 if that's what they feel is needed.  
 22 So my door is always open to them,  
 23 and it's the same with the -- the guys on the  
 24 chemicals side.  
 25 Q. What would labor need to yell or scream

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1 at you about?  
 2 A. Well, they don't like my fatigue policy.  
 3 So, you know, we talked a little bit about fatigue;  
 4 and since the incident, I've instituted a fatigue  
 5 policy. They don't agree with that.  
 6 I insist that everyone gets a day  
 7 off every 14 days. They think that their employees  
 8 shouldn't have to take a day off, that they can  
 9 decide when they're tired. That doesn't work for  
 10 me because some of them never decide they're tired  
 11 because they don't want to miss out on that double  
 12 payday. So it creates an issue for Joe and Les to  
 13 handle because they get grievances, you know.  
 14 So there -- there's tension there;  
 15 but, you know, we -- we really do work at the  
 16 relationship.  
 17 Q. How do you perceive labor generally?  
 18 MR. BROWN: Objection, form.  
 19 A. I can give you my personal opinion.  
 20 Q. (BY MR. COON) Yes, ma'am.  
 21 A. I grew up in Texas City. I believe the  
 22 union has a right to be there. I believe we have a  
 23 contract with the union and our employees have that  
 24 right to be represented. And I also know that I  
 25 can have a relationship with the people.

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1 MR. COON: Let's go off of record.  
 2 THE VIDEOGRAPHER: Off the record  
 3 at 1:30.  
 4 (Recess taken.)  
 5 THE VIDEOGRAPHER: Back on the  
 6 record starting Tape 4 at 1:33.  
 7 \* \* \*  
 8 EXAMINATION  
 9 Q. (BY MR. WERNER) Ms. Lucas, you testified  
 10 before that -- if my notes are correct, that it was  
 11 never in anyone's wildest imagination that you  
 12 could have the volume of liquids that came out of  
 13 the blowdown stack on March 23rd; is that correct?  
 14 A. That's correct.  
 15 Q. And the emphasis in your answer, as well  
 16 as in my question, was on the phrase "volume,"  
 17 because you had seen liquids or heard of liquids  
 18 coming out of flares in the past, correct?  
 19 A. That's correct.  
 20 Q. Why did you -- explain for me why  
 21 management -- and you were a member of management,  
 22 at least why you personally didn't think it was  
 23 within your wildest imagination that a large volume  
 24 of hydrocarbons could come out as opposed to just  
 25 enough to set the grass on fire?

<p style="text-align: right;">Page 553</p> <p>1 MR. BROWN: Objection, form.  2 A. So the situation, if you're familiar with  3 the raffinate splitter startup, was that the  4 operator and the operating team was putting the  5 full feed rate into the tower and waiting for  6 overhead product to be made. So nothing was coming  7 off the top of that tower. And they were taking  8 very little, if anything, off the bottom of the  9 tower.  10 Now, you would never design a  11 tower, a distillation tower that is meant to split,  12 to distill the feed into different components. You  13 would never expect that the full feed to the tower  14 would go out the top, which is what happened on  15 that day.  16 Q. (BY MR. WERNER) Well, that's what you  17 say; but you know, of course, that in the past, the  18 flares have overflowed and you don't design for  19 flares to be overflowed and for puking to occur on  20 flares, do you?  21 MR. BROWN: Objection, form.  22 A. We design for what may end up in the --  23 in a relief scenario. We design for a certain hold  24 time in a flare drum. So you look at what's your  25 worst-case relief scenario, how much liquid would</p>	<p style="text-align: right;">Page 555</p> <p>1 A. -- worse-case scenario that you would  2 design.  3 Q. That's right.  4 So in all -- in those sort of  5 situations, you can design it to have a certain  6 amount of holdover, for 20 minutes, 30 minutes; but  7 ultimately, good safety management recognizes that  8 even if you have the operator supposed to be  9 looking at it, even if you have some kind of an  10 interlock or some kind of a pump, that it can still  11 go over and that's when you lead to your flare and  12 your flare begins to puke because it overcomes the  13 flare tip --  14 MR. BROWN: Objection, form.  15 Q. (BY MR. WERNER) -- correct?  16 MR. BROWN: Objection, form.  17 A. I don't know exactly what your question  18 is there for sure.  19 Q. (BY MR. WERNER) Well, let's go back for  20 a second to this particular incident.  21 I mean, you know Glen Borah,  22 correct?  23 A. Correct.  24 Q. Mr. Borah certainly understands process  25 certainly as well as you -- do you feel he</p>
<p style="text-align: right;">Page 554</p> <p>1 be in that relief scenario.  2 You then size your drum based on a  3 certain number of minutes. So you've got something  4 coming into the drum, you've got a pump on the  5 bottom that will pump that much or more out of the  6 drum.  7 Q. (BY MR. WERNER) It should pump that much  8 more, right?  9 A. By design, it will --  10 Q. Okay.  11 A. -- pump that much or more out. And you  12 then design for, depending on the system, a -- but  13 we have a standard for a minimum amount -- amount  14 of liquid hold-over, is what we would call it.  15 So time that liquid starts going  16 into that drum, the level starts rising, you design  17 enough time -- enough capacity in the drum such  18 that someone could respond to that. Correct. So  19 if that requires a level switch to kick on a pump,  20 if it requires an operator to go out and start a  21 pump, that's how you would design it.  22 Q. It's designed that somebody should  23 respond to it, but we know --  24 A. That's the worse --  25 Q. -- with human error --</p>	<p style="text-align: right;">Page 556</p> <p>1 understands better or worse than you or about the  2 same?  3 MR. BROWN: Objection, form.  4 A. Glen's not an engineer, and my experience  5 working with Glen has been since -- just since I've  6 come back on site. He transferred to Texas City  7 from Whiting. So I don't know --  8 Q. (BY MR. WERNER) Okay.  9 A. -- exactly what units he worked on or how  10 many years. I don't know about that full detail on  11 his background; but Glen, you know, has experience  12 in operations.  13 Q. He testified -- and tell me if you  14 disagree -- that basically you only need three  15 things for the F-20 to overflow. The first is you  16 need to have a lot more feedstock going in than  17 you've got coming out.  18 Agreed that that's one --  19 A. That's how things --  20 Q. -- one condition?  21 A. -- overflow.  22 Q. Correct.  23 The second is you have to heat the  24 product so that the liquid is going to come out the  25 relief valves, correct?</p>

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1 A. I don't --  
 2 MR. BROWN: Objection, form.  
 3 A. No, I don't agree with that --  
 4 Q. (BY MR. WERNER) So you think --  
 5 A. -- but go ahead.  
 6 Q. So you think the relief -- relief valves  
 7 can pop liquid hydrocarbons even without heating  
 8 them?  
 9 A. I think that those particular relief  
 10 valves were designed for vapor. So their sizing  
 11 was based on vapor.  
 12 Q. But if you heat the liquid --  
 13 A. We had vapor.  
 14 Q. But then there was also heat in it after  
 15 it had been overfilled, correct?  
 16 A. The furnaces were going from  
 17 10:00 o'clock in the morning. So they were  
 18 heating the -- the purpose of the startup was to  
 19 heat the tower --  
 20 Q. That's right.  
 21 A. -- to boil the stuff out that --  
 22 Q. Mr. Borah testified that if you overfill,  
 23 then you heat it, in that particular order, that  
 24 will cause relief valves to pop and liquid will  
 25 flow out the relief valves. Agreed?

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1 A. No, I don't necessarily agree with that.  
 2 Q. Okay. Well, isn't that what happened  
 3 here?  
 4 A. What happened here were a series of the  
 5 startup errors: More feed going in, continuing to  
 6 put heat. The furnaces, we --  
 7 Q. Right.  
 8 A. -- you know, we have plenty of testimony  
 9 to show the furnaces started up at 10:00, 10:30 in  
 10 the morning, and we lit burners.  
 11 We -- you know, the design of that  
 12 tower has feed in bottoms, heat exchange, which  
 13 they weren't -- because they weren't running down  
 14 any bottoms. So the feed was coming in. It wasn't  
 15 necessarily as hot. That was a contributing cause.  
 16 When they did open the bottom  
 17 rundown, they added a bunch of heat to the feed.  
 18 But it really didn't matter because the level was  
 19 already above the inlet nozzle, at least what --  
 20 from what we believe from the trends and what the  
 21 investigation has been able to -- you know, but to  
 22 say that all blowdown drums will overfill if you  
 23 have, you know, liquid and heat, I don't think is  
 24 correct.  
 25 Q. What about this particular blowdown drum?

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1 I mean, if you have the overfilling and you have  
 2 the heat, in that order, isn't it inevitable that  
 3 F-20 will overfill?  
 4 A. If you had --  
 5 MR. BROWN: Objection, form.  
 6 A. If you had, perhaps, the overfill -- I  
 7 mean, it would just be speculation. I don't know.  
 8 You'd have to get somebody who  
 9 designs relief valves to say at what -- at what  
 10 pressure would those relief valves pop if it was  
 11 pure liquid? At this temperature, what pressure  
 12 would they pop if it's pure liquid?  
 13 At that temperature, you know, I  
 14 can't sit here and tell you.  
 15 Q. (BY MR. WERNER) But that's the only  
 16 thing that prevents you from saying that, from  
 17 agreeing with certainty, is that you're not certain  
 18 how hot it would have to be for the liquids to end  
 19 up popping the relief valves and then going out to  
 20 F-20, right?  
 21 MR. BROWN: Objection, form.  
 22 A. I am really confused about --  
 23 Q. (BY MR. WERNER) Okay. We'll just go  
 24 back.  
 25 Mr. Borah testified that it's not

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1 just the matter of overfilling the raffinate  
 2 splitter, because you could overfill -- this is  
 3 what he said: You could overfill the raffinate  
 4 splitter, just overfill it, overfill it, overfill  
 5 it, keep going; but without the heat, he testified,  
 6 the relief valves wouldn't release liquid. It  
 7 might release vapor, but it wouldn't release  
 8 liquid. And so we wouldn't have a problem.  
 9 Do you agree with that general  
 10 proposition; or do you think it's as simple as just  
 11 if you overfill the raffinate splitter, it's just a  
 12 matter of time before F-20 starts filling?  
 13 A. I've never actually thought about that as  
 14 being even a possible scenario, and I don't know  
 15 why it's actually relevant in this case because  
 16 that is not what happened.  
 17 They were proceeding along the  
 18 startup. They had furnaces on. They had -- they  
 19 had feed coming into the tower. They had -- they  
 20 were looking for product to come out the top.  
 21 Q. But you're answering lots of things about  
 22 the whys, why would they make this decision, why  
 23 would they think that it was not overfilled when it  
 24 was.  
 25 I am just talking about the -- the

<p style="text-align: right;">Page 561</p> <p>1 basic facts of how it happened. If you were going 2 to do a what-if -- 3 A. Well, actually, I think I was talking 4 about actually what did happen, what the -- the 5 scenario was that they were operating under, the 6 condition under which the startup was executed, the 7 condition under which the accident occurred. 8 Q. Okay. Let's just do a simple what-if 9 analysis. 10 What if you start filling up the 11 raffinate tower and don't run it down, for whatever 12 reason, the operator has a heart attack? 13 A. Okay. So if we are going to be 14 hypothetical, would we have started the furnaces? 15 Q. Let's say -- 16 A. Is it what if -- 17 Q. Let's say no furnaces and you're just -- 18 all you do is you -- you've started up to fill the 19 raffinate tower and you're not running it down. 20 A. I cannot tell you if the relief valves 21 would have popped. 22 Q. Okay. So, then, I take it that even if 23 we say -- we add the fact that the -- the heat's 24 being added to the process, you still don't know 25 whether the relief valves would have popped,</p>	<p style="text-align: right;">Page 563</p> <p>1 Q. Right. I mean, there's two things -- or 2 three things, overfilling with heat and pressure. 3 And if you have those three things 4 going on, then it's inevitable that the F-20 is 5 going to overfill with liquid hydrocarbons, right? 6 MR. BROWN: Objection, form. 7 A. No. You have -- I mean, it's not -- I 8 mean, I think you would have to look at the whole 9 scenario -- 10 Q. (BY MR. WERNER) Well, what -- 11 A. -- what was going in, what was coming 12 out, what was coming out off the bottom, what was 13 coming out off the top. You know, it just -- you'd 14 have to look at the condition. It's not 15 intuitively obvious. 16 Q. Sure. 17 That's what part of process safety 18 management is about, though. It's about looking 19 into things that may or may not be intuitively 20 obvious, right? 21 A. That's right. 22 Q. And that's why process safety management 23 is important, correct? 24 A. Yes. 25 Q. And it should be conducted by people who</p>
<p style="text-align: right;">Page 562</p> <p>1 although you certainly agree that it would be more 2 likely that they would pop if you add heat to 3 the -- to the system? 4 A. The relief valves will pop when the 5 pressure gets to what the relief valves pop at. 6 Q. Okay. And heat will increase the 7 pressure? 8 A. That's typically the way physics works, 9 yes. 10 Q. Okay. And so if all it takes is 11 overfilling and maybe heat to get those relief 12 valves to pop and for liquid to start going to the 13 blowdown drum, then why is it unforeseeable that, 14 quote, that volume of liquids, as opposed to just 15 enough to cause the grass to catch on fire? 16 A. Overfilling -- 17 MR. BROWN: Objection, form. 18 A. Overfilling with heat does not equal 19 relief valves popping. Overfilling with heat at a 20 certain pressure above the relief valve pressure is 21 what caused liquid to go to the blowdown drum. 22 And -- 23 Q. (BY MR. WERNER) That's what happened 24 here? 25 A. That is what happened.</p>	<p style="text-align: right;">Page 564</p> <p>1 are competent and skilled, who can really sit down 2 and put their mind around a problem and find out 3 the technical answers of how much heat plus 4 pressure would it cause -- you know, how much heat 5 would have to be applied to the liquid to make it 6 equal enough pressure to pop the relief valves, 7 et cetera, correct? 8 MR. BROWN: Objection, form. 9 A. They look at various scenarios that might 10 possibly occur. If you are designing a relief 11 system, that's what those people would look like. 12 Q. (BY MR. WERNER) Now, when Mr. Ralph came 13 to you before the explosion and said that he wanted 14 to basically have a direct voice on the leadership 15 team and not be reporting to Mr. Barnes, what, if 16 anything, did you do to follow up on that? 17 A. Before March 23rd? 18 Q. Yes, sir. 19 A. I don't recall any direct action -- 20 Q. Okay. Well, what -- 21 A. -- in terms of reporting relationships. 22 I do recall actions in terms of, you know, 23 elevating our focus on process safety. 24 Q. Let me ask you: Did you -- 25 A. That was, you know, another request.</p>

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1 Q. Did you agree with Mr. Ralph? Did you  
 2 think that it was appropriate for somebody like  
 3 Mr. Ralph to be in the leadership team meetings at  
 4 the MDL participation level?  
 5 A. I was open to that as a possibility.  
 6 And, in fact, I have recently posted a job for a  
 7 PSM compliance director that will report directly  
 8 to me that is the same level as the MDLs.  
 9 Q. Did you ever speak to the other MDLs or  
 10 to Mr. Parus or anybody before the explosion about,  
 11 you know, "Can we get Mr. Ralph into the leadership  
 12 team"?  
 13 A. I don't recall having any conversation  
 14 like that with Don. I don't recall initiating any  
 15 conversation like that with the MDLs, yet I do  
 16 recall there being a general knowledge that Bill  
 17 wanted to be on the leadership team.  
 18 Q. I take it, though, you wouldn't have  
 19 spoken to Mr. Parus about it, likely, in other  
 20 words, unless you felt it was a good idea for  
 21 Mr. Ralph to be elevated to the level of being able  
 22 to be with the MDLs?  
 23 MR. BROWN: Objection, form.  
 24 A. I -- I remember thinking about, you know,  
 25 that being a possibility; but there were -- there

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1 are other -- you know, there's a lot of things to  
 2 consider in having the -- the role that Bill was  
 3 having reporting to operations.  
 4 There's sort of the -- and the one  
 5 that comes to mind that was in my mind at that time  
 6 was what some would call "the fox watching the hen  
 7 house," because Bill plays a great role in holding  
 8 the line accountable for standards in process  
 9 safety.  
 10 He was really, you know, the  
 11 person who -- who worked to do that. And in other  
 12 places where I had worked where the -- the process  
 13 safety role reported into operations, you know, the  
 14 risk you run if you put them in the same  
 15 organization is: Do you get the -- that real  
 16 independent view?  
 17 As a business unit leader in  
 18 Kwinana, I did not want my process safety person in  
 19 the same organization as operations because I  
 20 wanted that independent view.  
 21 Q. (BY MR. WERNER) Okay. So I take it  
 22 you're --  
 23 A. So those were -- those are concerns that  
 24 you have to balance before you make a decision like  
 25 that on -- on that particular role that Bill was

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1 filling at the time.  
 2 What I've done is we had -- still  
 3 will have the process safety manager role in HSE,  
 4 but I'm going to also have a person that's in  
 5 operations.  
 6 Q. Well, do you recall ever speaking with  
 7 Mr. Parus about -- despite your reservations about,  
 8 perhaps, this "fox guarding the hen house" conflict  
 9 of interest, that it was important at Texas City,  
 10 the way things were when you arrived, that  
 11 Mr. Ralph should be given that elevated voice, even  
 12 at the risk of -- of maybe compromising his  
 13 independence?  
 14 A. I don't recall. I don't -- like I said,  
 15 I know that it was generally known amongst --  
 16 Q. All right.  
 17 A. -- certain members of the leadership team  
 18 that Bill felt that he should have a voice on that  
 19 team.  
 20 Q. And --  
 21 A. I don't know -- I don't recall  
 22 conversations with Don or other people whether or  
 23 not --  
 24 Q. You've described to me two goals that are  
 25 maybe a little bit at odds with each other.

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1 Number 1, you want process safety  
 2 management to be independent. Number 2, you want  
 3 process safety management to have a voice that's  
 4 going to be heard. Agreed?  
 5 A. Yes.  
 6 Q. And you've got to do that balancing.  
 7 And I guess if you balance it and  
 8 think that it's important that they be heard, very  
 9 important that they be heard, then the conclusion  
 10 would be: We should include process safety  
 11 management in these leadership team meetings, even  
 12 at the risk of maybe diluting their independence  
 13 because it's so important that they should be  
 14 heard?  
 15 MR. BROWN: Objection, form.  
 16 A. It's, again, a real struggle because I  
 17 also believe that anyone -- you don't have to be  
 18 the process safety expert -- deserves to be heard  
 19 about any concerns about process safety. In fact,  
 20 one of the big things we've had, you know,  
 21 post-ISOM is "What you say matters."  
 22 Now, if everyone who had something  
 23 to say that mattered and felt they, you know, had  
 24 something to say should be on the leadership team,  
 25 that would be unmanageable. On -- on the other

<p style="text-align: right;">Page 569</p> <p>1 hand, you know, Bill could come and talk to me at  2 any time --  3 Q. (BY MR. WERNER) Okay. Let me show  4 you --  5 A. -- about process safety.  6 Q. The reason I've been asking these  7 questions is back in Exhibit 201.  8 Do you remember getting an -- an  9 e-mail from an old friend who knew you from back in  10 the days when you were "a cute little engineer  11 girl," as he put it?  12 He put it. Does that ring any  13 bells? I can make it a little bit bigger if you  14 need it.  15 A. I'm just -- I'm just taking a minute to  16 read it.  17 Q. Okay.  18 A. (Examines documents.)  19 Q. Does that refresh your recollection about  20 discussions before?  21 A. Uh-huh. I -- well, I recall this note  22 from Foot --  23 Q. Right. Foot, I take it -- at least he  24 considered himself to be an old friend close to you  25 to be able to write --</p>	<p style="text-align: right;">Page 571</p> <p>1 A. I honestly don't recall. I -- you  2 know --  3 Q. Let's start with the basics.  4 A. -- a lot in my life has happened.  5 Q. Let's start with the basics.  6 Do you think that there's any  7 possibility that you would have just fibbed to  8 Mr. Robinson to --  9 A. Not to Foot.  10 Q. Not to -- okay.  11 So we can presume that you were --  12 A. And, I mean, I think this also goes with  13 my -- my current actions, which are I'm going to  14 put someone firmly planted in operations -- it may  15 not be Bill. Bill is welcome to apply for the  16 role -- that will be the same level as the MDLs, a  17 Level E.  18 And here, you know, in the second  19 part of that is this bit of conflict about the  20 PSM team being in operations because they really do  21 provide that check and balances. They -- they have  22 the authority, and exercise it, to reject closure  23 of action items.  24 If they don't think that the  25 person who's been accountable has actually done a</p>
<p style="text-align: right;">Page 570</p> <p>1 A. I would consider that, as well.  2 Q. Okay. In fact, later on in the e-mail,  3 he goes on to say, basically, he doesn't want you  4 to tell Bill that he's, for lack of a better word,  5 sort of appealed -- you know, sort of taken up  6 Bill's cause with --  7 A. Okay.  8 Q. -- higher management.  9 A. Okay.  10 Q. And he tells you here in this that he  11 knows that at one time Bill made a direct plea to  12 Don Parus that he wanted to be part of the  13 leadership team; and you've testified, I think,  14 that that was -- you know, Bill's thoughts were  15 well-known?  16 A. Yes.  17 Q. Okay. And then your response was that  18 you had actually asked Don Parus if Bill could  19 report to you, which would be, again, the same as  20 the MDLs, correct?  21 A. Uh-huh.  22 Q. Okay. Does that refresh your  23 recollection that that's what happened? I mean, or  24 were you just telling Mr. Robinson sort of a story  25 to make him feel better?</p>	<p style="text-align: right;">Page 572</p> <p>1 good job in closing an action, a PSM action item,  2 they can say "not good enough" and send it back and  3 it doesn't get closed.  4 In fact, Foot had a great one last  5 week where an action item was closed that he said,  6 "This isn't good enough, try again"; and the  7 superintendent agreed with him. So I know that  8 check and balance works. So that's my bit of  9 conflict.  10 Q. I understand.  11 But since you can't recall the  12 discussions that you had --  13 A. I can't.  14 Q. -- with Mr. Parus, then all we can infer  15 from this -- from your prior testimony, is that you  16 felt, before the explosion, that the importance of  17 Bill Ralph in process safety management being at  18 the MDL was sufficient enough not only for you to  19 internally decide that it was more important than  20 maintaining complete independence, but enough for  21 you to actually go to Mr. Parus?  22 A. That's what that says.  23 Q. Okay. It was that important.  24 And then what happened, what  25 Mr. Parus told you, you just don't -- you can't</p>



<p style="text-align: right;">Page 573</p> <p>1 recall specifically that, correct?  2 A. That's right.  3 Q. Focusing on the investigation of what  4 happened, you talked about the just culture and the  5 six people.  6 Did you investigate the  7 circumstances of restarting the ISOM with  8 particular attention on Mr. Borah's testimony that  9 at the morning meeting that he attended, that it  10 had been decided that basically nobody knew that it  11 was going to be -- that the ISOM was going to be  12 restarted?  13 A. So just to be clear --  14 Q. Sure.  15 A. -- the ISOM unit was not being restarted.  16 It was one tower, the raffinate splitter, that's a  17 section of that unit, that was being restarted.  18 The ISOM was still down. So they were going to  19 start the raffinate splitter.  20 And Glen also told me in --  21 because I interviewed Glen as part of the  22 discipline investigation -- that the -- that he  23 didn't recall that being discussed at his morning  24 meeting. And I believe he was working days. So it  25 would have been -- was he working days?</p>	<p style="text-align: right;">Page 575</p> <p>1 MR. BROWN: Objection, form.  2 A. I am not sure you could tie those two  3 together, actually.  4 Q. (BY MR. WERNER) Why not?  5 A. Because our practice was to make sure,  6 you know, for the guys to go to the morning meeting  7 and say what activities were going on in their  8 unit; but it would not necessarily have meant that  9 we would have evacuated the trailers.  10 That's also a practice we have  11 changed. Of course, we don't have trailers; but we  12 now actually evacuate units in given critical  13 startup areas.  14 Q. Under the old system, who would have made  15 the decision whether or not those particular  16 trailers should have been at least informed, if not  17 directed, to evacuate because the unit was starting  18 up?  19 MR. BROWN: Objection, form.  20 A. You know, a variety of people could have  21 done it. The shift -- that's, you know, one of the  22 reasons we have the shift director role is to make  23 sure we get communications across units and  24 areas --  25 Q. (BY MR. WERNER) That's Mr. Borah?</p>
<p style="text-align: right;">Page 574</p> <p>1 Well, it would have been a  2 7:00 a.m. or 7:00 p.m. meeting. I don't recall.  3 Q. He was at the 7:00 a.m. meeting.  4 A. Okay.  5 Q. So you don't recall -- when Mr. Borah  6 spoke to you, he didn't say anything about Larry  7 Davidson having confirmed to everybody that there  8 was a hold and that they were going to be in a  9 holding pattern?  10 A. He might have told me that. I'd have to  11 look at my -- my notes with Glen.  12 Q. Or anything about oil movements, saying  13 that we don't have anywhere to put the rundown if  14 you keep going on the startup?  15 MR. BROWN: Objection, form.  16 A. I remember some of this post the  17 ISOM event in the interviews, but I don't see that  18 as material to --  19 Q. (BY MR. WERNER) Sure.  20 A. -- the investigation.  21 Q. Well, why is that not material?  22 That's the reason why the trailers  23 weren't evacuated, right? Because nobody,  24 according to Mr. Borah, knew that there was a  25 startup going on, correct?</p>	<p style="text-align: right;">Page 576</p> <p>1 A. -- of activities.  2 Right. He's one of the shift  3 directors.  4 Q. Right.  5 A. So you could say that, you know, that  6 would be done.  7 Q. And you wouldn't be surprised, I take it,  8 to have heard Mr. Borah testify that if he had  9 known that they were going to restart it, he would  10 have directed somebody to go tell the people out in  11 the trailers that the unit was supposed to start  12 up; but he didn't because when the morning meeting  13 broke up, it was in a holding pattern?  14 A. If that's what Glen --  15 MR. BROWN: Objection, form.  16 A. If that's what Glen told you, I'm sure he  17 is telling the truth. I mean...  18 Q. (BY MR. WERNER) And does that -- that  19 sounds reasonable to you if you're in Mr. Borah's  20 position, right?  21 If it looks like it's about to be  22 started up, we need to tell the guys in the  23 trailers that it's about to be started up; but if  24 everyone is saying that it's not going to be  25 started up, well, then, we don't need to tell them?</p>

<p style="text-align: right;">Page 577</p> <p>1 A. If that's what Glen told you, then 2 that's -- 3 Q. I'm just -- I'm just asking you. 4 If you were -- if that's what 5 Mr. Borah were to say, you wouldn't criticize him 6 from a just culture standpoint, would you? 7 A. You know, from a -- from a hindsight 8 standpoint, I would have done a whole lot of things 9 differently. So, you know, if I would have known 10 that the ISOM explosion was going to happen as it 11 did, I would have done a whole lot of different 12 things, as well. 13 Q. Well, Ms. Lucas, that's -- I am focusing 14 specifically on Mr. Borah. 15 A. And I think Glen told you what, you know, 16 he believed he would have done in that situation; 17 and I believe if Glen says that, he would have done 18 it because he is a man of action. 19 Q. I understand. 20 But what I'm asking is: Do you 21 sort of concur with that sort of decision that 22 he -- that he says, "Well, because I'm being told 23 that it's not going to be started up, I didn't 24 think that just -- I didn't think that merely the 25 filling of the raffinate splitter was enough to --</p>	<p style="text-align: right;">Page 579</p> <p>1 been communicated. 2 Q. (BY MR. WERNER) What about now? 3 A. Right now? 4 Q. If the raffinate tower splitter is being 5 packed, is that enough to clear out people out of 6 the units -- out of the units and the surrounding 7 areas? 8 A. Okay. Number 1, there wouldn't have been 9 trailers there. So we'll just agree on that, 10 right? 11 Q. Agreed. 12 A. Today? 13 Q. Sure. 14 A. So today if -- 15 Q. One would hope so. 16 A. -- if the raffinate splitter is starting 17 up, they would have, in their pre-startup safety 18 review, defined an exclusion zone. And by that I 19 mean, depending on where they are in the startup 20 procedure, where they would have excluded 21 non-essential personnel from. 22 Q. Let me stop you for a second. 23 A. Sure. 24 Q. I just want to make sure. 25 I'm not talking about actually</p>
<p style="text-align: right;">Page 578</p> <p>1 critical enough to tell people to evacuate or at 2 least to put them on notice"? 3 MR. BROWN: Objection, form. 4 A. Well, the filling of it had already 5 occurred, right, on the night shift? Because the 6 night shift filled it. 7 So by 7:00 a.m -- well, I think 8 they did it like at 3:00 o'clock in the morning. 9 So if they wouldn't have been filling it, then they 10 wouldn't have reported that because it was already 11 filled. 12 Q. (BY MR. WERNER) Right. 13 A. So... 14 Q. If that had been the situation and 15 Mr. Borah said, "Well, we don't need to tell the 16 surrounding units. We don't need to tell the 17 trailers. All that's going on is that it's been 18 filled, it's been packed," you would agree that 19 that would be a proper thing to do or you disagree, 20 would you say, "No. Once we start putting 21 hydrocarbons in that raffinate tower, people need 22 to get out of the way"? 23 MR. BROWN: Objection, form. 24 A. You know, it's very hard to distinguish 25 what we would have done pre-March 23rd had that</p>	<p style="text-align: right;">Page 580</p> <p>1 starting the process, starting the reactor. I'm 2 just talking about packing the tower. 3 A. So am I. 4 Q. Okay. I'm sorry. Keep going. 5 A. And -- and as part of the startup 6 procedure, packing the tower. So they would have 7 done a review of that startup procedure and said, 8 "When we start this step, we're going to what we 9 call EZ1," Exclusion Zone 1. 10 So we've defined Exclusion Zone 1 11 as the battery limits of a unit. 12 We also have Exclusion Zone 2. So 13 we would say -- they would, in their review of that 14 startup procedure, have defined a place where the 15 risks are higher. And they would have looked at 16 modeling of release and decided, "Okay, let's 17 say -- just hypothetically say, when we put -- when 18 we light burners and start circulating through the 19 furnace, we're going to go into Exclusion Zone 2." 20 And Exclusion Zone 2, based on 21 blast modeling, is defined as, you know, this area. 22 It might mean we evacuate ISOM, AU2, NDU and, say, 23 the ultracracker, depending on, you know, what the 24 modeling of that particular unit shows. 25 And that's our current procedure</p>

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1 today. Those are well communicated in the shift  
 2 directors meeting. They're on the website; and we  
 3 have some nice, bright orange barrels that we roll  
 4 out into the street so you can't drive through.  
 5 Q. And its important to do that, right?  
 6 A. It's important.  
 7 Q. And it's the process safety management  
 8 group, generally, that defines when EZ1 ought to be  
 9 implemented or EZ2 ought to be implemented when  
 10 they are helping to write these procedures,  
 11 correct?  
 12 A. I actually don't agree with that totally.  
 13 Q. Okay.  
 14 A. I think that it is a -- it is up to the  
 15 people that are knowledgeable about their units and  
 16 the hazards as they -- as they go through their  
 17 process and the PSM group working jointly together  
 18 and looking at, "Okay. What might happen here?  
 19 When are you going to introduce hydrocarbon? When  
 20 are you introducing heat and pressure?"  
 21 And, you know, they talk about  
 22 that and that's our current process and it's a  
 23 great improvement, actually.  
 24 Q. Last subject, OSHA 1910.119, process  
 25 safety management regulations and safety rules,

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1 correct?  
 2 A. That's correct.  
 3 Q. You were aware -- I think you're one of  
 4 the first people who knew that it phased in in  
 5 1992, correct?  
 6 A. That's correct.  
 7 Q. And it took how many years to phase in?  
 8 A. I don't know. I don't remember.  
 9 Q. Four, does that sound about right?  
 10 A. I was going to say two.  
 11 Q. Okay. '92 to '95?  
 12 A. But probably because Amoco wanted to do  
 13 it in half the time.  
 14 Q. Okay.  
 15 A. So --  
 16 Q. And you were at Texas City at the time?  
 17 A. That is correct.  
 18 Q. And were you involved in performing any  
 19 of the studies that needed to be done as part of  
 20 complying with OSHA process safety management  
 21 safety regs?  
 22 A. So at -- at the time of the  
 23 implementation, my role was as an operating  
 24 superintendent on the ultracracker. And so the  
 25 particular elements that I was more intimately

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1 involved with were things -- well, I'll just tell  
 2 you the ones that --  
 3 Q. Sure.  
 4 A. -- that I remember.  
 5 I had to review and certify my  
 6 procedures annually. So we had to process that.  
 7 As operating process  
 8 superintendent, I was accountable for my  
 9 procedures --  
 10 Q. Right.  
 11 A. -- and the condition of them so we had  
 12 good startup procedures. I was accountable for  
 13 management of change.  
 14 Q. Okay.  
 15 A. So, you know, we didn't have a nice  
 16 computer program. We did it all on paper. And I  
 17 was accountable for making sure that happened.  
 18 I was accountable for unit  
 19 specific operator training, you know, not just  
 20 operators, but my foremen, as well.  
 21 I was accountable for, if I had  
 22 incidents, making sure that they got done. So  
 23 there were -- there are certain elements of the  
 24 14 --  
 25 Q. Okay. And I'm going to --

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1 A. -- that --  
 2 Q. I'm going to speculate a little bit --  
 3 A. Okay.  
 4 Q. -- that you -- being the person you are,  
 5 you fulfilled your accountabilities, correct?  
 6 A. I certainly -- that was my endeavor.  
 7 Q. Okay. Well, you didn't knowingly leave  
 8 anything undone, did you?  
 9 A. That is correct.  
 10 Q. Yet on the other hand, you weren't -- you  
 11 didn't know whether the other people who had been  
 12 tasked with fulfilling their responsibilities may  
 13 have left some of them undone, correct?  
 14 A. That depended.  
 15 Q. What about relief valve studies? Did you  
 16 have any involvement in that, or was that another  
 17 department?  
 18 A. Typically the operations organization --  
 19 I didn't have the resources. I was tasked with  
 20 safely operating the unit, and that would have been  
 21 done by the technical department --  
 22 Q. So --  
 23 A. -- in those days.  
 24 Q. -- from your personal experience, you  
 25 didn't know for certain whether or not the

<p style="text-align: right;">Page 585</p> <p>1 technical department had done the relief valve 2 studies on your unit, although you certainly hoped 3 that they had because that is what the law 4 required? 5 A. That's correct. And, you know, if I, 6 say, was at the unit when they did the 7 HAZOP revalidation, then that would have come into 8 a bigger part of my job and awareness. 9 Q. Well, certainly you shouldn't do a 10 HAZOP revalidation without making sure that the 11 RV studies are completed, correct? 12 A. Up-to-date. 13 Q. That's right. 14 And "up-to-date" means not only 15 completed; but you have the documentation because 16 if you don't have the documentation, for all 17 intents and purposes, they don't count, right? 18 MR. BROWN: Objection, form. 19 A. In -- in order to do the documentation, 20 you have to have the work process. 21 Q. (BY MR. WERNER) That's right. 22 When did you first become aware 23 that there were numerous, hundreds -- a majority of 24 the relief valve studies that were not done in the 25 ISOM unit? Did you know that to be the case before</p>	<p style="text-align: right;">Page 587</p> <p>1 changed. 2 Q. (BY MR. WERNER) What if he told you, "We 3 can't find it. In fact, we're not even sure if 4 Bechtel ever did it"? 5 A. Then those would certainly go on a 6 priority list. 7 Q. How high a priority? 8 A. Extremely high priority. Priority 1, I 9 would say. 10 Q. Priority -- 11 A. Because we -- 12 Q. Priority enough to delay the restart of a 13 unit that was missing its relief valve studies? 14 A. I can speak to right -- you know, today 15 that -- 16 Q. What about today? 17 A. -- that relief valve -- that is part of 18 my pre-startup safety review, that the relief valve 19 studies have to be done. There can be no overdue 20 PSM action items, no overdue relief valve 21 inspections. 22 Q. Right. 23 If they are not done, the unit 24 does not restart -- 25 A. That's the current --</p>
<p style="text-align: right;">Page 586</p> <p>1 the explosion? 2 A. No. 3 Q. What would you have done if you had found 4 that out? 5 If you just had happened to come 6 across Mr. Mann and Mr. Mann said, "You know, by 7 the way, Kathleen, let me -- Ms. Lucas, let me tell 8 you about -- one of the projects we've got going on 9 is that we're years behind these relief valve 10 studies and we're trying to figure out how much to 11 budget. We think we can get it done by '07, but it 12 may go out to 2010," what would your reaction have 13 been to that? 14 MR. BROWN: Objection, form. 15 A. Well, we would certainly have a lot of 16 conversation about what -- you know, I think that 17 there is -- well, in my experience, the -- the 18 relief valve studies have -- are in various 19 conditions, right? 20 Some are recently totally 21 revalidated; some are back to original design, 22 which doesn't mean there was never a relief valve 23 study done. It just means they need to be 24 reconfirmed for the current capacity of a unit if 25 that's changed, the current -- something in it had</p>	<p style="text-align: right;">Page 588</p> <p>1 Q. -- period, full stop, end of story -- 2 A. That's the current stand -- 3 Q. -- correct? 4 A. That is the current standard. 5 Q. Was that the standard -- 6 A. Well, let me -- let me be careful there 7 because I actually have an exception where I have a 8 flare study that hasn't been completed that's for 9 two units, and I wanted to start one of those units 10 up. And so we went through a review. And I got 11 approval and assurance from the technical 12 department that you can startup the one unit. 13 Q. Okay. 14 A. The next unit can't come up until it's -- 15 Q. Okay. 16 A. -- it's done. 17 Q. So let's go back to what we have now with 18 the -- with the exception. 19 If the relief valve studies and 20 process safety management studies have not been 21 done, the unit does not restart, period, full stop, 22 end of story, correct, subject to the rare 23 exception? 24 A. A review. 25 Q. Right.</p>

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1 A. A rare exception.  
 2 Q. Was that the policy in Texas City in  
 3 2003, 2004?  
 4 A. I don't know.  
 5 Q. Should it have been?  
 6 Was that something that -- can you  
 7 explain to me why -- wouldn't you agree with me  
 8 that should have been the policy back in 2003,  
 9 2004?  
 10 A. I think, you know --  
 11 MR. BROWN: Objection, form.  
 12 Go ahead.  
 13 A. -- that you never want to start anything  
 14 up without assurance of your relief systems --  
 15 Q. (BY MR. WERNER) Right.  
 16 A. -- correct?  
 17 Q. Correct.  
 18 A. So whether you say it's a policy, a  
 19 practice --  
 20 Q. It should be a directive, though, right?  
 21 A. I don't know directive.  
 22 Q. Well, a white card offense, right?  
 23 A. What -- I don't think we have that many  
 24 white card offenses that you could detail like  
 25 that, but the -- the objective of the PSSR is to

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1 ensure that all of their safety control systems  
 2 were okay to go.  
 3 Q. Sure. And those --  
 4 A. And those aren't only mechanical  
 5 systems --  
 6 Q. Okay.  
 7 A. -- that is the staffing plans and so  
 8 forth.  
 9 Q. But if they -- if the unit,  
 10 quote/unquote, fails the PSSR because it doesn't  
 11 have its relief valve studies done and, therefore,  
 12 is out of compliance with OSHA process safety  
 13 management standards, it shouldn't be restarted,  
 14 right?  
 15 A. If it's out of compliance. I don't know  
 16 that OSHA calls for relief valve studies as a key  
 17 component.  
 18 Q. Okay. Assuming that they do, then, then  
 19 they'd be out of compliance, then it shouldn't be  
 20 restarted, correct?  
 21 MR. BROWN: Objection, form.  
 22 A. In that hypothetical case, yes.  
 23 Q. (BY MR. WERNER) Sure.  
 24 And that's not a lesson that has  
 25 been learned because of these -- the explosion and

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1 all these deaths and injuries. That's something  
 2 that you would answer the same way if I had taken  
 3 your deposition in 2003, correct?  
 4 A. You know, there -- it would depend on the  
 5 scenario there. Because I think, you know, if you  
 6 have -- you would certainly spend a lot of time  
 7 with your technical relief systems guy saying,  
 8 "Well, what do you have? What kind of assurance  
 9 can you provide me that I have adequately sized  
 10 relief valves?"  
 11 Q. But, Ms. Lucas, surely you're not  
 12 testifying that it took this explosion for  
 13 management to realize that it was a bad idea to  
 14 startup a unit that didn't have the OSHA PSM safety  
 15 required studies done, did it?  
 16 MR. BROWN: Objection, form.  
 17 A. No, it didn't take this explosion to tell  
 18 me about that.  
 19 Q. (BY MR. WERNER) Right.  
 20 So, then, I assume that if I had  
 21 asked you these questions back in 2003, you would  
 22 have also said, "No. If this is important, if it's  
 23 an OSHA process safety management requirement and  
 24 it's not been completed, it fails the pre-startup  
 25 safety review, it does not get started, period,"

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1 correct?  
 2 A. Correct.  
 3 Q. Have you ever investigated who the people  
 4 were who did, in fact, restart the isomerization  
 5 unit in 2003 after the turnaround to find out why  
 6 they hadn't failed the PSSR because there were no  
 7 relief valve studies done?  
 8 MR. BROWN: Objection, form.  
 9 A. Are you talking about starting up the  
 10 raffinate splitter?  
 11 Q. (BY MR. WERNER) Starting up the whole --  
 12 you know that the whole unit was turned around in  
 13 2003, correct?  
 14 A. Yeah, I think I recall that.  
 15 Q. That's right.  
 16 A. But -- and, no, I did not investigate  
 17 that.  
 18 Q. Did you investigate how come, as part of  
 19 the pre-startup safety review in 2005, it wasn't  
 20 failed for not having relief valve studies?  
 21 MR. BROWN: Objection, form.  
 22 A. Did it restart in 2005?  
 23 Q. (BY MR. WERNER) Well, it was about to  
 24 restart, I suppose, right?  
 25 MR. BROWN: Objection, form.

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1 A. Well, we were in turnaround, yeah.  
 2 Q. (BY MR. WERNER) Yeah.  
 3 If you're not prepared to restart  
 4 it, you shouldn't be packing a raffinate splitter.  
 5 It would just be a waste of effort, right?  
 6 A. Well, actually, they're separate.  
 7 MR. BROWN: Objection, form.  
 8 A. The raffinate splitter is a -- you can  
 9 run the raffinate splitter with or without the  
 10 ISOM. They're not connected.  
 11 Q. (BY MR. WERNER) Doesn't it shock you  
 12 that David Mann was out there knowing that the  
 13 relief valves hadn't been completed and that he had  
 14 told Mr. Parus that the relief valves weren't  
 15 completed and yet units were still being restarted  
 16 with impunity?  
 17 MR. BROWN: Objection, form.  
 18 Q. (BY MR. WERNER) I mean, do you think  
 19 that that's possible or do you think that maybe  
 20 this is just one of those plaintiff lawyer tricks  
 21 to make you get -- go along with something that  
 22 didn't really take place?  
 23 MR. BROWN: Objection, form.  
 24 A. You know, you -- you have interviewed  
 25 those guys and you know what they've said in their

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1 depositions. So -- and I have no reason to not  
 2 believe you that -- and Dave Mann is also a very  
 3 credible, very detailed, technical, smart guy. If  
 4 he said that, then I believe what Dave said.  
 5 Q. (BY MR. WERNER) All right. I understand  
 6 you may believe it.  
 7 But aren't you appalled as a  
 8 manager that people at Dave Mann's level or that  
 9 people at the leadership team's level, who knew  
 10 that relief valve studies weren't in place nearly a  
 11 decade after OSHA required them to be completed,  
 12 were just going on and restarting units and  
 13 calculating that if they spent a certain amount of  
 14 money, that they could get it done, become in  
 15 compliance in four years versus six years versus  
 16 eight years?  
 17 MR. BROWN: Objection, form.  
 18 Q. (BY MR. WERNER) Isn't that just willful  
 19 violation of OSHA safety standards?  
 20 A. You know, I don't actually understand --  
 21 MR. BROWN: Objection, form.  
 22 A. -- that that was a situation out there  
 23 and I would be --  
 24 Q. (BY MR. WERNER) Would you --  
 25 A. -- surprised.

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1 Q. Would you be surprised to see a  
 2 spreadsheet that details that if we spend \$750,000  
 3 per year, we can get it done by 2007; but if we  
 4 spend one and a half million dollars, we can get it  
 5 done by 2005? And I may be off on my years.  
 6 A. That doesn't tell me -- I would have to  
 7 look at your spreadsheet. And we are also -- even  
 8 though we might have relief valve studies, we're  
 9 actually going back and revalidating all of them  
 10 and we're doing that -- well, especially if the  
 11 unit has a blowdown stack, because that changes the  
 12 whole relief system.  
 13 But we're doing that -- those  
 14 relief valve studies. Because Dave and others have  
 15 found issues where -- you know, maybe a relief  
 16 scenario that was, by the original designers,  
 17 thought to be the worse-case scenario. They've  
 18 come up with another viable case that maybe -- you  
 19 know, a more severe case. So the -- they're, you  
 20 know, continuing to look at that.  
 21 I also know that we have some  
 22 relief valve studies that were done under  
 23 conditions that we -- we weren't operating at.  
 24 So, for example, unit capacity may  
 25 have been at a certain level. And when we -- as we

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1 have gone through and reviewed relief valve  
 2 studies, these relief valve studies were done at a  
 3 different capacity, maybe a little lower and we  
 4 limit the unit, then, to that lower capacity.  
 5 Do we say we can't start the unit  
 6 up? No. We say it can start up; but it's -- it  
 7 can only run at this capacity, you know,  
 8 200,000 barrels a day versus 250,000 barrels a day  
 9 because that's where the relief valve study was  
 10 done.  
 11 So there's a number of scenarios  
 12 and --  
 13 Q. You need to have those relief valve  
 14 studies to determine whether or not it's prudent  
 15 and safe to restart a unit?  
 16 A. You need to understand the condition  
 17 under which those relief valve studies were done --  
 18 Q. That's right.  
 19 A. -- so that you understand what conditions  
 20 you should operate that unit under.  
 21 Q. And if you don't have relief valve  
 22 studies at all, period, full stop, then you can't  
 23 know whether it's safe and prudent to start up a  
 24 unit, right?  
 25 MR. BROWN: Objection, form.

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1 Q. (BY MR. WERNER) And if not, explain to  
 2 me how you can safely and prudently startup a unit  
 3 without even having relief valve studies.  
 4 You can't, can you?  
 5 A. I'm trying to think of a scenario that,  
 6 you know --  
 7 Q. You can't --  
 8 MR. BROWN: Well, objection, form.  
 9 Q. (BY MR. WERNER) -- right?  
 10 A. You know, I think that there may be cases  
 11 where you've got relief -- individual relief valve  
 12 data sheets that you may not call that a relief  
 13 valve study, but --  
 14 Q. If you've got nothing, you can't start it  
 15 up safely and prudently, can you?  
 16 A. Not without further review.  
 17 MR. WERNER: Thank you, Ms. Lucas.  
 18 That's all the questions I have.  
 19 MR. COON: I have just a few  
 20 follow-up.  
 21 THE VIDEOGRAPHER: Mr. Coon, we  
 22 have ten minutes.  
 23 MR. WERNER: And I apologize  
 24 because I --  
 25 MR. COON: I'll make up --

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1 MR. WERNER: -- went 20 minutes  
 2 over. I'm sorry.  
 3  
 4 \* \* \*  
 5 FURTHER EXAMINATION  
 6 Q. (BY MR. COON) Ms. Lucas, do you know  
 7 that these budget cuts that applied to the  
 8 refineries, I guess, downstream, do you know if  
 9 those same budget cuts, the 25 percent budget cut,  
 10 applied to the pipeline systems?  
 11 A. My recollection was that -- you're  
 12 talking about the merger?  
 13 Q. Right, the merger.  
 14 A. The post merger --  
 15 Q. Yes, ma'am.  
 16 A. -- synergies? My recollection was that  
 17 those applied across the BP group.  
 18 Q. And that would have been the refineries,  
 19 correct?  
 20 A. The refineries.  
 21 Q. Chemical plants?  
 22 A. The chemical plants, the upstream assets.  
 23 Q. "Upstream" being?  
 24 A. Oil and gas production.  
 25 Q. In the pipelines?

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1 A. Well, there's pipelines in downstream and  
 2 I think we talked earlier, I'm not sure; but  
 3 there -- there might -- there are pipelines in  
 4 upstream, as well. I can't -- I couldn't tell  
 5 you --  
 6 Q. Okay.  
 7 A. -- which is which.  
 8 Q. Did that also apply to like offshore  
 9 rigs, production rigs?  
 10 A. I don't know for certain, but I suspect  
 11 it would.  
 12 Q. After the explosion, did you receive any  
 13 complaints from the leadership of the contractor  
 14 teams? Did any of them go and confront you about  
 15 what happened with respect to lack of notice of the  
 16 startup or the trailer locations or anything else?  
 17 A. I spent a lot of time with the -- you  
 18 know, contractor leadership, particularly JE Merit.  
 19 Q. That would have been Mr. Senko?  
 20 A. Well, he was one of them --  
 21 Q. Anyone else --  
 22 A. -- and then --  
 23 Q. -- that you can recall discussions with  
 24 in that regard?  
 25 A. Walt Lisiewski.

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1 Q. Who is he with?  
 2 A. He is Jacobs.  
 3 Q. Okay.  
 4 A. And there were -- there were other Jacobs  
 5 people, as well, that I don't recall their name at  
 6 this point.  
 7 Q. Do you recall discussions with contractor  
 8 representatives for Fluor, GE, some of the other  
 9 people that were out there that had folks that were  
 10 either hurt or killed?  
 11 A. Not individual particular conversations,  
 12 no.  
 13 Q. Okay. With respect to Jacobs, Merit,  
 14 Mr. Senko and the other gentlemen, what were the  
 15 type of discussions that were had? What were their  
 16 expressed concerns or what were they mad about, if  
 17 anything?  
 18 A. So, of course, it was a very difficult  
 19 time. Jacobs, for example, lost 11 employees.  
 20 And, you know, first we were attending to, you  
 21 know, the needs of those families and working  
 22 with -- with Jacobs to do that.  
 23 We -- you know, I can't say that I  
 24 faced a lot of anger from them. Certainly sadness  
 25 and a total commitment to really working together

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1 to -- to make sure it never happens again.  
 2 Q. Did they express to you any concern about  
 3 the fact that those trailers were located in such  
 4 close proximity to the unit in the first place or a  
 5 potential danger zone?  
 6 A. I don't recall Dave or Walt bringing --  
 7 you know, saying anything to me about that; but  
 8 they may have.  
 9 Q. Okay. Do you recall any conversations  
 10 dealing with any concern associated with a lack of  
 11 notice to them that one of the units was going into  
 12 a startup mode?  
 13 A. Certainly I do recall conversations  
 14 around that.  
 15 Q. What do you recall about their concerns  
 16 in that regard?  
 17 A. The concerns, as I recall, were centered  
 18 around the lack of the early warning. So as the --  
 19 as the startup started, you know, looking like it  
 20 wasn't going well and the guys were trying to deal  
 21 with the pressure buildup and, you know, trying to  
 22 understand what was going on in the raffinate  
 23 splitter, their frustration was around, "Well, if  
 24 they knew things weren't going well, why didn't  
 25 they sound the warbler alarm? Why didn't they give

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1 us that early warning?"  
 2 And that is a question that I had  
 3 myself. They knew that they -- that things weren't  
 4 going well with their startup and they needed to  
 5 hit that warbler button and they didn't.  
 6 Q. Do you know or recall if there were any  
 7 concerns expressed about the failure for  
 8 BP management to notify them in advance that a unit  
 9 was going into startup or part of the unit was  
 10 going into startup to consider vacating the area?  
 11 A. We certainly talked about that post  
 12 incident; and we -- and that is our practice now,  
 13 as I talked to Mr. Werner about.  
 14 Q. Was that practice in existence prior to  
 15 the explosion; that is, to warn contractors when a  
 16 unit is to go up?  
 17 A. I had a limited time there; but we had  
 18 instituted the shift directors meetings at  
 19 7:00 a.m. and 7:00 p.m. And the intention of those  
 20 meetings was to communicate any changes in unit,  
 21 you know, status, any special work that was going  
 22 on in a unit so -- so that other people in  
 23 surrounding units would know what was going on.  
 24 Q. As part of the disciplinary  
 25 investigation, was there any effort made to

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1 determine who at BP in management would have been  
 2 responsible for the routine communications to the  
 3 contractors in that area that a unit was about to  
 4 go into startup so they could take necessary  
 5 precautionary measures?  
 6 MR. BROWN: Objection, form.  
 7 A. Actually, I don't recall that as being a  
 8 specific, you know, investigation topic.  
 9 You know, since that time, we --  
 10 we have, of course, our evacuation zones; but we  
 11 also have the -- the guys have the largest  
 12 population of contractors attend the 7:00 a.m. and  
 13 7:00 p.m. meetings. So they hear it directly.  
 14 They don't need to wait on somebody to tell them.  
 15 Q. (BY MR. COON) Were you aware of the  
 16 existence of the trailer siting manuals that were  
 17 in place for BP Amoco Texas City prior to the  
 18 explosion?  
 19 A. No.  
 20 Q. Had you ever seen or heard of them?  
 21 A. No.  
 22 Q. Were you aware of Process Safety Standard  
 23 Number 6 dealing with the utilization of open  
 24 ventilation systems?  
 25 A. Of open ventilation systems?

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1 Q. Like blowdown drums.  
 2 A. Yes.  
 3 Q. When were you first made aware of  
 4 PSS Number 6?  
 5 A. On my return to Texas City, it was  
 6 unfortunately after March 23rd.  
 7 Q. Who would have been responsible for  
 8 assuring that the plant was in compliance with  
 9 PSS Number 6 prior to your arrival?  
 10 A. Well, if -- I would have to look  
 11 specifically at that process safety standard; but  
 12 if you have the type of equipment that's covered in  
 13 that process safety standard, then, say, you're a  
 14 unit superintendent, you would be responsible for  
 15 making sure that your unit is in compliance with  
 16 that or making sure that you have actions in place  
 17 to get yourself in compliance.  
 18 Q. That's pretty much a unit-by-unit  
 19 responsibility?  
 20 A. Depending on the process safety standard.  
 21 So using this one as an example and, say, you know,  
 22 if I was on a unit and it had a blowdown stack or a  
 23 flare, I need to make sure that that process safety  
 24 standard, I am in compliance with.  
 25 Now, we also have the -- the



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1 oversight of the process safety committee that goes  
 2 through and says, "Well, here's all the process  
 3 safety minimum expectations."  
 4           So the process safety standards  
 5 are -- are becoming the process safety minimum  
 6 expectations. And there's actually a whole  
 7 implementation plan in refining to -- to get those  
 8 things updated, reviewed by all the refineries; and  
 9 then you go into a gap analysis and you have action  
 10 items to close any gaps that might be there.  
 11       Q. Were you able to -- to ascertain from any  
 12 of the investigations whether or not the  
 13 contractors had ever expressed a concern about the  
 14 location of the trailers prior to the explosion?  
 15       A. No.  
 16       Q. Did you know that Mr. Pillari -- I think  
 17 he is president of -- or was until recently, of  
 18 BP North America, wasn't he?  
 19       A. Uh-huh, yes.  
 20       Q. He made a statement that BP was  
 21 responsible for anything that happens inside the  
 22 fence.  
 23           Do you recall that statement or  
 24 something to that effect?  
 25       A. That Pillari made that statement?

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1       Q. Yes, ma'am.  
 2       A. I don't recall the specific text of his  
 3 speech, but it would not surprise me.  
 4       Q. Okay. Would you generally agree with  
 5 that statement?  
 6       A. I would generally agree.  
 7       Q. I'm sorry, ma'am?  
 8       A. I would generally agree.  
 9       Q. Okay. You talk about the offenses with  
 10 respect to terminating the individuals as being  
 11 white card offenses?  
 12       A. That's correct.  
 13       Q. Can you explain to us what a white card  
 14 offense is?  
 15       A. That is -- sort of has its origin in the  
 16 fact that these white cards, literally white cards,  
 17 used to be handed to employees, you know, your  
 18 first day on the job. So the first day I came to  
 19 Amoco, because this is even a pre-BP thing, you got  
 20 your white card.  
 21           And they're just offenses --  
 22 they're also known as posted rules because they  
 23 were posted on bulletin boards -- offenses for  
 24 which an employee could be terminated without prior  
 25 levels of discipline.

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1       Q. Is there anything with respect to the  
 2 conduct of the six individuals that was a posted  
 3 rule that said if you violate this rule, whatever  
 4 it is, it's grounds for automatic termination?  
 5       A. I believe that was in the termination  
 6 letters.  
 7       Q. If it's not contained there, is there any  
 8 other source?  
 9       A. Of the white -- knowledge of the white  
 10 card?  
 11       Q. Yes, ma'am.  
 12       A. Well --  
 13       Q. Or actually whatever the posted rule is  
 14 that would merit automatic termination for failure  
 15 to abide by that specific rule?  
 16       A. I mean, it's in the discipline policy.  
 17 It's -- they're on bulletin boards. If you are  
 18 asking me are they -- are they well-known, I would  
 19 say, "yes."  
 20           You could say to most any employee  
 21 in -- at BP Texas City, "What's a white card  
 22 offense," and they will know what you're talking  
 23 about.  
 24       Q. Okay. So you believe that with respect  
 25 to the six terminated individuals, they would have

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1 had an awareness in advance that if they engaged in  
 2 the conduct that they engaged in on the date of  
 3 this incident, that they were subjecting themselves  
 4 to termination?  
 5       A. I can't say that.  
 6       Q. Ms. Lucas, we appreciate you coming up  
 7 here today.  
 8           Do you have any questions about  
 9 anything that we asked you that you need to clarify  
 10 now?  
 11       A. No, I don't think so.  
 12       Q. Do you think you understood the questions  
 13 and answered them to the best of your ability,  
 14 unless you indicated to us otherwise?  
 15       A. That's correct.  
 16           MR. COON: Okay. Thank you for  
 17 your time, ma'am.  
 18           THE WITNESS: Thanks.  
 19           MR. BROWN: Reserve questions  
 20 until the time of trial.  
 21           THE VIDEOGRAPHER: Off the record  
 22 at 2:34.  
 23           (Deposition concluded.)  
 24  
 25

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EXAMINATION  
CHANGES AND SIGNATURE

PAGE LINE	CHANGE	REASON
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24	_____	_____
25	_____	_____

KATHLEEN LUCAS

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1 I, KATHLEEN LUCAS, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.  
4

KATHLEEN LUCAS

5  
6 THE STATE OF \_\_\_\_\_ )  
7 COUNTY OF \_\_\_\_\_ )

8  
9 Before me, \_\_\_\_\_, on this day  
10 personally appeared KATHLEEN LUCAS, known to me or  
11 proved to me on the oath of \_\_\_\_\_ or through  
12 \_\_\_\_\_ (description of identity card or other  
13 document) to be the person whose name is subscribed  
14 to the foregoing instrument and acknowledged to me  
15 that he/she executed the same for the purpose and  
16 consideration therein expressed.  
17 Given under my hand and seal of office on this  
18 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
19  
20  
21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF \_\_\_\_\_  
23 My Commission Expires: \_\_\_\_\_  
24  
25

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1 CAUSE NO. 05CV0337  
2 MIGUEL ARENAZA, ELIZABETH ) IN THE DISTRICT COURT  
3 RAMON, DAVID G. CROW and )  
4 JUANITA G. CROW, et al. )  
5 )  
6 VS. ) 212TH JUDICIAL DISTRICT  
7 )  
8 BP PRODUCTS NORTH AMERICA )  
9 INC., B.P. CORPORATION )  
10 NORTH AMERICA INC., DON )  
11 PARUS, AND JE MERIT )  
12 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS  
13 CAUSE NO. 05CV0337-A  
14 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
15 MARCH 23, 2005 )  
16 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
17 PROCEEDINGS )  
18 ) GALVESTON COUNTY, TEXAS  
19 REPORTER'S CERTIFICATE  
20 ORAL VIDEOTAPED DEPOSITION OF  
21 KATHLEEN LUCAS  
22 VOLUME 2  
23 AUGUST 11, 2006  
24 I, Stephanie Barringer, Certified Shorthand  
25 Reporter in and for the State of Texas, hereby  
certify to the following:  
That the witness, KATHLEEN LUCAS, was duly sworn  
and that the transcript of the deposition is a true  
record of the testimony given by the witness;  
That the deposition transcript was duly  
submitted on \_\_\_\_\_ to the witness or to the  
attorney for the witness for examination, signature,  
and return to me by \_\_\_\_\_.

That the following is the computer-calculated  
amount of time used by each party at the time of the  
deposition:

Mr. Coon (3 hours, 7 minutes)  
Mr. Werner (49 minutes)  
Attorneys for Plaintiffs

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1  
2 That pursuant to information given to the  
3 deposition officer at the time said testimony was  
4 taken, the following includes the parties at the  
5 deposition:  
6 FOR PLAINTIFFS JAIME ANDREADE, ET AL.:  
7 Mr. Brent Coon  
8 Mr. Eric Newell  
9 Brent Coon & Associates  
10 3550 Fannin  
11 Beaumont, Texas 77701  
12 Fax: 409-833-4483  
13 Telephone: 409-835-2666  
14 FOR PLAINTIFFS RHONDA DARLENE HEICKMAN,  
15 INDIVIDUALLY AND AS DEPENDENT  
16 ADMINISTRATOR OF THE ESTATE OF RYAN  
17 RENE RODRIGUEZ:  
18 Mr. John Werner  
19 Reaud, Morgan & Quinn  
20 801 Laurel Street  
21 Beaumont, Texas 77720-6005  
22 Fax: 409-833-8236  
23 Telephone: 409-838-1000  
24 FOR PLAINTIFFS LESLIE KRENSHAW, CHARLES NICHOLS,  
25 HUGO NAVARRO, TIMOTHY SMITH, ROBERT DACUS:  
Mr. Daniel B. Linebaugh  
The Linebaugh Law Firm  
1300 Rollingbrook, Suite 601  
Baytown, Texas 77521  
Fax: 281-422-2641  
Telephone: 281-422-0506

Page 613

1 APPEARANCES  
(Continued)

2

3

4

5 FOR DEFENDANT BP PRODUCTS NORTH AMERICA, INC.:

6 Mr. Anthony Brown  
McLeod, Alexander, Powel & Apffel  
7 802 Rosenberg  
P. O. Box 629  
8 Galveston, Texas 77553-0629  
Fax: 409-762-1155  
9 Telephone: 409-763-2481  
10 - and -  
11 Ms. Cynthia DeLaughter  
Fulbright & Jaworski  
12 1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
13 Fax: 713-651-5246  
Telephone: 713-651-5151  
14  
15 - and -  
16 Mr. Kenneth Tekell  
Tekell, Book, Matthews  
& Limmer, L.L.P.  
17 1221 McKinney, Suite 4300  
Houston, TX 77010  
18 Fax: 713-655-7727  
Telephone: 713-222-9542  
19  
20 FOR DEFENDANT JE MERIT:

21 Mr. Benjamin B. Leibman  
22 Ebanks, Smith & Carlson  
2500 Five Houston Center  
23 1401 McKinney  
Houston, Texas 77010  
24 Fax: 713-333-4600  
Telephone: 713-333-4500  
25

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1 That a copy of this certificate was served on  
2 all parties shown herein on \_\_\_\_\_ and  
filed with the Clerk.

3

4 I further certify that I am neither counsel for,  
related to, nor employed by any of the parties in the  
action in which this proceeding was taken, and  
5 further that I am not financially or otherwise  
interested in the outcome of this action.

6

7 Further certification requirements pursuant to  
Rule 203 of the Texas Code of Civil Procedure will be  
8 complied with after they have occurred.

9 Certified to by me on this \_\_\_\_\_ day of  
10 \_\_\_\_\_,  
11 \_\_\_\_\_.

12

13 \_\_\_\_\_

14 Stephanie Barringer, CSR  
Texas CSR 6198  
15 Expiration: 12/31/06  
U.S. Legal Support  
Firm Registration: 122  
16 519 N. Sam Houston Pkwy., Ste. 200  
Houston, Texas 77060  
17 Main number: 713/653-7100  
Fax number: 713/653-7143  
18  
19  
20  
21  
22  
23  
24  
25

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1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

3 The original deposition was/was not returned to  
4 the deposition officer on \_\_\_\_\_.

5 If returned, the attached Changes and Signature  
6 page(s) contain(s) any changes and the reasons  
7 therefor.

8 If returned, the original deposition was  
9 delivered to Mr. Brent Coon at Brent Coon &  
10 Associates as the custodial attorney.

11 \$ \_\_\_\_\_ is the deposition officer's  
12 charges to the Plaintiffs for preparing the original  
13 deposition and any copies of exhibits;

14 The deposition was delivered in accordance with  
15 Rule 203.3, and a copy of this certificate, served on  
16 all parties shown herein, was filed with the Clerk.

17 Certified to by me on this \_\_\_\_\_ day of  
18 \_\_\_\_\_,  
19 \_\_\_\_\_.

20 \_\_\_\_\_

21 Stephanie Barringer, CSR  
Texas CSR 6198  
22 Expiration: 12/31/06  
U.S. Legal Support  
Firm Registration: 122  
23 519 N. Sam Houston Pkwy., Ste. 200  
Houston, Texas 77060  
24 Main number: 713/653-7100  
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