

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 1
19 DECEMBER 12, 2005

20 *****
21
22
23
24
25

Page 2

1 ORAL VIDEOTAPED DEPOSITION OF KATHLEEN LUCAS,
 2 produced as a witness at the instance of the
 3 Plaintiffs and duly sworn, was taken in the
 4 above-styled and numbered cause on December 12, 2005,
 5 from 10:16 a.m. to 7:07 p.m., before Stephanie
 6 Barringer, Certified Shorthand Reporter in and for
 7 the State of Texas, reported by stenographic means at
 8 the Four Seasons, 1300 Lamar Street, Houston, Texas
 9 77010, pursuant to the Texas Rules of Civil Procedure
 10 and the provisions stated on the record or attached
 11 hereto.
 12 The deposition room was not under the control of
 13 the court reporter. So the appearances stated in the
 14 transcript were provided to the court reporter.
 15 Since this deposition has been realtimed and you
 16 may be in possession of a rough draft form, please be
 17 aware that there may be a discrepancy regarding page
 18 and line numbers when comparing the realtime draft
 19 and the final transcript. Also, please be aware that
 20 the realtime screen and the unedited, uncertified
 21 rough draft transcript may contain untranslated
 22 steno, a misspelled proper name and/or nonsensical
 23 English word combinations. All such entries are
 24 corrected in the final certified transcript.
 25

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11 11 Email from Kathleen Lucas to 162

12 John Browne dated 3/30/2005,

13 Subject: Your visit to the Texas City

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20 FW: Site Directive on Temporary

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23 18 To Our Texas City Neighbors and the 228

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25 19 BP Texas City Site Report of Findings 244

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20 20 Process and Operational Audit Report 291

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21 21 Fatal Accident Investigation Report, 322

22 Isomerization Unit Explosion Final

23 Report dated December 9th, 2005

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1 MR. COON: I'll interject one more

2 objection on behalf of the plaintiff group.

3 Ms. Lucas is the first of what we presume to be a

4 number of witnesses in this case. We are going to

5 try to do the best we can to adhere to the normal

6 restrictions of the six-hour deposition for

7 witnesses.

8 In light of the magnitude and

9 gravity of this particular case, and the wealth of

10 knowledge that Ms. Lucas may have, the number of

11 investigative reports and the agencies, both

12 internal and external, involved in this case, we

13 may well not be able to cover all that ground

14 today. And if that is the case, which it may well

15 be, we would anticipate then going back to the

16 Court, if necessary, to seek additional time to

17 further follow up with questioning of Ms. Lucas.

18 In addition, because of the volume

19 of documents that have been reviewed in this case

20 and additional documents that are still in the

21 pipeline, or even documents we are just now

22 receiving, it may be that additional documents come

23 to light that we're just receiving now, or receive

24 in the future, that would mitigate against -- or

25 actually, create an ability where we would want to

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1 Have you had an opportunity to see
2 that --
3 A. Yes.
4 Q. -- before?
5 Are you familiar with the subpoena
6 that was attached to that requesting that you bring
7 with you additional documents or make those
8 available?
9 A. Yes.
10 Q. And to the best of your regard, have you
11 accommodated counsel by providing what information
12 you had with respect to providing a response to the
13 duces tecum?
14 A. I provided these items, yes.
15 Q. Did you have an opportunity to review
16 those documents before your testimony today?
17 A. Not all of them, no.
18 Q. Okay. I am sorry, Ms. Lucas. We will
19 need you to speak up a little bit if you can.
20 A. Okay.
21 Q. I think your answer was...
22 A. No, I didn't review all of the documents.
23 Q. Okay. Have you reviewed any documents
24 today that you can recall before you came in for
25 your testimony today?

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1 A. Not in preparation for this. I looked at
2 the final report.
3 Q. I'm sorry?
4 A. I looked at the final report.
5 Q. "The final report" being the internal
6 report done by Mr. Mogford?
7 A. Uh-huh.
8 Q. I think it's called -- it's the Fatal
9 Accident Injury Report?
10 A. Uh-huh.
11 Q. Is that the one that was done and
12 completed in May or the one that was recently --
13 A. Just Friday. It came out Friday.
14 Q. Are there any other documents that you
15 have reviewed in anticipation of your testimony
16 today?
17 A. No, no.
18 Q. Are there any witness statements or other
19 documents that you have reviewed, any witness
20 statements --
21 A. No.
22 Q. -- that you've reviewed in anticipation?
23 Do you have any legal training?
24 A. No.
25 Q. Do you have any medical training?

Page 20

1 A. No.
2 Q. And I'm going to ask you some other
3 questions. I don't mean to embarrass you by them.
4 But are you on any medications
5 today?
6 A. No.
7 Q. Have you ever had psychiatric or
8 psychological counseling?
9 A. No.
10 Q. Have you had any kind of -- any type of
11 grief counseling since the explosion in March?
12 A. Yes.
13 Q. Is that with a private attendant or
14 someone that BP provided?
15 A. Someone that BP provided.
16 Q. Are you still under the care of a
17 psychiatrist or psychologist with respect to grief
18 counseling as a result of this explosion?
19 A. No.
20 Q. Who would you say is your closest
21 neighbor, personal friend?
22 A. My husband.
23 Q. And outside of the immediate family, a
24 close friend?
25 A. My sister.

Page 21

1 Q. And her name?
2 A. Alice Meaney.
3 Q. Where does she reside?
4 A. She resides in Texas City.
5 Q. And she's married to your -- is this one
6 married to your brother?
7 A. No, no.
8 Q. Your brother-in-law?
9 A. Alice Meaney is her maiden name. Her
10 married name is Benzaia, B-e-n-z-a-i-a.
11 Q. Okay. And you were originally a Meaney?
12 A. Yes.
13 Q. Okay. Do you have a brother Kevin?
14 A. Yes, I do.
15 Q. And he is also employed with British
16 Petroleum?
17 A. Yes.
18 Q. In what capacity?
19 A. He's working in procurement now.
20 Q. And how long has he worked for BP?
21 A. I don't really know.
22 Q. Ballpark?
23 A. I think '85, '86.
24 Q. About 20 years?
25 A. (Nods head.)

Page 22

1 Q. And at what facility does he work at?
 2 A. He works at the chemical plant in Texas
 3 City.
 4 Q. Have you ever had an opportunity to see
 5 him on the job?
 6 A. No, rarely.
 7 Q. Now, your husband, Matt --
 8 A. (Nods head.)
 9 Q. -- he is also a BP employee?
 10 A. He is.
 11 Q. He is an engineer?
 12 A. He is.
 13 Q. What type?
 14 A. He has two degrees, a degree in safety
 15 engineering and a degree in mechanical engineering.
 16 Q. And where does he work?
 17 A. He works for Group Compliance & Ethics.
 18 Q. At what facility?
 19 A. In the Clear Lake office.
 20 Q. And how long has he been employed with
 21 BP?
 22 A. Since 1985.
 23 Q. Ms. Lucas, you are an engineer, civil
 24 engineer?
 25 A. Chemical.

Page 23

1 Q. Chemical.
 2 Texas A&M grad?
 3 A. Yes, sir.
 4 Q. I guess about 1981?
 5 A. Yes.
 6 Q. Have you sought any additional
 7 certifications since that time?
 8 A. I -- I worked on my MBA.
 9 Q. And that was in what? Chemical
 10 engineering?
 11 A. Master's in business administration.
 12 Q. And where was that at?
 13 A. At the University of Houston Clear Lake.
 14 Q. Are you still working on that program?
 15 A. No, I did not complete that.
 16 Q. Ms. Lucas, could you briefly go over the
 17 years that you have worked at British Petroleum?
 18 My understanding is that you worked at the Texas
 19 City facility from like '82 to '96 and then went
 20 abroad --
 21 A. That's correct.
 22 Q. -- and then came back?
 23 A. I worked at Texas City for Amoco from
 24 '80 -- 1982 to 1996.
 25 Q. And we say "Amoco" because British

Page 24

1 Petroleum bought or merged with Amoco in the late
 2 Nineties?
 3 A. That's correct.
 4 Q. It's the same facility?
 5 A. Right.
 6 Q. Okay. How is it that you got a job at
 7 the Amoco BP facility in '82?
 8 A. I was a summer intern there and then upon
 9 graduation, they made me an offer and I accepted.
 10 Q. And you worked there from '82 until about
 11 '96?
 12 A. Correct.
 13 Q. And where did you go from there?
 14 A. In 1996 I transferred to the Mandan,
 15 North Dakota refinery.
 16 Q. And what did you do there?
 17 A. I was the optimization manager.
 18 Q. What does the optimization manager do?
 19 A. I had responsibility for the planning and
 20 scheduling department, the lab, and also worked
 21 with the operating engineers and control engineers.
 22 Q. And in the 14 years you were at the Texas
 23 City facility, what was your level of progress, if
 24 any?
 25 A. I worked various jobs, in operations,

Page 25

1 technical -- engineering and technical, planning
 2 and scheduling.
 3 Q. Did you work on the coker unit there at
 4 one time as an engineer?
 5 A. I did.
 6 Q. Were you there at the time when one of
 7 the -- there was a fatality there sometime, I
 8 think, back in the late Eighties, early Nineties,
 9 there was a fatality on the coker unit?
 10 A. No, I was not there during that time.
 11 Q. Not there.
 12 A. No fatality.
 13 Q. You don't know any circumstances about a
 14 fatality on the coker unit when you might have been
 15 an engineer on that particular unit?
 16 A. No.
 17 Q. I asked you earlier if you had taken a
 18 deposition before, and you had not.
 19 Have you given any other
 20 statements in this case other than the ten-page
 21 statement that we have been provided with by your
 22 counsel?
 23 A. What do you mean "statements"?
 24 Q. Well, there was a statement that was
 25 given to a gentleman, I believe, Mr. Holt?

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1 A. Yes, that was the investigation team.
 2 Q. Right.
 3 Have you given any statements
 4 other than that one in this case?
 5 A. Like to lawyers? No.
 6 Q. Okay. Have you given statements, a
 7 transcript statement of a similar nature to anyone
 8 else in this case?
 9 A. No.
 10 Q. Have you given recorded statements of
 11 that nature in any other matter before?
 12 A. No.
 13 Q. I take it that you did have an
 14 opportunity to talk to your attorneys prior to
 15 today to get a better understanding about what the
 16 deposition would entail, though; is that correct?
 17 A. Yes.
 18 Q. Do you understand your deposition can be
 19 used in court?
 20 A. Yes.
 21 Q. Has the same effect as if you are on the
 22 witness stand?
 23 A. Yes.
 24 Q. You've been sworn by the court reporter
 25 today to tell the truth the best you know it?

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1 A. That's right.
 2 Q. Have you consulted with any other counsel
 3 other than the BP counsel that have been made
 4 available to you?
 5 A. No.
 6 Q. Do you have a personal attorney?
 7 A. No.
 8 Q. Have you consulted with any criminal
 9 attorney?
 10 A. No.
 11 Q. Have you been advised that you have the
 12 right to consult with personal counsel?
 13 A. Sure.
 14 Q. Have you been advised you have a right to
 15 consult with criminal counsel?
 16 A. Yes.
 17 Q. Have you been admonished about your
 18 rights with respect to your ability to exercise
 19 Fifth Amendment rights against self incrimination?
 20 MR. GALBRAITH: Objection,
 21 irrelevant. I don't think she should answer. I
 22 will instruct her not to answer.
 23 MR. COON: Okay. We'll certify
 24 it.
 25 And, Jim, we may have a few of

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1 those today. Hopefully we don't; but if --
 2 MR. GALBRAITH: I understand.
 3 MR. COON: -- we do have anymore,
 4 can we get an agreement where every time -- if you
 5 instruct her not to answer, I don't have to go back
 6 through the rigmarole of "You are not going to
 7 answer the question because your lawyer advised you
 8 not to"?
 9 MR. GALBRAITH: I assume she will
 10 take the advice.
 11 MR. COON: All right.
 12 Q. (BY MR. COON) Instead of going through
 13 that every time, can we just get an agreement if
 14 your attorney says not to answer the question,
 15 you're going to take his advice and not answer the
 16 question?
 17 A. Okay.
 18 Q. So I don't have to ask --
 19 A. I guess so.
 20 Q. -- the next question, which is, "You are
 21 not going to answer the question because your
 22 lawyer told you not to"?
 23 A. That's fine.
 24 MR. COON: Fair enough?
 25 MR. GALBRAITH: Fine by me.

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1 Q. (BY MR. COON) Ms. Lucas, the reason I
 2 ask that is because of two things, one is: Early
 3 on in this case after this accident happened, after
 4 this plant explosion, it was my understanding that
 5 some of the employees were terminated.
 6 You're familiar with that, are you
 7 not?
 8 A. Yes, I am.
 9 Q. And that somewhere in the process of
 10 those employees being terminated, they have made
 11 statements that have led me to believe that they
 12 were encouraged to seek criminal counsel and that
 13 BP, in fact, assisted in procuring criminal counsel
 14 for those particular employees.
 15 Are you aware of any of that?
 16 A. I think I heard that.
 17 Q. Okay. Do you know why they would have
 18 been advised to seek criminal counsel or why BP
 19 would have provided them with criminal counsel?
 20 A. No.
 21 Q. Did you ever inquire as to why they may
 22 be provided with criminal counsel, why BP wanted
 23 them to have criminal counsel?
 24 A. No.
 25 Q. Are you familiar -- the other reason I

Page 30

1 ask is because there was very recent news coming
 2 out, I think, right on the heel of this report that
 3 you just told us you read, the Fatal Accident
 4 Injury Report, that the Department of Labor had
 5 referred this action over to the Department of
 6 Justice.
 7 Are you aware of that?
 8 MR. GALBRAITH: Objection, form.
 9 A. I read something about that in the paper.
 10 THE REPORTER: Would you repeat
 11 that?
 12 A. I read about the referral in the paper.
 13 Q. (BY MR. COON) Is that the first that you
 14 were made aware that the Department of Labor was
 15 referring this matter over to the Department of
 16 Justice?
 17 A. That was the time, yeah.
 18 Q. And this would have just been late last
 19 week?
 20 A. I don't recall exactly what day it was.
 21 Q. Had anybody advised you that that was a
 22 possibility at some point in time before this week?
 23 A. Yes, I had heard that was a possibility.
 24 Q. Are you aware of the potential for any
 25 other criminal investigations into the

Page 31

1 March 23rd plant explosion?
 2 A. Am I -- could you repeat that?
 3 Q. Yes, ma'am.
 4 Are you aware of any other
 5 potential criminal investigations into the plant
 6 explosion --
 7 A. No.
 8 Q. -- other than this one with the
 9 Department of Justice?
 10 A. No.
 11 Q. Have you personally been charged with any
 12 type of criminal wrongdoing?
 13 A. No.
 14 Q. Now, we have a copy of a witness
 15 statement that you gave. I believe, to your
 16 knowledge, it's the only one that you provided in
 17 this case. It's dated April 28th.
 18 Have you had an opportunity to
 19 read it before your deposition today?
 20 A. No.
 21 Q. I am going to provide it to you,
 22 Ms. Lucas. We are going to have a few questions of
 23 you.
 24 (Exhibit Number 2 marked for
 25 identification.)

Page 32

1 Q. (BY MR. COON) We'll call it Exhibit 2.
 2 Ms. Lucas, have you been provided
 3 with a copy of that statement before today's
 4 proceedings?
 5 A. I've seen this before.
 6 Q. Okay. When was the last time you think
 7 you were able to look at it?
 8 A. I -- I don't recall.
 9 Q. Okay. I want to thumb through a few
 10 parts of it. This was --
 11 A. Okay.
 12 Q. It indicates it was taken by a Mr. Tim
 13 Holt.
 14 A. That's right.
 15 Q. Can you tell us who Mr. Holt is?
 16 A. I am not sure of his exact job title at
 17 BP, but he is a BP employee who was part of the
 18 internal investigation team.
 19 Q. And as I understand it, he had a court
 20 reporter available and they swore you in?
 21 A. That's right.
 22 Q. And asked you questions --
 23 A. Right.
 24 Q. -- about 10 or 12 pages worth?
 25 Most of those concern the safety

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1 factors?
 2 MR. GALBRAITH: Objection, form.
 3 A. I don't -- I don't remember exactly their
 4 line of questioning but...
 5 Q. (BY MR. COON) Okay. Well, if I can walk
 6 you through just a few pages of it.
 7 A. All right.
 8 Q. We'll start at page 2.
 9 A. Uh-huh.
 10 Q. He asked you about when you went to work
 11 there; and that was January 14th, correct?
 12 A. In Texas City.
 13 Q. Okay. We skipped over a little bit when
 14 we got sidetracked, but you came to work back to
 15 this facility -- you had left in '96 --
 16 A. Right.
 17 Q. -- and you went to work in Montana?
 18 A. No, North Dakota.
 19 Q. North Dakota.
 20 And then you went, at some point
 21 in time, to Australia, I believe?
 22 A. In March of 2000, I transferred to the
 23 Kwinana refinery in -- it's close to Perth, Western
 24 Australia.
 25 Q. And what was the purpose of that

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1 transfer?
 2 A. I initially went as commercial manager;
 3 and in 2002, I became the business unit leader in
 4 Kwinana.
 5 Q. And is the business unit leader akin to a
 6 plant manager?
 7 A. Yes, it is.
 8 Q. And who did you replace there?
 9 A. I replaced Rick Cape.
 10 Q. And where did he go?
 11 A. He went to Trinidad.
 12 Q. Was this a -- what you would consider a
 13 promotion?
 14 A. Yes, it was.
 15 Q. And you stayed there until January of
 16 this year?
 17 A. Yes.
 18 Q. And what was the purpose of transferring
 19 from Australia back to Texas City?
 20 A. It was a new role. I had been out of the
 21 country for almost five years, and I was ready to
 22 get back to the U.S.
 23 Q. And was this considered a promotion?
 24 A. This was a parallel move.
 25 Q. Did it result in any change in your

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1 overall compensation package?
 2 A. I was given a -- yes, an increase.
 3 Q. Okay. You did get a pay raise?
 4 A. Uh-huh.
 5 Q. Can you tell us what your compensation
 6 package was when you came back here in January?
 7 A. What do you mean my "compensation"?
 8 Q. Okay. We --
 9 A. My salary?
 10 Q. Yeah, your salary and if there are other
 11 perks, there are stock options or other
 12 considerations as part of your package.
 13 A. Well, do you want to know what changed
 14 from moving from Australia to moving to Texas City?
 15 Q. We'll just go with what they offered you
 16 when you came back to Texas City.
 17 A. I was offered a 3 percent increase in my
 18 base pay.
 [REDACTED]
 [REDACTED]
 [REDACTED]
 23 Q. Okay. That's --
 24 A. A year.
 25 Q. -- that's a year?

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1 A. Uh-huh.
 2 Q. Okay. And are there other parts of the
 3 compensation package?
 4 A. There are.
 5 Q. Can you tell us briefly about those?
 6 A. They're not different from what they were
 7 in Australia.
 8 Q. Okay. And they would be what?
 9 A. There is a -- stock options and there is
 10 a -- what they call a long-term performance plan.
 11 Q. Okay. And the stock options entails
 12 what?
 13 A. They are typical stock options. You're
 14 granted a certain number of shares at a -- at a
 15 price, and they're exercisable in the future.
 16 Q. Okay. Is there a minimum of time
 17 involved --
 18 A. You have to --
 19 Q. -- to exercise the options?
 20 A. You have to hold them for three years.
 21 Q. Okay. As I understand it, if the stock
 22 is, say, \$20 a share and three years later it's
 23 \$30, you can exercise your right to buy them and --
 24 A. That's correct.
 25 Q. -- and lock in at the rate it was at the

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1 time you came in?
 2 A. At whatever your option is.
 3 Q. Okay. Is there a limit on the number of
 4 shares that you can acquire through the stock
 5 option that has been offered to you?
 6 A. Well, you get -- you can buy the number
 7 of shares that you have options.
 8 Q. Okay. And how many do you have access to
 9 under your option?
 10 A. What do you mean?
 11 Q. I'm sorry.
 12 Is there a limit to the number of
 13 shares that you can exercise this option on?
 14 A. Yes. You get so many options, like they
 15 might give you a thousand options, which means you
 16 can buy a thousand shares. It -- the options are
 17 equivalent to the number of shares you can buy.
 18 Q. Okay. And how many do you have?
 19 A. I don't know. I don't know.
 20 Q. Okay. There's also some other
 21 compensation packages that I'm not terribly
 22 familiar with. One is called the variable pay
 23 plan?
 24 A. That's right.
 25 Q. Are you eligible for that?

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1 A. No, I am not.
 2 Q. There is also another one called the VIP
 3 plan, variable incentive plan or something. I'm
 4 not quite sure of the acronym.
 5 VIP plan, are you familiar with
 6 it?
 7 A. No, I think that's the same as the VPP.
 8 Q. Okay. Are there any other plans that you
 9 are eligible for other than the stock options you
 10 described in your base salary?
 11 A. The long-term performance pay, the LTPP.
 12 Q. And what's involved with the long-term
 13 performance plan?
 14 A. I actually -- it's the same sort of thing
 15 where you get shares. I don't know the details of
 16 that, actually, because it is very long-term.
 17 Q. Are you eligible for any other kinds of
 18 compensation that are based on the profitability of
 19 a particular unit or a particular facility?
 20 MR. GALBRAITH: Objection, form.
 21 A. I -- you know, the -- I don't know the
 22 exact components that go into the share options,
 23 you know, in terms of how they judge how many you
 24 get; but I would suspect that profitability is one
 25 measure.

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1 Q. (BY MR. COON) Are there reward factors
 2 for safety at a plant, reportable accidents, things
 3 of that nature?
 4 A. They may be put into the variable pay
 5 plan.
 6 Q. You say it may be. Is that something
 7 that BP exercises discretion on?
 8 A. Well, the -- you know, when -- when
 9 you're setting up your variable pay plan, you might
 10 look at the performance of the -- the business unit
 11 and decide, you know, where the focus area should
 12 be.
 13 Q. Okay. Do you have an ability, with the
 14 position that you hold at that plant now, to be
 15 paid any part of -- by percentage or other formula,
 16 some amount of money if that particular facility
 17 makes a profit on its books, to you?
 18 A. It -- that's maybe one component of -- of
 19 the entire performance.
 20 Q. Okay. Who would better understand and be
 21 able to explain to us how all of that works?
 22 A. You mean compensation?
 23 Q. This -- this entire program and the
 24 deferred benefits, the LTPP?
 25 A. There might be someone in Chicago that

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1 could do that for you. I don't know whose name to
 2 give you.
 3 Q. Ms. Lucas, going back to the statement
 4 that you gave, I understand this was part of a
 5 fairly comprehensive internal investigation of a
 6 number of witnesses. I think there were dozens and
 7 dozens of people that worked at BP that provided
 8 statements.
 9 You're familiar with that, are you
 10 not?
 11 A. They interviewed a lot of people.
 12 Q. Okay. And you happened to be one of
 13 them?
 14 A. Yes.
 15 Q. Did you get an opportunity to read any of
 16 the witness statements that were provided by other
 17 employers?
 18 A. I did.
 19 Q. Did you read all of them to your
 20 knowledge?
 21 A. No, I did not.
 22 Q. Was there a particular person or persons
 23 that you wanted to read or were provided to you for
 24 information?
 25 A. I read some of the witness statements

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1 from the employees on the ISOM.
 2 Q. Is that something that you did at your
 3 request or was that provided to you?
 4 A. I requested that.
 5 Q. And for what purposes?
 6 A. Because I was tasked with doing the
 7 discipline investigation.
 8 Q. And who appointed you in charge of
 9 disciplinary investigations?
 10 A. Pat Gower.
 11 Q. And Mr. Gower has what position with BP?
 12 A. He is the regional vice president for
 13 refining of the U.S.
 14 Q. And this is BP North America?
 15 A. Yes, it is.
 16 Q. We haven't gone through the full
 17 structure. I've got a chart for that I'll have you
 18 walk us through in a minute.
 19 Who does he report to? Mr. Clary?
 20 A. I believe Pat reports to Mike Hoffman.
 21 Q. And where is he located?
 22 A. He is the group vice president for
 23 refining, and he's in London.
 24 MR. WILLIAMS: Can we interrupt a
 25 minute? We need to -- the court reporter needs to

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1 do something to get the LiveNotes activated.
 2 There's some problem there.
 3 MR. ALVAREZ: Should we take a
 4 break?
 5 (Discussion off the record.)
 6 THE VIDEOGRAPHER: Off the record
 7 at 10:40 a.m.
 8 (Recess taken.)
 9 THE VIDEOGRAPHER: On the record,
 10 11:10 a.m.
 11 Q. (BY MR. COON) Ms. Lucas, we just took a
 12 break to resolve some technical glitches.
 13 Have you had an opportunity to
 14 read the statement that you gave back in April now?
 15 A. I got through -- I didn't get through the
 16 whole thing, but I started through it.
 17 Q. Okay. I want to ask you a few questions
 18 on it.
 19 You still have it there as a
 20 reference, do you not?
 21 A. Yes, I do.
 22 Q. We also have these microphones now. I
 23 would encourage you, if you can, to talk into it.
 24 They're not particularly effective.
 25 And also, I was admonished by some

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1 of our counsel here today that I need you to
 2 audibilize "yeses" or "nos" if the answer is
 3 appropriate, instead of "uh-huh" and "huh-uh"
 4 because it's hard to know which one you're saying.
 5 Okay?
 6 A. Okay.
 7 Q. Okay. If we look at your statement, I
 8 will run through some of it with you.
 9 On page 2, I think goes back --
 10 the interrogation started with when you came back
 11 to work at the plant this year. That's January of
 12 this year, correct?
 13 A. That's correct.
 14 Q. And your position was the site operations
 15 manager?
 16 A. That's correct.
 17 Q. And has that position changed since
 18 January?
 19 A. No, it has not.
 20 Q. And could you tell us what your
 21 responsibilities are as site operations manager?
 22 A. So as site operations manager, I'm
 23 responsible for unit operations and that includes
 24 the refinery and the chemical site. I have -- I'm
 25 responsible for safety environment and the

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1 performance of those assets.
 2 Q. And in that regard, Ms. Lucas, I
 3 understand you have a number of people that report
 4 to you?
 5 A. That's correct.
 6 Q. Could you tell us briefly that chain of
 7 command?
 8 A. Okay. For what time period? Do you mean
 9 currently or as of March 23rd?
 10 Q. Well, let's first go back to
 11 March 23rd and you can tell us what has changed, if
 12 anything, since then.
 13 A. Okay. So on March 23rd, I had four
 14 manufacturing delivery leaders -- it's abbreviated
 15 as MDLs -- reporting to me. And they covered each
 16 of the asset areas. And I also had five shift
 17 directors; and these are guys who work around the
 18 clock, 24 hours a day, seven days a week.
 19 Q. Okay. First, as to the MDLs, could you
 20 name those four individuals?
 21 A. Yes. They were Ken Panozzo, Bill
 22 Hagerman, Willie Willis, and Norine Stein.
 23 Q. And with respect to the five shift
 24 directors that reported to you, their names?
 25 A. Yes. Melvin Castillo and Glen Borah,

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1 Jack Berry, Bob Myers -- hang on a second. We've
 2 had some changes there. I am missing one of them.
 3 Q. We can come back to it later.
 4 Let's -- let's now go to: What's
 5 changed since March 23rd with respect to the
 6 staffing and the hierarchy?
 7 A. Okay. In the -- the MDLs, we have split
 8 the east plant and so there's an MDL for the
 9 cracking division and alkylation and an MDL for the
 10 crude assets. I have also added an operations
 11 practices manager that covers initiatives that go
 12 site-wide so that we can get consistency across the
 13 site.
 14 Q. And who is that individual?
 15 A. That person is Bill Hagerman.
 16 Q. And what was his position prior to the
 17 new title of operations practices manager?
 18 A. He was the infrastructure MDL.
 19 Q. Who replaced him in that position?
 20 A. Gerry Tamborski.
 21 Q. Ms. Lucas, in your statement you were
 22 asked to describe your key priorities for fiscal
 23 year 2005. That's page 4. And for the next couple
 24 of pages you basically talked about safety in
 25 operations; is that correct?

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1 A. That's correct.
 2 Q. And to try to speed up the process, if we
 3 look at page 4, about the middle of the page, you
 4 talk about safety being a key priority and you had
 5 personnel safety and process safety, correct?
 6 A. That's correct.
 7 Q. Can you explain the difference between
 8 the two?
 9 A. Sure. Personnel safety is, you know,
 10 basically those things that -- that are around
 11 personal injuries, people getting hurt. Process
 12 safety is around making sure that the unit
 13 processes, the technology, is operating correctly
 14 and that, you know, things that -- you know, like
 15 protection systems, they are in shape and in -- in
 16 good repair.
 17 That could also lead to people, of
 18 course, getting injured if that's not taken care
 19 of.
 20 Q. And you also stated shortly after that
 21 that you are the new chairman of the refinery
 22 process safety committee?
 23 A. That's correct.
 24 Q. Was that a newly created position?
 25 A. No.

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1 Q. Who had that before you?
 2 A. Johnny Cearly.
 3 Q. Where -- where did he go?
 4 A. Johnny is still -- he is about to retire.
 5 He went to a special assignment as the liaison with
 6 OSHA and the CSB on the accident investigation.
 7 Q. And were there any written protocols with
 8 respect to what that title required in terms of
 9 responsibilities?
 10 A. I'm sure there are, but I haven't seen
 11 it.
 12 Q. Can you tell us just generally in summary
 13 what the chairman of the refinery process safety
 14 committee is supposed to do?
 15 A. Well, we have monthly process safety
 16 committee meetings. I chair those meetings and
 17 work with the -- the process safety specialist.
 18 Q. Do you keep minutes of those meetings?
 19 A. There are minutes taken of those
 20 meetings, yes.
 21 Q. And how long have you held that position?
 22 A. Well, since I just got back on site.
 23 Q. Since January?
 24 A. Right.
 25 Q. Okay. Also on page 4, Ms. Lucas, you

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1 started to describe first the personnel safety and
 2 you talked about leading indicators that you looked
 3 at, safety tours, making sure you're getting
 4 inspection work requests done and review all
 5 incidents and make sure incidents are properly
 6 investigated, correct?
 7 A. That's what it says, yes.
 8 Q. And then you talked about process safety.
 9 And that had different responsibilities attached, I
 10 think you just described to us, correct?
 11 A. That's correct.
 12 Q. And you listed those as making sure you
 13 do a good job following up with high priority
 14 action items?
 15 A. Yes.
 16 Q. And looking at some of the minimum
 17 expectations that are coming out of process areas?
 18 A. That's right.
 19 Q. Can you give me examples?
 20 A. Of?
 21 Q. Say, a high priority action item.
 22 A. We actually track action items, and they
 23 are given a priority in the tracking system. Those
 24 would be things that, you know, are categorized
 25 Priority 1 action items. Those could be from a

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1 unit HAZOP, an incident investigation or, you know,
 2 some -- something like that.
 3 Q. Do you keep logs or charts that list
 4 these high priority actions that need to be
 5 undertaken?
 6 A. It's on a computer base system; and we do
 7 track measures, you know, like how we're doing.
 8 Q. And how are those prioritized?
 9 A. Well, it's by -- the priority is in the
 10 database.
 11 Q. Well, does the computer tell you what the
 12 priority is or --
 13 A. No --
 14 Q. -- I mean, is there some sort of --
 15 A. -- the priority is set -- the priority is
 16 set based on the -- you know, the action item. And
 17 then the due date is set as to, you know, what's
 18 reasonable to get done based on that priority.
 19 Q. Okay. And I guess my question is: Who
 20 determines that? Does a committee determine that?
 21 Do you determine that?
 22 Is there someone else that
 23 determines the prioritization? You have high
 24 priority items, but who determines those?
 25 A. Well, that varies. Like the

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1 investigation teams, say, may determine -- well,
 2 they would determine the priority of the item and
 3 then the due date, look at each -- it's
 4 individually determined based on the -- the item.
 5 Some of them may be high priority
 6 items that are relatively simple to solve. Some of
 7 them might be high priority items that require an
 8 engineering study that would, you know, likely take
 9 more time because you need to get, you know, that
 10 technical input.
 11 So the -- you know, whether
 12 it's a -- if it's HAZOP, then the team that does
 13 the HAZOP would set the priority and, you know,
 14 look at a reasonable due date. And those would be
 15 reviewed. And I am not familiar with all the --
 16 you know, the review mechanisms; but, you know,
 17 there's not one way that says, "It's a Priority 1.
 18 You get three weeks."
 19 Q. Okay. Are there budgetary or manpower
 20 considerations that act as a filtering mechanism in
 21 a prioritization of these projects?
 22 A. Well, I think that it's -- it looks at
 23 the workload mostly. Like something that might
 24 require an engineering study, you know, would be
 25 allocated more time just because that's the -- you

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1 know, it just takes more time to do versus
 2 something that might be like updating a
 3 procedure --
 4 Q. Okay.
 5 A. -- would take less time.
 6 Q. Well, for instance, if you identify a
 7 problem area in the plant, say something needs
 8 upgrading so you have differed infrastructure,
 9 antiquated equipment or something, you need to
 10 change it out and that's part of something you
 11 recognize to be important, are there budgetary
 12 constraints that limit the activities you can take
 13 in a given year? You'll say, "I don't have enough
 14 money for that. We haven't allocated enough money
 15 for that"?
 16 Does that occur?
 17 A. For safety Priority 1's?
 18 Q. As an example, yes.
 19 A. Typically, those don't require a return.
 20 You can usually get the money for those.
 21 Q. And how is that money procured?
 22 A. Through the normal business planning
 23 cycle.
 24 Q. Does that go through you?
 25 A. Well, for operational things, it -- it

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1 might.
 2 Q. And what about the impact, if any, with
 3 respect to process? Say you have to shut a unit
 4 down for some period of time, is the loss of
 5 revenue or inability for that particular part of
 6 the unit to work and produce whatever that unit
 7 produces, does that come into account or
 8 consideration?
 9 MR. GALBRAITH: Objection, form.
 10 A. You mean like as to when you might
 11 complete an item?
 12 Q. (BY MR. COON) Yes.
 13 A. You might look at, you know, when the
 14 unit is going to be down for a turnaround. Some of
 15 the, you know, items might require a shutdown to
 16 install. Some of them might be able to be done
 17 online.
 18 There's no really one way to -- to
 19 determine, you know -- just as a general comment,
 20 there's no -- you know, each one has to be looked
 21 at on its own, sort of what it's going to take in
 22 terms of people resources, in terms of equipment,
 23 and in terms of what it takes to actually get it,
 24 say, installed on the unit.
 25 Q. Okay. Well, I don't want to bog down too

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1 much in this.
 2 But you have a big plant down
 3 there, right, 30 units or so?
 4 A. That's correct.
 5 Q. And I would assume that this plant, some
 6 parts of it being 70 years old, any given day there
 7 is something that needs to be done at some
 8 particular unit, correct?
 9 MR. GALBRAITH: Objection, form.
 10 A. You know, I haven't looked at, you know,
 11 sort of equipment repair/request backlogs; but I
 12 assume there's probably work to be done on most of
 13 the units.
 14 Q. (BY MR. COON) And I would assume that
 15 most of the time people in charge of each of those
 16 units are wanting something done out there in terms
 17 of the repair, for -- for example?
 18 MR. GALBRAITH: Objection, form.
 19 A. Well --
 20 Q. (BY MR. COON) That's a fair statement,
 21 isn't it?
 22 A. -- I think that, you know --
 23 MR. GALBRAITH: Objection, form.
 24 A. -- that people putting a requests for
 25 work to be done and then that work is executed and

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1 there is probably work every day on most units.
 2 Q. (BY MR. COON) Sure. And that's just
 3 part of the process.
 4 And in doing that, how do you --
 5 what role do you have in assimilating that
 6 information and deciding who gets what?
 7 A. I don't get involved in the details
 8 about, you know, the way work is executed on each
 9 and every of those 30 units, as you can imagine.
 10 And, you know, the budgets are given to each
 11 superintendent.
 12 Q. And these superintendents, do they have
 13 discretion in how they spend their budgets for
 14 their particular units?
 15 A. There is some discretion. Of course,
 16 they have to do the salaries and wages and pay
 17 that, and then there is other moneys as well.
 18 Q. And how many of those individuals are
 19 there now?
 20 A. I don't know an exact number, but we have
 21 somewhere around 23 to 25 superintendents.
 22 Q. So you pretty much have a superintendent
 23 for each unit?
 24 A. Almost.
 25 Q. And how is it determined what their

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1 budget for the next year is?
 2 A. I've only been here for this budget
 3 cycle, actually, as we're trying to form the 2006
 4 budget. And we use a process called Event Space
 5 Budgeting where they look at, you know, the number
 6 of people that they have and then what's their
 7 activities that need to be taken care of.
 8 It depends if they have a
 9 turnaround. Turnaround budgets are budgeted
 10 separately, you know, if there is a scheduled
 11 turnaround. And then that money is, you know, put
 12 out for each unit.
 13 Q. Who would know more about that process
 14 than yourself?
 15 A. The budget process?
 16 Q. Yes.
 17 A. Probably our commercial department.
 18 Q. And who in the commercial department
 19 would be most eligible regarding those matters?
 20 A. The current budget analyst is an engineer
 21 called Dan Kmapp.
 22 Q. Ms. Lucas, could you turn to page 8?
 23 A. (Complies.)
 24 Q. You go on to describe some of the key
 25 safety measures, things that you look at and

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1 outcome measures.
 2 Can you explain "outcome
 3 measures"?
 4 A. Actually, I think we -- I was relating to
 5 him how we did it in Kwinana, if that's what you
 6 want to know.
 7 Q. Okay. That was reference to how you were
 8 operating as a BUL in Kwinana?
 9 A. Kwinana, yes.
 10 Q. And it's not applicable to how you are
 11 operating at Texas City?
 12 A. Let me just look over it real quick. I
 13 just looked at that context to see how I had
 14 answered that question.
 15 So exactly what on page 8 are you
 16 asking about?
 17 Q. I am just asking the things that you look
 18 at with your outcome measures. I think you were
 19 giving Mr. Holt a description.
 20 A. Okay. Accident, right, that would be
 21 applicable to Texas City and Kwinana?
 22 Input measures we looked at are
 23 shift observations, near misses.
 24 Q. And how are near misses reported?
 25 A. Near misses are reported on a system in

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1 the refinery that we call Traction. And anyone can
 2 report a near miss. They are -- there is also, in
 3 association with that, an action item tracking
 4 system as well.
 5 Q. Okay. I saw that the follow-up question
 6 that was asked in that regard on the next page was
 7 fires, how you track fires.
 8 A. Uh-huh.
 9 Q. Now, at the time you did not know. So I
 10 guess since then, have you found out?
 11 A. Well, and -- yes.
 12 Q. Okay.
 13 A. We -- and I can say that I now insist on
 14 all fires being investigated, as well as losses of
 15 containment.
 16 Q. That was the next question I had for you.
 17 It's my understanding that there
 18 had been some period of time in which numerous
 19 fires were not reported if they were quenched on
 20 site by the personnel available. Do you know
 21 anything about that?
 22 A. No.
 23 Q. Are you aware of fires occurring on the
 24 jobsite while you were the operations manager that
 25 were not reported?

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1 A. I am not aware of any that weren't
 2 reported, no.
 3 Q. Are you aware of fires that occurred in
 4 the years prior to your position there that were
 5 not reported as a matter of just routine
 6 operations?
 7 A. Just by hearsay. I wasn't there.
 8 Q. Do you have any idea of how accurate the
 9 reporting is with respect to near misses?
 10 A. You know, the system is fairly user
 11 friendly and it's been my experience that most of
 12 the near misses, at least ones that I am aware of,
 13 I can find the -- you know, if I hear about it, I
 14 can also find out about it in Traction.
 15 Q. Okay. The last thing I want to go over
 16 with the statement you gave before is page 9.
 17 Mr. Holt asked you about your general observations
 18 when you returned back to the plant. And I guess
 19 if we put this in perspective, you were there from
 20 about '82 to '96 --
 21 A. That's right.
 22 Q. -- and then you were gone for about ten
 23 years. And then you came back and you're there
 24 90 days and you have this major tragedy.
 25 And within a few weeks, Mr. Holt

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1 is asking you a number of questions; and that's
 2 your statement right there, correct?
 3 A. (Nods head.)
 4 MR. GALBRAITH: Objection, form.
 5 Q. (BY MR. COON) At that time he asked you
 6 some questions about your observations at the plant
 7 when you came back. And I believe he was
 8 referencing when you came back in January of '05,
 9 is he not?
 10 MR. GALBRAITH: Objection, form.
 11 Q. (BY MR. COON) I'm trying to put all this
 12 all in context.
 13 A. That was his question, yes.
 14 Q. Okay. And you're giving Mr. Holt this
 15 statement; and I assume it's at the BP facility,
 16 somewhere in your office or somewhere?
 17 A. It wasn't in my office; but it was at BP,
 18 yes.
 19 Q. And so he was asking you these routine
 20 questions about what you do and what your roles
 21 are, et cetera, et cetera. And then he gets to the
 22 part about your observations about your return to
 23 the Texas -- Texas City facility in 2005?
 24 MR. GALBRAITH: Objection, form.
 25 If that's the lead-in to the question.

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1 A. That is what he asked me.
 2 Q. (BY MR. COON) Okay. And you did have
 3 some general observations, did you not?
 4 A. I had some general observations.
 5 Q. And one of the observations you related
 6 to Mr. Holt, that you felt the plant was somewhat
 7 rundown since your last, I guess, physical
 8 observations of the plant ten years prior?
 9 A. That's what I said, yes.
 10 Q. And then also your statement -- let's go
 11 to Line 17, make sure we read this verbatim.
 12 "I also was a bit surprised that I
 13 continued to see issues occur that had occurred
 14 when I had been here."
 15 Can you elaborate on that?
 16 A. I don't recall exactly what I was
 17 thinking about. The only thing I think it might
 18 have been is there was a process upset where some
 19 MEA, which is an absorbent that we use in the
 20 plant, had gotten to the wastewater treatment
 21 plant. And it may have been that, or it may have
 22 been another substance. And that -- and that it
 23 upset the wastewater treatment plant, and I had
 24 seen that occur before.
 25 It was like, you know, I thought

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1 we would not have that occurring anymore.
 2 Q. Okay. I've got page -- Line 21 there,
 3 again trying to read it verbatim.
 4 It says, "And that we hadn't
 5 learned from some of our past mistakes, that was
 6 something that bothered me."
 7 And can you elaborate on what
 8 you're talking about --
 9 A. I think I just did.
 10 Q. -- "past mistakes"?
 11 A. I mean, that was one of the examples.
 12 Q. Ms. Lucas, did you have a resume or a CV?
 13 A. I actually don't have a resume.
 14 Q. Well, the only one that I found -- again,
 15 there are a lot of documents. It may not be a
 16 complete updated one but...
 17 (Exhibit Number 3 marked for
 18 identification.)
 19 Q. (BY MR. COON) I'll show you what's
 20 marked as Exhibit 3. And this was provided to us
 21 by BP, I assume, as part of your file or they keep
 22 it somewhere there.
 23 But anyway, this is you, is it
 24 not, Kathleen Lucas?
 25 A. That is me.

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1 Q. Do you know why that it's devoid of any
 2 information?
 3 A. Probably because I never completed it.
 4 Q. Is this something --
 5 A. Did this have a date on it? I can see
 6 it's when I was the commercial manager, and that
 7 would have been in Kwinana.
 8 Q. So this would have been the resume that
 9 you had --
 10 A. It looked like --
 11 Q. -- when you worked in Kwinana in 2002,
 12 2004?
 13 A. I was actually there in 2000. In 2001 as
 14 the commercial manager.
 15 Q. Okay. So you were there for two years as
 16 the commercial manager, and then you became the
 17 BUL?
 18 A. Right.
 19 Q. Okay. Do you know whether or not there's
 20 a more updated resume or why they did not have at
 21 least a completed resume for this particular
 22 document?
 23 A. Well, I would have been the one
 24 completing this; and obviously I did not complete
 25 it.

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1 Q. Well, that's all I can find there; but
 2 what we did find was what's called a PDP.
 3 A. Right. That probably has the more
 4 up-to-date job history on it.
 5 Q. I have that as Exhibit 4. I will give
 6 you a copy.
 7 A. Thank you.
 8 (Exhibit Number 4 marked for
 9 identification.)
 10 Q. (BY MR. COON) Who puts this together?
 11 A. I put this together as well.
 12 Q. And when was this one generated?
 13 A. It shows a date of October 23rd, 2003.
 14 Q. Is the information on there accurate?
 15 A. I will just look over it quickly.
 16 (Examines document.)
 17 I would say it's accurate as of
 18 October, 2003 when I wrote it or when it was
 19 printed, I guess, or updated.
 20 Q. Okay. And this was at a time when you
 21 were the business unit leader in Kwinana?
 22 A. That's correct.
 23 Q. Okay. And at the time -- if you look at
 24 the top right, you had personal development goals,
 25 short, mid-term and long-term.

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1 A. Yes.
 2 Q. And I take it what you're looking at
 3 there is where do you go from here? You're the
 4 business unit leader in Australia at this
 5 particular facility and -- and let me back up.
 6 Is this something that all the
 7 employees are asked there, to provide this type of
 8 information on what their development goals are?
 9 A. I don't know that it's mandatory for
 10 employees. In Kwinana, they encouraged everyone to
 11 do their PDP; and we would have personnel planning
 12 meetings.
 13 Q. Okay. And if we look at your short,
 14 mid-term and long-term -- and again, for brevity,
 15 we'll let your comments speak for themselves.
 16 But has anything changed about
 17 what you want as your personal development goals
 18 over those ranges of time since you have come back
 19 here to Texas City?
 20 A. Well, I -- I haven't spent a lot of time
 21 thinking about it, you know. Since I've been back
 22 in Texas City, I've been quite busy; but they don't
 23 look unreasonable.
 24 Q. Okay. What would impact those personal
 25 development goals in terms of your reviews at the

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1 Texas City facility?
 2 A. What would impact them? I guess if I
 3 am -- you know, had a desire to either one place,
 4 like stay in Texas City or perhaps, you know,
 5 decide I wanted to get out of the refining
 6 business, those -- personal choice would impact
 7 them.
 8 Q. Are you subject to any type of review
 9 processes?
 10 A. Sure.
 11 Q. And is that an annual review?
 12 A. Typically annual, yes.
 13 Q. And who performs that review on you?
 14 A. In what role? Usually your supervisor
 15 performs a review.
 16 Q. And who would your supervisor be at Texas
 17 City?
 18 A. Right now, it's Colin Maclean.
 19 Q. And who was it when you went to the plant
 20 in January? Mr. Parus?
 21 A. Don Parus, correct.
 22 Q. And where is Mr. Parus now?
 23 A. Don Parus is -- I think he is working
 24 still in Houston, and he's on a special assignment
 25 in relation to the incident isomerization.

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1 Q. And do you know what type of work he is
 2 providing on this special assignment?
 3 A. I don't know exactly. I know he did some
 4 work for a meeting that I didn't attend that had to
 5 do with looking at industry and Solomon's
 6 indicators.
 7 Q. Do you know where he works out of now?
 8 A. No.
 9 Q. Does he still work at the Texas City
 10 facility?
 11 A. No, he does not work in Texas City.
 12 Q. When was the last -- to your knowledge,
 13 that he was on site at Texas City?
 14 A. I don't recall the exact date.
 15 Q. Would this have been shortly after the
 16 preliminary Fatal Accident Injury --
 17 A. I think that's --
 18 Q. -- Report came out?
 19 A. I believe that's when it was.
 20 Q. Okay. We'll talk about that a little
 21 later then.
 22 Have you read an analysis by
 23 Mr. Parus or Mr. Maclean or has it been too early?
 24 A. It's been too early.
 25 Q. Ms. Lucas, I don't want to spend a lot of

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1 time on this; but since you are our first witness,
 2 I'd like to go briefly through the corporate
 3 structure at British Petroleum.
 4 Do you have a general
 5 understanding of the corporate structure?
 6 A. I have a general understanding.
 7 Q. Can you tell us how that works?
 8 MR. GALBRAITH: Objection, form.
 9 A. Well, not exactly.
 10 Q. (BY MR. COON) We have some charts that
 11 may -- may help run through this real quickly.
 12 A. Thank you.
 13 (Exhibit Number 5 marked for
 14 identification.)
 15 Q. (BY MR. COON) It's Exhibit -- Exhibit 5.
 16 Okay. Have you seen a chart like
 17 that, similar to that in the past?
 18 A. I'm not -- I have never seen this one,
 19 no.
 20 Q. Have you seen anything similar to it?
 21 A. I've seen similar charts, yes.
 22 Q. Okay. At the top of this chart -- and
 23 it's more or less a flowchart; but at the top you
 24 have "BP PLC Corp." Would that be the parent
 25 company operating out of London?

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1 A. That's correct.
 2 Q. And who is the chief officer there?
 3 Would that be Mr. Browne?
 4 A. I believe that's his title.
 5 Q. And have you ever talked to Mr. Browne?
 6 A. I have.
 7 Q. It's my understanding he came to Texas
 8 City, I think, the day after the incident?
 9 A. That's correct.
 10 Q. And you -- you talked to him then and --
 11 A. No, actually, I didn't. I had gone home
 12 to get a couple hours of sleep.
 13 Q. I am sorry, ma'am?
 14 A. I had gone home to get some sleep.
 15 Q. Okay. You did not have an opportunity to
 16 personally visit with him when he came here on the
 17 24th?
 18 A. No, I did not.
 19 Q. Did you ever talk to him by phone or
 20 otherwise?
 21 A. I've talked to him in person since
 22 March 23rd. He came to visit the site -- again,
 23 after March 24th, he had come in one more time
 24 since then.
 25 Q. When was that?

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1 A. I don't...
 2 Q. Was it in the summer or ballpark month?
 3 A. It might have been late summer. I don't
 4 recall exactly, actually.
 5 Q. And did you meet with him personally at
 6 that time?
 7 A. Well, not just me, but there was other
 8 people around. But, yeah, I did get to speak to
 9 him.
 10 Q. Did that entail some debriefing on what
 11 had -- whether the investigation was concluding on
 12 the explosion in March?
 13 A. No, he didn't ask me those questions.
 14 Q. Okay. If we go through the -- let me
 15 back up on the word Browne.
 16 Lord John Browne is, I think, his
 17 official title?
 18 A. I think so.
 19 Q. I was just curious about this, the "lord"
 20 title. I don't know much about that old English
 21 feudal system, but what is vested with the title of
 22 a lord?
 23 A. I actually don't know either. It's -- I
 24 think it might have something to do with their
 25 government.

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1 Q. Well, I mean, frankly, I just don't know.
 2 I don't know like if the guy lives in a castle or
 3 what the deal is.
 4 What is -- I mean, do you have any
 5 clue? I mean, he's your ultimate boss. Do you
 6 have any clue why he is a lord, and what's involved
 7 in being a lord?
 8 MR. GALBRAITH: Objection, form.
 9 A. I have no idea, actually, what that -- I
 10 know it's an honor, and that's all I know.
 11 Q. (BY MR. COON) Are there any particular
 12 protocols that you have to abide by when you meet
 13 him in terms of how you greet them, like with the
 14 queen where you curtsy and stuff?
 15 A. No.
 16 Q. No, you don't know; or no, you don't?
 17 A. No. There -- well, no one has ever
 18 instructed me in anything like that.
 19 Q. Okay. Mr. Browne, do you know anything
 20 about his compensation package as a CEO there?
 21 A. No.
 22 Q. Okay. Last year, I think, it was
 23 reported that he made somewhere in the neighborhood
 24 of 40 or \$50 million U.S. currency.
 25 Do you have any knowledge of that

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1 one way or the other?
 2 A. No.
 3 Q. Would that seem to be an exorbitant
 4 amount of income for an individual in his position?
 5 A. I don't --
 6 MR. GALBRAITH: Objection, form.
 7 A. I have no idea what comparable CEOs make.
 8 Q. (BY MR. COON) Ms. Lucas, if you look at
 9 the chart underneath the "BP PLC," to the right of
 10 that, "BP America."
 11 A. Correct, on the second -- second row.
 12 Q. Are you familiar with BP America?
 13 A. Yes, I am.
 14 MR. GALBRAITH: On Exhibit 5?
 15 MR. COON: Yes, sir.
 16 Q. (BY MR. COON) And where is the
 17 headquarter for BP America?
 18 A. Well, I might be getting it confused.
 19 I'm -- I know about BP Corporation North America,
 20 and I believe the headquarters are in Chicago.
 21 Q. Okay. Well, if you look at BP America,
 22 it shows that there's a breakdown of maybe four or
 23 five other entities; and one of those is
 24 BP Corporation North America. Is that the one
 25 you're familiar with?

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1 A. It's the one I have heard of before.
 2 Q. Okay. Do you know anything about
 3 BP America, how that's distinguished from a
 4 corporate standpoint from BP Corporation North
 5 America?
 6 A. Not really.
 7 Q. Do you know anything much, if anything,
 8 about the various other holding companies and
 9 operations of BP, including the overseas holdings,
 10 the global operations at Atlantic Richfield,
 11 et cetera?
 12 A. Where exactly are you looking?
 13 Q. Just all over that page.
 14 A. Right here (indicating)?
 15 Q. Yes, ma'am.
 16 A. No. I recognize some of the names.
 17 Q. Okay. Who pays your check, which
 18 company?
 19 A. BP Corporation -- it goes direct deposit.
 20 So I will be sort of speculating here, but I think
 21 it says BP North America on it.
 22 Q. And who is the boss of BP North America?
 23 Is that Mr. Pillari?
 24 A. I believe that would be Mr. Pillari, but
 25 I'm a little confused because of the BP America and

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1 then corporation -- as opposed to the
 2 BP Corporation North America.
 3 Q. Okay. Do you know if there's anybody at
 4 the Texas City -- Texas City facility that knows
 5 more about these various corporate structures than
 6 yourself?
 7 A. In Texas City, I don't know anyone who
 8 would be more familiar with this.
 9 Q. Okay. And in your position as operations
 10 manager there, you really haven't been debriefed, I
 11 take it, on all these various other companies that
 12 BP is involved in internationally?
 13 A. No.
 14 Q. Okay. Well, we'll move on.
 15 Do you have any idea of the
 16 approximate number of employees worldwide with BP?
 17 A. I'd be guessing --
 18 MR. GALBRAITH: Objection, form.
 19 A. -- but I think there was somewhere around
 20 a hundred thousand employees.
 21 Q. (BY MR. COON) And do you know if that
 22 number is on the increase or decrease?
 23 A. No, I do not.
 24 Q. Do you know anything about the operations
 25 in other -- other countries other than America?

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1 A. Well, I know a little bit about the
 2 operations in Australia.
 3 Q. Fair enough.
 4 What about in Central America?
 5 A. No.
 6 Q. South America?
 7 A. No.
 8 Q. Or Europe?
 9 A. No.
 10 Q. Or Asia?
 11 A. No.
 12 Q. Ms. Lucas, when you came aboard in
 13 January, did you go through any type of debriefing?
 14 A. What do you mean, a "debriefing"?
 15 Q. Well, when you came on, did you go
 16 through an educational program or a debriefing
 17 about your roles and responsibilities at that
 18 particular facility?
 19 A. I didn't actually sit down with Don and
 20 have a formal -- you know, that would have been in
 21 the -- in the cards; but unfortunately, we didn't
 22 get to it before March 23rd.
 23 Q. Well, how did you add -- how were you
 24 provided with the information that defined for you
 25 what your roles and responsibilities would be?

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1 A. Well, I -- I had a pretty good idea of
 2 what an operations manager, you know, would be
 3 responsible for. Like I said, unfortunately, I
 4 didn't get to sit down and go through those in
 5 detail with Don before March 23rd happened.
 6 Q. Did you make a request to visit with
 7 Mr. Parus and discuss those matters so you would
 8 have a better understanding of your roles and
 9 responsibilities?
 10 MR. GALBRAITH: Objection, form.
 11 A. I actually can't recall whether we, you
 12 know, sat down -- we, you know, certainly discussed
 13 informally things he wanted me to -- to look at.
 14 But, no, I don't think I made a request for that
 15 meeting.
 16 Q. (BY MR. COON) Okay. Was there a
 17 notebook that you were given or some other types of
 18 written literature that delineated your roles and
 19 responsibilities that you could do your homework
 20 on?
 21 A. No.
 22 Q. You also have the title of chairman of
 23 the refinery process safety committee?
 24 A. That's correct.
 25 Q. What are the responsibilities of that

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1 position?
 2 A. I think you asked me that before when we
 3 were going through my interview.
 4 Basically that's -- the refinery
 5 process safety committee meets monthly to review
 6 incidences as well as, you know, upcoming, say,
 7 process safety management expectations and to
 8 review where we are, you know, with our units in
 9 regards to those.
 10 Q. Ms. Lucas, how many employees are at the
 11 BP facility presently?
 12 A. BP Texas City?
 13 Q. Texas City, yes, ma'am.
 14 A. Refining chemical site, again, I don't
 15 have an exact number; but I think it's around 1800
 16 BP employees.
 17 Q. And about how many of those are salaried
 18 versus hourly?
 19 A. You know, I really don't know how many
 20 salaried versus hourly --
 21 Q. Do you have an idea --
 22 A. Maybe half and half.
 23 Q. Half and half, ballpark.
 24 And has that been an increase or
 25 decrease from years past?

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1 A. I don't know. I don't know if that's an
 2 increase or decrease.
 3 MR. COON: Okay. We'll take a
 4 break and change the tape.
 5 THE VIDEOGRAPHER: Off the record
 6 11:48 a.m., ending Tape 1.
 7 (Recess taken.)
 8 THE VIDEOGRAPHER: On the record
 9 at 11:49 a.m., beginning Tape 2.
 10 Q. (BY MR. COON) It is my understanding the
 11 Texas City refinery was built around 1934?
 12 A. Okay.
 13 Q. And the chemical plant was built shortly
 14 after World War II, around '46, '47?
 15 A. I don't know about the chemical plant.
 16 Q. Do you know the total size of the
 17 compound, acreage?
 18 A. Yes, it's around 1200 acres.
 19 Q. With respect to BP Texas City, are there
 20 roles and responsibilities that management has
 21 there that overlaps into other plants, like the
 22 Chocolate Bayou plant or Deer Park?
 23 A. No, not at this time.
 24 Q. Have they at any time since you've come
 25 back since January?

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1 A. No.
 2 Q. Is this the largest refinery that British
 3 Petroleum has?
 4 A. Yes, it is, in terms of prerunning
 5 capacity.
 6 Q. Now, it's my understanding that there is
 7 a unit or multiple units on the Texas City premises
 8 that involve a subsidiary called Innovene.
 9 Are you familiar with that?
 10 A. That's, yeah, relatively new.
 11 Q. What's that all about?
 12 A. That is --
 13 MR. GALBRAITH: Objection, form.
 14 A. I'll tell you what I do know. What I --
 15 what I understand is that is the sell-off of a
 16 portion of the chemicals, the petrochemicals
 17 business for Texas City that includes the styrene
 18 unit.
 19 Q. (BY MR. COON) And who made the decision,
 20 if you know, regarding selling off that particular
 21 area of the plant?
 22 A. In Texas City? I mean, it -- those
 23 assets were part of the Innovene line of business.
 24 Q. And who owns Innovene?
 25 A. Well, right now BP owns it. It's a

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1 wholly-owned subsidiary. My understanding is
 2 someone bought it. I can't remember the name of
 3 the -- just a second, I will think of that --
 4 Q. I've got that for you. I-N-E-O-S?
 5 A. That's right, INEOS.
 6 Q. And that's a privately held company?
 7 A. As I understand.
 8 Q. And do you know who owns the shares of
 9 that particular company?
 10 A. No, I don't.
 11 Q. Are you aware that it was -- members of
 12 management of British Petroleum had formed that
 13 privately held company?
 14 A. No, I didn't know that.
 15 Q. With respect to Innovene on the Texas
 16 City plant site, how is it that -- or what role
 17 does the regular rank and file of British Petroleum
 18 employees and management have in the oversight of
 19 this Innovene subsidiary, if any?
 20 I mean, it's on the physical
 21 premises of the Texas City plant, correct?
 22 A. The styrene plant --
 23 Q. Right.
 24 A. -- is part of the chemical -- well, it's
 25 on the -- you know, the chemicals plot plan before

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1 it was originally, you know, BP Chemicals.
 2 Q. And it had been there for how many years?
 3 A. I don't know how long the styrene had
 4 been there.
 5 Q. It would be fair to say a number of
 6 years?
 7 A. I believe so.
 8 Q. And this is a unit that is in -- within
 9 the physical confines of the 1200 acres that we
 10 were talking about earlier, correct?
 11 A. That's correct.
 12 Q. But these are employees of a subsidiary
 13 separate and apart from BP that you work for?
 14 A. I -- I think that that depends on the
 15 employee.
 16 Q. Well, who's responsible for oversight of
 17 that particular unit now?
 18 A. From the management standpoint?
 19 Q. Sure.
 20 It's on your plant site, correct?
 21 A. Right.
 22 There's -- there's a
 23 superintendent.
 24 Q. Do either of them report to you?
 25 A. No, they did not.

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1 Q. So they are completely autonomous?
 2 A. Well, no. They report in through the
 3 Innovene management.
 4 Q. And what relationship do they have with
 5 you guys with respect to what they're doing out
 6 there? Do they tell you what they're doing or keep
 7 you updated? Do you even ask?
 8 A. Sure. We -- I mean, they -- they -- as
 9 you can imagine, these are people who have been BP
 10 employees; and then this separation was announced.
 11 So there's quite a good working relationship,
 12 actually, between the employees and, you know, the
 13 people who will -- well, I guess they are Innovene
 14 employees now or will be INEOS employees, and the
 15 BP employees because they were part of the same
 16 group.
 17 So in terms of, you know, the
 18 working relationship, I would say they're not that
 19 different.
 20 Q. Okay. Well, do they still have the same
 21 amount of access in and out of the plant? Do they
 22 have to go through a different gate now, or are
 23 they considered still BP employees in some regard?
 24 A. I believe that the -- the hourly
 25 representative employees are still BP employees and

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1 that the salaried employees are transferred to
 2 Innovene. Unless they're under some special
 3 contract, BP employees transfer to Innovene.
 4 Q. Do they have the full complement of
 5 management that pre-existed the acquisition by
 6 Innovene? Do they still have a safety department,
 7 a review department, all the same things that you
 8 were providing on the Texas City facility for all
 9 the other units and the personnel?
 10 A. There were terms of agreement negotiated
 11 about how support would be provided to the Innovene
 12 assets. I am not familiar with all of those, but
 13 it appears to me that they have all the same sort
 14 of support.
 15 Q. And where are all their people housed,
 16 the management people? Did you create a building
 17 or something for those?
 18 A. No. They -- they're still in the same
 19 building.
 20 Q. Is that building on that unit?
 21 A. Well, the --
 22 Q. I'm just trying to --
 23 A. -- the -- go ahead.
 24 Q. Well, I'm just trying to -- I haven't
 25 actually seen the styrene unit out there; but I'm

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1 trying to understand how you could sell a part of a
 2 facility, one unit out of that facility and still
 3 retain the same level of integrity with respect to
 4 people going in and out of the plant, safety
 5 considerations, oversight and review, you know,
 6 things like that.
 7 A. As far as I know, there's not been any
 8 major changes about, you know, the way they badge
 9 in, badge out, their offices. You know, they
 10 haven't physically gone to a different building or
 11 anything like that. They're still in the same
 12 place.
 13 Q. Okay. And with respect to reporting,
 14 say, for safety considerations, you are in charge
 15 of safety out there, correct?
 16 A. Uh-huh.
 17 Q. Does everybody at this new company out
 18 there that's on your premises have an obligation to
 19 report to you what they're doing and how they are
 20 doing it and a prioritization of their jobs?
 21 A. They do. Whether that's an obligation or
 22 not, you know, written down anywhere, I don't know
 23 the details of the terms of the agreement.
 24 But certainly my experience has
 25 been -- for example, the recent steam system work

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1 we are doing, they, you know, keep us updated about
 2 their needs, what sort of repairs they need done,
 3 what sort of things they're working on. You know,
 4 it hasn't been, you know, this sort of like
 5 divorce, if you will.
 6 Q. Okay. Has Texas City, that facility
 7 considered selling off any other portions of the
 8 plant to your knowledge?
 9 A. Not that I know of.
 10 Q. There were rumors that there was -- there
 11 had been other suitors to the Texas City facility,
 12 including Valero.
 13 Do you know the truth of any of
 14 those rumors?
 15 A. Those sound like just rumors.
 16 Q. Okay. To your knowledge there's been --
 17 there's been no talking about selling any other
 18 portions of the Texas City facility at this time?
 19 A. Not to me, no.
 20 Q. Do you know if there were serious talks
 21 with respect to selling any portions of that
 22 facility in the past, other than this Innovene
 23 acquisition?
 24 A. Not that I know of, no.
 25 Q. Are you aware of any talks with respect

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1 to the sale of any of the other local British
 2 Petroleum held entities, Cedar Bayou, Deer Park?
 3 A. No.
 4 Q. Do you know anything with respect to the
 5 rumors that British Petroleum was desiring to move
 6 out of the refining sector?
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. COON) By moving out, I mean
 9 divesting themselves of those assets.
 10 A. In the -- in 2005?
 11 Q. Just -- maybe not even 2005 but maybe
 12 short, mid-term or even long-term?
 13 MR. GALBRAITH: Objection, form.
 14 A. You know, it -- the way the company
 15 strategy, you know, goes, I -- I'm really not sort
 16 of privy to exactly what they're thinking about,
 17 the different business lines that, you know, BP
 18 runs. So whether or not refining is in favor or
 19 not, I really don't know.
 20 Q. (BY MR. COON) Okay. You've heard not
 21 one word or the other your employers' desires to
 22 sell out certain sectors of their present business
 23 operations?
 24 A. There -- there was a time when we did
 25 reduce refiners. In fact, the Mandan refinery I

<p style="text-align: right;">Page 86</p> <p>1 worked at was sold and, you know, some small -- 2 three smaller refineries in the U.S. were sold; but 3 I don't think that constitutes getting out of the 4 refining business. 5 Q. Do you know whether any risk analysis 6 studies have been provided at the BP facility in 7 Texas City in the last five years? 8 A. What sort of risk analysis? 9 Q. Just any outside risk analysis where you 10 had a comprehensive study completed. 11 A. There was a -- as I understand, a major 12 accident risk analysis done. 13 Q. There has only been one to your 14 knowledge? 15 A. That's the one that I've most recently 16 become familiar with. 17 Q. Was that one done by a company called 18 DNV? 19 A. I think I've heard their name, yeah. 20 Q. Do you know what that stands for? 21 A. No. 22 Q. Do you know the purpose of the retention 23 of an outside consulting company for that MAR? 24 A. I suppose it's because they have 25 specialist knowledge that we don't have in-house.</p>	<p style="text-align: right;">Page 88</p> <p>1 unit? 2 A. Not a full process unit, no. 3 Q. Some parts of a unit? 4 A. Sure. 5 Q. Could you tell us briefly the 6 circumstances? 7 A. Well, I've sized various pieces of 8 equipment, like heat exchangers or knockout drums 9 and so forth. 10 Q. And this is sporadically over the 11 20 years of your employment with BP? 12 A. Probably more, you know, detailed 13 engineering work at the beginning of my career. 14 Q. Have you worked with the contract 15 engineering firms on the design and utilization of 16 a process unit? 17 A. No. 18 Q. Have you ever prepared operating units 19 manuals or protocols, operating manuals? 20 A. I have worked on, you know, standard 21 operating instructions and so forth. 22 Q. Do you recall the circumstances that were 23 involved, which particular units, what timeframe? 24 A. They would have been units that I worked 25 on either as an operating engineer or as a</p>
<p style="text-align: right;">Page 87</p> <p>1 And I believe that what that study did was look at 2 blast and toxic releases and analyze those. 3 Q. Do you know who requested that risk 4 analysis? 5 A. No, I don't know who requested it. 6 Q. Have you ever been privy to the actual 7 findings of that analysis? 8 A. I have not read the report, no. 9 Q. Ms. Lucas, let's go to the incident date, 10 March 23. 11 You were -- were you on the job 12 that day? 13 A. I -- I was on the job that morning and 14 then I had gone for a lunch to a Chamber of 15 Commerce board meeting, which was -- was in -- in 16 town. So I was off site. And I arrived back on 17 site and, in fact, was in the parking lot. I was 18 in the visitor's parking lot because that's where I 19 was parking at that point when the explosion 20 occurred, when I heard it occur. 21 Q. Were there any major projects being 22 undertaken at that time? Construction projects? 23 A. Not really. No new units. Well, yeah, 24 none that had started yet. 25 Q. Okay. Have you ever designed a process</p>	<p style="text-align: right;">Page 89</p> <p>1 superintendent. 2 Q. And what timeframe would we be talking 3 about? 4 A. I took my first operating engineering job 5 in 1982 and worked, gosh, you know, on and off in 6 operating roles until now, where I'm still in an 7 operating role. 8 Q. Okay. What time frames would you have 9 been involved in facilitating or assisting in 10 putting together the manuals? 11 A. You mean like actually writing sections 12 of manuals? 13 Q. Yes, ma'am. 14 A. I probably did more of that as an 15 operating engineer. And then as a superintendent, 16 probably did more -- not operating but reviewing. 17 Q. This would have been mostly in the 18 Eighties? 19 A. Nineties as well. 20 Q. Any particular units? 21 A. Are you interested in Texas City? 22 Q. Sure. 23 A. In Texas City I worked on the sulfur 24 recovery unit, the cokers, the ultracracker. And 25 then that was the major ones.</p>

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1 Q. Did you ever work on the ISOM unit?
 2 A. No, I did not.
 3 Q. You were there when that unit was
 4 rebuilt, I think. I think it was 1984.
 5 A. I would have been, yeah, in the refinery.
 6 Q. Do you know what type of unit it was
 7 before the renovations?
 8 A. The ISOM?
 9 Q. Yes.
 10 A. I believe it was an ultraformer, so a
 11 catalytic feed treater.
 12 Q. And it was converted over to ISOM?
 13 A. That's correct.
 14 Q. Were you involved in any fashion with
 15 this conversion?
 16 A. No.
 17 Q. Were you debriefed about the conversion?
 18 A. No.
 19 Q. Have you ever trained operators?
 20 A. I have. Back when I was an engineer, a
 21 process engineer, an operations engineer, I did
 22 some training for the basic operator training
 23 class, you know. And there's probably been other
 24 times when I've presented to operations training
 25 classes.

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1 Q. What type of training?
 2 A. I am thinking that in basic operator
 3 training I covered furnace firing and distillation
 4 training.
 5 Q. Have you ever been involved in board
 6 operations?
 7 A. Training board operators?
 8 Q. Yes, ma'am.
 9 A. Not in the particulars of the board but
 10 more so in, you know, process.
 11 Q. Have you ever had hands-on activities in
 12 operating a unit?
 13 A. I have been present, of course, for many
 14 startups and shutdowns; but as -- as being, you
 15 know, the responsible board operator, no.
 16 Q. Have you ever performed process hazard
 17 analysis?
 18 A. Yes.
 19 Q. Under what circumstances?
 20 A. I can't remember specifically what they
 21 were, but I have been involved in HAZOPs and MOCs.
 22 Q. Do you recall generally during what
 23 years?
 24 A. Probably in those late Eighties, early
 25 Nineties.

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1 Q. Any particular units?
 2 A. I can't -- I couldn't tell you with any
 3 degree of certainty which units I participated in
 4 the HAZOPs.
 5 Q. Are there any particular units that you
 6 have personally supervised?
 7 A. Yes.
 8 Q. Which ones?
 9 A. In Texas City, the sulfur recovery unit.
 10 Q. What year or years?
 11 A. I think that was '80 -- '88 to '90. And
 12 on the ultracracker, I think 1991 to 1994,
 13 superintendent.
 14 Q. Has BP ever issued cell phones or
 15 communication systems to the employees out at Texas
 16 City?
 17 A. Certain employees have cell phones, yes.
 18 Q. Do you know what determines whether or
 19 not a particular employee should be given a BP cell
 20 phone?
 21 A. I guess if they get approval from their
 22 supervisor.
 23 Q. What other type of communication devices
 24 are provided to any of the employees?
 25 A. Some employees have pagers.

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1 Q. Are those provided by BP?
 2 A. Yes.
 3 Q. What about walkie-talkies?
 4 A. Unit personnel usually have -- well, what
 5 I would call their radios. But if you mean
 6 walkie-talkie like you can speak from one person
 7 who is on the same system, yes, unit personnel have
 8 those radios.
 9 Q. Are any of the employees allowed to bring
 10 in personal cell phones or communication devices?
 11 A. They -- they can bring personal cell
 12 phones in, yes. And --
 13 Q. Are they allowed to keep them on -- I'm
 14 sorry. I didn't mean to talk --
 15 A. Into the plant, they can.
 16 Q. Are they allowed to keep them on during
 17 the course of the day when they are on duty?
 18 A. They can't take them out on the process
 19 unit.
 20 Q. With respect to -- I'm trying to get a
 21 better idea of understanding how you control the
 22 traffic patterns in and out of the plant.
 23 Are you familiar with the
 24 protocols involved in who can bring their vehicles
 25 inside the perimeters of the facility?

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1 A. I am not sure how that was done before
 2 March 23rd, but since March 23rd we've really
 3 restricted traffic and we have different levels of
 4 permits.
 5 So, for example, most people don't
 6 drive on site now. Most employees get a blue -- if
 7 they have an office in one of the office buildings
 8 that's away from the process units, they get a blue
 9 permit. That blue permit allows them to park in an
 10 employee parking lot. And a different type of
 11 permit let's them drive on site, but we have
 12 restricted that severely.
 13 Q. After March 23rd?
 14 A. Yes.
 15 Q. And I take it there was a reason, a
 16 safety reason?
 17 A. Just to reduce vehicles on site.
 18 Q. Okay. What about contractor access? We
 19 have talked about BP personnel and restrictions
 20 applied to their --
 21 A. The same restrictions apply to the
 22 contractors, as well, limiting vehicles.
 23 Q. Were there any written protocols that
 24 come out as a result of this March 23rd incident
 25 that deals specifically with traffic in and out of

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1 the plant?
 2 MR. GALBRAITH: Objection, form.
 3 A. What is a "protocol"?
 4 Q. (BY MR. COON) Well, was there any
 5 written policy or procedure or new mandate or new
 6 rule dealing with traffic in and out of the plant
 7 after this explosion?
 8 MR. GALBRAITH: Objection, form.
 9 A. I don't know if there was a written
 10 policy. There was -- we -- we did go through
 11 existing vehicle permits and reduce those severely.
 12 So we restrict traffic on site.
 13 Q. (BY MR. COON) Did you keep a log or did
 14 they keep logs of the traffic that was coming in
 15 and out of the plant before March 23rd? Did every
 16 vehicle have to register or sign in?
 17 A. I didn't keep logs and the operations
 18 department didn't keep logs. There's, you know, a
 19 gate pass system.
 20 Q. And who made the decision to restrict
 21 traffic patterns after this explosion?
 22 A. I don't know of any -- I don't know who
 23 the individual person might have been, but I can
 24 say that the leadership team recognized a need to
 25 reduce vehicles on site.

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1 Q. Were you part of that leadership team?
 2 A. Yes.
 3 Q. Who else was on the leadership team?
 4 A. All of the direct reports to the business
 5 unit leader.
 6 Q. Ms. Lucas, I understand part of what you
 7 did in the routine course of your job was
 8 periodically go out into the field on the plant
 9 site?
 10 A. Yes.
 11 Q. And I take it you had been doing that a
 12 number of times between January and March --
 13 A. Yes.
 14 Q. -- is that correct?
 15 And I take it that during that
 16 course of time you were familiar with the traffic
 17 patterns that were existing in the plant at that
 18 time?
 19 A. I don't know -- I mean, I would go out at
 20 certain times. I might not have been out there at
 21 a specific shift change where there might have been
 22 heavier traffic and so forth.
 23 Q. Okay. But you have seen the vehicles
 24 parked in -- in innumerable areas around the plant,
 25 did you not?

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1 A. Seen them park in what sort of areas?
 2 Q. Just in innumerable areas, lots of
 3 different areas around the plant there would be
 4 vehicles parked, moving around?
 5 A. There -- you know, there were definitely
 6 vehicles on site.
 7 Q. Was that ever a cause of concern for you,
 8 just seeing the traffic patterns as they existed
 9 before this explosion?
 10 A. I did think that there were a lot of
 11 vehicles on site.
 12 Q. Did you address this concern with anyone
 13 before the explosion?
 14 A. I can't recall a specific conversation
 15 about the number of vehicles on site.
 16 Q. Do you have any belief that just the
 17 number of vehicles traveling around inside the
 18 plant confines increased the risk of
 19 auto/pedestrian injuries?
 20 A. I don't actually recall having that
 21 thought, no.
 22 Q. Was there any concern that these
 23 additional traffic patterns created additional
 24 ignition sources in the event the vehicles were in
 25 an area where there were vapor releases?

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1 A. I mean, I don't recall specifically
 2 thinking about it in that way. I just recall
 3 thinking that there was a lot of -- a lot of
 4 vehicles on site, which can lead to any number of
 5 hazards, you know, being, like you said,
 6 auto/pedestrian, emission sources, whatever.
 7 The preference is to have fewer
 8 vehicles on site; and that's what we've moved
 9 towards, actually.
 10 Q. Have you been to the Austin --
 11 MR. GALBRAITH: Can we take a
 12 break?
 13 MR. COON: We can go all day. You
 14 pick a spot.
 15 MR. GALBRAITH: Let's break, I
 16 mean, since you're finished with one page; and it's
 17 12:15.
 18 MR. COON: That's fine.
 19 THE VIDEOGRAPHER: Off the record
 20 at 12:14 p.m.
 21 (Lunch recess taken.)
 22 THE VIDEOGRAPHER: On the record,
 23 1:12 p.m., beginning Tape 3.
 24 (Exhibit Number 6 marked for
 25 identification.)

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1 Q. (BY MR. COON) Ms. Lucas, we have
 2 returned from a lunch break. I have presented you
 3 with what is marked as next sequential exhibit,
 4 Number 6. This is the Major Accident Risk
 5 Assessment for BP South Houston Complex.
 6 Have you been made privy to that
 7 document before?
 8 A. No, I have never seen this before.
 9 Q. Okay. We -- we discussed before the
 10 break a MAR involving the facility in which DNV was
 11 utilized. And you told us you were familiar with
 12 one that was, I think, done 2003, 2004 timeframe.
 13 This is the only one I've been able to find.
 14 Are you aware of any others that
 15 exist?
 16 A. I actually don't think I said a date
 17 because I didn't know when it had been done, but
 18 I'm -- I was just looking at this to see...
 19 Q. Is it dated?
 20 A. Yeah, this -- this one says February,
 21 2005.
 22 Q. Right.
 23 A. I was just looking for DNV on here.
 24 Q. I think if you go to the first page,
 25 inside it lists the "Prepared by John Wright."

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1 Who is Mr. Wright?
 2 A. I don't know him.
 3 Q. And then if you will look underneath that
 4 for some of the facilities, you have Stephen Shaw,
 5 DNV?
 6 A. Yeah, okay. I see that.
 7 Q. Okay. This is the only one I'm aware of.
 8 Are you aware of any other MARs
 9 that were done in the preceding five years at that
 10 facility other than the one that you have as
 11 Exhibit 6?
 12 A. I had just heard about a MAR. So I did
 13 not know when the timeframe was.
 14 Q. Okay. So you're not really sure if
 15 that's even it?
 16 A. Well, this seems to be it in the year
 17 2005.
 18 Q. Okay. Since your return to the Texas
 19 City facility, have you had an opportunity to be
 20 made aware of the details of that finding or an
 21 opportunity to read that document?
 22 A. No, I haven't seen that since I told you.
 23 Q. Do you know what that MAR pertained to or
 24 why it was requested?
 25 A. No, I don't know why it was requested.

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1 Q. Do you have any idea as to whether or not
 2 any recommendations contained in the MAR have been
 3 followed up on by BP?
 4 A. No, I don't.
 5 Q. I would like to turn your attention
 6 briefly to page 4, and the copy that we had had a
 7 little star written by it. I think you can see
 8 that as well.
 9 A. Sure.
 10 Q. So that was there when we got the copies.
 11 But if you will look at it, it talks about
 12 there's -- it's talking about three different
 13 facilities: Texas City, Chocolate Bayou, and Deer
 14 Park.
 15 And if you look where that star
 16 is -- if I can read this correct, I think it meant
 17 public risk. But I would presume it says, "Texas
 18 City had the larger public risk because of the
 19 location of the city residents on the far side of
 20 the greenbelt near the refinery?
 21 A. I see that sentence, yes.
 22 Q. And would you tend to agree with that?
 23 A. It would actually be hard for me to
 24 comment because I've never been to Deer Park, the
 25 Deer Park facility; and I've only been to Chocolate

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1 Bayou one time. So I don't actually know sort of
 2 their neighborhoods or --
 3 Q. Okay. Would you -- would you generally
 4 concur with the comments noted in this MAR, that
 5 you have a residential risk factor to take into
 6 consideration in operation of the Texas City
 7 facility?
 8 A. I do know that there are people who live,
 9 you know, within a few blocks of the refinery.
 10 Q. And if there is an unfortunate release of
 11 toxic fumes or something and the wind is going in
 12 the right direction, that could conceivably put
 13 those neighborhoods at risk; is that correct?
 14 MR. GALBRAITH: Objection, form.
 15 A. I think you'd have to -- it would depend
 16 on the -- you know, a lot of factors, the size of
 17 the release, what the -- what the release was, what
 18 the wind direction was, you know, and all of
 19 those sort of -- you know, the atmospheric
 20 conditions.
 21 Q. (BY MR. COON) Right.
 22 So it wouldn't happen every time;
 23 but there are -- there are risk factors to consider
 24 due to the proximity of the residential
 25 neighborhoods and that facility?

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1 A. We would look at all of that.
 2 Q. Well, I'm just trying to get you to make
 3 a general agreement here; and that is, that there
 4 is neighborhoods generally adjacent to the Texas
 5 City refinery, right?
 6 MR. GALBRAITH: Objection, form.
 7 A. There -- there are not -- I mean, my
 8 experience, when I was there before, there were,
 9 you know, houses along the road by the refinery.
 10 Since -- when I got back, I was
 11 actually surprised at how much -- I guess BP
 12 acquired those houses and then created this
 13 greenbelt where there's about, you know, a couple
 14 of blocks where they -- you know, most of the
 15 residents are actually moved out.
 16 Q. (BY MR. COON) That's a --
 17 A. There are a couple --
 18 Q. That's a two-block greenbelt, though,
 19 correct?
 20 A. You know, I don't know the exact size;
 21 but it's about two blocks.
 22 Q. Okay. Well, I mean, the report speaks
 23 for itself. And it does say that Texas City had a
 24 larger public risk because of the location of the
 25 city residents on the far side of the greenbelt.

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1 And this was written in 2005,
 2 correct?
 3 A. Well, actually, when -- before when I was
 4 looking at this, it is -- it shows "Final Report,
 5 February 2005." Interestingly enough, on the
 6 summary on page 3, it says the assessment was
 7 carried out over the period March 31st to
 8 April 17th, 2003.
 9 Q. So at least as of that time, as of 2003,
 10 the observations of those involved in this
 11 investigation, which included BP personnel, was
 12 that there were risk factors to consider for the
 13 residents located, at least at that time, adjacent
 14 to the Texas City refinery?
 15 A. Yeah. What they say is it had larger
 16 public risk because of the location of city
 17 residents on the far side of the greenbelt area
 18 near the refinery.
 19 Q. Ms. Lucas, I want to go back briefly to
 20 the time before this plant accident in March.
 21 Were you ever out in the ISOM area
 22 at any time preceding the March 23rd explosion?
 23 A. I don't believe I had an opportunity to
 24 visit the ISOM between January and March 23rd.
 25 Q. Did you have anybody that was reporting

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1 to you from that unit during that two-month time
 2 frame?
 3 A. Reporting to me, like the MDL responsible
 4 for that area?
 5 Q. Sure.
 6 A. Yes.
 7 Q. And who was that?
 8 A. Willie Willis was the MDL.
 9 Q. Was this part of the monthly debriefings
 10 that you had with various departments or was this
 11 something -- I can't remember. I don't think he
 12 was one of the individuals you mentioned
 13 earlier about --
 14 A. Sure, I mentioned Willie as one of the
 15 MDLs.
 16 Q. Okay. Well, that -- you lost me there.
 17 So he is one of them that would
 18 report to you?
 19 A. That's right.
 20 Q. And how often would these reporting
 21 periods occur?
 22 A. He reports to me every day. I mean,
 23 he -- I am his direct line supervisor.
 24 Q. Okay. Where do these meetings occur? In
 25 your office?

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1 A. What do you mean, "meetings"?

2 Q. Well, when he meets with you, where is it

3 at?

4 A. Oh, we might meet in a variety of

5 locations.

6 Q. Okay. You don't have a routine place to

7 meet with individuals? Do you have a --

8 A. I actually had -- I don't recall when we

9 started having routine staff meetings; but I have

10 staff meetings not every week, but try to have my

11 staff meetings on Thursdays generally.

12 Q. And where are these staff meetings held?

13 A. Well, when I first got back on site, I

14 was officed on the -- in the chemicals admin

15 building and we would meet sometimes on the chem

16 side and sometimes on the refining side. It would

17 just depend on what the available conference room

18 was.

19 Q. And are minutes kept of these meetings?

20 A. No, they are not.

21 Q. Is there a written agenda?

22 A. Not formally, no.

23 Q. Is there an ad hoc informal written

24 agenda?

25 A. You know, it would depend on sort of what

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1 was going on; but I don't -- previous to

2 March 23rd, I don't recall having any sort of set

3 agendas.

4 Q. Okay. Were you made aware at your

5 debriefings from Mr. Willis what was going on

6 around the ISOM units?

7 A. Not specifically.

8 Q. Were you aware that the ISOM unit was at

9 some stage of a TAR?

10 A. Yes, I was aware of that.

11 Q. And that again was for meetings and

12 debriefings with Mr. Willis?

13 A. And also my shift directors would be

14 aware of sort of the daily shift-by-shift goings on

15 in the refinery.

16 Q. Were you aware at all of the nature and

17 extent of this TAR?

18 A. My understanding was -- and I can't

19 remember whether I had gotten into this level of

20 detail pre or post March 23rd, but that we were

21 doing a catalyst changeout on the Penex retractor

22 on the ISOM unit and that the ARU, which at the

23 time was part of that complex, was also in

24 turnaround.

25 Q. Were you aware of what types of vehicular

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1 traffic was occurring in and around the ISOM unit,

2 again, during the turnaround?

3 A. I had visited down in the west area, the

4 west plant area.

5 Q. What timeframe was that?

6 A. Well, there was only January and February

7 and that part of March, part of January and

8 February and part of March that I was there.

9 Q. So you were at least aware before this

10 explosion that vehicles were coming and going in

11 and out of the west plant area around the ISOM

12 unit?

13 A. I was aware that the vehicles were going

14 down to the west plant. My typical parking place

15 when I went down there was at the complex control

16 room.

17 Q. And you're also aware that there was

18 construction activities immediately adjacent to the

19 ISOM unit, correct?

20 MR. GALBRAITH: Objection, form.

21 A. There -- no, there weren't construction

22 activities west of the ISOM.

23 Q. (BY MR. COON) You're not aware of any

24 other construction activities occurring in or

25 around the ISOM unit?

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1 A. No construction activities around the

2 ISOM unit.

3 Q. Were you aware of any temporary trailers

4 being located near the ISOM unit?

5 A. Only after the incident.

6 Q. When were you first made aware of that?

7 A. I am --

8 Q. The day of the explosion?

9 A. That's correct.

10 Q. Were you aware of any MOCs dealing with

11 the trailer siting on the --

12 A. Not prior to March 23rd, to my

13 understanding.

14 Q. Were you aware of any standing written

15 protocols with respect to trailer siting that

16 pre-existed the explosion?

17 A. I'm trying to remember, you know,

18 timeline-wise.

19 I know that or I seem to have a

20 recollection that we did an MOC for temporary

21 buildings or temporary trailers. I don't -- you

22 know, I don't remember whether that, you know, as a

23 conscious thought was there prior to March 23rd or

24 not.

25 Q. Do you know whether or not there were any

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1 pre-existing trailer siting rules?
 2 Let's not talk about an MOC.
 3 Let's talk about whether or not there were
 4 pre-existing rules with respect to trailer siting
 5 that then required an MOC to modify them.
 6 A. No.
 7 Q. Did you know any distance, minimum
 8 distance requirements in any pre-existing
 9 protocol --
 10 A. No, not prior to March 23rd.
 11 Q. Were you aware of some after --
 12 A. Yes.
 13 Q. -- March 23rd?
 14 And what was your understanding of
 15 what the then existing policies and procedures were
 16 at BP unless you obtained an MOC?
 17 MR. GALBRAITH: Objection, form.
 18 A. My recollection was 350 feet was the
 19 standard.
 20 Q. (BY MR. COON) This would be the standard
 21 in place at the BP Texas City facility?
 22 A. My understanding of it was it was at
 23 BP Texas City.
 24 Q. And that would be that no temporary
 25 trailers should be located inside or within

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1 350 feet of the unit?
 2 A. I don't think it was worded like within a
 3 unit. I think it was, you know, within a hazard.
 4 And I can't -- I couldn't give you the exact
 5 wording and I think that was 350 feet and if it was
 6 going to be close or something prior to MOC.
 7 Q. Okay. And I think you would agree that
 8 the ISOM unit was one that was defined as a
 9 hazardous unit?
 10 A. Well, I don't -- like I said, I don't
 11 recall those exact words around the 350 feet. So,
 12 you know, I don't -- I couldn't tell you.
 13 Q. Okay. Are you familiar with startup
 14 procedures?
 15 A. Yes, I am.
 16 Q. SOPs?
 17 A. Somewhat.
 18 Q. Standard operating procedures?
 19 A. Yes.
 20 Q. Do you know what type of SOPs were in
 21 place for the ISOM unit as of March of 2005?
 22 A. The one in particular that I have
 23 reviewed since March 23rd is the raffinate splitter
 24 startup.
 25 Q. Are you aware of any design modifications

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1 or defects in the operation of that unit that were
 2 mitigated against applying the SOPs that were in
 3 place as of March, 2005?
 4 A. You are going to have to restate that
 5 question.
 6 Q. Okay. You were made aware of the SOPs
 7 regarding the raff, correct?
 8 A. Post the incident?
 9 Q. Post incident.
 10 Are you aware of any modifications
 11 or the need for any modifications for that SOP as a
 12 result of problems associated with that unit when
 13 it was -- when the attempt to start it back up
 14 occurred in March?
 15 A. Actually, the -- there -- the procedure
 16 that the guys used did have one change that wasn't
 17 in the procedure and that had to do with the relief
 18 valve settings.
 19 Q. In what regard?
 20 A. The relief valve settings had been
 21 lowered.
 22 Q. From what to what?
 23 A. 70 pounds, I believe they were before, to
 24 40, 41 and 42 pounds.
 25 Q. And what was this attributable to?

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1 A. It was, as I understand it, a derating of
 2 the vessel.
 3 Q. And why was a -- why would --
 4 A. Due to corrosion, corrosion issues.
 5 Q. Why was the vessel not replaced?
 6 A. There was no need to replace the vessel.
 7 It only operated at about 10 pounds.
 8 Q. Did you know anything about the history
 9 of the pre-existing startups to that ISOM unit in
 10 the -- since '84?
 11 A. No, not prior to March 23rd.
 12 Q. Were you made aware before March 23rd of
 13 any abnormal startups with respect to the pressure
 14 in the tower or elsewhere?
 15 A. No.
 16 Q. Were you made aware of any releases or
 17 venting to atmosphere on that unit on prior
 18 occasions?
 19 A. No.
 20 Q. Were you aware that one or more of the
 21 valves had been blocked off and bypassed?
 22 A. One or more of what valve?
 23 Q. Valves, pressure relief valve.
 24 A. On what?
 25 Q. On that unit.

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1 A. There's a -- there's a lot of relief
 2 valves on that unit. So --
 3 Q. Are you aware of any of them being
 4 blocked off?
 5 A. No.
 6 Q. Can you tell us who -- the positions that
 7 would have been held on the ISOM unit on the date
 8 of the startup, how many people would have been
 9 there and what their roles and responsibilities
 10 would be?
 11 A. On the date of March 23rd?
 12 Q. Yes, ma'am.
 13 A. As I understand it, there was -- the
 14 crews were doubled up, which means instead of the
 15 normal rotating shift where we have four crews
 16 where two were on and two were off, they actually
 17 had the four crews split into two crews where they
 18 worked -- divided nights and days. There was,
 19 therefore, two shift supervisors.
 20 Q. And who were the two shift supervisors on
 21 that day?
 22 A. On what shift?
 23 Q. How many shifts do you have? Two shifts?
 24 A. Uh-huh.
 25 Q. Who were your two shift supervisors for

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1 March 23rd?
 2 A. On which shift? There's two shifts
 3 during that day.
 4 Q. Okay. Well, explain both shifts --
 5 A. The day shift?
 6 Q. You can explain both shifts and the
 7 individuals involved.
 8 A. Day shift was Scott Yerrell and Larry
 9 Davidson. Night shift was Kim Ravey and Tony
 10 Higgins.
 11 Q. Did you personally know any of those
 12 individuals before this episode?
 13 A. I knew, you know, kind of who they were.
 14 I had never actually personally worked with any of
 15 those guys.
 16 Q. Okay. What about board operations? You
 17 had an inside board and a satellite board,
 18 satellite control room?
 19 A. There -- there's an in -- the board
 20 operator is inside the control room.
 21 Q. And who was it for the day shift?
 22 A. Warren Briggs.
 23 Q. Anyone else?
 24 A. No, not on days.
 25 Q. Why was that position not doubled?

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1 A. It's not -- the units were down. There
 2 was no need to double up on that.
 3 Q. How many different units are monitored
 4 from that control room?
 5 A. AU-2, the NDU and the ISOM.
 6 Q. Was the ADU and the NDU shut down?
 7 MR. GALBRAITH: Object to the
 8 form.
 9 A. Pardon?
 10 Q. (BY MR. COON) Were those other units
 11 shut down that day?
 12 A. The NDU was running, I believe.
 13 Q. What about the -- what did you say, the
 14 AU-2?
 15 A. Yes. I can't recall whether AU-2 was
 16 running or not.
 17 Q. Okay. Well, maybe I misunderstood. I
 18 thought you said you only needed one person in the
 19 board room that day because the units were shut
 20 down?
 21 A. Sure. Normal operation is one board
 22 operator for those facilities.
 23 Q. Were you aware that at some point in time
 24 in the past BP required two people to be in the
 25 board room even during routine operations?

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1 A. I heard about that after March 23rd.
 2 Q. Was that disconcerting to you?
 3 A. No. Actually, the -- my understanding is
 4 that that is when you're bringing up pieces of the
 5 unit that are more critical, that require really
 6 close attention like the ISOM reactor.
 7 Q. Do you understand when and why it was
 8 that there was a reduction of force in the control
 9 room?
 10 A. Do I understand what?
 11 Q. When and why there was a reduction of
 12 force in the control room, what year it occurred
 13 and why it occurred?
 14 A. No. There -- I mean, one board operator
 15 was typical, as I understood.
 16 Q. Typical throughout the years that that
 17 unit had been operating?
 18 A. No -- well, as far as I know, it was
 19 typical for that current time period.
 20 Q. Okay. But up until 1997 or '98 or
 21 sometime in the late 1990's, for the 15 years or so
 22 that that unit had been in operation -- we're
 23 talking about the ISOM unit and the control room
 24 that controlled it in '82 -- in that timeframe
 25 there were two board operators in the control room,

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1 were there not?
 2 A. I don't --
 3 MR. GALBRAITH: Objection, form.
 4 A. -- know about that.
 5 Q. (BY MR. COON) These are hourly
 6 positions?
 7 A. Board operators, yes, are hourly
 8 positions.
 9 Q. Were you never made aware of the fact
 10 that there were two people that had the
 11 responsibilities for monitoring the gauges in the
 12 control room up until the late 1990s?
 13 A. No, but that doesn't surprise me.
 14 Q. Did you understand this to be an hourly
 15 position?
 16 A. Board operators?
 17 Q. Yes.
 18 A. Yes.
 19 Q. Do you know whether or not there were
 20 objections to a reduction of force in that
 21 department?
 22 A. No.
 23 Q. Do you know if that was impacted any in
 24 the collective bargaining agreements that occurred
 25 in the late 1990s?

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1 A. No.
 2 Q. Do you know if anything else was going on
 3 in the control room on the date of the startup in
 4 Mr. Briggs' room? I've heard stories about safety
 5 meetings and other things going on in there at the
 6 same time he was involved in the startup.
 7 A. Yes. I was made aware that there was a
 8 safety meeting that took place in the -- the
 9 control room.
 10 Q. And who would have called a safety
 11 meeting in the control room while they were
 12 involved in a startup protocol?
 13 A. Pardon?
 14 Q. Who would have made the decision to have
 15 a safety meeting inside the control room while
 16 Mr. Briggs is trying to get a unit online?
 17 A. I don't -- I don't know who called that.
 18 As I understand, it was their routine weekly safety
 19 meeting for that area of the plant.
 20 Q. Do you know how many people were in
 21 attendance in this control room while that's going
 22 on?
 23 A. I believe that might be in my notes
 24 somewhere. I don't recall off the top of my head.
 25 Q. Well, do you -- would you agree it could

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1 potentially be distracting to someone who is in a
 2 startup mode watching a board and being responsible
 3 for watching other units that are already in
 4 operational mode to have people involved in a
 5 discussion and meetings inside his room at the time
 6 he's doing that?
 7 A. It would be very hard for me to say
 8 because of the -- you know, I don't know where they
 9 held the safety meeting and I don't know where that
 10 was in relation to the board.
 11 Q. Who --
 12 A. You know, where Warren was sitting.
 13 Q. Who is actually responsible for the
 14 staffing needs to get this unit back on?
 15 A. The -- for the raffinate splitter?
 16 Q. Yes.
 17 A. The -- the superintendent was actually a
 18 man named Charlie Logan, who was the acting
 19 superintendent. He had been stepped up into that
 20 role.
 21 Q. Were you debriefed by Mr. Logan in any
 22 regard before this unit went back online?
 23 A. No.
 24 Q. Was there a protocol for any kind of
 25 written memorabilia or other written documentation

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1 regarding when the unit was going to go back online
 2 and what the superintendent on that job planned on
 3 doing with respect to staffing needs, et cetera?
 4 A. What do you mean?
 5 Q. Well, if you've got a unit -- if you have
 6 a unit that's coming back online, such as the ISOM
 7 unit, is there normally a requirement that somebody
 8 in charge of that particular unit provides a
 9 written debriefing of what's going on and what
 10 their plans are in terms of utilization of the
 11 staff and the timing that unit needs to go back
 12 online; and if so, who is that disseminated to?
 13 A. I don't know exactly what are written --
 14 like what you might be looking for there.
 15 Q. Well, "written," I just mean typed,
 16 handwritten, anything that is a document that would
 17 be passed along as a means of communicating what is
 18 going on in that particular unit.
 19 A. The one -- the wider communication
 20 meeting we have, which was something that was
 21 started sometime while I was away, is the shift
 22 directors meeting that occurred at 7:00 a.m. and
 23 7:00 p.m. That is the place where, you know, you
 24 would want to communicate sort of what has been
 25 going on on that shift, you know, what the plans

<p style="text-align: right;">Page 122</p> <p>1 are for that shift. That -- all the shift 2 supervisors are at that meeting. It's run by the 3 shift director. 4 I would have expected that that 5 would have been an announcement made at the shift 6 directors meeting. Apparently it was not. 7 Q. Who was responsible for that? 8 A. The shift supervisor. 9 Q. And in this case it would have been -- 10 A. In this case it would have been either 11 Scott Yerrell or Larry Davidson, one of the day 12 shift supervisors on the ISOM. 13 Q. Did that Texas City unit or facility have 14 an inspectors department? 15 A. An inspection department? 16 Q. Yes. 17 A. Yes. 18 Q. Who is in charge of that? 19 A. The current person in charge -- and I 20 think they were in charge on March 23rd, as well -- 21 is Mark Politte. I am not sure when he took the 22 role, but I think he had it prior to March 23rd. 23 Q. Do you know what, if any, inspections 24 were done of the ISOM unit before it went back 25 online on March 23rd?</p>	<p style="text-align: right;">Page 124</p> <p>1 A. I don't know. I mean, I don't know the 2 head count of the engineers in that department; but 3 that isn't all the engineers in the refinery as 4 well. 5 Q. Okay. How many engineers are at the 6 refinery? 7 A. I don't know that number either. 8 Q. How many people work out of the 9 inspectors department? 10 A. I couldn't give you an exact number, but 11 I know that that was certainly an area that we were 12 looking to improve. In fact, I -- I had approved 13 the hiring of 11 new inspectors sort of in the -- 14 you know, in the time I had been back. 15 Q. Had those 11 people actually been 16 employed and placed on the premises before this 17 explosion? 18 A. I couldn't tell you that, no. 19 Q. What was the reason that you had, if any, 20 for beefing up that department? 21 A. We had had, I guess -- I don't know the 22 exact year; but they had had some issues with 23 inspection where they really wanted to improve the 24 integrity management, the inspection practices at 25 the refinery. And it was certainly -- one of our</p>
<p style="text-align: right;">Page 123</p> <p>1 A. As far as like vessel inspections, I'm 2 not sure. 3 Q. Does BP have an engineering department? 4 A. Yes. 5 Q. Who's in charge of it? 6 A. The -- the engineering department -- 7 well, we have what's called a technical manager and 8 the person in charge of that is Walt Wundrow. 9 Q. And how many people -- would that be the 10 tech service engineers? 11 A. They don't call it tech service anymore. 12 Q. How many people are in that unit or in 13 that department? 14 A. I don't -- 15 MR. GALBRAITH: Object -- 16 Q. (BY MR. COON) Okay. Let's talk first -- 17 you said there's an engineering department and then 18 there's a tech service department or tech -- 19 A. No. 20 Q. -- engineering? 21 A. Well, they don't -- they don't 22 call any -- there's no what they call engineering 23 department. They call it a technical department. 24 Q. Okay. And how many engineers are in that 25 department?</p>	<p style="text-align: right;">Page 125</p> <p>1 major focuses was probably the inspection renewal 2 program, and we've been working to try and 3 accelerate that program. 4 So we wanted to add some -- we 5 wanted each unit to have their own inspector that 6 was a BP employee. And so we added -- you know, we 7 were in the process of adding -- I can't tell you 8 as of March 23rd, you know, how many of those 9 people were in place or were -- if there were still 10 contractor people there. 11 Q. What was wrong with the integrity of the 12 existing system to dictate bringing this many more 13 people online? 14 A. I think, you know, that there was 15 nothing -- I couldn't tell you particularly what 16 was wrong except that we wanted to, you know, 17 really improve the -- the inspection program. 18 Q. Okay. Are you familiar with the 19 ultracracker unit? 20 A. Yes. 21 Q. How far is it from the ISOM unit? 22 A. It is across the road. I couldn't tell 23 you in feet, you know, how far it is. 24 Q. Was outside work activity being conducted 25 at this unit while the ISOM unit was in TAR?</p>

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1 A. Yes.
 2 Q. And you had a number of other -- this was
 3 a contract unit, was it not?
 4 A. What job?
 5 Q. The work on the ultracracker unit.
 6 A. I think parts of it were contracted, yes.
 7 Q. Do you know what they were doing there?
 8 A. A variety of jobs. I think it was a
 9 major ultracracker turnaround. They were doing a
 10 catalyst changeout. They were doing a motorization
 11 project on the 100J, which is a big compressor, and
 12 a variety of other projects.
 13 Q. And during this timeframe, Ms. Lucas,
 14 about how many contractors were on the BP premises
 15 in Texas City?
 16 A. On March 23rd?
 17 Q. Well, just -- just as part of ongoing
 18 operations. I understand some will be there during
 19 the day, some on different shifts; but during this
 20 timeframe -- maybe not specifically March 23rd but
 21 during this timeframe, about how many contractors
 22 did you have working out at that facility?
 23 A. Again, I would be guessing and, you know,
 24 what -- if you -- I could give you a guess for the
 25 entire facility. That would not tell you how many

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1 were at the west end or how many might be in
 2 chemicals or -- as I said, 1200 acres is a big
 3 place.
 4 I think overall the estimate might
 5 be around 2000 contractors. I can't be real
 6 specific as to how many were on days and how many
 7 were on nights and where in the facility they might
 8 be located.
 9 Q. And who is primarily responsible at BP
 10 for tracking the various work activities of these
 11 2000 contractors who were coming in and out of the
 12 plant on a regular basis?
 13 MR. GALBRAITH: Objection, form.
 14 A. I think that that depends on the nature
 15 of the contractor, you know, who -- who they might
 16 be working for.
 17 Q. (BY MR. COON) What other projects were
 18 being undertaken by contractors other than the
 19 ultracracker work you just described?
 20 MR. GALBRAITH: Objection, form.
 21 A. What other big projects? You know, there
 22 probably were other turnaround activities. As I
 23 said, the ARU was just coming up from turnaround.
 24 I couldn't tell you how many people were on that
 25 job. So, you know, I don't know really what you're

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1 asking me here.
 2 Q. (BY MR. COON) I was just trying to get
 3 an idea of what was going on out there in terms of
 4 construction jobs or projects or turnarounds or
 5 anything that was involving the retention of
 6 outside contractors.
 7 You told us there were a couple of
 8 thousand contractors out there in this timeframe,
 9 correct?
 10 A. That's right.
 11 Q. A number of them were working on the
 12 ultracracker unit?
 13 A. The ultracracker was in turnaround. The
 14 ARU was finishing up its turnaround. The ISOM
 15 was -- I think they were pretty close to their --
 16 finishing up their Penex reactor changeout. There
 17 were some environmental jobs, I think, that were
 18 going on.
 19 Q. What were the environmental jobs?
 20 A. Well, these are compliance projects.
 21 Q. Do you know why the ISOM was in
 22 turnaround?
 23 A. I believe that it was to change out the
 24 Penex, the main reason was to changeout the Penex
 25 reactor catalyst.

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1 Q. Do you know how long it had been down?
 2 A. No.
 3 Q. Were outside contractors involved?
 4 A. I'm certain they were because that
 5 is a -- that reactor changeout is a nitrogen
 6 atmosphere job, and we don't allow our people to do
 7 that. We use specialist contractors for that work.
 8 Q. We've talked about the size of this
 9 facility. And again, it's a large facility,
 10 agreed --
 11 A. Uh-huh.
 12 Q. -- 1200 acres, give or take?
 13 I think you described it as the
 14 largest BP refinery --
 15 A. In crude --
 16 Q. -- in operation here?
 17 A. In crude -- in crude running capacity,
 18 yes.
 19 Q. Okay. And in crude running capacity,
 20 we're talking about what type of volume on a daily
 21 basis?
 22 MR. GALBRAITH: Objection, form.
 23 A. The refinery can run around 450 to
 24 460,000 barrels a day of crude. I'm not sure what
 25 it was running on March 23rd.

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1 Q. (BY MR. COON) Are you provided with any
 2 of the revenue statistics for the Texas City
 3 facility?
 4 A. Am I provided with the revenue
 5 statistics?
 6 Q. Yes, anything regarding --
 7 A. Do you mean --
 8 Q. -- well, just any --
 9 A. -- financial performance?
 10 Q. Financial performance, profit loss
 11 analysis.
 12 A. Yes.
 13 Q. What is your understanding of the revenue
 14 of the Texas City facility in the years prior to
 15 coming back in 2005?
 16 A. Well, I didn't -- I didn't look at any of
 17 the years, you know, prior to coming back in 2005.
 18 Q. Do you know whether it was a profitable
 19 facility or not?
 20 A. Profitable in terms of what?
 21 Q. In terms of making more money than it
 22 spent.
 23 A. You know, I couldn't -- I couldn't tell
 24 you like every year. I believe 2004 was a --
 25 again, I can't be specific. In terms of net income

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1 for 2004, I believe it was profitable. And I'm
 2 trying to -- and I can't remember cash flow.
 3 Q. Okay. I think I --
 4 A. Anything about that in terms of making
 5 more money than we spent.
 6 Q. Do you know anything about the financial
 7 status of the BP Corporation?
 8 A. I'm provided all that data; but to tell
 9 you the truth, it's not something I commit to
 10 memory.
 11 (Exhibit Number 7 marked for
 12 identification.)
 13 Q. (BY MR. COON) Ms. Lucas, I'm handing you
 14 what's, I think, marked Number 7. I think this is
 15 a 2003 and 2004 statement for BP.
 16 If I read these numbers right,
 17 this is all in terms of millions of dollars?
 18 A. Well, actually, it doesn't say BP
 19 anywhere on here; but I'm just going to take you
 20 for your word there. And it does say 2003 and 2004
 21 at the top. But there's actually -- can you kind
 22 of tell me maybe where this came from?
 23 Q. You know, I've got so many documents
 24 here, I don't know if I could tell you where any of
 25 them came from, ma'am. However, if you look at

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1 this, just let me -- let me ask you a couple of
 2 questions for reference.
 3 This -- this would indicate a
 4 profit before taxation of \$16.7 billion in fiscal
 5 year 2003 and 24 billion plus in 2004. Would that
 6 be generally consistent with your memory and
 7 recollection with respect to the revenue stream for
 8 BP in 2003 and '04?
 9 MR. GALBRAITH: Objection, form.
 10 A. Actually, those aren't numbers that I
 11 would have ever looked at in terms of in -- in this
 12 form.
 13 Q. (BY MR. COON) Okay. Do you have any
 14 idea what the profitability of BP was in 2003 and
 15 '04, gross profits?
 16 A. Like I said, you know, I'm sure I get
 17 these numbers. I get an annual report. It's just
 18 not something I commit to memory, you know.
 19 (Exhibit Number 8 marked for
 20 identification.)
 21 Q. (BY MR. COON) Okay. I have next -- and
 22 this one actually has a number on it.
 23 To some degree of certainty, this
 24 was provided by BP; and it was in a database
 25 somewhere, Number 8. This states, "Texas City BU

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1 (Refinery) April 2005 Final Net Income."
 2 Did I read that correct?
 3 MR. GALBRAITH: Objection, form.
 4 A. Yeah. It appears to be an Excel
 5 spreadsheet of some sort.
 6 Q. (BY MR. COON) All right. Have you seen
 7 documents similar to this, or maybe this one, in
 8 the past?
 9 A. I might have. I've seen documents
 10 similar to this.
 11 Q. Okay.
 12 A. I don't know if I have seen this exact
 13 one, but it is not inconceivable that I would have.
 14 Q. Okay. Can you -- does it look familiar
 15 to you? Can you make heads or tails of it?
 16 MR. GALBRAITH: Objection, form.
 17 A. I'm looking at it.
 18 Q. (BY MR. COON) This is the only one I've
 19 been able to find. I'm sure there are others
 20 around, but I'm just looking at that to see if that
 21 doesn't help you refresh your memory with respect
 22 to any of these finances regarding the Texas City
 23 facility.
 24 A. This looks like -- this looks to be a net
 25 income report for April of 2005 for Texas City's

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1 business unit.
 2 Q. And assuming this information is correct
 3 and that's what it is, what would be the revenue
 4 from the facility for April of 2005?
 5 A. Okay. What would you -- which of these
 6 would you like to call revenue?
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. COON) I don't know. You tell
 9 me.
 10 MR. GALBRAITH: Objection, form.
 11 A. Well, I could --
 12 Q. (BY MR. COON) Look at the chart and
 13 underneath the income statement where it says,
 14 "Revenue." There is a number. If you go across
 15 the board, that under April shows you what is
 16 called "Actual."
 17 A. That would be --
 18 MR. GALBRAITH: Objection, form.
 19 A. It's labeled on here "Revenue," and my
 20 understanding is that would be gross margin.
 21 No, that's not even gross margin,
 22 actually. That's just what we got for our
 23 products.
 24 Q. (BY MR. COON) Okay. Well, this 759.9,
 25 what does that indicate?

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1 A. I'm not sure exactly what that indicates.
 2 Q. Well, is that --
 3 A. But in the business, a typical thing that
 4 would indicate is what -- what you sold your
 5 products for.
 6 Q. Okay. Is that in dollars, thousands,
 7 millions?
 8 A. That's in millions, it says right at the
 9 top.
 10 Q. Okay. So that would indicate revenue in
 11 April for Texas City at 759 million?
 12 MR. GALBRAITH: Objection, form.
 13 A. That -- that is what that says, but
 14 that's not how much money would have been made.
 15 Q. (BY MR. COON) But that's the revenue,
 16 generally?
 17 A. That's the revenue.
 18 Q. Then you take out the expenditures,
 19 correct?
 20 MR. GALBRAITH: Objection, form.
 21 A. That's correct.
 22 Q. (BY MR. COON) And is that reflected on
 23 this chart as well?
 24 MR. GALBRAITH: Objection, form.
 25 A. I am not an accountant, but I can look at

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1 it. I can read you a line that says, "Gross
 2 Margin, 153.5."
 3 Q. (BY MR. COON) Okay. Are you familiar
 4 with what gross margin is as it relates to reading
 5 these charts?
 6 A. It appears to be revenue minus the cost
 7 of the goods.
 8 Q. Okay. So if we take the 759, that's how
 9 much revenue was generated in Texas City in April
 10 of this year, 759 million, and then you subtract
 11 the expenditures, which was 606 million, leaving a
 12 net balance of 153 million?
 13 A. Gross margin.
 14 Q. And at gross margin -- yes?
 15 A. I'm just looking to see what else they
 16 did here.
 17 MR. GALBRAITH: Objection, form.
 18 A. Yeah, that's the gross margin.
 19 Q. (BY MR. COON) Okay. And then it
 20 indicates, after you run through the rest of the
 21 numbers, what the total profits, operation costs
 22 are and then gross profits and net income.
 23 Those are all reflected in the
 24 columns there on the right, are they not?
 25 MR. GALBRAITH: Objection, form.

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1 A. There are a lot of numbers here,
 2 actually.
 3 Q. (BY MR. COON) Okay. Well, I don't mean
 4 to interrogate you all day on accounting here.
 5 I just wanted to find out: In
 6 your position at the plant, do you have a general
 7 understanding as to whether or not your plant is
 8 profitable on a monthly basis?
 9 A. Yes, I would have a general
 10 understanding.
 11 Q. Okay. Well, I mean, I was just --
 12 A. But I'm not an accountant. So...
 13 Q. I understand. I'm just -- I'm presuming
 14 some things. One of the things I presumed is that
 15 you would be interested in knowing whether or not
 16 your facility was generating profits on a regular
 17 basis.
 18 And part of your responsibilities
 19 as a senior officer at a particular facility is to
 20 do what you can to help it generate income, is it
 21 not?
 22 MR. GALBRAITH: Objection to form.
 23 A. That's one of the many, many things we
 24 look at, yes.
 25 Q. (BY MR. COON) Sure.

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1 And you are, from time to time,
 2 provided with information to indicate whether or
 3 not the plant is, in fact, profitable?
 4 A. I would be presented a -- something
 5 similar to this, yes.
 6 Q. Okay. Is there some type of monthlTM or
 7 quarterly or annualized debriefing you get from
 8 somebody who understands all these numbers better
 9 to indicate to you whether or not the plant that
 10 you are working at is generating revenue for the
 11 company and shareholders or not?
 12 A. No. To be completely honest with you, I
 13 have not looked at one of these since March of
 14 2005. It, frankly, hasn't been a priority of mine.
 15 Q. Okay. But prior to March 23rd, were you
 16 being provided with debriefing or information from
 17 an accounting department or somebody who's a bean
 18 counter for BP as to whether or not this facility
 19 was generating positive cash flow?
 20 A. Yes.
 21 Q. And who would that person or persons have
 22 been?
 23 A. That would typically come out of our
 24 commercial department. That's what we call it.
 25 And we -- we also have a controller.

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1 Q. And who is the controller there?
 2 A. Doug White is our controller.
 3 Q. And how often would these meetings occur
 4 and where would they occur, these financial
 5 debriefings?
 6 A. I wouldn't actually go to a meeting.
 7 These would come in an e-mail.
 8 Q. "These" being what you have indicated as
 9 Exhibit 7?
 10 A. It's --
 11 Q. 8?
 12 A. -- Exhibit 8.
 13 Yeah, my -- I think I get these in
 14 an e-mail.
 15 Q. Would there ever be any follow-up
 16 conversations between you and other senior
 17 officials at that particular facility to compare
 18 numbers and look at these spreadsheets and
 19 determine whether or not there are things you can
 20 do to further maximize the profitability of the
 21 facility?
 22 A. I am trying to remember, you know, in
 23 January, February, March, whether we -- whether we
 24 had meetings to review the financial performance.
 25 I'm sure we did in our leadership team meetings. I

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1 just really -- like I said, frankly, since March it
 2 just hasn't even been one of the things I've been
 3 focused on.
 4 Q. Okay. Well, let's talk about March then.
 5 You told us that you had gone to a
 6 Chamber of Commerce meeting that day?
 7 A. That's correct, a luncheon.
 8 Q. And you were just returning to it --
 9 pulling up in the parking lot when the ISOM unit
 10 exploded?
 11 A. That's correct.
 12 Q. Were you in a location where you could
 13 visualize any of that area?
 14 A. No, I couldn't see the ISOM.
 15 Q. Do you recall about what time this was?
 16 A. Uh-huh.
 17 Q. What time, ma'am?
 18 A. It was shortly after 1:00 o'clock.
 19 Q. And can you tell us what you did when you
 20 saw or heard the explosion?
 21 A. When I heard the explosion, I -- there
 22 were some -- some other people who had returned
 23 from lunch and they actually took off running into
 24 the building.
 25 Q. Were they with you?

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1 A. No. They were in a different car. They
 2 had parked adjacent to me, and there were some
 3 girls from HR. And then I thought it sounded like
 4 a compressor backfired or something. So I kind of
 5 walked to the edge of the chemical building to see
 6 what I could see.
 7 I didn't see anything. And I, you
 8 know, started walking the building. And I don't
 9 remember who, but somebody came to hurry me up to
 10 come to -- upstairs towards my office. And at that
 11 time I realized -- you know, they told me, you
 12 know, it was an explosion, they -- they weren't
 13 sure where.
 14 I -- by that time I was up in my
 15 secretary's office and said, "Find Don, get Bill
 16 Stephens," who is our government and public affairs
 17 guy, because I realized that this was -- if this
 18 was truly an explosion, we would need to be calm.
 19 I said, "Initiate the IMT," which
 20 is our incident management team. I put my
 21 coveralls on and drove around to the refinery.
 22 Q. Okay. And who was this that told you
 23 that you needed to -- that there was an explosion
 24 or something?
 25 A. My secretary.

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1 Q. His or her name?
 2 A. Connie Morris.
 3 Q. And where was Mr. Parus at this time?
 4 A. I don't know.
 5 Q. Was he on the plant premises?
 6 A. I actually don't know where he was. I
 7 think he might have been off site. I don't know.
 8 Q. I'm sorry. Might have been on site or --
 9 A. Off site.
 10 Q. Off site.
 11 Did you ever determine at some
 12 point after that that he was, in fact, off site at
 13 the time the plant blew?
 14 A. I don't know. I don't remember if I did
 15 know.
 16 Q. Okay. Who is this person in public
 17 affairs?
 18 A. He was the guy who was responsible for
 19 public affairs.
 20 Q. What's his --
 21 A. The media person, internal
 22 communications.
 23 Q. And his name again is Don --
 24 A. Bill.
 25 Q. Bill?

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1 A. Bill.
 2 Q. What's Bill's last name?
 3 A. Stephens.
 4 Q. And what was it that made you think you
 5 needed to consult with your public affairs
 6 department as soon as you were advised that there
 7 was an incident on the --
 8 A. He was in the meeting with me at the
 9 Chamber of Commerce. So -- and I figured we'd need
 10 him because if there was an explosion, there would
 11 be media and we wanted to make sure we had somebody
 12 to handle that.
 13 Q. Because he would -- he would have been
 14 the front lines spokesperson for the plant?
 15 A. That's correct.
 16 Q. To consult with the media if there were
 17 inquiries concerning what happened out at the --
 18 A. Sure.
 19 Q. -- the plant that day?
 20 Who does he report to?
 21 A. I actually don't know who he reports to.
 22 Q. Okay. What happened next?
 23 A. Like I said, I put on my coveralls. I
 24 drove around to the refinery. I, at that point,
 25 could see the fire because we had a big fire at

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1 that point.
 2 Q. When you pulled into the parking lot, how
 3 far is that from the ISOM unit?
 4 A. What?
 5 Q. When you were in the parking lot and said
 6 you heard the sound, how far is it where your
 7 vehicle was in this parking area from the ISOM
 8 unit?
 9 A. I don't know. I don't know. I was on
 10 the chemical side.
 11 Q. Okay.
 12 A. I don't know how far that is.
 13 Q. Okay. Did you go out to the accident
 14 scene, the explosion scene?
 15 A. Initially I went to the fire station
 16 because they are in charge during an emergency. I
 17 did not want to be on the road and impede any, you
 18 know, traffic there. I went to the fire station,
 19 and I had one of the fire team members take me down
 20 to the site.
 21 Q. Who was the fire chief for the Texas City
 22 plant at that time?
 23 A. The fire chief is a man called John
 24 McLemore.
 25 Q. Is Mr. McLemore still there?

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1 A. Yes, he is.
 2 Q. Still in that position?
 3 A. Yes, he is.
 4 Q. Okay. What happened next?
 5 A. They took me down to the west side of the
 6 NDU and let me out there.
 7 Q. And where did you go from there?
 8 A. I actually stayed sort of in that general
 9 vicinity of the -- there was a tent set up for the
 10 contractors, a lunch tent. The firemen had a fire
 11 truck set up at that corner. I did not get any
 12 closer to the fire because, you know, they are in
 13 charge.
 14 I thought about, you know, the
 15 need -- the need to make sure the injured were
 16 being taken care of. And I could see that we
 17 had -- you know, the guys had told me we've got --
 18 mutual aid had been called, ambulances were there.
 19 I basically just tried to make sure that the guys
 20 that were responding had everything they needed.
 21 I, you know, saw some injured
 22 being treated. I collected up the -- and I got one
 23 of the supervisors to help me. We collected up the
 24 attendance -- basically the sign-in log books,
 25 because I knew we would want to be accounting for

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1 all people on the site. So we collected those up
 2 and took them over to the command van, and
 3 basically I just started trying to help account for
 4 people.
 5 Q. Were you in visual proximity to the ISOM
 6 unit from where you were stationed?
 7 A. Sort of. I mean, there were fire and
 8 response personnel, fire trucks. I was west of the
 9 NDU. So the NDU was in my way. Then we have the
 10 location where the trailers were, and then further
 11 east is the ISOM unit.
 12 Q. Okay. Were you able to see where the
 13 trailers had been located?
 14 A. Not immediately.
 15 Q. Okay. And how long did you stay in this
 16 area?
 17 A. I -- you know, I really don't -- I was
 18 there for probably -- you know, it's really hard to
 19 tell because I didn't look at my watch; but I would
 20 say that it was at least a couple of hours.
 21 Q. And where did you go from there?
 22 A. I, you know, stayed around that area.
 23 And then once I kind of understood about the
 24 trailers and that we had definitely had
 25 fatalities --

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1 Q. And when were you made aware of
 2 fatalities?
 3 A. I was actually there when they brought
 4 out Morris King.
 5 Q. Had you ever been on the jobsite before
 6 when there was a fatality, Ms. Lucas?
 7 A. No.
 8 Q. Had you ever seen a fatality before?
 9 A. Had I ever seen dead people before?
 10 Q. Have you ever seen anyone that had been
 11 killed on the premises before?
 12 A. No.
 13 Q. You understand that such facts had
 14 occurred in the past before this explosion, though?
 15 A. Yes --
 16 MR. GALBRAITH: Objection, form.
 17 A. -- I had.
 18 Q. (BY MR. COON) In fact, there were, I
 19 think, a couple of men that were burned to death or
 20 boiled just a few months prior to this episode in
 21 March, were there not?
 22 MR. GALBRAITH: Objection, form.
 23 Q. (BY MR. COON) In September of 2004?
 24 MR. GALBRAITH: Objection, form.
 25 A. I understood that -- I was aware of two

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1 fatalities in September, yes.
 2 Q. (BY MR. COON) Okay. Did you know any of
 3 the individuals that were killed that day?
 4 A. That day?
 5 Q. March 23rd, did you know any of those
 6 individuals?
 7 A. Not personally.
 8 Q. Did you know either of the two people who
 9 were killed in September of 2004?
 10 A. Yes.
 11 Q. Both of them? One of them?
 12 A. One of them.
 13 Q. Which one?
 14 A. Bo Moore.
 15 Q. And you were still in Australia at the
 16 time?
 17 A. Yes.
 18 Q. Did Mr. Parus ever show up on the scene?
 19 A. Yes.
 20 Q. Do you recall what time?
 21 A. No. I actually was with him. I don't
 22 remember how or when or what the circumstances
 23 were, but I remember going out there with Don.
 24 Q. Did you get fire brigade assistance from
 25 some of the other petrochemical plants in the area?

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1 A. Yes, we did.
 2 Q. Would that include Marathon?
 3 A. I believe Marathon was there.
 4 Q. Were there any public emergency personnel
 5 on the scene, the police, fire --
 6 A. Yes.
 7 Q. -- EMT?
 8 A. Yes.
 9 Q. Where from?
 10 A. I can't be sure to name all of them, but
 11 I know Texas City was there.
 12 Q. Did you have any discussions with any of
 13 the personnel on scene that day as people that were
 14 there at the time the plant blew or the ISOM unit
 15 blew?
 16 A. BP personnel?
 17 Q. Did you talk -- yeah.
 18 Did you talk to anyone that was
 19 out there at the time? Any witnesses, for example?
 20 A. I don't recall speaking with any
 21 witnesses on March 23rd, any, you know, sort of
 22 firsthand witnesses.
 23 Q. Did you make an effort to try to
 24 ascertain what had happened that day?
 25 A. Sure.

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1 Q. Who were you talking to to try to find
 2 out what had happened?
 3 A. Various people, you know. And a lot of
 4 that information was probably second and thirdhand,
 5 you know, the fire crew and...
 6 Q. Was there a general story circulating as
 7 to what happened?
 8 MR. GALBRAITH: Objection, form.
 9 A. The -- the information that I was told
 10 was that something came out of the blowdown stack,
 11 and then there was an explosion.
 12 Q. (BY MR. COON) And where did you go after
 13 leaving this location?
 14 A. Like I said, I don't recall exactly how
 15 or when or whatever; but I had left. But I
 16 remember being back there and being with Don and
 17 then we went to -- they had scheduled a press --
 18 like on the front lawn of the refinery, there was a
 19 press briefing and I -- I went to that, not -- not
 20 to be the spokesperson.
 21 Q. Was Mr. Stephens acting as the
 22 spokesperson at that time?
 23 A. My recollection was that Don spoke.
 24 Q. And to which media outlets was any
 25 information passed along to?

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1 A. There were just a whole bunch of, you
 2 know, news people there. I couldn't tell you, you
 3 know, who all they worked for.
 4 Q. Were they allowed on premises, or were
 5 they at the gates somewhere?
 6 A. They were at BP property at the gate.
 7 Q. And at some point Mr. Parus gave a
 8 preliminary press statement?
 9 A. That's my recollection, yes.
 10 Q. Were you with him at the time?
 11 A. Yes.
 12 Q. And when was this?
 13 A. I don't know exactly what time it was,
 14 early evening. It seemed like we did a couple of
 15 them that night maybe. I don't know what time they
 16 were.
 17 Q. Were there any legal authorities on the
 18 scene, police department, sheriff's departments?
 19 A. The fire department was there. I can't
 20 recollect whether I saw police cars or not. I'm
 21 pretty sure they would have responded.
 22 Q. And where did you go after this press
 23 statement was given by Mr. Parus?
 24 A. I can't recall exactly, but I know that I
 25 did end up at some later point in that evening at

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1 our incident management area where we had the
 2 incident management team.
 3 Q. And who is on the incident management
 4 team?
 5 A. This is a structured emergency response
 6 process, and there is people who are trained in the
 7 various roles. I couldn't tell you. There was
 8 probably 30 or 40 people there. I couldn't tell
 9 you on that exact evening who all those parties
 10 were.
 11 Q. But you were one of the members of that
 12 team?
 13 A. At that point I wasn't actually a
 14 formal -- a member of the team. I had been trained
 15 in this emergency response, the IMT process, when I
 16 was in Australia; but, you know, it was kind of
 17 early. I wasn't actually a member of the team.
 18 (Exhibit Number 9 marked for
 19 identification.)
 20 Q. (BY MR. COON) Ms. Lucas, we have what is
 21 marked as Exhibit 9. This is the Houston Chronicle
 22 following -- I am going to skip around a little
 23 bit, but the -- that's the cover page. If you look
 24 at the third and fifth pages, there's a listing of
 25 individuals who were killed that day and I believe

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1 it's listing about 15.
 2 And, first, did you ever have an
 3 opportunity to go back and meet with any of those
 4 families?
 5 A. Yes.
 6 Q. Do you recall which ones?
 7 A. I attended as many of the funerals as I
 8 could.
 9 Q. Now, I understood all these involved
 10 contract employees to the jobsite?
 11 A. Yes.
 12 Q. Did you also have an opportunity to visit
 13 or meet with any of those that were injured, either
 14 contractors or BP personnel?
 15 A. Yes.
 16 Q. Do you recall the names of any of those?
 17 A. Yes.
 18 Q. And who would that be?
 19 A. As far as BP employees, David Laymance,
 20 Andy McWilliams, Mark Richards and Dave Leining. I
 21 am sure there were others.
 22 I did spend some time visiting the
 23 Smith family. Jack Skufca, a BP supervisor, I met
 24 with his family, Jack's. Tracy Donaie, his
 25 girlfriend or fiancée, I met with her. Enrique

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1 Rivera, I went to talk with him.
 2 Q. We need to change the tape, Ms. Lucas.
 3 THE VIDEOGRAPHER: Off the record
 4 at 2:16 p.m., ending Tape 3.
 5 (Recess taken.)
 6 (Exhibit Number 10 marked for
 7 identification.)
 8 THE VIDEOGRAPHER: On the record,
 9 2:33 p.m.
 10 Q. (BY MR. COON) Ms. Lucas, we just had a
 11 recess and now you have in front of you some
 12 photographs. I think there are probably 15 or 20
 13 there. I would like you to briefly review those,
 14 please.
 15 MR. GALBRAITH: What are they
 16 marked?
 17 MR. COON: It is Exhibit 10.
 18 Q. (BY MR. COON) If I could ask you a few
 19 questions while you are thumbing through those.
 20 Ms. Lucas, the date of the
 21 incident and the date after, were you aware of any
 22 attempts to take pictures of the accident scene by
 23 BP personnel or other unrelated personnel, either
 24 media or outside personnel?
 25 A. I'm sorry. Would you ask the question

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1 again?
 2 Q. Okay. Yeah.
 3 Are you aware of anyone that was
 4 taking photographs of the incident scene the day of
 5 or the day after the plant blew?
 6 A. No.
 7 Q. Are you aware of a gentleman that worked
 8 for Marathon who came out as part of an emergency
 9 response team who took photographs?
 10 A. I do recall hearing something about this.
 11 Q. Do you know the gentleman? I believe his
 12 name was Greg Tonnies.
 13 A. No, I didn't know him.
 14 Q. Mr. Tonnies took a number of pictures. I
 15 believe the ones we're looking at might actually be
 16 copies of those. They were relayed on to the fire
 17 department and put on their website.
 18 Were you familiar with the posting
 19 of photographs of the explosion scene on the local
 20 fire department's website?
 21 A. What local fire department? No, I mean
 22 I -- I heard something to that effect; but I don't
 23 know -- have any details about who this man was and
 24 what -- you know, what sort of posting he did.
 25 Q. Okay. Well, the reason I ask is that it

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1 was said -- and I'm trying to find out and verify
 2 whether or not you know any of the facts
 3 surrounding this, but it was said that Mr. Tonnies
 4 had these posted up -- took photographs out at the
 5 scene and had them posted to a local fire
 6 department's website and subsequently he was
 7 relieved of his duties at Marathon.
 8 Do you know anything about --
 9 A. I believe I heard that.
 10 Q. To your knowledge, first, did you have
 11 anything to do with his resignation or termination
 12 from Marathon after the posting of these
 13 photographs?
 14 A. No, I did not.
 15 Q. Two, do you know of anyone at British
 16 Petroleum who lodged any complaints to any
 17 representatives of Marathon regarding this
 18 gentleman's taking of photographs of the incident
 19 scene and having those posted to a public displayed
 20 website?
 21 A. I don't know any specifics.
 22 Q. Do you know anything in generalities?
 23 MR. GALBRAITH: Objection, form.
 24 A. No.
 25 Q. (BY MR. COON) Okay. To your knowledge,

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1 no one at BP complained to anyone at Marathon about
 2 this gentleman taking pictures of the incident
 3 scene?
 4 A. Not that I know of.
 5 Q. You have no knowledge of the
 6 circumstances surrounding Mr. Tonnies' subsequent
 7 and immediate and abrupt termination or resignation
 8 from Marathon?
 9 A. I don't know, huh-uh.
 10 Q. Were you aware that he was also the chief
 11 of the League City Volunteer Fire Department?
 12 A. No, I was not aware of that.
 13 Q. Did you ever attempt to conduct any kind
 14 of investigation into what happened to this
 15 Marathon individual who abruptly resigned his
 16 position at Marathon after taking these
 17 photographs?
 18 A. No, I didn't. Like I said, I heard about
 19 that but --
 20 Q. Who did you --
 21 A. -- no one asked me to investigate. No
 22 one.
 23 Q. Who did you hear this from?
 24 A. I don't know who I heard it from,
 25 actually. I can't recall.

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1 Q. Okay. But to the best of your
2 recollection today, you are not aware of anyone at
3 British Petroleum, Texas City facility or
4 otherwise, who --
5 MR. GALBRAITH: Objection, form.
6 Q. (BY MR. COON) -- lodged any type of
7 complaint in writing or informally, verbally to
8 anyone at Marathon?
9 A. I'm not aware of it, no.
10 Q. Nor to your knowledge did anyone at BP
11 have anything to do with encouraging Marathon to
12 take some sort of disciplinary action against this
13 individual?
14 A. No --
15 MR. GALBRAITH: Objection, form.
16 A. -- there was nothing to my knowledge of
17 that -- to that effect.
18 Q. (BY MR. COON) Do you have any
19 understanding as to why this gentleman was not
20 allowed to comment about his resignation or
21 termination from Marathon?
22 MR. GALBRAITH: Objection to form.
23 A. No.
24 Q. (BY MR. COON) Ms. Lucas, the photographs
25 you see there, are those pretty much representative

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1 of the area involved in this explosion?
2 MR. GALBRAITH: Objection, form.
3 A. I haven't quite made it through yet.
4 (Examines photographs.)
5 Q. (BY MR. COON) Have you had an
6 opportunity to look at the photos now?
7 A. I have looked at them --
8 Q. Okay. Are there --
9 A. -- briefly.
10 Q. And you were out at the accident scene
11 that day, correct?
12 A. That's correct.
13 Q. And you went out there, I assume, on some
14 points thereafter in the days following?
15 A. Yes.
16 Q. Do the photos there accurately reflect
17 the condition of the incident scene?
18 MR. GALBRAITH: Objection, form.
19 A. You know, I don't recognize specifics of
20 each and every one of them; but in general, you
21 know, they -- they look like what I had seen.
22 Q. (BY MR. COON) Ms. Lucas, the day after
23 this explosion, the chief executive officer of
24 British Petroleum London came to Texas, Mr. -- or
25 Lord Browne, did he not?

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1 A. That's correct.
2 Q. Okay. You did not have an opportunity to
3 visit with him on that occasion, though; is that
4 correct?
5 A. That's correct.
6 Q. Did you have anything to do with his
7 attendance in Texas City the day after this
8 explosion?
9 A. Yes, I did.
10 Q. In what regard?
11 A. I was still on site at -- in the early
12 hours of the morning when we were planning for John
13 Browne's visit.
14 Q. Did you solicit him -- his attendance to
15 Texas City or did Mr. Parus --
16 A. No -- well, I didn't.
17 Q. Do you know what precipitated his
18 attendance in Texas City the following day? Do you
19 know who called him? If he made the decision on
20 his own? Do you have any knowledge as to what got
21 him here?
22 A. Well, I think the -- the severity of the
23 incident is likely what led to his visit. I can
24 only speculate, but certainly...
25 Q. Do you know whether or not Mr. Parus,

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1 Mr. Gowers or Mr. Pillari or other BP executives
2 here in the United States requested his attendance?
3 A. I don't know that.
4 Q. Mr. Browne issued a press statement the
5 day he came to Texas City, did he not?
6 A. I believe he did.
7 Q. And left shortly thereafter, returned
8 back to England?
9 A. I don't know where he went after he was
10 in Texas City.
11 Q. Okay. Do you know what day he left?
12 A. No, not exactly.
13 Q. He introduced you to a gentleman, I
14 believe, at some point, or at least you were
15 introduced to a person, John Mogford?
16 A. Yes.
17 Q. And who was Mr. Mogford, and how were you
18 introduced to him?
19 A. I don't remember when I was introduced to
20 John Mogford, but he was -- as is typical in
21 fatality cases, Mr. Mogford was named the chairman
22 of the investigation.
23 Q. And he was named chairman by whom?
24 A. I --
25 Q. Did Lord Browne designate him as the

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1 person --
 2 A. I actually don't know who named him to
 3 be -- to be in that position.
 4 (Exhibit Number 11 marked for
 5 identification.)
 6 Q. (BY MR. COON) Ms. Lucas, I have next
 7 Exhibit 11. I believe that's a letter or e-mail
 8 that you remitted to Lord Browne, if I read this
 9 correctly, March 30th?
 10 A. Yes.
 11 Q. Is this the only correspondence that you
 12 had with -- directly to Lord Browne?
 13 MR. GALBRAITH: Do you have a copy
 14 of it?
 15 A. Yeah, in terms of e-mail, this -- I
 16 believe this is the only e-mail I have written to
 17 him.
 18 Q. (BY MR. COON) Okay. Was there any other
 19 communications initiated by you to Lord Browne in
 20 the days or weeks after the explosion?
 21 A. No, just this e-mail.
 22 Q. When was the next communication that you
 23 recall, if any, to Mr. Browne?
 24 A. When he came to visit.
 25 Q. Over the summer?

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1 A. Whenever that was. I can't recall.
 2 MR. GALBRAITH: Can I see that?
 3 THE WITNESS: (Tenders documents.)
 4 Q. (BY MR. COON) Ms. Lucas, was there a
 5 concern about BP's reputation in the community as a
 6 result of this explosion?
 7 A. Certainly.
 8 Q. And could you elaborate on that, please?
 9 A. Well, it was a -- certainly when you have
 10 people die in your facility and you have an
 11 explosion, it is frightening to the neighbors,
 12 especially those who have -- well, whether they
 13 have family that work out there or not.
 14 Q. And did BP initiate any type of public
 15 relation strategy to help placate some of the
 16 concerns or anxieties anticipated to be
 17 demonstrated by the local communication?
 18 A. I don't know what you mean by "public
 19 relation strategy," but we were concerned about the
 20 neighbors and certainly didn't want to frighten
 21 them.
 22 Q. And who did you intend to encompass in
 23 your description of "neighbors"? People who live
 24 immediately adjacent to the facility or the
 25 community at large or the state or what?

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1 A. You know, it -- it's hard for me to -- to
 2 judge, you know, who might be impacted but -- you
 3 know, and I am not the public relations person. So
 4 I didn't work on public relations strategy.
 5 Q. Would this be Mr. Stephens?
 6 A. Uh-huh.
 7 Q. Let's look --
 8 A. He would be one of them.
 9 (Exhibit Number 12 marked for
 10 identification.)
 11 Q. (BY MR. COON) Next I have Exhibit 12.
 12 This is a memo that you received a
 13 copy of from Mr. William or Bill Kilgore.
 14 A. Yes.
 15 Q. And who is Mr. Kilgore?
 16 A. Mr. Kilgore, he -- he did refinery
 17 communications and he did -- I believe he worked
 18 for Bill Stephens.
 19 Q. Okay. And did you have a copy of this?
 20 Did you have an opportunity to read it at the time
 21 you received it?
 22 A. (Examines document.)
 23 Q. We will go to page 2 of that for a
 24 minute.
 25 Ms. Lucas, if I can call your

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1 attention to page 2 of this -- what do you call
 2 this? Is this an e-mail, an e-mail to you and
 3 others?
 4 A. It looks like an e-mail, yes.
 5 Q. Okay. Is Mr. Kilgore located at the
 6 Texas City facility?
 7 A. Yes. He has since retired.
 8 Q. And if we look at page 2, it says, "GPA
 9 is attempting to get the media to view the crisis
 10 as over and we are moving to an operational
 11 recovery mode, thereby eliminating the ongoing
 12 press coverage."
 13 Who is GPA?
 14 A. That stands for Government and Public
 15 Affairs, I believe is what that acronym is.
 16 Q. Is that an acronym for a department
 17 within BP Texas City?
 18 A. That is actually a department --
 19 there's -- there's one in Texas City, but that's a
 20 typical function.
 21 Q. And who is in charge of the one in Texas
 22 City? Is that Mr. Stephens?
 23 A. At the time of March 23rd, it was. Like
 24 I said, I don't know who Bill reported to.
 25 Q. Do you know who was --

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1 A. Bill Stephens.
 2 Q. Do you know who was in charge of GPA in
 3 March?
 4 A. In Texas City, I would say that's Bill
 5 Stephens.
 6 Q. It would be Bill Stephens.
 7 And does he report to a larger
 8 integrated part of GPA located off site somewhere
 9 else, Chicago or London?
 10 A. I think so, but I don't really know.
 11 Q. Is Mr. Stephens still employed with BP?
 12 A. Yes, he is.
 13 Q. Is he still at Texas City?
 14 A. Yes, he is.
 15 Q. If we look at the next sentence, it says,
 16 "GPA has hired an outside independent research
 17 company to help us understand the damage to our
 18 reputation in the Greater Houston area as a
 19 building block toward recovery."
 20 Do you know who the outside
 21 independent research company was and what they were
 22 asked to do?
 23 A. I don't know who they were, and I don't
 24 know exactly what we requested them to do.
 25 Q. Did you ever meet any of the

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1 representatives of the outside public relations
 2 companies that GPA attempted to procure as a result
 3 of this explosion?
 4 A. No, I don't think so.
 5 Q. Did you have any meetings subsequent to
 6 the explosion with other plant officials regarding
 7 public relation strategies?
 8 A. Other plant officials of the Texas City
 9 people?
 10 Q. Yes, ma'am.
 11 A. Not as regards public relation strategy,
 12 I don't believe. I don't -- I don't recall any.
 13 Q. If I reference one more thing in that
 14 paragraph, the first sentence I read, again it says
 15 that, "GPA is attempting to get the media to view
 16 this crisis as over," it says, "thereby eliminating
 17 the ongoing press coverage."
 18 Did you have nothing to do at any
 19 point after that with working with GPA or any of
 20 these outside consultants in assisting them as a
 21 spokesperson at British Petroleum?
 22 MR. GALBRAITH: Objection, form.
 23 A. I didn't -- I didn't speak to the press.
 24 Q. (BY MR. COON) Did you ever speak to
 25 anyone else in the community at large? Did you go

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1 to any of the townhall meetings and have any
 2 discussions about what happened and what type of
 3 activities, if any, BP would --
 4 A. Yes --
 5 Q. -- BP would under --
 6 A. -- I did.
 7 Q. Could you tell us when and where?
 8 A. I cannot give you a date, but I attended
 9 a community meeting that was held at Heights
 10 Elementary -- I believe it's still called Heights
 11 Elementary -- in their auditorium. And I also
 12 attended a community meeting at the Doyle Center
 13 that was after that one, and I can't give you a
 14 date again.
 15 Q. Were you prepped with respect to how to
 16 deal with the public or the media regarding this
 17 explosion?
 18 A. I wasn't personally, no.
 19 Q. Did anyone with GPA, Mr. Stephens or
 20 others, talk to you about how you should engage the
 21 public, how you should talk at these townhall
 22 meetings, what you should say, what you should not
 23 say?
 24 A. I think Bill had some talking points but
 25 none for me. I -- I just made myself some notes

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1 about what I wanted to say.
 2 Q. Were you in any meetings with Mr. Parus
 3 or other senior executives of the BP Texas City
 4 facility with anyone from this GPA department to
 5 discuss general public relations strategy as a
 6 result of this explosion?
 7 A. That -- that first townhall meeting, Don
 8 wasn't there. Don was already gone, and it was
 9 Colin Maclean who was there.
 10 Q. Have you ever been advised as an official
 11 at British Petroleum on how to handle situations
 12 such as this? Have you ever had any kind of
 13 training, seminars, programs or anything else on
 14 how to deal with the public in the event of bad
 15 news?
 16 A. As I have said before, I have had the
 17 emergency response training, the IMT training. I
 18 had that in Australia, and I also had media
 19 relations training.
 20 Q. Ms. Lucas, there have been some who have
 21 criticized BP's spin on what happened down at this
 22 explosion and the root causes. You are aware of
 23 some of that criticism in the community?
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. COON) Are you aware of any --

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1 are you aware of any criticism in the community at
 2 large regarding BP's initial spin on what the root
 3 causes of this incident were?
 4 A. Yes --
 5 MR. GALBRAITH: Objection, form.
 6 A. -- I'm aware of it.
 7 Q. (BY MR. COON) And what's your
 8 understanding of what the complaints or criticisms
 9 were?
 10 MR. GALBRAITH: Objection, form.
 11 A. I can't recall exact specifics, but I
 12 think there was some -- you know, there were
 13 definitely upset community members.
 14 Q. (BY MR. COON) Okay. In fact, there was
 15 specific criticism of BP's initial attempt to find
 16 root cause attributable to low-level employees.
 17 You're aware of that criticism, are you not?
 18 MR. GALBRAITH: Objection, form.
 19 A. Yes.
 20 Q. (BY MR. COON) And, in fact, Mr. Pillari
 21 came back to Texas City, I think, a couple of
 22 months after the explosion and gave a press
 23 statement, didn't he? I think right after the
 24 interim FAIR report was prepared?
 25 A. I believe Ross has been back several

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1 times. I don't know which one you are referring
 2 to.
 3 Q. Okay. Let me back up then briefly.
 4 When was the first time
 5 Mr. Pillari came back to Texas City after the
 6 explosion?
 7 A. I couldn't tell you exactly when Ross was
 8 in town.
 9 Q. Do you know if he came back to Texas City
 10 at any time before the interim FAIR report or the
 11 Fatal Accident Injury Report was submitted? I
 12 think that was May 12th.
 13 A. I couldn't -- I don't know.
 14 Q. Did you work with -- did you work with
 15 Mr. Mogford in assimilating information to assist
 16 him in the Fatal Accident Injury Report?
 17 A. I wasn't part of the investigation team.
 18 Q. You were head of safety at that point at
 19 the time, were you not?
 20 A. Pardon me?
 21 Q. I said you were head of safety operations
 22 at the time? Weren't --
 23 A. I wasn't --
 24 Q. -- you responsible for --
 25 A. -- head of safety. I was head of -- I

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1 was the operations manager.
 2 Q. And wasn't that charged with the overall
 3 safety at the plant? Maybe I misunderstood your
 4 testimony earlier.
 5 A. Well, there's the safety department.
 6 My -- what I meant was, you know, safe operations.
 7 Q. Okay. Including process safety, correct?
 8 A. Yes, sir.
 9 Q. And we can distinguish process safety
 10 from personnel safety, and I think you did so
 11 earlier?
 12 A. That's correct.
 13 Q. And with respect to process safety, is it
 14 fair to say that one of the root cause analysis or
 15 investigations of the root cause in this particular
 16 explosion had to do with process safety, did it
 17 not?
 18 MR. GALBRAITH: Objection, form.
 19 A. You know, there has been so many
 20 investigations and so many reports, you are going
 21 to have to kind of tell me what you are digging
 22 for.
 23 Q. (BY MR. COON) Okay. Well, first, we are
 24 talking about this fatal accident report
 25 Mr. Mogford worked on.

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1 Did you ever meet with him to
 2 discuss what he was finding out and assist him in
 3 any way with respect to the investigation, the
 4 internal investigation? I'm just going to call it
 5 the fatal accident report.
 6 A. The Mogford report.
 7 Q. Okay. The Mogford report.
 8 A. Prior to the interim report being issued,
 9 it seems to me -- and I can't recall exactly --
 10 that Mogford did meet with -- I don't know if it
 11 was the whole leadership team or some subset of the
 12 leadership team, to kind of give us some of the,
 13 you know, things that they were seeing, the
 14 immediate concerns.
 15 Q. Okay. Who is the point person at
 16 BP Texas City working with Mr. Mogford?
 17 A. There were -- there were about, I think,
 18 six BP employees, you know, Texas City employees
 19 that were part of that investigation team. Three
 20 of those were salaried and -- I don't know if I am
 21 remembering this right.
 22 You know, the investigation team
 23 had BP employees from Texas City on it, BP
 24 employees from outside of Texas City.
 25 Q. Okay. Did any of those individuals

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1 report to you to keep you apprised of this
 2 investigation?
 3 A. No.
 4 Q. How about Mr. Parus?
 5 A. Did they report to Mr. Parus?
 6 Q. If you know.
 7 A. I don't know.
 8 Q. You were in charge of discipline or the
 9 investigation into discipline in this case, were
 10 you not?
 11 A. Yes.
 12 Q. So there were overlapping investigations
 13 in this case. One, you, with respect to personnel;
 14 and, two, with respect to Mr. Mogford on all the
 15 various potential root causes?
 16 A. That's correct.
 17 Q. And yet you did nothing to undertake a
 18 request from Mr. Mogford and those investigating to
 19 collaborate with you and your investigators for the
 20 information that would be cross-pollinated between
 21 those two different departments?
 22 A. Our -- our investigation process, because
 23 we have hourly employees that participate in that
 24 investigation process to get to root cause, we want
 25 to preserve their participation and, therefore,

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1 don't want them to be linked in any way to the
 2 discipline of their colleagues.
 3 So, for the most part, I stayed
 4 away from, you know, getting involved in that
 5 because we wanted to ensure that the -- that that
 6 wouldn't be linked, that those employees that were
 7 hourly employees wouldn't get linked in any way to
 8 discipline, as was their wish and as is our policy.
 9 Q. Were you provided a copy of the Mogford
 10 report, the interim report of May 12th?
 11 A. Yeah, I got a copy of the interim report.
 12 Q. And who provided that to you?
 13 A. I don't remember who provided it to me.
 14 Q. Was there any debriefing between you and
 15 other representatives of British Petroleum
 16 regarding the findings contained in the Mogford
 17 report?
 18 A. I don't recall any specific meetings.
 19 Q. Did you ever have an opportunity to
 20 complete your review or read this interim report?
 21 A. It's been awhile. I looked at it. I
 22 haven't, you know, looked at it so much lately.
 23 (Exhibit Number 13 marked for
 24 identification.)
 25 MR. GALBRAITH: What is it marked?

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1 THE WITNESS: 13.
 2 MR. COON: This is Exhibit 13.
 3 Q. (BY MR. COON) Okay. If you look at the
 4 cover page there, Ms. Lucas --
 5 A. Uh-huh.
 6 Q. -- you'll see, "Fatal Accident
 7 Investigation Report, Isomerization Unit Explosion
 8 Interim Report, Texas City, Texas," dated May 12,
 9 2005. It's approved officially by John Mogford,
 10 correct?
 11 A. That's correct.
 12 Q. Do you know whether or not the other
 13 persons assigned to this, whether salaried or
 14 hourly, agreed or disagreed with any or all of the
 15 findings in Mr. Mogford's interim report?
 16 A. I don't know.
 17 Q. Did you ever consult with anybody in the
 18 hourly department through their labor
 19 representatives as to whether or not any of them or
 20 all of them agreed or disagreed with some or all
 21 parts of that report?
 22 A. No, I didn't ask them specifically.
 23 Q. What labor representatives with the local
 24 PACE/USW offices did you ever deal with?
 25 A. With regards to what?

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1 Q. Regarding anything. Which ones, which
 2 officers did you ever have direct relations with?
 3 A. The -- when it came time to do the
 4 discipline interviews, we notified -- anytime we
 5 were going to interview an hourly employee, we
 6 notified either Joe Bilancich or Les Green or Ray
 7 Soliz as officers of USW.
 8 Q. And what about outside this particular
 9 investigation, just as a matter of routine course?
 10 A. Sure, I would, you know, have
 11 conversations with -- with Joe, Ray, Larry
 12 Burchfield who is the -- and Roman Lopez who were
 13 on the chemical side. I'd have conversations with
 14 them on -- you know, whatever they wanted to talk
 15 about.
 16 Q. Okay. Ms. Lucas, I want to go over a
 17 timeline with you. We have March 23rd is the
 18 explosion. We have Mr. Mogford comes down around
 19 the time Lord Browne comes over, the following day
 20 or two and you're informed at some point that he is
 21 to take charge of this investigation into the
 22 cause.
 23 And on May 12th we have a report
 24 that's at least his interim report, not a final
 25 report. We have an interim report from him,

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1 correct?
 2 A. That's correct.
 3 Q. And then shortly after that Mr. Pillari
 4 comes back to Texas City for another press
 5 conference.
 6 Do you recall that?
 7 A. Mr. Pillari, yes.
 8 Q. Mr. Pillari?
 9 A. Yes.
 10 Q. Around May 17 or so, correct?
 11 A. That's correct.
 12 Q. And on the date of that -- did you have
 13 anything to do with the press release and the
 14 comments or findings that he wanted to relay to the
 15 press that day?
 16 A. No.
 17 Q. Were you debriefed about what he was to
 18 relate to the press that day?
 19 A. No.
 20 Q. Were you made aware of what his comments
 21 and statements to the press that day were?
 22 A. I don't recall exactly, you know, exactly
 23 when Ross -- I knew Ross was coming. I think that
 24 at the time this was going to be released, you
 25 know, I don't -- I think this was to be released to

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1 the public.
 2 Q. Okay. We have downloaded copies of some
 3 of the articles that the Chronicle and other papers
 4 reported on. And one of them is the May 18 article
 5 dealing with the -- these particular -- these
 6 statements made by Mr. Pillari the day before.
 7 (Exhibit Number 14 marked for
 8 identification.)
 9 Q. (BY MR. COON) And again, this would have
 10 been just a few days after the FAIR report, the
 11 fatal accident report, Mr. Mogford's report was
 12 provided.
 13 A. Do I get a copy?
 14 Q. Let me ask you this first -- I'm sorry.
 15 Let me back up.
 16 A. Okay.
 17 Q. This fatal accident report, to your
 18 knowledge was that something that was retained as a
 19 confidential document of BP for the time being?
 20 A. This report?
 21 Q. Yes.
 22 A. I don't -- I don't know, but I think it
 23 was on the website. That would make it pretty
 24 non-confidential.
 25 Q. Do you know when that was relayed to or

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1 disseminated through the website or otherwise made
 2 available to the public?
 3 A. No.
 4 Q. Okay. Mr. Pillari, when he made his
 5 comments on the 17th -- if you look at the title,
 6 "BP Blames Staff For Blast. A probe finds workers
 7 were lax; the union says they're being made
 8 scapegoats."
 9 Did I read that pretty correctly?
 10 A. Can I have a copy?
 11 Q. (Tenders documents.)
 12 A. Thank you.
 13 Q. And the criticism there, as it states --
 14 this is, again, reporting on Mr. Pillari.
 15 If we can read the second
 16 paragraph, it says, "Had the six operators and one
 17 supervisor assigned to the start-up of the
 18 refinery's so-called isomerization unit been doing
 19 their jobs, the explosion would not have happened,
 20 15 people would not have been killed and more than
 21 170 would not have been injured, said Ross Pillari,
 22 president of BP Products North America."
 23 Did I read that correctly?
 24 MR. GALBRAITH: Objection, form.
 25 A. You read it, yeah. It's not indicated as

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1 a direct quote, yes.
 2 Q. (BY MR. COON) Okay. But if we look at
 3 the actual interim report that Mr. Pillari is
 4 basing some of his statements on, there, in fact,
 5 were a number of concerns that were expressed by
 6 Mr. Mogford in his investigation.
 7 I think if you will look at
 8 Exhibit 13, go back about the third page.
 9 A. I am on page 3.
 10 Q. Okay. This is the -- on the report,
 11 page 3, there are a number of concerns or
 12 criticisms by Mr. Mogford even as early as his
 13 May 12 interim report.
 14 MR. GALBRAITH: Could you identify
 15 whose marks those are on it for identification
 16 purposes, I mean?
 17 MR. COON: I'm happy to do that.
 18 I would say those are mine.
 19 MR. GALBRAITH: Okay. I
 20 understand. That's fine.
 21 MR. COON: She doesn't have those
 22 on hers.
 23 THE WITNESS: Mine is clean.
 24 Q. (BY MR. COON) Okay. The first question
 25 is: With respect to the raffinate splitter startup

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1 procedures -- and it talked about the startup
 2 procedures. We talked about those earlier,
 3 correct, the SOP?
 4 A. That's correct.
 5 Q. And then next is the control of work and
 6 trailer siting, and we talked about that earlier.
 7 It was your recollection that
 8 there was about a 350-foot minimum?
 9 MR. GALBRAITH: Objection, form.
 10 A. 350-foot minimum before an MOC is
 11 required.
 12 Q. (BY MR. COON) Right.
 13 And in this case, the additional
 14 criticism with respect to trailer siting was that,
 15 "Numerous personnel working elsewhere in the
 16 refinery were too close to the hazard at the
 17 blowdown drum and stack."
 18 Did I read that correct?
 19 MR. GALBRAITH: Objection, form.
 20 A. That they were too close to the hazards
 21 at the blowdown drum and stack during the startup
 22 operation.
 23 Q. (BY MR. COON) In fact, it goes on to
 24 say, "They were congregated in and around temporary
 25 trailers and were neither evacuated nor alerted"?

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1 A. That's correct.
 2 Q. Is it standard procedure at BP when they
 3 are starting up a unit, particularly one that has
 4 flammable materials, not to notify those that are
 5 in the zone of danger?
 6 MR. GALBRAITH: Objection, form.
 7 A. I don't know what is typical; but
 8 certainly there is a process that if you get into
 9 an upset during the course of the operation, there
 10 is a process to warn, warning horns that are --
 11 should be activated by anyone who sees that upset,
 12 typically the board operator, to warn people and
 13 evacuate the unit.
 14 Q. (BY MR. COON) Okay. And there is always
 15 a potential when you are dealing with flammable
 16 materials to have something like this happen. You
 17 don't expect it to. You don't want it to; but
 18 there is always the potential, is there not?
 19 MR. GALBRAITH: Objection, form.
 20 A. Well, certainly safe routine operations,
 21 no, the hydrocarbon stays in the pipe.
 22 Q. (BY MR. COON) Okay. Do you know whether
 23 or not there was criticism of any of the
 24 individuals or the family members that were in the
 25 trailers over the failure of BP to evacuate those

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1 people, particularly those located in the trailer
 2 area, from that zone while the ISOM unit was in
 3 startup mode?
 4 A. I believe there was criticism of BP to
 5 that effect.
 6 Q. And, in fact, at some point shortly after
 7 the March explosion, you were involved in the
 8 decision to remove all temporary trailers much
 9 further away from the original 350 feet, I think
 10 even back to 500 feet; is that correct?
 11 A. That's correct. Well, actually we have
 12 removed all trailers from site.
 13 Q. And in this set of circumstances, one of
 14 the key trailers involved had actually received a
 15 management of change order that had allowed that
 16 trailer to be situated around 150 feet or less from
 17 this unit?
 18 MR. GALBRAITH: Object to form.
 19 A. As I understand, an MOC had been
 20 conducted on one of the trailers.
 21 Q. (BY MR. COON) And in hindsight, that was
 22 an improvident decision?
 23 MR. GALBRAITH: Objection, form.
 24 A. Certainly in hindsight it did not turn
 25 out to be a place that people should have been.

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1 Q. (BY MR. COON) Okay. The next thing,
 2 "Design and Engineering of Blowdown Drum and
 3 Stack." And again, this is off Mogford's findings,
 4 interim findings.
 5 It says, "Opportunities to tie the
 6 splitter relief lines into a flare system were not
 7 taken."
 8 Were you aware of those
 9 criticisms?
 10 A. Yes, I was.
 11 Q. Do you know anything about the history of
 12 the ISOM unit and opportunities that had existed
 13 prior to this explosion to tie in the lines to a
 14 flare?
 15 A. I know a little about that.
 16 Q. What have you done, if anything, with
 17 respect to trying to find out more about those
 18 opportunities since this explosion?
 19 A. Not a great deal because we have no
 20 intent of starting up an ISOM unit with a blowdown
 21 stack.
 22 Q. Okay. What about just generally tying in
 23 and removing or replacing vent stacks with a more
 24 state-of-the-art technology, whether it be flares?
 25 A. I believe that, as you probably well

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1 know, that BP has made a commitment to remove all
 2 blowdown stacks from service, including the ISOM
 3 unit.
 4 Q. Okay. Do you know why a vent stack of
 5 this nature was still on a unit that was in
 6 operation in 2005?
 7 A. No. I mean...
 8 Q. Would you agree with those who would call
 9 a vent stack type of system antiquated?
 10 MR. GALBRAITH: Objection, form.
 11 A. I don't know that it's antiquated. There
 12 are certainly newer technologies that you can use.
 13 Q. (BY MR. COON) And, in fact, BP
 14 considered that and actually prepared to tie in
 15 that ISOM unit to a flare on prior occasions prior
 16 to March 23rd? Were you made aware of that?
 17 A. I don't know exactly what you are talking
 18 about there.
 19 Q. Okay. Are you aware of any attempts by
 20 BP, prior to March 23rd, to tie in to an existing
 21 flare located somewhere else on the facility?
 22 A. I believe I had heard they had looked at
 23 that.
 24 Q. Do you know whether or not there were any
 25 attempts undertaken to actually do so? Not just

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1 looking at it, but some partial attempt to do so?
 2 A. I can't recall exactly whether or not I
 3 heard that.
 4 Q. Were you made aware that the decision not
 5 to do so hinged primarily on economic or monetary
 6 considerations, cost factors?
 7 MR. GALBRAITH: Objection, form.
 8 A. No, that isn't what I was made aware of.
 9 My understanding was it was the risk of the
 10 blowdown stack wasn't seen in terms of this massive
 11 release of liquids to it, that the -- it was looked
 12 at from an environmental perspective.
 13 Q. (BY MR. COON) Okay. And, in fact, when
 14 this unit was rebuilt, the vent stack system
 15 pre-existed the ISOM unit when it was built in
 16 1984, wasn't it?
 17 A. I can't be sure of that.
 18 Q. And, in fact, the vent stack system, do
 19 you know how far back that system had existed?
 20 A. No.
 21 Q. Would it surprise you to know that it was
 22 something that goes back to the Fifties, the 1950s?
 23 A. Well, I imagine that if it was there
 24 before the ISOM, it was probably prior to
 25 ultraformer number 1.

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1 Q. Do you know if that was about the only
 2 thing left of that pre-existing unit?
 3 A. No, I don't know that.
 4 Q. Do you know if there were attempts to
 5 incorporate that vent stack in 1984 when the ISOM
 6 unit was built so as to bypass clean air emissions
 7 standards?
 8 A. No, I don't know that.
 9 Q. Have you heard of the process of
 10 grandfathering?
 11 A. I have heard about grandfathering, yes.
 12 Q. Do you have any understanding as to
 13 whether or not this was something that was done to
 14 grandfather in the pre-existing vent relief system
 15 in lieu of a flare?
 16 A. No, I don't know that.
 17 Q. Have you undertaken any effort to
 18 independently ascertain that?
 19 A. No. As I said, there's no -- no intent
 20 to start up the ISOM unit with a blowdown stack.
 21 So it's really not been a focus.
 22 Q. Okay. But there has been a focus since
 23 this plant explosion to get rid of these vent
 24 stacks anywhere and everywhere BP can?
 25 A. That's correct.

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1 Q. Including the one on the Texas City
 2 facility?
 3 A. That's correct.
 4 Q. How many vent stacks were on the Texas
 5 City facility?
 6 A. As I understand, there is 11, counting
 7 the ISOM.
 8 Q. And are there plans presently being
 9 undertaken to remove all of those vent stacks?
 10 A. There are.
 11 Q. Are there vent stacks located in other BP
 12 refineries and other locations outside Texas City?
 13 A. There are.
 14 Q. Are the same efforts being made at this
 15 time to remove all of those vent stacks?
 16 A. Yes.
 17 Q. And again, is it all for those same
 18 safety considerations?
 19 A. Yes.
 20 Q. Ms. Lucas, the day after -- as a matter
 21 of fact, let me go back to this report again. This
 22 is the Houston Chronicle article.
 23 So I get my timeline right, your
 24 fatal accident report comes out May 12th, the
 25 interim report. Mr. Pillari comes back down within

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1 a few days, issues another press statement, seems
 2 to focus a disproportionate amount of fault to
 3 low-ranking employees without much discussion of
 4 these other contributing factors. But that aside,
 5 there's also another comment that he makes at the
 6 time and that is at the bottom of the page, if I
 7 can just read this.
 8 Mr. Pillari announced -- and this
 9 is in the days after the report came back -- that,
 10 "Plant manager Don Parus has been placed on leave,
 11 not as a part of any disciplinary actions but to
 12 participate full-time in the ongoing investigation,
 13 and has been replaced by Colin Maclean, who has
 14 managed refineries in Australia, Scotland and
 15 Whiting, Indiana."
 16 MR. GALBRAITH: Objection, form,
 17 if that's the end of the question.
 18 MR. COON: It is.
 19 Q. (BY MR. COON) Were you involved at all
 20 with respect to the transition of Mr. Parus into
 21 some other position other than plant manager?
 22 MR. GALBRAITH: Objection, form.
 23 A. Like I wasn't involved in the decision.
 24 I -- when Don moved on and before Colin got there,
 25 I filled in that gap.

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1 Q. (BY MR. COON) Okay. So we know that at
 2 some point in time -- it actually doesn't have the
 3 date here.
 4 We just know that as of May 17,
 5 May 18, that Mr. Parus has been placed on leave;
 6 but it didn't really say the date that that was
 7 effective, did it?
 8 A. Not in here.
 9 Q. Do you know when that date was?
 10 A. Not off -- not off the top of my head.
 11 Q. Would it surprise you that the timing was
 12 such that Mr. Parus was put on this leave the day
 13 after the fatal accident report came out?
 14 MR. GALBRAITH: Objection, form.
 15 A. I know I was notified, you know, by
 16 e-mail that I was filling in; but I don't know what
 17 that date was.
 18 Q. (BY MR. COON) Well, it just strikes me
 19 as unorthodox, Ms. Lucas, that you would have a
 20 plant manager at the largest BP facility in the
 21 nation just mysteriously transfer his position
 22 without hardly any debriefing or information being
 23 relayed to you as to why he was leaving or where he
 24 was going.
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) Does that strike you as
 2 odd?
 3 MR. GALBRAITH: Objection, form.
 4 A. No. Under the circumstances, nothing
 5 struck me as odd.
 6 (Exhibit Number 15 marked for
 7 identification.)
 8 A. This is the note I was just telling you
 9 about.
 10 Q. (BY MR. COON) Well, I'm trying to fill
 11 in some gaps here. We have another document. This
 12 is BP3307, and this is actually an e-mail of some
 13 sort -- actually, it looks like a Blackberry
 14 communication.
 15 You're familiar with a Blackberry?
 16 It's a little handheld --
 17 A. Uh-huh, yes.
 18 Q. -- wireless system?
 19 And apparently Mr. Gower has one
 20 of these. If we read from this, Mr. Gower sent --
 21 this is communicated to Mr. Parus on May 13. This
 22 is the day after the fatal accident report came
 23 out. And the fatal accident report, as we have
 24 discussed, contained a number of criticisms
 25 regarding the MOCs on the trailer siting and the

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1 vent stack and the subject of those comments.
 2 And immediately following that
 3 report, in fact the next day, we have this in the
 4 file where it says, "Effective 10:00 a.m. on
 5 May 13, I am relieving you of your accountability
 6 for the Texas City site. Kathleen Lucas will
 7 assume accountability for the site and report
 8 directly to me until further notice."
 9 Did I read that correctly?
 10 A. That's what it says, yes.
 11 Q. It doesn't have anything here that he's
 12 being transferred to another position of equal or
 13 more importance, including the investigation, does
 14 it?
 15 A. Not on this note, no.
 16 Q. Does it strike you as odd, since you were
 17 cc'd on this Blackberry communication, that without
 18 any notice to you and apparently no other notice to
 19 Mr. Parus that he was being effectively relieved of
 20 his responsibilities as the plant manager?
 21 MR. GALBRAITH: Objection, form.
 22 A. Well, I don't know what was said to Don.
 23 Q. (BY MR. COON) Well, this was to him?
 24 A. Right.
 25 Q. So we do know this was sent to him?

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1 A. That's correct.
 2 Q. And it says basically, "You are fired as
 3 our plant manager"?
 4 A. But this does not --
 5 MR. GALBRAITH: Objection, form.
 6 A. -- preclude any conversations that may
 7 have occurred that I'm not privileged to.
 8 Q. (BY MR. COON) Were you provided with any
 9 prior debriefing from Mr. Gower or Mr. Parus or
 10 others that they were preparing a transition for
 11 him?
 12 A. I was told that this -- that I would be
 13 receiving this note from Pat and that was about --
 14 and that Don was going to work on the
 15 investigation.
 16 Q. And where did he go to start working on
 17 this investigation?
 18 A. What do you mean, "Where did he go?"
 19 Q. Where did he go? Where was he officed at
 20 as of May 12th? Was he on the plant site? Did he
 21 have an office at Texas City?
 22 A. If he was there after the 12th, there was
 23 only a brief period.
 24 Q. Okay. Well, let's just talk about where
 25 was -- where was his office March 23rd?

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1 A. The chemical site.
 2 Q. And where was your office?
 3 A. On the chemical site.
 4 Q. And how close proximity was your office
 5 to that of Mr. Parus?
 6 A. I was down the hall from him.
 7 Q. Okay. And continued to be down the hall
 8 from him until some point in May, I gather?
 9 A. That's right.
 10 Q. Okay. So May 12th, the date that the
 11 fatal accident report came out that inducted the
 12 trailer siting and the vent stack system, Mr. Parus
 13 gets an e-mail, Blackberry, saying that, "You are
 14 relieved of your accountability of Texas City,"
 15 does it not?
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. COON) I mean, that's what it
 18 says?
 19 A. Well --
 20 MR. GALBRAITH: Objection, form.
 21 A. -- you know, there's a couple of things
 22 there that you're -- you're picking out a couple of
 23 the causes of the accident.
 24 Q. (BY MR. COON) I understand. We have
 25 talked about several of them.

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1 But nonetheless, Mr. Parus is
 2 invited to be relieved of his accountability the
 3 day after that report is made available?
 4 MR. GALBRAITH: Objection, form.
 5 Q. (BY MR. COON) I mean, the report is
 6 May 12th?
 7 A. You know, I -- no one asked me. I was
 8 not part of that decision. You see what I
 9 received, and I received a phone call from Pat
 10 Gower telling me that this would happen. I can't
 11 tell you anything more about the decision.
 12 Q. Okay. And so once that decision was
 13 made -- let me -- let me back up.
 14 First, who made the decision?
 15 A. I don't know.
 16 Q. Once the decision was made, where did
 17 your boss, Mr. Parus, go?
 18 A. I don't know where he went.
 19 Q. Well, was he still down the hall?
 20 A. Well, he was for a while.
 21 Q. Well, is he still there now?
 22 A. He is not there, and I am not there now.
 23 Q. Well, where did -- where did he go after
 24 that?
 25 A. I don't know. I believe for a while he

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1 worked out of his house.
 2 Q. And where is his house located?
 3 A. He's in Houston or was in Houston.
 4 Q. Well, do you have any idea how long it
 5 was after he was told he was relieved of his duties
 6 that he left?
 7 A. No.
 8 Q. Does he still have things in his office
 9 there?
 10 A. No.
 11 Q. Is somebody else in his office?
 12 A. Actually, we have all moved out of that
 13 building and over to the refinery site.
 14 Q. Okay.
 15 A. So I don't know if there is anyone in
 16 that office or not.
 17 Q. And when did all of you move off of that
 18 site?
 19 A. It seems like it's been a couple of
 20 months now.
 21 Q. Okay. So we are talking, what, October?
 22 A. I think it was earlier than that.
 23 Q. September?
 24 A. I don't know exactly.
 25 Q. Okay. Well, it was several months after

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1 May 12 that you continued to have an office where
 2 you had it on March 23rd.
 3 What building was that called?
 4 A. Chemical admin.
 5 Q. The chemical admin building. Okay.
 6 So after May 12, you stayed at
 7 chemical admin for several more months, correct?
 8 A. Uh-huh.
 9 Q. And Mr. Parus left?
 10 A. Correct.
 11 Q. And did anybody else take over his office
 12 in those ensuing months?
 13 A. Oh, yes. Colin Maclean came.
 14 Q. Okay. So the office was prepared for
 15 Mr. Maclean?
 16 A. That's correct.
 17 Q. Was there any other available facility,
 18 any office space available at the chemical admin
 19 building to accommodate Mr. Parus?
 20 A. I don't know.
 21 Q. Okay. Well, did Mr. Parus say, "So long.
 22 It's been real" or anything? "Goodbye"?
 23 A. Yes.
 24 Q. Did you give him a going-away party,
 25 anything for him?

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1 A. No big going-away party.
 2 Q. You said "good-bye"?
 3 A. He said good-bye to the leadership team,
 4 and he left.
 5 Q. Okay. And have you seen or talked to him
 6 since?
 7 A. I have seen him, I believe, twice.
 8 Q. And what were those circumstances?
 9 A. One time Connie -- he lives in her
 10 neighborhood, and Connie asked me to take him an
 11 envelope.
 12 Q. I am sorry. Connie is...
 13 A. His secretary.
 14 Q. His secretary?
 15 A. And my secretary as well.
 16 Q. Okay. So you shared a secretary?
 17 A. We did at that time.
 18 Q. Okay.
 19 A. So I took him some -- an envelope. I
 20 think it had, you know, expense statements or
 21 something in it. I don't know. And one other time
 22 he -- he dropped off his laptop because it quit
 23 working, and I took his laptop in to the plant for
 24 him. Those are the only two occasions.
 25 Q. Okay. Ms. Lucas, do you have any idea of

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1 any specific request that BP has asked of Mr. Parus
 2 in this investigation that he is purportedly
 3 working on?
 4 A. I don't have any.
 5 Q. Has he ever called upon you in your roles
 6 and responsibilities at BP to inquire as to any
 7 investigative issues?
 8 A. No.
 9 Q. As far as you know, you have seen no work
 10 product from Mr. Parus indicating he's doing
 11 anything with respect to an investigation.
 12 Is that a fair statement?
 13 A. That's correct.
 14 Q. Have you seen any memo -- memoranda,
 15 documents, e-mails or anything else from Mr. Parus
 16 indicating he has any active role in the ongoing
 17 investigation into the March 23rd explosion?
 18 A. I haven't seen any.
 19 Q. So you have seen no underlying
 20 corroboration of what Mr. Pillari told the press on
 21 the 17th, which was that Mr. Parus was being taken
 22 out of his role as the plant manager so he could
 23 dedicate full-time responsibilities to the
 24 investigation into the incident?
 25 MR. GALBRAITH: Objection, form.

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1 A. It doesn't surprise me, but I -- you
 2 know, I have not seen any.
 3 Q. (BY MR. COON) Okay. Do you think that
 4 Mr. Pillari just thought that it was better to tell
 5 the press that Mr. Parus was going to do something
 6 else instead of Mr. Parus was basically being fired
 7 for his role in this plant explosion?
 8 MR. GALBRAITH: Objection, form.
 9 A. I don't know what Ross was thinking.
 10 Q. (BY MR. COON) Did you ever undertake any
 11 inquiry into finding out what happened to your
 12 plant manager, your boss?
 13 A. Not really.
 14 Q. Have you ever sent out to any of your
 15 subordinates a communication of this nature
 16 advising them of the relief of their
 17 responsibilities that is just by wireless
 18 communication?
 19 A. Well, I don't have a Blackberry, but no.
 20 Q. Okay. Well, if you did have a Blackberry
 21 and you decided to relieve somebody of their
 22 duties, would you feel it was appropriate to just
 23 send them an e-mail or a Blackberry saying that,
 24 "I'm relieving you of your duties"?
 25 MR. GALBRAITH: Objection, form.

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1 A. It sounds a bit like a hypothetical --
 2 Q. (BY MR. COON) Okay. Well --
 3 A. -- if then...
 4 It would be so very hard to
 5 answer.
 6 Q. Okay. Well, let me take it out of a
 7 hypothetical.
 8 First of all, have you ever had to
 9 ask somebody to transfer their job or to relieve
 10 them of their responsibilities? Have you ever
 11 fired anybody?
 12 A. Yes.
 13 Q. Did you fire them in a manner that
 14 involved no communication to them?
 15 Did you explain to them why they
 16 were fired or have someone explain to them why they
 17 were being relieved of their duties?
 18 A. Yes, I did.
 19 Q. Well, do you think it appropriate to
 20 relieve someone of their duties with the
 21 informality of an e-mail or a Blackberry
 22 communication?
 23 MR. GALBRAITH: Object to form.
 24 A. Well, you know, I don't know what else
 25 Don received. Don didn't tell me. Pat didn't tell

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1 me. I didn't ask. So that's the only piece of
 2 data I have; and I cannot say there were or were
 3 not other conversations, other documents that
 4 passed between Pat and Don. So I don't know.
 5 Q. (BY MR. COON) Okay. With respect to
 6 you, Ms. Lucas, in your management position, would
 7 you feel it would generally be inappropriate to
 8 relieve somebody of their responsibilities in the
 9 manner that was done in this case, assuming there
 10 is no other explanation?
 11 MR. GALBRAITH: Objection, form.
 12 A. If there were only -- if that were -- I
 13 can -- I would find it hard to believe that that
 14 was the only communication that Don received.
 15 That's the only communication that I received. I
 16 find that hard to believe that that would be the
 17 only communication that Don would receive.
 18 Q. (BY MR. COON) Okay. Did they ever take
 19 personnel files of the management people there at
 20 BP?
 21 A. Actually, I don't know where our
 22 personnel files are kept.
 23 Q. Do you know if there would be a personnel
 24 file on Mr. Parus?
 25 A. I suspect there probably would be. I

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1 don't know. I've never seen it.
 2 Q. All right. In the two times that you
 3 have communicated with Mr. Parus since he left the
 4 plant site, did you ask him anything about what he
 5 was doing, how he was doing, what he was up to?
 6 A. I did ask him how he was doing just in a
 7 general, you know, sense; but I didn't ask him any
 8 particulars about what he was doing for BP.
 9 Q. Okay. Now, you told me that you had
 10 looked at a number of the witness statements when
 11 you were assisting BP in determining what, if any,
 12 discipline would be appropriate for certain
 13 personnel there.
 14 Do you recall that conversation
 15 earlier today?
 16 A. That's right.
 17 Q. Did you have an opportunity to read the
 18 witness statement of Mr. Parus?
 19 A. I don't think I read Don's --
 20 Q. Have you --
 21 A. -- witness statement.
 22 Q. -- ever read Mr. Parus' witness
 23 statement?
 24 A. I don't think I have.
 25 Q. Has anyone told you anything about the

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1 comments he had about BP management or about the
 2 history of BP as it related to safety issues?
 3 A. No.
 4 Q. Ms. Lucas, did you have any involvement
 5 in communicating with the United Steelworkers which
 6 is, by merger, the responsible --
 7 A. Uh-huh.
 8 Q. -- labor organization for what was
 9 formerly known as the PACE Group? Have you talked
 10 to any of those USW representatives regarding their
 11 investigation into the cause of the BP explosion on
 12 March 23rd?
 13 A. What -- what do you mean?
 14 Q. Okay. Are you aware of any independent
 15 investigation into this plant explosion on behalf
 16 of the USW?
 17 A. I heard they had their own investigation
 18 going, yes.
 19 Q. It would be Ken Walburger, Mike White and
 20 others. Have you met with any of them?
 21 A. I -- I know that at the community meeting
 22 there was a US -- an investigation team member
 23 there from USW. I don't remember his name.
 24 Q. Okay. Have you been personally involved
 25 in exchanging any information to the USW regarding

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1 BP's investigation into this explosion?
 2 A. They -- no one has requested anything
 3 from me on behalf of the USW.
 4 Q. Do you know whether or not anyone at BP
 5 has been engaged with USW in discussing an
 6 investigation or any of the investigations into
 7 this explosion?
 8 A. I know that they haven't asked me. I
 9 don't -- and I don't know who they would ask,
 10 actually.
 11 Q. Okay. Are you aware of numerous attempts
 12 by the local media to obtain witness statements and
 13 other pertinent documents in this case to furtheTMr
 14 educate themselves and the general public as to
 15 what caused this explosion?
 16 A. Yes, I'm aware of that.
 17 Q. Are you aware of the Houston Chronicle's,
 18 and I believe the Galveston News', intervention
 19 into the lawsuits, the personal injury lawsuits
 20 that were filed in this case?
 21 A. Their intervention? What do you mean?
 22 Q. That they had filed a document with the
 23 court seeking information?
 24 MR. GALBRAITH: Objection, form.
 25 A. You know, I had heard about that. I

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1 don't actually know, you know, exactly what that
 2 means in legal terms and all of that. I'm not
 3 aware of...
 4 Q. (BY MR. COON) Okay. Were you aware that
 5 the Houston Chronicle had made repeated attempts to
 6 obtain documents or witness statements regarding
 7 this plant explosion from BP?
 8 A. I knew that they were looking for
 9 something, yeah.
 10 Q. Okay. Were you ever involved in any of
 11 the discussions with respect to specifically what
 12 they were wanting and whether or not BP should
 13 provide it to them?
 14 A. I remember what you said, you know,
 15 exactly that they were looking for witness
 16 statements.
 17 Q. And is it your understanding that BP made
 18 a decision not to give those to the Houston
 19 Chronicle and instead to retain those as
 20 confidential documents?
 21 A. That's correct.
 22 Q. Are you aware of the Houston Chronicle's
 23 attempts to obtain other documents, internal
 24 investigative reports such as the Stanley report,
 25 Telos report, things that we'll discuss more later?

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1 A. I wasn't immediately aware of those, but
 2 I became aware of those.
 3 Q. Okay. And you were aware that the
 4 Chronicle and other media outlets were attempting
 5 to procure those investigative reports and that
 6 there was resistance by BP in providing those?
 7 MR. GALBRAITH: Objection, form.
 8 A. I knew they were trying to -- they wanted
 9 to get ahold of our reports, yes, I knew that.
 10 Q. (BY MR. COON) Okay. Were you involved
 11 in any of the decisions made with respect to the
 12 ongoing refusal to provide these internal documents
 13 to the general public and to the media?
 14 MR. GALBRAITH: Objection, form.
 15 A. I don't think I was part of the
 16 decision-making process there, but I do remember
 17 commenting that it would be a shame to release the
 18 transcripts of the individual employees because
 19 that would make it very hard for them to
 20 participate fully and openly in any future incident
 21 investigations.
 22 Q. (BY MR. COON) Well, I thought that these
 23 statements were provided to other governmental
 24 agencies as part of the investigation?
 25 A. They were.

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1 MR. GALBRAITH: Objection, form.
 2 Q. (BY MR. COON) Weren't they provided to
 3 OSHA?
 4 A. I believe that's right.
 5 Q. Weren't they provided to the Chemical
 6 Safety Board?
 7 A. I believe that's right.
 8 Q. So since they were provided to other
 9 people outside the BP family anyway, what's the
 10 relevance of whether or not it was provided to the
 11 Houston Chronicle?
 12 MR. GALBRAITH: Objection, form.
 13 A. The other people, in my view -- this is
 14 purely my view, were there to do a job. OSHA has a
 15 job to do. The CSB has a job to do in terms of
 16 preventing these kinds of incidents, you know,
 17 finding out what happened and preventing them in
 18 the future. That is a totally, you know, a valid
 19 reason in my view for wanting to understand the
 20 full investigation.
 21 Q. (BY MR. COON) Well, you want your
 22 employees to tell the truth about what they know
 23 about any particular plant accident or plant
 24 explosion, would you not?
 25 A. That's true.

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1 Q. And if they are telling the truth, they
 2 really don't have anything to hide no matter who
 3 they are telling it to.
 4 Is that a fair statement?
 5 MR. GALBRAITH: Objection, form.
 6 A. That's true.
 7 Q. (BY MR. COON) And the things that they
 8 would say in the statement under oath in the
 9 confines of the four walls of the BP office is
 10 really no different than what they would say under
 11 oath in front of the various lawyers here in this
 12 room today?
 13 MR. GALBRAITH: Objection, form.
 14 A. Well, I don't know how -- knowing that
 15 your comments might appear in the newspaper could
 16 be intimidating to some employees. I would suspect
 17 that might be intimidating to some of them.
 18 Q. (BY MR. COON) Was there any expressed
 19 concern by BP that the continued dissemination of
 20 the causes of this explosion and the fault that
 21 would lie at the feet of BP would be damning to
 22 BP's public relations?
 23 A. No.
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. COON) So there was no

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1 consideration as to the public's view of BP if
 2 witness statements and other internal documents
 3 were released to the general public?
 4 A. That was not something that was brought
 5 to my attention.
 6 Q. Was anything done with respect to the
 7 various witnesses who provided statements to find
 8 out if they individually had any objections to
 9 having their statements presented to any of the
 10 media? In other words, did you go to them and say,
 11 "Hey, the paper would like these. Do you have a
 12 problem with us giving them to them?"
 13 A. No.
 14 Q. Was that ever considered?
 15 A. And I don't know whether that was
 16 considered or not. No one asked me.
 17 Q. What have you understood transpired with
 18 respect to the management of change on these
 19 trailers that were moved into the -- I want to call
 20 this the zone of danger inside 350 feet.
 21 MR. GALBRAITH: Objection, form.
 22 Q. (BY MR. COON) Do you know anything about
 23 the management of change documents? Have you had
 24 an opportunity to look at them?
 25 A. I don't think I personally looked at the

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1 MOC documents.
 2 Q. Have you been educated with respect to
 3 what happened that allowed the trailer where so
 4 many people were killed to have been situated so
 5 close to the ISOM unit during the startup mode?
 6 A. Could you ask me that question again?
 7 Q. I will have her read it back maybe.
 8 (Discussion off the record.)
 9 THE VIDEOGRAPHER: Off the record
 10 at 3:36 p.m. Ending Tape 4.
 11 (Recess taken.)
 12 THE VIDEOGRAPHER: On the record
 13 at 3:54 p.m., beginning Tape 5.
 14 Q. (BY MR. COON) Ms. Lucas, we took a
 15 little break. We left off discussing these witness
 16 statements and the request by the media and the
 17 steel workers and others to obtain copies of some
 18 of these documents.
 19 You've told us before the break
 20 that the principle reason there was a refusal of BP
 21 to distribute witness statements to the press and
 22 other inquiring parties was the concern that people
 23 that had given those statements to BP would somehow
 24 feel reluctant in the future to answer fully and
 25 honestly if they thought that the statements would

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1 be given away to third parties.
 2 I'm not quite sure I understood
 3 you. Could you --
 4 MR. GALBRAITH: Objection, form.
 5 Because I don't --
 6 Q. (BY MR. COON) Could you elaborate on
 7 that one more time?
 8 I want to really understand why it
 9 is that you felt that these witness statements
 10 should not have been disclosed to those requesting
 11 parties, with the steel workers and with the press.
 12 MR. GALBRAITH: Objection, form.
 13 The question is elaborate on your
 14 answer.
 15 A. I think I told you that my thoughts
 16 around that were that -- were that I didn't want
 17 employees to feel intimidated in participating in
 18 future investigations.
 19 Q. (BY MR. COON) Okay. What about these
 20 other reports that were requested by the media and
 21 by the steel workers organization, the Telos report
 22 and the Stanley report? Are you familiar with
 23 those?
 24 A. Yes, I am.
 25 Q. I understand there was reluctance on the

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1 part of BP to disclose those documents as well.
 2 MR. GALBRAITH: Objection, form.
 3 Q. (BY MR. COON) Do you have any
 4 understanding as to whether or not that is the
 5 case?
 6 A. No one asked me about releasing those. I
 7 understand there was reluctance.
 8 Q. You understand that there were?
 9 A. (Nods head.)
 10 Q. Do you understand that it was only as a
 11 result of motions that were filed recently with the
 12 court to de-designate those as confidential
 13 documents?
 14 MR. GALBRAITH: Objection, form.
 15 A. Again, I don't understand all the legal
 16 bit about that; but I understand they've been
 17 released.
 18 Q. (BY MR. COON) Okay. Well, I'm not
 19 trying to get into legalese with you. I'm just
 20 trying to understand your perspective in light of
 21 the responsibilities that you have at the plant.
 22 There was -- there has been
 23 criticism amongst certain individuals and
 24 organizations that BP has been making a concerted
 25 effort to retain the confidential status of a

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1 number of statements and a number of reports that
 2 could be construed as unfavorable to BP.
 3 A. I'm what --
 4 MR. GALBRAITH: Objection to
 5 form --
 6 A. I'm what --
 7 MR. GALBRAITH: -- if that's a
 8 question.
 9 A. What?
 10 Q. (BY MR. COON) That they could be
 11 construed as unfavorable to your employer, that it
 12 could cast your employer in a bad light and that
 13 some of those reports attribute general fault to
 14 upper management in this plant explosion?
 15 MR. GALBRAITH: Objection.
 16 Is that a question?
 17 MR. COON: Yeah.
 18 Q. (BY MR. COON) I mean, did that -- the
 19 criticism out there -- I mean, you're aware of the
 20 criticism.
 21 There's been frustration on the
 22 part of the media and even the representative party
 23 of organized labor out at the plant about the lack
 24 of willingness of BP to disclose to them
 25 information that they were gathering that they felt

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1 was relevant to an understanding of what happened
 2 out there.
 3 MR. GALBRAITH: Objection, form.
 4 Q. (BY MR. COON) I mean, you understand
 5 that's been a criticism, do you not?
 6 MR. GALBRAITH: Objection, form.
 7 A. I understand that the newspapers have
 8 criticized that.
 9 Q. (BY MR. COON) Well, have you understood
 10 that the representative body for organized labor
 11 for the majority of your hourly employees out at
 12 that plant have also maintained the same criticism
 13 of BP, that they have been too reluctant to share
 14 the information that they have assimilated
 15 regarding what happened out there?
 16 A. I actually --
 17 MR. GALBRAITH: Objection, form.
 18 A. -- haven't heard anything from any of the
 19 USW workers at the refinery to that effect.
 20 Q. (BY MR. COON) Did you never have a
 21 conversation with any of the representatives of USW
 22 with respect to their request for you to provide
 23 them certain documents that they could have and
 24 utilize in the preparation of the defense of their
 25 arbitrations?

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1 A. They never asked me for any, no.
 2 Q. You don't recall --
 3 A. Not Joe or Les or none of those guys
 4 asked me for any documents that I had.
 5 Q. Okay. So your testimony is today you do
 6 not recall or recollect any request of certain
 7 documents that you have retained and maintained
 8 were still privileged that they had requested that
 9 you provide to them?
 10 A. Not requesting --
 11 MR. GALBRAITH: Objection, form.
 12 A. -- Kathleen Lucas to provide.
 13 Q. (BY MR. COON) Okay. Do you know whether
 14 or not there have been requests of other
 15 representatives of BP to disclose certain documents
 16 that had been identified but had not been provided
 17 to the USW in the preparation of their
 18 arbitrations?
 19 MR. GALBRAITH: Objection, form.
 20 A. Request by...
 21 Q. (BY MR. COON) The USW.
 22 A. Request to who?
 23 Q. Requested -- okay. Let me rephrase it.
 24 You are aware that some of the
 25 employees that were fired were represented by the

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1 USW?
 2 A. That's correct.
 3 Q. PACE employees?
 4 A. Sure.
 5 Q. And that they have filed arbitration
 6 requests for the reinstatement of their positions
 7 at that plant?
 8 A. That's --
 9 Q. That they say --
 10 A. -- what --
 11 Q. -- they were wrongly terminated and in
 12 violation of their collective bargaining agreement.
 13 Do you understand that to be the
 14 case?
 15 A. I knew they filed, but I don't know what
 16 their procedure is.
 17 Q. And are you aware of the request by
 18 representatives of USW for BP to provide to them,
 19 to prepare for those arbitrations, certain
 20 underlying documents?
 21 A. No, I am not aware of that.
 22 Q. Okay. You are not aware of their
 23 requests to provide the Telos report and the
 24 Stanley report and other reports that they had
 25 identified so that it could assist them in the

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1 preparation of their arbitrations?
 2 A. They've made no request of me.
 3 Q. Okay. Are you aware of the request that
 4 representatives of USW made to anyone else at BP
 5 management for any of those documents?
 6 A. I heard not specifically that USW was
 7 requesting them but that the newspapers were
 8 requesting them.
 9 Q. Ms. Lucas, we next have this process
 10 hazard analysis. We have a number of documents
 11 that I'm just going to call generically the MOCs
 12 dealing with the trailer siting. I'm going to mark
 13 this 16, and I am not going to walk through all of
 14 them.
 15 (Exhibit Number 16 marked for
 16 identification.)
 17 Q. (BY MR. COON) But have you had an
 18 opportunity to review any of the trailer siting
 19 MOCs that were involved in the relocation of this
 20 trailer that a number of these contractors were in
 21 that were killed when the ISOM unit blew?
 22 A. I knew of these documents. I did not
 23 review them.
 24 Q. Do you know who was in charge of
 25 preparing and providing the MOCs on the trailer

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1 site variance?
 2 A. I am not aware of the trailer site
 3 variance document.
 4 Q. Okay. Well, you understand that there
 5 was an MOC that would allow the trailers to be
 6 placed inside 350 feet of the ISOM unit?
 7 A. Correct.
 8 Q. And that to do that you have to have a
 9 management of change order because the existing
 10 rule was 350 feet minimum?
 11 A. Correct.
 12 Q. And so to get inside of a 350-foot
 13 minimum, you had to go through a management of
 14 change order?
 15 A. That's how I understand it.
 16 Q. And in this case, the trailer location
 17 was going to be inside 350 feet, in fact, somewhere
 18 between 100 and 150 feet, correct?
 19 A. I don't -- I don't recall what -- like I
 20 said, I didn't review this document.
 21 Q. Okay. But you are aware that there was a
 22 management of change that took place in order to
 23 facilitate the location of that trailer so close to
 24 the ISOM unit?
 25 A. I'm just looking at this real quick.

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1 The second question says, "Is the
 2 trailer located at least 350 feet from any process
 3 unit?" The box is checked no and the action
 4 required is, "If no, perform a facility siting
 5 analysis." And the action required is listed as
 6 "Lisa to contact Bill Ralph."
 7 Q. All right. And in this case were you
 8 involved in any respect with respect to an MOC that
 9 allowed this trailer to be placed in such close
 10 proximity to the ISOM unit?
 11 A. No, I was not involved.
 12 Q. Okay. And as I understand you may not
 13 have even been made aware of the trailer siting in
 14 this particular instance until after the explosion?
 15 A. Actually, this particular one is for nine
 16 trailers around the ultracracker; and it was on
 17 January 12th.
 18 Q. And again, that's one -- that's another
 19 one that would have occurred before you came out to
 20 the jobsite on the 15th?
 21 A. That's correct.
 22 Q. We're going to have -- we've still got a
 23 lot of area to cover.
 24 A. All right.
 25 Q. And I think that we've identified some

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1 other persons here who could better assist us in
 2 answering these questions.
 3 But who is Lisa Coley?
 4 A. Lisa Coley is the operating engineer on
 5 the ultracracker.
 6 Q. Have you talked to her at all about any
 7 MOCs regarding trailer variances?
 8 A. No.
 9 Q. Ms. Lucas, I next have the document that
 10 I think we referenced earlier with respect to the
 11 site directive on temporary buildings. This is
 12 Document 17.
 13 (Exhibit Number 17 marked for
 14 identification.)
 15 Q. (BY MR. COON) Now, this is dated
 16 April 2, 2005 to Mr. Kilgore from you?
 17 A. Hold on a second.
 18 (Discussion off the record.)
 19 Q. (BY MR. COON) And I think it's
 20 self-explanatory, but the decision was made to --
 21 it says, "We are moving to a site directive of no
 22 manned temporary buildings in process areas. As a
 23 first and immediate step, the LT has made the
 24 decision to remove/relocate all manned temporary
 25 buildings that are within 500 feet of an

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1 atmospheric blowdown stack or flare."
 2 A. That's correct.
 3 Q. And this was something that you made a
 4 decision on as a result of the trailer that was
 5 involved in this particular explosion?
 6 A. That's correct.
 7 Q. And as I understand from the discussions
 8 we had earlier that prior to this new initiative,
 9 the distance was 350 feet?
 10 MR. GALBRAITH: Objection, form.
 11 A. That's what I understand it.
 12 Q. (BY MR. COON) Okay. Is the 500-foot
 13 rule still one that is in effect at this facility?
 14 A. No. We have -- we have moved all
 15 trailers off site.
 16 Q. Okay. So no trailers can even be located
 17 on site now?
 18 A. There are no -- none right now.
 19 Q. Okay.
 20 A. I mean, no one has asked for any.
 21 Q. Okay. So if someone wants to bring a
 22 trailer on site now, is the rule still 500 feet or
 23 has it changed since April 2?
 24 A. No, it hasn't changed any.
 25 No one has asked to bring

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1 temporary trailers on site.
 2 Q. What about at other BP facilities? Is
 3 this 500-foot rule now in effect at all
 4 BP facilities?
 5 A. I actually don't know what the -- the
 6 specific rule is at the other BP facilities.
 7 Q. What, if anything, have you done to pass
 8 along the information to other petrochemical plants
 9 regarding the risk factors associated with the
 10 temporary buildings being placed in such close
 11 proximity to this type of an atmospheric blowdown
 12 stack?
 13 MR. GALBRAITH: Objection, form.
 14 A. I am not actually the person who is
 15 working on the specifics surrounding temporary
 16 buildings. We have other people who are doing
 17 that.
 18 Q. (BY MR. COON) And who would that be?
 19 A. There's -- I think each refinery has a
 20 representative who is looking at temporary
 21 buildings on their site, and there was a -- an
 22 occupied temporary building technical practice
 23 that's being written.
 24 Q. Maybe I didn't ask the question very
 25 well.

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1 Who is the person that's in charge
 2 of this? Now, you said you were not in charge of
 3 it, some other persons were. Who was that?
 4 A. Our safety department has been working on
 5 this --
 6 Q. And who --
 7 A. -- in terms of --
 8 Q. And who in the safety department is
 9 responsible for these trailer restrictions now?
 10 A. Well, the HSE manager -- I am not sure
 11 who he might have had working on it -- is Paul
 12 Kaufman.
 13 Q. And have you talked to Paul Kaufman about
 14 this at all?
 15 A. Sure.
 16 Q. Okay. So he is keeping you in the loop
 17 with respect to what they are doing?
 18 A. Yes. And it's broader than Texas City.
 19 Q. Okay. And again, I think my other
 20 question was: What information is being
 21 communicated to your knowledge regarding the
 22 hazards that you experienced in this explosion in
 23 terms of taking that information and passing it
 24 along to other petrochemical facilities so that
 25 they can educate their people and reduce the risk

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1 of this happening at their plants?
 2 A. I don't know any particulars about that.
 3 Q. Have you been involved in any
 4 decision-making process to make a proactive effort
 5 to pass this information along to other
 6 petrochemical plants, not just other BP plants but
 7 some of your other friendly competitors, to make
 8 sure they are aware of the hazards that you
 9 personally experienced on March 23rd so that it can
 10 reduce the risk of this happening at another
 11 facility?
 12 A. I haven't been involved in those
 13 discussions related to other people.
 14 Q. Okay. Wouldn't you agree that passing
 15 this information along to the media as an outlet
 16 would be a good way of disseminating this
 17 information not only to the general public but to
 18 other people who could otherwise put their
 19 employees and contractors under the same and
 20 similar circumstances as what occurred on
 21 March 23rd?
 22 A. I actually believe that --
 23 MR. GALBRAITH: Objection, form.
 24 A. -- that, you know, the -- BP has been
 25 very open about the fact that people died in

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1 trailers and, you know, publishing a report on
 2 the -- you know, the interim report on the website.
 3 It's really unprecedented.
 4 MR. AMMONS: Objection,
 5 nonresponsive.
 6 MR. COON: We join in that.
 7 Q. (BY MR. COON) The question would be
 8 next, then, why did, in your opinion, you try to
 9 suppress the Stanley report and the Telos report
 10 from the general public?
 11 MR. GALBRAITH: Objection, form.
 12 A. I did not try to suppress the report. No
 13 one asked me for the report, and I cannot speak for
 14 that.
 15 Q. (BY MR. COON) Did you have any personal
 16 objections to the tendering of those reports to
 17 those requesting parties which included not only
 18 the steel workers but also the media?
 19 MR. GALBRAITH: Objection, form.
 20 A. No one ever asked me, you know, not --
 21 I'm not sure, you know, what you want me to say
 22 there.
 23 Q. (BY MR. COON) Okay. Were you
 24 aware that -- well, I thought you said earlier that
 25 you were aware the media was requesting these --

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1 A. Yes.
 2 Q. -- documents?
 3 A. -- I was aware.
 4 Q. And you were aware that those have not
 5 been produced by BP because they were maintaining
 6 an ongoing confidentiality to those documents.
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. COON) And --
 9 A. I was aware of the -- the transcripts.
 10 Q. And --
 11 A. And this was one of them I was familiar
 12 with.
 13 Q. And in light of your important position
 14 at that facility, did you ever consider throwing
 15 your two cents in about your thoughts about making
 16 those documents public?
 17 A. No.
 18 (Exhibit Number 18 marked for
 19 identification.)
 20 Q. (BY MR. COON) Ms. Lucas, we next have
 21 Exhibit 18. This is an advertisement that was
 22 published in one of the local newspapers by your
 23 employer. It's an open letter to Texas City
 24 neighbors and the citizens of Galveston County.
 25 When was it that you first saw the

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1 information contained in this advertisement?
 2 A. Let me just look at it quickly.
 3 (Examines document.)
 4 Q. Okay. You've seen that before, have you
 5 not?
 6 A. Yeah, I have seen this.
 7 Q. Okay. Did you have anything to do with
 8 the content of this advertisement?
 9 A. I may have seen a draft of this before it
 10 actually got published in the paper.
 11 Q. Did you have anything to do with the
 12 final language or content? Did you have a voice in
 13 the content of this particular -- I want to call it
 14 an ad?
 15 A. You know, certainly I saw a draft of it;
 16 and I guess if I would have had a comment, they
 17 would have listened to me. I don't recall whether
 18 I commented on it or not.
 19 Q. Where was this promulgated? Was this
 20 part of the PR department of BP, Mr. Stephens?
 21 A. Actually, we have another person now --
 22 Q. And who is that?
 23 A. -- who did this.
 24 The person who, I believe, worked
 25 on this was Neil Geary.

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1 Q. And what is his title?
 2 A. I don't know what his -- his official job
 3 title is, but he is also part of the
 4 GPA department.
 5 Q. Okay. I want to read the first sentence.
 6 It says, "We intend to keep you informed about
 7 progress at our Texas City refinery."
 8 Did I read that correctly?
 9 A. Yes, the first sentence.
 10 Q. Okay. Now, at the same time BP is saying
 11 this, the reality is is that they were making a
 12 concerted effort to keep certain documents and
 13 statements away from the public domain, were they
 14 not?
 15 MR. GALBRAITH: Objection, form.
 16 A. I don't -- I don't see a date on here. I
 17 don't know sort of where that battle was at.
 18 Q. (BY MR. COON) Okay. You don't know when
 19 this was issued?
 20 A. Well, I'm just looking. It's rather
 21 recent, actually.
 22 Q. Okay. Well, we'll go to the next
 23 paragraph. It says, "BP has accepted
 24 responsibility for the tragedy that occurred in
 25 March."

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1 And do you mean by that legal
 2 responsibility?
 3 MR. GALBRAITH: Objection, form.
 4 A. All I know is that the day after the
 5 incident, John Browne, you know, said, "We accept
 6 responsibility. It happened at our site."
 7 Q. (BY MR. COON) Okay. And are you aware
 8 of anything that BP did after that day that would
 9 contradict any public statement or acknowledgment
 10 that BP was accepting responsibility? Are you
 11 aware of any legal filings that BP made that denied
 12 responsibility subsequent to Mr. Browne coming to
 13 Texas City?
 14 A. Any legal filings, did you say?
 15 Q. Any -- any filings by your employer that
 16 denied some or all accountability, legal
 17 accountability for this incident?
 18 MR. GALBRAITH: Objection, form.
 19 A. I don't know about that, actually.
 20 Q. (BY MR. COON) Okay. You know nothing
 21 about the position that your employer is taking in
 22 the proceedings, the legal proceedings, the
 23 lawsuits with respect to their legal liability?
 24 MR. GALBRAITH: Objection, form.
 25 A. Again, I am not a lawyer.

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1 Q. (BY MR. COON) I understand.
 2 A. I actually am very proud of the way BP
 3 has responded to the event.
 4 MR. COON: Objection --
 5 MR. AMMONS: Objection,
 6 nonresponsive.
 7 MR. COON: -- responsive.
 8 Q. (BY MR. COON) I understand, Ms. Lucas.
 9 The question is: After you said
 10 Mr. Browne -- you threw this in. You said
 11 Mr. Browne acknowledged responsibility on
 12 March 24 --
 13 A. Uh-huh.
 14 Q. -- when he came over here?
 15 A. Uh-huh.
 16 Q. The question I had of you is: Are you
 17 aware of any legal documents that British Petroleum
 18 has filed in the various lawsuits in which they
 19 have since denied at some level legal
 20 accountability for this incident?
 21 MR. GALBRAITH: Objection, form.
 22 Q. (BY MR. COON) That's either "yes" or
 23 "no."
 24 A. No.
 25 Q. You have not been told by anyone at BP

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1 that they have taken positions in the courtroom
 2 that may be inconsistent with some of your
 3 understandings as to accepting responsibility?
 4 MR. GALBRAITH: Objection, form.
 5 A. No.
 6 Q. (BY MR. COON) Do you know whether or not
 7 BP has attempted to blame any other party or any
 8 other individual outside of BP for contributing or
 9 causing this explosion?
 10 A. No.
 11 Q. If I go to the next sentence, it says,
 12 "We have settled most claims arising from the
 13 deaths and most serious injuries that resulted from
 14 the explosion and fire and continuing discussions
 15 to settle other injury claims."
 16 Do you know what precipitated that
 17 statement, why BP felt that was something they
 18 needed to tell the general public?
 19 A. No.
 20 Q. Do you know whether that was true or not?
 21 A. No, I actually don't.
 22 Q. Do you have any idea of the -- first of
 23 all, do you know how many injuries there are or how
 24 many claims of injuries there are arising out of
 25 the plant explosion?

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1 A. No, I don't.
 2 Q. Do you have any idea as to how many cases
 3 have actually settled?
 4 A. No, I don't.
 5 Q. Would it surprise you to find out that it
 6 is, in fact, a very small percentage of those total
 7 claims that have been filed or that BP is aware of
 8 that have actually settled?
 9 MR. GALBRAITH: Objection, form.
 10 A. I just have no basis, actually.
 11 Q. (BY MR. COON) Okay. Did you ever have
 12 any concern with respect to the contents of this
 13 statement that was made on behalf of your employer
 14 in the management position you had that some or all
 15 of the language contained in it was not true --
 16 truly accurate --
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. COON) -- and, in fact, was
 19 misinformation?
 20 MR. GALBRAITH: Objection, form.
 21 A. I -- I assume that they get the
 22 information from the right people and I'm -- in
 23 this case, I'm not the right person.
 24 Q. (BY MR. COON) Okay. Ms. Lucas, at Texas
 25 City at the time this came out, what's your

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1 position at that plant? You're the number two
 2 person?
 3 A. That's correct.
 4 Q. Out of 1500, 2000 --
 5 A. That's --
 6 Q. -- employees?
 7 A. -- correct.
 8 Q. And yet you have never undertaken to --
 9 individually to ascertain from anyone here the
 10 truth or misrepresentations of any of these
 11 statements that BP has initiated to the local
 12 press?
 13 MR. GALBRAITH: Objection, form.
 14 A. This isn't my responsibility. My
 15 responsibility is operations.
 16 Q. (BY MR. COON) Well, who --
 17 A. They keep me pretty busy.
 18 Q. It is not your responsibility to
 19 undertake any type of investigation to determine
 20 the truth or veracity of the statements that BP
 21 makes to the community?
 22 A. That is not my role and responsibility,
 23 no.
 24 Q. Where does the buck stop at BP?
 25 MR. GALBRAITH: Objection, form.

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1 A. As far as something like this?
 2 Q. (BY MR. COON) Well, as far as any
 3 statements that are made by BP Texas City with
 4 respect to their activities and what they represent
 5 to be the truth of any matter.
 6 A. I assume they would get this information
 7 from the people who would know.
 8 Q. Do you believe that Mr. Maclean would be
 9 the ultimate party responsible for ascertaining
 10 whether or not what is being disseminated into the
 11 local media is truthful or not?
 12 A. I don't know who that person would be at
 13 BP, actually.
 14 Q. Do you know what it was that precipitated
 15 a desire by BP to tell the general public a number
 16 of proactive things they were doing out at this
 17 particular facility after this explosion?
 18 A. No. I can only guess that, you know, it
 19 was an effort to let the community know some of the
 20 actions that we were taking.
 21 Q. Is British Petroleum involved in attempts
 22 to develop some other operations in the Texas
 23 City/Galveston area at this time?
 24 A. There was one that I was aware of prior
 25 to March 23rd; and to tell you the truth, I have

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1 not heard anything since then.
 2 Q. Was that this Pelican Island venture?
 3 A. It's an LNG terminal, that's what I
 4 understand.
 5 Q. And where does that stand now as you
 6 know?
 7 A. I actually don't know where that stands.
 8 Q. Has there been some resistance to the
 9 development of this -- well, what is it, a liquid
 10 gas?
 11 A. LNG terminal.
 12 Q. And what does that do? What's an
 13 LNG terminal do?
 14 A. I think they sail LNG ships into it; and
 15 they can, you know, put that in -- in a pipeline.
 16 Q. And has there been opposition to the
 17 development of this LNG terminal by some of the
 18 community --
 19 MR. GALBRAITH: Objection, form.
 20 Q. (BY MR. COON) -- residents of the area?
 21 MR. GALBRAITH: Objection, form.
 22 Q. (BY MR. COON) Are you aware of any --
 23 A. I have not heard anything about it,
 24 truly, since March 23rd.
 25 Q. Have you been aware of any filings, legal

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1 documents by any of the residents of that area who
 2 feel that it could be adversely impacted from an
 3 environmental standpoint or property values and
 4 they have filed documents to oppose the development
 5 of this LNG terminal?
 6 A. No.
 7 Q. Now, you talked to us about the
 8 relocation of certain people; and I have seen it
 9 recently.
 10 There was a -- you were moved from
 11 the chemical administration building to another
 12 location?
 13 A. That's correct.
 14 Q. And where was that at?
 15 A. I'm in the -- what is known as the NOB on
 16 the refinery side, the north office building.
 17 Q. And what was the purpose of relocating to
 18 that side of the plant?
 19 A. The purpose was to -- it was an area
 20 where we could put the entire leadership team
 21 together and be closer to the refinery.
 22 Q. Are you part of the move that's going
 23 into the -- I think it's the Wal-Mart or Kmart
 24 building?
 25 A. No.

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1 Q. Has that move started taking place?
 2 A. That move is pretty much complete.
 3 Q. And that involved the moving of several
 4 hundred management people to an off site location?
 5 A. It had -- it involved moving about
 6 400 people, BP and contractors, not necessarily
 7 management people.
 8 Q. Ms. Lucas, with respect to -- as a
 9 follow-up to the statement that we just read on the
 10 Texas City neighbors and discussions about what
 11 they were doing with respect to certain individuals
 12 and their legal claims, have you been involved at
 13 all with respect to being advised as to the status
 14 of any settlement negotiations in any of the cases?
 15 A. I remember asking about the fatalities
 16 and had we settled all the fatalities and the
 17 only -- my recollection is the answer to that was,
 18 "Most of them."
 19 Now, I didn't say, you know, what
 20 specific number. The response was most of them had
 21 been settled.
 22 Q. Okay. Now, BP, in addition to the letter
 23 that we just --
 24 A. This one?
 25 Q. -- or the advertisement that we just

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1 discussed, there has also been comments -- either
 2 comments from BP representatives or other
 3 advertisements regarding moneys that they have set
 4 aside for settlements.
 5 Have you seen or heard of any of
 6 that?
 7 A. Yes, I have.
 8 Q. Do you know where those numbers came
 9 from?
 10 A. No, I don't.
 11 Q. Okay. You are aware that with respect to
 12 settlements that have been effective to date, that
 13 BP has insisted on confidentiality?
 14 A. I wasn't aware of that, but it doesn't
 15 surprise me.
 16 Q. Do you have any idea as to where this
 17 magic number that BP has come up with to assign to
 18 the settlement of the personal injury claims comes
 19 from?
 20 A. No, I don't.
 21 Q. Do you know whether or not that comes out
 22 of cash reserves of BP, or is it charged back to
 23 your facility in some manner?
 24 A. I don't know that, how it's accounted.
 25 Q. Do you know whether or not any of this is

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1 covered by any applicable policies of insurance?
 2 A. No, I don't.
 3 Q. Do you have any idea as to whether or not
 4 your plant would be responsible, from a
 5 profitability standpoint, if cases are settled that
 6 that comes out somehow from the profitability of
 7 your particular facility?
 8 A. I don't know how that accounting would be
 9 done, to tell you the truth.
 10 Q. We have seen a number of advertisements
 11 in the local media from BP and not just specific to
 12 these types; but just ones talking about BP
 13 standing for "Beyond Petroleum," things of that
 14 nature.
 15 Have you seen those?
 16 A. I have seen some of those.
 17 Q. Okay. It's my understanding that a
 18 number of those have not only been part of the
 19 national marketing advertisement that goes into
 20 BP's budget, but that a number of them have also
 21 been local media buys since March 23rd.
 22 Are you aware of any of that?
 23 MR. GALBRAITH: Objection, form.
 24 A. No.
 25 Q. (BY MR. COON) Have you had any

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1 discussions with the public relations department of
 2 the folks at BP Texas City with respect to local
 3 media buys as part of a public relations strategy
 4 associated to the March 23rd explosion?
 5 A. No.
 6 Q. Are you aware of any amounts of money
 7 that have been allocated as part of the budget for
 8 this year that are attributable to the public
 9 relations campaign at a local level regarding this
 10 explosion?
 11 A. No.
 12 Q. Do you know how many gas stations, BP gas
 13 stations are here in the Houston area?
 14 A. I don't think BP markets in Texas.
 15 Q. And if the BP market is not in Texas,
 16 what would be the purpose of the significant
 17 allocation of advertising dollars in this local
 18 media?
 19 MR. GALBRAITH: Objection, form.
 20 A. I don't know. I can only imagine. You
 21 know, we do hire a lot of people; and we have a lot
 22 of employees in the -- in the Houston/Galveston
 23 area.
 24 Q. (BY MR. COON) And is there a supposition
 25 that any of these advertising dollars is going to

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1 attempt to procure or retain any perceptions of BP
 2 in the local market, the local community, to change
 3 the position they may have as a result of the
 4 explosion?
 5 MR. GALBRAITH: Objection, form.
 6 A. You know, I am not a marketing expert;
 7 but I can only imagine that -- you know, that we
 8 put those sort of ads out for a variety of reasons,
 9 one of them being, you know, recruitment of people,
 10 in addition to, you know, public perception.
 11 Q. (BY MR. COON) You've had no involvement
 12 in any of the discussions regarding --
 13 A. No.
 14 Q. -- local media buys?
 15 A. No.
 16 Q. Do you know who the likely person would
 17 be involved in that decision-making process?
 18 A. Probably someone in GPA, but I don't know
 19 who.
 20 Q. Do you know where those moneys come from
 21 if they were not allocated in the year's prior
 22 budget?
 23 A. No.
 24 Q. Ms. Lucas, we now have what is called the
 25 Telos study dated January 21, 2005.

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1 (Exhibit Number 19 marked for
 2 identification.)
 3 Q. (BY MR. COON) This is Exhibit 19.
 4 Have you had an opportunity to see
 5 this document before?
 6 A. Yes, I have.
 7 Q. And can you tell me briefly what your
 8 understanding of this document is?
 9 A. My understanding is that this is a report
 10 put together by the Telos Group. This was
 11 commissioned before I got there. I think it took
 12 place at the end of 2004 sometime, and this was
 13 their reported findings.
 14 Q. And who requested this report?
 15 A. I'm not sure.
 16 Q. Do you believe it was Mr. Parus?
 17 A. I -- I would suspect it would be Don.
 18 Q. And did you ever discuss with Don why it
 19 was that he had requested this?
 20 A. Not specifically, no.
 21 Q. Okay. Have you had an opportunity to
 22 read the entire document?
 23 A. Awhile back, yes, I know I glanced
 24 through it. I don't know if I read it cover to
 25 cover.

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1 Q. Have you ever worked at a unit before or
 2 a facility before where a document of this nature
 3 was requested by somebody at the facility?
 4 A. No.
 5 Q. And as I understand, this was something
 6 that, if you look at the introduction, involved
 7 this outside consulting group talking with, in
 8 interviews, some number of your employees and then
 9 having the majority of the remainder of them fill
 10 out surveys regarding their opinions on a number of
 11 different matters at this BP Texas City facility;
 12 is that correct?
 13 A. That's my --
 14 MR. GALBRAITH: Objection, form.
 15 A. -- understanding.
 16 Q. (BY MR. COON) And in doing so, Telos
 17 came back with an overview of a number of different
 18 areas that they inquired of in the survey. It's
 19 broken down into a number of different groups and
 20 categories.
 21 MR. GALBRAITH: Objection, form.
 22 A. Was that a question?
 23 Q. (BY MR. COON) Yeah. I mean, there were
 24 areas that -- have you seen the forms that they
 25 filled out themselves?

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1 A. No, I have not seen a copy of the survey,
 2 actually.
 3 Q. Okay. But you can tell from looking at
 4 it that they inquired -- what was inquired of
 5 people was their opinions about getting hurt on the
 6 job, their opinions about safety, management,
 7 what's recognized and rewarded in a number of
 8 different areas that is broken down in the report?
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. COON) I mean, that's pretty
 11 subtle -- evident from looking at the study itself,
 12 is it not?
 13 A. Well, I think -- I mean, like I said, I
 14 never saw the survey form; and this is what I have
 15 seen out of the Telos Group.
 16 Q. Okay. I want to go just through some of
 17 these with you, Ms. Lucas.
 18 A. Okay.
 19 Q. The -- one of the things that was
 20 asked -- and they rated all of these. There was a
 21 listing of nine different categories.
 22 A. Yes.
 23 Q. That the survey participants -- which
 24 again are BP employees, correct? Both
 25 management --

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1 A. That's correct.
 2 Q. -- and hourly?
 3 A. That's right.
 4 Q. Pretty much random sampling across the
 5 board?
 6 A. That's as I understand it, yeah.
 7 Q. And they ranked the BP Texas City site
 8 from one through nine based on their perceived
 9 priorities at that facility?
 10 A. That's correct.
 11 Q. And, in fact, if we look at the overall
 12 rankings by your employees, the employees ranked
 13 their perception of the Texas City -- Texas City
 14 facility, that the priority -- the first priority
 15 of that facility was making money?
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. COON) Correct?
 18 A. Let me just read it quickly. (Examines
 19 document.)
 20 We asked people to force rank what
 21 they perceived to be the priorities from the
 22 options we gave them, and that appears to be the
 23 list of the answers.
 24 Q. Sure.
 25 They gave -- they gave each survey

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1 participant nine categories and asked them to rank
 2 them in descending order of priority, correct?
 3 A. That's right.
 4 Q. And what came back as a result of the
 5 survey was an overall -- the perception was by your
 6 employees that the primary priority at Texas City,
 7 that facility, was making money?
 8 MR. GALBRAITH: Objection, form.
 9 A. That's what it says, yes.
 10 Q. (BY MR. COON) And that the least
 11 priority of those nine was people?
 12 MR. GALBRAITH: Objection, form.
 13 A. That's what it says.
 14 Q. (BY MR. COON) I am going to jump around
 15 a little bit; but would you turn to page 2, please?
 16 A. (Complies.)
 17 Q. There were a line of questions that were
 18 asked of the survey participants about getting hurt
 19 on the job.
 20 A. Is this -- is this your page number down
 21 on the bottom?
 22 Q. I believe it is, yes, ma'am.
 23 A. Okay.
 24 Q. And the very first individual statement
 25 that I saw in the Telos report is contained at

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1 page 2 of 56 and this is the line of specific
 2 examples given on questions concerning getting hurt
 3 on the job.
 4 And again, these are the answers
 5 that were given by your various management and
 6 hourly people at that facility, correct?
 7 These are the --
 8 MR. GALBRAITH: Object --
 9 Q. (BY MR. COON) -- individual answers of
 10 the participants?
 11 MR. GALBRAITH: Objection, form.
 12 A. It looks like these are -- it says, "The
 13 following responses are mostly from the question,
 14 Have you ever been hurt on the job?"
 15 Q. (BY MR. COON) Right. That was one of
 16 the four questions on the survey, and then there's
 17 a list of examples of the answers that were given
 18 by the various survey participants.
 19 A. Is this saying --
 20 MR. GALBRAITH: Objection, form,
 21 if that's the end of the question.
 22 Q. (BY MR. COON) And the first one that's
 23 given as an example in the Telos is that one of the
 24 survey participants, in response to the question
 25 "Have you ever been hurt on the job," their answer

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1 was, "After an incident we add more detail to the
 2 procedure and fire the victim."
 3 MR. GALBRAITH: Objection, form.
 4 Q. (BY MR. COON) Did I read that correctly?
 5 A. That's what --
 6 MR. GALBRAITH: Objection, form.
 7 A. -- it says.
 8 Q. (BY MR. COON) And going down a little
 9 further, and I will just highlight a few of these
 10 as examples. "Actions and investigations for root
 11 causes are always after someone gets hurt."
 12 MR. GALBRAITH: Objection, form.
 13 A. I actually don't agree with that, but
 14 that is what it says.
 15 Q. (BY MR. COON) Okay. And I will ask you
 16 on each of these then. The next, "Finding a way to
 17 validate that the incident was the result of human
 18 failure or poor decision-making seems to be the
 19 objectives of our investigations and after After
 20 Action Reviews."
 21 Do you agree or disagree?
 22 MR. GALBRAITH: Objection, form.
 23 A. I don't agree with that.
 24 Q. (BY MR. COON) Okay. And skip down a
 25 couple; and you can follow along on the highlighted

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1 ones, I think.
 2 "Investigations all lead to the
 3 conclusion that human error caused the mishap; I
 4 find that a little disturbing from the perspective
 5 that it provides little insight about a meaningful
 6 correction."
 7 Do you agree or disagree?
 8 MR. GALBRAITH: Objection, form.
 9 A. I think that, you know, there's some
 10 words in there that I would tend to disagree with.
 11 Q. (BY MR. COON) Okay. Next, "I have had
 12 four recordables. All I got each time was negative
 13 response to my actions."
 14 MR. GALBRAITH: Objection, form,
 15 again --
 16 A. That's what it says.
 17 Q. (BY MR. COON) And if you will just
 18 follow to the next page, this response is -- again,
 19 this is, "Have you been hurt on the job?"
 20 The answer is, "No, I run like
 21 hell and have ducked and dodged every hazard in
 22 this dump."
 23 MR. GALBRAITH: Is that --
 24 Q. (BY MR. COON) I guess, first, would you
 25 agree or disagree with the connotations of the

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1 physical description of that facility?
 2 MR. GALBRAITH: Objection, form.
 3 A. No, I wouldn't.
 4 Q. (BY MR. COON) Okay. I think your
 5 comments that were given in your statement was that
 6 you felt the plant had been rundown but you would
 7 not characterize it as a dump?
 8 A. No, I would not.
 9 Q. Okay. The next one as an example, "They
 10 said it could not have happened on the job, so
 11 suddenly it didn't."
 12 MR. GALBRAITH: Objection, form.
 13 A. I have no idea of the context in which
 14 that comment was made.
 15 Q. (BY MR. COON) Okay. Another one, "Yes,
 16 due to an inept engineer's oversight. And I was
 17 blamed for it."
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. COON) The one under that,
 20 "Yes" --
 21 A. Again, no context.
 22 Q. "Yes, more than once. But I usually
 23 don't report it because we don't want to ruin BP's
 24 safety record and if you do report it, you will
 25 hear about it at safety meetings for the next three

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1 years."
 2 I want to ask you a question about
 3 that. First off, would you agree or disagree?
 4 MR. GALBRAITH: Objection, form.
 5 A. Again, I -- I have no idea what this
 6 person might be talking about, and it sort of flies
 7 into a direct conflict with we don't learn from
 8 things.
 9 Q. (BY MR. COON) Okay. Well, I wanted to
 10 ask you about that.
 11 One of the things that management
 12 is responsible for is making a concerted effort to
 13 reduce the amount of accidents per manhour at each
 14 jobsite, recordable incidents.
 15 MR. GALBRAITH: Objection, form.
 16 Q. (BY MR. COON) That's something that you
 17 track, is it not?
 18 MR. GALBRAITH: Objection, form.
 19 A. The measure of recordable injury
 20 frequency?
 21 Q. (BY MR. COON) Yes.
 22 A. It's something that's tracked.
 23 Q. And that is something that BP tracks and,
 24 in fact, the industry tracks it -- the
 25 petrochemical industry tracks it.

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1 It's a common factor, isn't it?
 2 A. It's an OSHA measure, yes.
 3 Q. And that is something that is a mechanism
 4 for tracking management's effectiveness at a
 5 particular facility with respect to safety?
 6 MR. GALBRAITH: Objection, form.
 7 A. I don't -- I don't know, you know, what
 8 OSHA's, you know, sort of intent when they
 9 developed the measure was; but it certainly allows
 10 you, at a very high level, to see trends.
 11 Q. (BY MR. COON) Okay. Do you believe that
 12 at least in certain areas of the BP facility that
 13 individuals may be discouraged from filing accident
 14 claims out of intimidation or harassment from their
 15 supervisors?
 16 MR. GALBRAITH: Objection, form.
 17 A. I would -- I can't speak for how each
 18 employee feels, but certainly no one has ever
 19 discouraged from reporting incidents or accidents.
 20 And, in fact, they are encouraged to report any
 21 accidents no matter how minor; and, in fact, they
 22 could get in more trouble by not reporting
 23 accidents.
 24 Q. (BY MR. COON) Okay. So if an individual
 25 said that they were badgered or harassed by their

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1 supervisor for filing a claim, then they would be
 2 mistaken, that that really was not the case?
 3 MR. GALBRAITH: Objection, form.
 4 A. That supervisor would have a problem.
 5 Q. (BY MR. COON) Okay. Do you know whether
 6 or not that's something -- let me rephrase.
 7 Is that something that you have
 8 initiated an investigation of, to determine the
 9 truth and veracity of these allegations about
 10 supervisory intimidation of filing accident claims?
 11 A. I have not personally, but we certainly
 12 talk to employees and supervisors about recording
 13 all accidents and injuries.
 14 Q. Okay. Well, you -- you were on this
 15 jobsite about the same time that this report came
 16 out?
 17 MR. GALBRAITH: Objection --
 18 Q. (BY MR. COON) Right?
 19 MR. GALBRAITH: -- form.
 20 Q. (BY MR. COON) So you've at least been
 21 made aware, at about the time that you came out
 22 there -- this report came out, you were made aware
 23 of at least what the criticisms were of a number of
 24 your management and hourly employees?
 25 A. I read the report, yes.

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1 Q. And is it fair to state that there are
 2 criticisms of BP operations by the individuals that
 3 filled out these surveys?
 4 A. There is a lot of criticisms, yes.
 5 Q. Okay. And we're going through some of
 6 those.
 7 And I'm asking you next,
 8 Ms. Lucas: As a result of some of these specific
 9 criticisms in which a number of your employees are
 10 maintaining in this random survey, this blind
 11 survey where they feel like they can be honest and
 12 candid, that they're intimidated into not filing
 13 accident claims by their supervisors, have you done
 14 anything to follow up on that, to talk to your
 15 supervisors and encourage them not to do that and
 16 to talk to the rank in file to find out whether or
 17 not that is still an ongoing process?
 18 MR. GALBRAITH: Objection, form.
 19 A. You know, that is a constant thing that
 20 we do to -- to encourage employees to report
 21 accidents. I believe I told you before about, you
 22 know, our Traction system where people can report
 23 near misses, accidents. And it's my belief that
 24 they are getting reported.
 25 Q. (BY MR. COON) Okay. And this isn't just

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1 on Traction on near misses. These are a number of
 2 specific examples in which people relate that they
 3 were injured and they were harassed or intimidated
 4 by their supervisors into either not reporting it
 5 or not doing anything about it.
 6 MR. GALBRAITH: Objection, form.
 7 Q. (BY MR. COON) Isn't that what some of
 8 them are alleging?
 9 MR. GALBRAITH: Objection, form.
 10 A. I don't know, you know, where any of
 11 these comments came from; but I can tell you that
 12 if that happened in my area, I would certainly
 13 investigate that --
 14 Q. (BY MR. COON) Okay.
 15 A. -- because that's not acceptable
 16 behavior.
 17 Q. Okay. But it seems to be --
 18 MR. AMMONS: Nonresponsive,
 19 objection.
 20 Q. (BY MR. COON) It seems to be a recurring
 21 complaint, though, throughout this report, does it
 22 not?
 23 MR. GALBRAITH: Objection, form.
 24 A. Well, you pointed out a couple of them.
 25 I don't know that it's recurring.

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1 Q. (BY MR. COON) Okay. We will go through
 2 some more to give you a better flavor for it.
 3 Let's go to the next one.
 4 This, again, is on "Have you been
 5 injured on the job?" The answer, I think, was,
 6 "Yes, unit was in a rush to start up and scaffold
 7 was not removed prior to startup. No, we still
 8 start up without proper removal of the scaffold."
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. COON) Again, was that a good
 11 safety policy?
 12 MR. GALBRAITH: Objection, form.
 13 A. Yeah, again, I don't know any specifics
 14 about these comments.
 15 Q. (BY MR. COON) I understand.
 16 A. So it's really hard to comment on them.
 17 Q. I understand, Ms. Lucas. But what I'm
 18 going to ask you is to presume the veracity of your
 19 employees' statements. Okay?
 20 A. I will presume that my employees are
 21 telling the truth.
 22 Q. Okay. So let's operate on that
 23 presumption.
 24 If that is the presumption and
 25 they fell over these scaffolds that weren't removed

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1 and they still don't remove them, that is not a
 2 safe work practice, is it?
 3 A. That was not --
 4 MR. GALBRAITH: Is that a
 5 question?
 6 Objection, form.
 7 A. I mean, the -- our current practice is to
 8 make sure all scaffolds are removed prior to
 9 startup unless they are necessary for the startup
 10 itself --
 11 Q. (BY MR. COON) Okay. Well --
 12 A. -- like to access a valve or whatever.
 13 Q. Okay. We'll come --
 14 A. That's our current practice. I don't
 15 know what this was.
 16 Q. And again, the complaint here was that
 17 not only did they get injured because the scaffold
 18 was not removed but that the present practice was
 19 still to leave the scaffolds there. And I am
 20 saying: If that is true, that is not a safe work
 21 practice? It's not something that you would
 22 encourage to take place?
 23 A. No, and --
 24 MR. GALBRAITH: Objection, form.
 25 A. -- I would encourage an employee who saw

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1 that to make -- you know, to bring that to their
 2 supervisor to get that scaffold removed.
 3 Q. (BY MR. COON) Okay. All right. The
 4 next one, been hurt on the job, "Yes, working
 5 shorthanded. No concern was shown."
 6 MR. GALBRAITH: Objection, form.
 7 Q. (BY MR. COON) Again, there are several
 8 complaints in here about people being shorthanded.
 9 Do you have a general agreement
 10 with those that were complaining that you don't
 11 have enough people out there to effectively and
 12 properly and safely do the jobs that they are
 13 assigned to do?
 14 MR. GALBRAITH: Objection, form.
 15 A. No.
 16 Q. (BY MR. COON) Okay. Go to the next one.
 17 "Have you been hurt on the job?
 18 Yes, and they just wanted to find someone to
 19 blame."
 20 Has it been your experience that
 21 some people in a supervisory role try to find
 22 someone to blame as opposed to a method of avoiding
 23 the incident in the future?
 24 MR. GALBRAITH: Objection, form.
 25 A. That's not been my experience, no.

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1 Q. (BY MR. COON) Okay. And next, "Yes. I
 2 burned my finger getting lunch out of the oven." I
 3 would have taken away -- "It would have taken away
 4 our days' work without an accident. Now when we
 5 get hurt, you drag yourself out of the gate, if
 6 you're able, and say it happened at home."
 7 Again, I would ask you: Has there
 8 been to your knowledge any discouragement of an
 9 individual who is hurt on the job to be able to
 10 properly relay that it, in fact, did occur on the
 11 job?
 12 MR. GALBRAITH: Objection, form.
 13 A. No. We encourage employees to report
 14 their accidents.
 15 Q. (BY MR. COON) Do any of your supervisors
 16 get rewarded or punished based on the number of
 17 accidents that occur on their watch?
 18 A. No.
 19 Q. Okay. The next one, and I have seen this
 20 comment several times. We will go over others.
 21 Hurt on the job? "Yes, I have
 22 been hurt and had management punish me and make a
 23 fool of me. Need I say more?"
 24 Again, is this something that you
 25 would agree is not a prudent management practice?

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1 MR. GALBRAITH: Objection, form.
 2 A. Again, I don't know the context of it and
 3 what constitutes "making a fool of me." So, no, I
 4 don't know -- it's really hard to comment about
 5 what people are thinking when they make these
 6 comments.
 7 Q. (BY MR. COON) Well, you have a general
 8 understanding of what it means to be made a fool
 9 of, do you not?
 10 MR. GALBRAITH: Objection, form.
 11 A. Well, I think that varies by individual
 12 but...
 13 Q. (BY MR. COON) Well, some people are
 14 thicker skinned than others. Fair enough?
 15 A. True.
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. COON) That if the person felt
 18 that they were being making -- that they were being
 19 made fun of, then there's probably something that
 20 at least gave them a reason to think so?
 21 MR. GALBRAITH: Objection, form.
 22 A. In their opinion, obviously.
 23 Q. (BY MR. COON) And you would agree that
 24 it's not a prudent practice to intimidate or
 25 humiliate people who get hurt on the job?

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1 A. No --
 2 MR. GALBRAITH: Objection, form.
 3 A. -- we don't want to intimidate or
 4 humiliate them.
 5 Q. (BY MR. COON) Okay. Let's go to the
 6 next page. It's page 4 of 56.
 7 Hurt on the job? "Yes. Safety
 8 and law department grossly falsified accident
 9 report. Would not make corrections. Claimed it
 10 did not matter and nobody would ever read it.
 11 False report is still in my file."
 12 Again, is that something that
 13 would be alarming to you?
 14 MR. GALBRAITH: Objection, form.
 15 A. Yes.
 16 Q. (BY MR. COON) Have you initiated, as a
 17 result of seeing these types of statements from
 18 your own employees, an independent investigation
 19 into the veracity of these allegations?
 20 A. No, not this in particular.
 21 Q. Okay. Let's go to the next one.
 22 "Yes. I had a lengthy lost-time
 23 accident. Nobody did a thing to repair the
 24 problem. I was harassed and made to feel I should
 25 not have gotten hurt. The problem was repaired

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1 12 years later because a manager had the same
 2 accident. Go figure."
 3 Again, is that something you would
 4 agree would not be a prudent supervisory and safe
 5 work practice?
 6 MR. GALBRAITH: Objection, form.
 7 A. Again, I don't know the context or even
 8 what this person is talking about here. So it's
 9 hard to comment.
 10 Q. (BY MR. COON) Okay. The next one, "Yes,
 11 a burned hand. Did not report it due to new hire
 12 probation."
 13 I want to ask you: People that
 14 are in a probationary status at the facility, are
 15 they allowed to be terminated at the will of the
 16 plant?
 17 MR. GALBRAITH: Objection, form.
 18 A. They're -- they can be terminated, I
 19 think, with no prior -- I don't remember the exact
 20 wording, but there is a six-month probation period
 21 for new employees.
 22 Q. (BY MR. COON) Are you aware of practices
 23 in which an individual may not report an injury out
 24 of fear of retaliation and termination?
 25 MR. GALBRAITH: Objection, form.

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1 A. No.
 2 Q. (BY MR. COON) The next one is, "Yes,
 3 because the sewers didn't work, backed up with
 4 water and trash. Showed proper care to who? They
 5 still are working on the sewers after six years."
 6 Again, are you aware of any of the
 7 infrastructural problems associated with the sewer
 8 system there that is causing any kind of accidents?
 9 MR. GALBRAITH: Objection, form.
 10 A. I don't -- you know, there's no specifics
 11 about what unit or anything about where this might
 12 have occurred.
 13 Q. (BY MR. COON) Okay. Again, I'm trying
 14 to skip over a lot of these to just get a flavor.
 15 A. All right.
 16 Q. Next here we have, "Yes. I have been
 17 hurt, but never reported it due to the enormous
 18 amount of BS" --
 19 Do you know what "BS" is?
 20 MR. GALBRAITH: Objection, form.
 21 A. Certainly.
 22 Q. (BY MR. COON) -- "that goes with it.
 23 Supervisors and superintendents are punished in
 24 performance review because someone that works for
 25 them gets injured. Hourly workers are punished by

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1 loss of bonus money from VPP."
 2 Okay. That goes to the question I
 3 asked you awhile ago, which is: In fact, are
 4 supervisors and superintendents reviewed -- on
 5 their performance reviews are one of the criteria
 6 that is looked at is accidents filed by their
 7 subordinates?
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. COON) Let me rephrase.
 10 If I were to go back and find a
 11 supervisor at your plant and look at his
 12 performance -- his or her performance review, are
 13 the number of claimed incidents or lost-time
 14 incidents something that is reflected on their
 15 performance review?
 16 A. I haven't looked at any supervisors'
 17 reviews since I have been back. So I don't know
 18 whether they're measured on that in terms of their
 19 personal performance.
 20 Q. Have you ever --
 21 A. But my expectation is that they would
 22 encourage a good safety culture on their shift or
 23 in their work crew.
 24 Q. Okay. But my question was: Are you
 25 aware of whether or not their reviews, the

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1 performance reviews indicate on there anywhere
 2 whether or not that supervisor has any lost-time
 3 incidents on his watch?
 4 A. I don't know.
 5 Q. The person also talks about "punished by
 6 loss of bonus money from VPP."
 7 Do you know what they're talking
 8 about there?
 9 A. That is the variable pay plan that we
 10 were talking about earlier --
 11 Q. Does an employee --
 12 A. -- in the deposition.
 13 Q. Does an employee actually -- is there
 14 actually a disincentive under this VPP program for
 15 lost time?
 16 A. It -- you know, it depends on what the
 17 measure is. I don't know what -- the specific
 18 safety measure they are talking about here.
 19 Q. All right.
 20 A. Whether it was a -- you know, a rift rate
 21 or a loss work day rate, I don't -- I don't know.
 22 Q. I'm sorry, Ms. Lucas. I didn't
 23 understand what you said there. I thought it was
 24 either it can or it can't.
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) So let me ask you again
 2 there.
 3 Is there something that could
 4 happen conceivably with respect to an injury that's
 5 lost time that would impact their bonus money under
 6 this VPP plan? Are there circumstances in which it
 7 could occur? "Yes" or "no"?
 8 MR. GALBRAITH: Objection --
 9 Q. (BY MR. COON) Or you don't know?
 10 MR. GALBRAITH: -- form.
 11 A. Well, it depends on the VPP plan. So I
 12 guess I don't know.
 13 Q. (BY MR. COON) Okay. Are there -- are
 14 there VPP plans out there that you are aware of
 15 that that could potentially adversely impact their
 16 bonus?
 17 MR. GALBRAITH: Objection, form.
 18 A. I don't know --
 19 Q. (BY MR. COON) Let me reask it.
 20 Who would know?
 21 A. It's in our VPP plan. And it's not only
 22 hourly workers, it's whoever is eligible for VPP.
 23 If that was, indeed, a measure, all employees would
 24 have been --
 25 Q. Okay. Well, I would like to know if that

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1 is a measure and if it's really true that people
 2 have a disincentive to filing these because they
 3 get punished on their bonus.
 4 MR. GALBRAITH: Objection, form.
 5 Q. (BY MR. COON) So who would I go talk to?
 6 MR. GALBRAITH: Objection, form.
 7 A. It is under the commercial department
 8 currently.
 9 Q. (BY MR. COON) And who would be the
 10 person I would ask for?
 11 A. I don't know who is doing VPP now.
 12 Probably Susan Dio could tell you.
 13 Q. Okay. Let's -- thank you. Let's go to
 14 the next one.
 15 Hurt on the job? "Yes. Kept it
 16 to myself. This is the common practice."
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. COON) Again, I take it you
 19 disagree that that is a common practice or --
 20 A. It's not as far as I know.
 21 Q. Ms. Lucas, is it possible that since
 22 you've moved back to this facility that you're just
 23 pretty much clueless with respect to how rampant
 24 this problem is?
 25 MR. GALBRAITH: Objection, form.

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1 A. I would say that now that I've been there
 2 almost -- well, however many months it's been, I
 3 would be surprised if this was the practice.
 4 Q. (BY MR. COON) But certainly your -- your
 5 employee felt that to be the practice?
 6 MR. GALBRAITH: Objection, form.
 7 A. Somebody made that comment, but I don't
 8 know when that incident may have occurred. You
 9 know, there's no date. There's no location.
 10 There's no way for me to really go back and track
 11 it.
 12 Q. (BY MR. COON) Okay. Let's go to the
 13 next page. We are on page 5 of 56 going through
 14 some other exemplars. There's a long one here. We
 15 will skip over that. Let's just go to the one
 16 that -- some shorter ones.
 17 "Yes, and all they did was harass
 18 me and fight workers' comp."
 19 Again, that seems to be a
 20 recurring theme of those that we have looked at so
 21 far, does it not?
 22 MR. GALBRAITH: Objection, form.
 23 A. That seems to be that individual's
 24 feelings.
 25 Q. (BY MR. COON) Okay. Well, you

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1 understand there are several other people that have
 2 alleged harassment, intimidation, badgering and
 3 being made fun of, those that we have looked at so
 4 far.
 5 Do you understand that each of
 6 these are separate?
 7 MR. GALBRAITH: Objection, form.
 8 A. I don't know.
 9 Q. (BY MR. COON) Let's go to the next one.
 10 Yes, pulled muscle in back (sic).
 11 In fact, they drug me through the process of
 12 workers' compensation for years. I will not notify
 13 them again.
 14 So there three -- three comments
 15 later, it is the same allegation?
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. COON) Who handles your workers'
 18 comp? Do you have an in-house department that
 19 prescreens comp claims, helps them fill out EIs,
 20 notice of injuries?
 21 A. I don't -- I don't know what an E1 is.
 22 We have an on site doctor.
 23 Q. And for people that get hurt on the job,
 24 there is a policy of insurance called a workers'
 25 compensation plan that pays for their medical

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1 benefits and their disability benefits while they
 2 cannot work?
 3 A. I am aware of that.
 4 Q. If employees file on that, is anyone
 5 directly or indirectly punished through the
 6 process? Does it impact, again, the safety peer
 7 reviews and things of that nature?
 8 A. No.
 9 Q. Do the number of comp claims, comp claims
 10 filed by your employees in any given year, impact
 11 the review process of the people in management?
 12 A. No.
 13 Q. Do you -- to your knowledge, do they even
 14 track the number of workers' compensation claims
 15 filed at the BP Texas -- Texas City facility each
 16 year?
 17 A. I am sure someone does. I don't know
 18 who.
 19 Q. Okay. Let's go to the next one here.
 20 Hurt on the job? "Yes, they made
 21 fun of me."
 22 Again, we had that complaint
 23 alleged by other employees in some of the earlier
 24 pages, did we not?
 25 MR. GALBRAITH: Object to the

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1 form.
 2 A. Again, no context.
 3 Q. (BY MR. COON) Okay. Next, "Yes, they
 4 want you back to work as soon as possible
 5 regardless of your condition."
 6 In that regard are you aware of
 7 any circumstances in which supervisors pushed
 8 people to come back to work before they were really
 9 ready so that they would have less lost-time days
 10 on their record?
 11 MR. GALBRAITH: Objection, form.
 12 A. The supervisors don't decide when someone
 13 comes back to work.
 14 Q. (BY MR. COON) Can a supervisor push a
 15 person to come back to work prior to the time that
 16 they are physically ready?
 17 MR. GALBRAITH: Objection, form.
 18 A. Not that I know of. The doctor -- the
 19 doctor makes that assessment.
 20 Q. (BY MR. COON) Okay. Another one, "Yes.
 21 Acid 90 percent sprayed on arm due to thin pipe.
 22 The line was replaced but never checked before that
 23 and never checked after."
 24 Do you have an understanding of
 25 what thin pipe is?

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1 MR. GALBRAITH: Objection, form.
 2 A. Yes.
 3 Q. (BY MR. COON) There has been a recurring
 4 complaint in the Telos report of thin pipe
 5 throughout that facility.
 6 Are you familiar with that?
 7 MR. GALBRAITH: Objection, form.
 8 A. I recall reading about that but...
 9 Q. (BY MR. COON) Thin pipe is, in part,
 10 attributable to deferred maintenance, is it not?
 11 MR. GALBRAITH: Objection, form.
 12 A. Not necessarily.
 13 Q. (BY MR. COON) Well, can you tell us what
 14 your understanding of "thin pipe" is?
 15 A. Well, it -- I don't think I would use the
 16 term "thin pipe" necessarily.
 17 Q. But that's the common vernacular for it
 18 with your employees, is it not?
 19 MR. GALBRAITH: Objection, form.
 20 A. Well, I don't know in terms of "common
 21 vernacular" what you mean.
 22 Q. (BY MR. COON) I mean that your employees
 23 regularly refer to it as thin pipe.
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. COON) That's the language they

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1 use, right?
 2 A. They might use that language, yes.
 3 Q. Okay. And you would instead say it was
 4 appropriately called what?
 5 A. Well, it depends on the pipe and what the
 6 service is.
 7 Q. Okay. Let's go to the next one.
 8 "Yes. Due to decision makers in
 9 supervision not really knowing their jobs. Too
 10 many people making decisions based on who they know
 11 and not on what they know."
 12 Any comments there?
 13 MR. GALBRAITH: Objection, form.
 14 A. I don't know. I can't comment on it
 15 without context.
 16 Q. (BY MR. COON) And again, top of the next
 17 page. This is 6 of 56. I will just hit the
 18 highlights of a few of these here.
 19 A. Okay.
 20 Q. The complaint here is that no matter what
 21 the job is, the employee is always at fault and
 22 required to sign a statement that he committed an
 23 unsafe act.
 24 Do you know what they are talking
 25 about there?

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1 A. I have --
 2 MR. GALBRAITH: Objection, form.
 3 A. I have no idea what they're talking about
 4 in terms of I've never seen an employee have to
 5 sign a statement that they have committed an unsafe
 6 act.
 7 Q. (BY MR. COON) Do they have to sign off
 8 and acknowledge that they did anything
 9 inappropriate or that there were safety protocols
 10 that they -- they did not follow or adhere to?
 11 A. Not that I know of.
 12 Q. Okay. Then we go into the chapter that's
 13 entitled, "What is Recognized and Rewarded?" And
 14 again, several pages of comments; and I'll just hit
 15 on a few of them. One of them seems to be -- the
 16 recurring theme is saving money gets rewarded.
 17 And without your reading all of
 18 these, here's -- all through here, you have this
 19 page, the next page, "Making money is what gets
 20 rewarded." Several additional comments on
 21 production being rewarded. One general comment
 22 that, "Nothing gets recognized around here." And
 23 some other general criticisms that people are not
 24 recognized through individual work efforts.
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) This is here. The next
 2 page, "I just know when I'm doing a good job. I
 3 seldom hear it. Just a thank you, that would be
 4 nice to hear once in a while. Just having someone
 5 come to the work area and say, hey, thank you."
 6 Again, that type of complaint.
 7 Based on his perception that
 8 people are underappreciated, have you undertaken an
 9 attempt to initiate --
 10 (Discussion off the record.)
 11 Q. (BY MR. COON) Ms. Lucas, based on these
 12 complaints or criticisms that people feel that they
 13 are underappreciated and that there's just too much
 14 emphasis on their productivity and profitability,
 15 have you -- have you tried to set up a department
 16 to better analyze and investigate those types of
 17 complaints --
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. COON) -- separate and apart from
 20 being hurt on the job?
 21 MR. GALBRAITH: Objection, form.
 22 A. I guess this report points out --
 23 THE VIDEOGRAPHER: There is no
 24 more tape.
 25 MR. COON: I'm sorry.

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1 (Discussion off the record.)
 2 MR. GALBRAITH: Can we get the
 3 answer or no? We're out?
 4 THE VIDEOGRAPHER: We are out.
 5 (Recess taken.)
 6 THE VIDEOGRAPHER: On the record,
 7 5:15 p.m., beginning Tape 6.
 8 (Discussion off the record.)
 9 Q. (BY MR. COON) Ms. Lucas, the hour is
 10 getting late. I am going to try to run through
 11 some of these a little quicker if we can.
 12 We are on page 15 of 56 on the
 13 Telos report. This area of inquiry discusses
 14 conditions of the facility. I want to just hit a
 15 few high points here.
 16 Near the bottom of the page, we
 17 have outlined these for your reference on the
 18 screen. One is "Temporary repairs like clamps.
 19 That is a big leading indicator of trouble.
 20 Upwards of 50 clamps on my unit. Temporary
 21 repairs, and the management of them, really concern
 22 me."
 23 Another one talks about complaints
 24 about deferred maintenance over the years is now
 25 hurting us, much higher -- we now have much higher

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1 corrosion.
 2 On the next page, 16 of 56,
 3 concerns about the issues about the effectiveness
 4 of alarms. Another comment is warning signs are
 5 everywhere --
 6 A. Wait a minute. You are -- where --
 7 Q. Page 16.
 8 A. Okay. Where's the effectiveness of
 9 alarms? Okay. I'm sorry. I just wanted to catch
 10 up.
 11 Q. All right. Warnings signs are
 12 everywhere. We are addressing the concerns about
 13 the lack of funding and application of band-aids on
 14 top of band-aids.
 15 Another, "Most of the time our
 16 confined space entries are very hazardous and this
 17 exposure is not recognized by operations
 18 community."
 19 Several comments on corrosion
 20 under insulation.
 21 Down in the middle of the page,
 22 "We have warning signs occur every day like pipe
 23 thinning and such." Another comment, "The thinning
 24 of pipe is a major concern because it's not so
 25 obvious."

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1 Another one commenting, "We had
 2 warning signs every year. The last two or three
 3 years of Amoco ownership and the current BP
 4 practice of underinvesting in the operating
 5 infrastructure is a warning."
 6 Another one, "I worry about
 7 another fire from a piece of equipment failing or
 8 pipe failure." Next one, "Pipe thinning worries me
 9 the most."
 10 The next one, "I am most worried
 11 about something will be overlooked and I will end
 12 up like the guys that were pulling blinds and
 13 killed, especially as I am now being asked to adopt
 14 the safety rules in the refinery."
 15 A couple comments there, one is
 16 the pipe thinning and other people comment on the
 17 thinning pipe and what is your general
 18 understanding as to what employees are talking
 19 about about pipe thinning?
 20 MR. GALBRAITH: Objection, form.
 21 A. It is hard to tell from these comments
 22 because there is not actually -- it doesn't talk
 23 about, you know, what unit they're talking about
 24 or, you know, over what time period. So it's
 25 really hard to tell.

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1 Q. (BY MR. COON) Okay. Would you generally
 2 agree or disagree about the numerous complaints
 3 about thin pipe out at that facility? Would you
 4 acknowledge that that is a problem at the plant or
 5 not?
 6 MR. GALBRAITH: Objection, form.
 7 A. You know, I think that what I would say
 8 is that there is an attempt to improve the
 9 inspection program. You know, I don't -- I can't
 10 comment on these comments that, you know, people
 11 made out without any context or anything; but I can
 12 tell you that there is a big effort in improving
 13 the inspection program.
 14 MR. COON: Okay. I will object to
 15 the nonresponsiveness.
 16 Q. (BY MR. COON) Ms. Lucas, I'm sorry. The
 17 question I had is that: Would you agree or
 18 disagree about the frequency of complaints about
 19 thin pipe, that that is, in fact, a present problem
 20 at the facility?
 21 MR. GALBRAITH: Objection, form.
 22 A. Again, it's hard to say. You know, I
 23 don't know how -- I didn't count how many comments
 24 you read to me on thin pipe divided by the total
 25 number of respondents that are -- you know...

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1 Q. (BY MR. COON) Okay. Well, fair enough.
 2 But if several of your employees
 3 are complaining about the same problem, don't you
 4 think that lends itself to increasing the
 5 legitimacy of the complaint?
 6 MR. GALBRAITH: Objection, form.
 7 A. I think that what the renewed effort on
 8 the inspection programs has is that they were
 9 heard.
 10 Q. (BY MR. COON) Okay. And over and over
 11 what the complaints seem to be is that the -- the
 12 deferred maintenance, that budgetary constraints
 13 were hampering the ability to keep the facilities
 14 in a modern condition and a properly repaired
 15 condition.
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. COON) Is there anything about
 18 these -- the budget at the plant that restricts the
 19 different supervisors at the different units from
 20 keeping all of their equipment at safe, efficient
 21 and modern operating utility functioning?
 22 A. Can you --
 23 MR. GALBRAITH: Objection, form.
 24 A. -- tell me where you are on there?
 25 Q. (BY MR. COON) Yeah, I'm -- well, I'm

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1 going to ask you questions on 17.
 2 But the general complaint that we
 3 have covered is: There's ongoing complaints on
 4 deferred maintenance and you are familiar with what
 5 that term entails, correct?
 6 A. I --
 7 MR. GALBRAITH: Objection, form.
 8 A. I can assume something. I am not real
 9 sure of what those people are talking about,
 10 "deferred maintenance."
 11 Q. (BY MR. COON) Okay. Well, we would
 12 presume that what they are talking about is putting
 13 off maintenance, that they are deferring it,
 14 deferring maintenance that would otherwise be
 15 entailed.
 16 A. That they --
 17 MR. GALBRAITH: Objection, form.
 18 A. That they thought would occur.
 19 Q. (BY MR. COON) And in that regard, the
 20 complaint is that they don't get these things fixed
 21 and operating in an efficient manner and keep the
 22 equipment modern and up-to-date.
 23 MR. GALBRAITH: Objection --
 24 Q. (BY MR. COON) So would you agree with
 25 those type of complaints that the -- the

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1 maintenance issues are a problem at that plant?
 2 MR. GALBRAITH: Objection to form.
 3 A. That -- that's not been my -- I mean, I
 4 don't have experience in this plant recently, but
 5 that's not been my experience upon my return.
 6 Q. (BY MR. COON) Well, I'm sorry. One of
 7 the things I thought you --
 8 MR. AMMONS: Objection,
 9 nonresponsive.
 10 Q. (BY MR. COON) Okay. Well, there's been
 11 an objection. I'm not going to make the same one.
 12 But one of the comments that you
 13 had in your report when you came back to the plant
 14 was your observation that the place looked rundown.
 15 Now, would that be something synonomous with the
 16 maintenance conditions at the facility?
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. COON) I mean --
 19 A. My -- my observations were around, you
 20 know, painting, you know, general care of, you
 21 know, the buildings and things like that.
 22 Q. And that would not apply to the
 23 infrastructure itself? You're saying that was all
 24 cosmetic opinions?
 25 A. Well, that -- that was what I made that

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1 comment around. And my experience has been when I
 2 felt like I needed money for -- whether it was an
 3 overrun on a turnaround project or a discovery in
 4 terms of the vent piping or piping replacements or
 5 whatever, I have been able to get the money. So I
 6 can only speak from my experience --
 7 Q. Okay.
 8 A. -- since I have been back.
 9 Q. And we will talk about that now because
 10 since this plant explosion -- and we'll get also to
 11 where it is now.
 12 But since the plant explosion and
 13 the investigation into what caused it and these
 14 antiquated vent pipe systems, the vent stacks and a
 15 number of other problems, you have had Mr. Pillari
 16 make an announcement that they are going to put a
 17 billion dollars into renewing the infrastructure of
 18 that particular facility.
 19 MR. GALBRAITH: Objection, form.
 20 Q. (BY MR. COON) You're aware of that?
 21 MR. GALBRAITH: Objection, form.
 22 A. I heard that, yes.
 23 Q. (BY MR. COON) And if that is -- and that
 24 is a true statement? I mean, the statement he made
 25 is one that he, in fact, made?

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1 MR. GALBRAITH: Objection --
 2 Q. (BY MR. COON) I mean, he did make that
 3 statement, did he not?
 4 MR. GALBRAITH: Objection, form.
 5 A. He did.
 6 Q. (BY MR. COON) You don't know if he is
 7 going to do it, but he said he would do it. But
 8 it's --
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. COON) -- applied for
 11 procurement, right?
 12 MR. GALBRAITH: Objection, form.
 13 A. I -- he said he would do it and the
 14 request for funds is in the works.
 15 Q. (BY MR. COON) And that is a major
 16 infrastructural upgrade to that facility, putting a
 17 billion dollars in renewed capital into fixing that
 18 plant up?
 19 A. I don't know what you'd call major.
 20 It's a significant --
 21 Q. Well, I call a billion major.
 22 A. It's a significant investment over five
 23 years.
 24 Q. And that, in part, is due to the problems
 25 that exist at the facility at the present time,

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1 which is that some of these expenditures are the
 2 result of deferring them until now. That's why you
 3 have to make such a large capital investment now?
 4 MR. GALBRAITH: Objection, form.
 5 A. There is probably some of that -- those
 6 funds that I -- you know, I couldn't articulate to
 7 you exactly, you know, which funds are as a result
 8 of deferred maintenance.
 9 Q. (BY MR. COON) Okay. Well, let me just
 10 go to a couple more comments here and we will move
 11 on.
 12 A. Okay.
 13 Q. Again, page 17 of 56 and this is in
 14 January of 2005. We are going to go down here
 15 first because I think there are -- let me just go
 16 to this one, the middle of the page.
 17 The comment was, "It seems like it
 18 all comes down to money. We tell them we need it.
 19 They tell us they don't have the money. As soon as
 20 it blows up or someone gets hurt, there is all
 21 sorts of money."
 22 Did I read that one correctly?
 23 MR. GALBRAITH: Objection, form.
 24 A. That's what the -- this employee
 25 commented.

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1 Q. (BY MR. COON) And that comment
 2 apparently turned out to be very prophetic, did it
 3 not?
 4 MR. GALBRAITH: Objection, form.
 5 Q. (BY MR. COON) It turned out to be rather
 6 prophetic, didn't it?
 7 MR. GALBRAITH: Objection, form.
 8 A. Well, I don't know what you mean by
 9 "prophetic."
 10 Q. (BY MR. COON) Well, he said that as soon
 11 as it blows up or someone gets hurt, there's all
 12 sorts of money. Now, he said there were always
 13 monetary constraints on improvements here and that
 14 if something blew up or someone got hurt that there
 15 would be all sorts of money.
 16 So if we look at what happened,
 17 two months after this report comes out, you had the
 18 major explosion at that plant. And on the heels of
 19 that major explosion, you have a number of internal
 20 and external reports that point to a number of
 21 infrastructural problems at that facility. And
 22 as -- at least in part as a result of that, you
 23 have a billion dollars in capital planned as
 24 infusion to upgrade that particular facility.
 25 And that is, in fact, what has

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1 happened, is it not?
 2 MR. GALBRAITH: Objection, form.
 3 A. Well, actually, I was over budget before
 4 March 23rd.
 5 Q. (BY MR. COON) Meaning what?
 6 A. Meaning I approved expenditures that were
 7 not in the budget.
 8 Q. Did you approve a billion dollars in
 9 capital --
 10 A. No.
 11 Q. -- improvements?
 12 A. No.
 13 Q. Okay.
 14 A. Not in two months.
 15 Q. But Mr. Pillari has pledged a billion
 16 dollars in capital expenditures to get this plant
 17 back to where they think it needs to be. And we
 18 can surmise that part of the reason for that is
 19 that we've had a major catastrophe at that plant
 20 due, in part, to deferred maintenance and
 21 infrastructural problems.
 22 MR. GALBRAITH: Objection, form.
 23 A. I think those are your words, yeah.
 24 Q. (BY MR. COON) Would you generally agree
 25 with them?

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1 MR. GALBRAITH: Objection, form.
 2 A. I don't know what the impact of
 3 March 23rd is on needing that money or not.
 4 Q. (BY MR. COON) Do you think that it's
 5 purely coincidental that Mr. Pillari and BP has
 6 committed a billion dollars in capital improvements
 7 to that plant and it has nothing to do with that
 8 explosion?
 9 MR. GALBRAITH: Objection, form.
 10 A. I don't know.
 11 Q. (BY MR. COON) You have no idea one way
 12 or the other whether it has anything to do with it?
 13 A. I mean, you're asking me to guess.
 14 Q. Fair enough.
 15 Ms. Lucas, I next want to turn
 16 your attention to another report. This one is --
 17 I'm going to call it the Stanley report.
 18 Are you familiar with it?
 19 A. Yes, I am.
 20 Q. And when was it that you were first made
 21 aware of the findings contained in the Stanley
 22 report?
 23 A. I think that that audit was conducted
 24 around June. I don't recall when I got a copy of
 25 the written report.

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1 Q. This is Exhibit 20. We have it dated
 2 June 15, 2005.
 3 (Exhibit Number 20 marked for
 4 identification.)
 5 Q. (BY MR. COON) Now, this report was
 6 requested -- let me back up to on -- it is my
 7 understanding that sometime around the publication
 8 of the Telos report that Mr. Parus called a number
 9 of the management people over to Moody Gardens or
 10 some location off site to discuss with them a
 11 number of his concerns regarding management at the
 12 plant.
 13 Are you aware of that having
 14 happened?
 15 A. Do you remember the dates of this?
 16 Q. I don't have the date, no, ma'am. It was
 17 just that I understood it occurred --
 18 A. I recall some supervisory meetings at
 19 Moody Gardens.
 20 Q. Do you recall any debriefing of at least
 21 certain levels of management by Mr. Parus as a
 22 result of the Telos report?
 23 A. Yes.
 24 MR. KEBODEAUX: Do you have his
 25 article?

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1 Q. (BY MR. COON) Did you participate in
 2 that meeting?
 3 A. I believe I did. I mean, "participate,"
 4 I was there.
 5 Q. Was Mr. Parus -- did he express any
 6 frustration or disappointment or anger regarding
 7 the findings in there, and are they searching for
 8 answers to improve on the culture of the
 9 BP facility?
 10 A. No. My recollection was that Don and the
 11 management team accepted the findings of the Telos
 12 survey for, you know, comments that our employees
 13 made and we were certainly looking for -- you know,
 14 to try and find those areas that we should focus
 15 our improvement efforts on.
 16 Q. Okay. And Mr. Parus -- and I take it you
 17 have not read his witness statement; is that
 18 correct?
 19 A. No, I haven't.
 20 Q. I want to point to a comment that he made
 21 when he was asked questions from Mr. Holt.
 22 Again, Mr. Holt is the same person
 23 that asked you questions in your witness
 24 statement --
 25 A. Okay.

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1 Q. -- is that correct?
 2 A. If it's Tim Holt --
 3 Q. Yeah --
 4 A. -- I'm sure it is.
 5 Q. -- Tim Holt.
 6 We have a copy of the witness
 7 statement given by Mr. Parus, April 28. It
 8 indicates that Mr. Holt was the interrogator on
 9 that one as well. And he was asked a number of
 10 questions, and I'll try to cut to the chase. If we
 11 can go to page 11 and 12.
 12 MR. GALBRAITH: Do you have one
 13 for the witness?
 14 MR. COON: Yeah, I think.
 15 Q. (BY MR. COON) I'll just show you here.
 16 A. Sorry.
 17 Q. I don't want to make this an exhibit, but
 18 there is 11 and 12.
 19 A. Is this my copy?
 20 Q. Yes, ma'am, just feel free to look at
 21 that.
 22 Okay. Ms. Lucas, if you will look
 23 at this, he's talking about -- some of the
 24 vernacular he uses, "The just culture is a tool."
 25 He talks about -- that's page 10 and 11.

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1 He talks about a meeting that they
 2 had, and it states what was the purpose of this
 3 meeting out at Moody Gardens. And look at page 11
 4 on the bottom and the top of 12.
 5 And he's talking about what had
 6 happened at the plant and the history of injuries
 7 and fatalities of the plant. And one of those was
 8 when he was made aware of how many fatalities had
 9 occurred in the prior 30 years and was shocked with
 10 the answer.
 11 Do you know how many people had
 12 been --
 13 A. Just a minute.
 14 Q. Yes.
 15 A. Tell me where you are again.
 16 Q. Okay. I'm at 11, bottom of 11.
 17 Do you know how many fatalities
 18 had occurred at that BP facility since, say, the
 19 mid Seventies?
 20 A. I remember hearing a number.
 21 Q. What was the number that you heard?
 22 A. Somewhere around 20 something.
 23 Q. And that was prior to the 15 that were
 24 killed on this occasion?
 25 A. I believe that was.

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1 Actually, the meetings that Don is
 2 talking about here, these -- the Moody Gardens
 3 meetings --
 4 Q. Right.
 5 A. -- that were in November, December, I was
 6 not there for those.
 7 Q. Okay. Are you familiar with what those
 8 meetings would involve?
 9 A. It says it was called Safety Reality in
 10 which the compliance delivery process was
 11 explained, the just culture piece was explained.
 12 Q. Okay. And then what he comments on next
 13 was that -- if you look at page 12, his statement
 14 was: Killing somebody here every 18 months seemed
 15 to be acceptable at the site. Does that put it in
 16 honest enough terms for you?
 17 And again, in -- in the years that
 18 you were there, was like '82 to '96, you were aware
 19 of a number of fatalities that occurred on the job
 20 site during those years?
 21 A. Uh-huh.
 22 Q. And you are aware of the fact that a
 23 number of those fatalities occurred in the years
 24 that you were not there from '96 to 2005. In fact,
 25 you were aware that two gentlemen that worked out

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1 there, one of whom you knew, had been killed on the
 2 job just a couple of months before you returned to
 3 the jobsite?
 4 A. That's correct.
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. COON) Didn't that create some
 7 sort of alarm to you that you would -- you would be
 8 working in a high supervisory role at a facility
 9 that had, in fact, been losing, on average, one
 10 employee every 18 months for decades?
 11 MR. GALBRAITH: Objection, form.
 12 A. No. I -- I had not seen the statistics
 13 on this form before.
 14 Q. (BY MR. COON) But you were aware
 15 generally of a large number of people having died
 16 as a result of occupational fatalities on that
 17 jobsite?
 18 MR. GALBRAITH: Objection, form.
 19 A. I was aware of prior fatalities. Like I
 20 said, I was not aware of the -- the statistic that
 21 you point out.
 22 Q. (BY MR. COON) But at some point you were
 23 made aware of the particular statistics and the
 24 incidents of fatalities at that job site.
 25 In fact, a number of them occurred

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1 while you were there in the 15 years prior to your
 2 return, correct?
 3 MR. GALBRAITH: Objection, form.
 4 A. From '82 to '96.
 5 Q. (BY MR. COON) Sure.
 6 And by comparison, Ms. Lucas,
 7 British Petroleum is involved in several different
 8 functions. One is they produce oil. They
 9 distribute oil. They refine oil and they sell the
 10 finished product, such as gasoline, to the
 11 consumer, correct?
 12 A. That's correct.
 13 Q. And you are aware that British Petroleum,
 14 in the manufacturing end of their operations, have
 15 lost a number of the people over the years, not
 16 only at the BP Texas City site but at a number -- a
 17 number of their other refining facilities
 18 internationally?
 19 MR. GALBRAITH: Objection, form.
 20 Q. (BY MR. COON) You're aware that there
 21 has been other fatalities at other job sites over
 22 the years?
 23 MR. GALBRAITH: Objection, form.
 24 A. I'm aware there has been other
 25 fatalities.

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1 Q. (BY MR. COON) And in that regard, I next
 2 want to ask you with respect to the end product,
 3 the gasoline.
 4 Once you've made -- say you've --
 5 the vast majority of what you do is you refine the
 6 product into gasoline, correct?
 7 A. That's correct.
 8 Q. That's just -- and it's distributed to a
 9 number of sources, but a lot of those are your BP
 10 gas stations where you sell gas to consumers?
 11 A. I couldn't tell you exactly if it was the
 12 BP gas stations or whatever but --
 13 Q. Okay.
 14 A. -- we produce gasoline, yes.
 15 Q. And, in fact, I saw in one of the
 16 BP reports that you have upwards of 13 million
 17 customers a day that you service, the general
 18 public, in the sale of gasoline products.
 19 Are you familiar with that number?
 20 A. No, I am not.
 21 Q. Would that number surprise you?
 22 A. No.
 23 Q. Okay. And of those very large numbers of
 24 people in the general public, the consumer end, do
 25 you have knowledge of any of those individuals

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1 being blown up pumping gas out of one of the gas
 2 stations?
 3 A. No.
 4 Q. In your mind does that cause you to try
 5 to draw an analogy between the accepted risk that
 6 management has with respect to losing their own
 7 workers in the refining process and yet providing a
 8 safe enough distribution system to pump gas out of
 9 the pumps for the consumers in a manner such that
 10 none of them to your knowledge have never been
 11 blown up pumping the gas into their car?
 12 MR. GALBRAITH: Objection, form.
 13 A. I'm sorry. I didn't hear a question in
 14 there.
 15 Q. (BY MR. COON) Well, I guess the question
 16 is: In your opinion -- I guess the question is
 17 this: Why can't BP exercise the same level of
 18 concern in safety protocols and safety measures in
 19 the refining processes so that none of their
 20 employees get killed on the job, just like none of
 21 the consumers get killed using those same products
 22 in what would admittedly be a potentially risky
 23 factor?
 24 I mean, the gasoline can blow in a
 25 pump, right?

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1 MR. GALBRAITH: Objection, form.
 2 Q. (BY MR. COON) I mean, if you are pumping
 3 gas at a gas station, isn't there a risk that the
 4 pumps could malfunction and other things bad could
 5 happen and you have a volatile fuel, it could blow
 6 up?
 7 MR. GALBRAITH: Objection to form.
 8 Q. (BY MR. COON) I mean, that could happen.
 9 You look at me like you don't understand.
 10 A. Well, I guess it could happen.
 11 Q. Okay. But it doesn't happen. To your
 12 knowledge --
 13 MR. GALBRAITH: Objection, form.
 14 Q. (BY MR. COON) -- it's never happened?
 15 MR. GALBRAITH: Objection, form.
 16 A. Not that I know of.
 17 Q. (BY MR. COON) And the reality is that
 18 if people were buying BP gas at BP gas stations and
 19 they were aware that there was a significant risk
 20 of blowing up because they were seeing in the paper
 21 that they were -- that other people pumping gas at
 22 BP gas station were blowing up, chances are very
 23 good people would quit buying BP gas at BP gas
 24 station, would they not?
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) Would it stand to reason
 2 that they would quit buying gas there?
 3 MR. GALBRAITH: Objection, form.
 4 A. Okay.
 5 Q. (BY MR. COON) You would agree? I mean,
 6 if you went to -- if you knew a gas company had gas
 7 where the pumps blew up, you would not fill up your
 8 gas there, would you?
 9 MR. GALBRAITH: Objection, form.
 10 A. That's hypothetical, but surely I
 11 wouldn't want to expose myself to risk.
 12 Q. (BY MR. COON) Then why is it that the
 13 safety culture at BP for the refining end tends to
 14 accept a certain amount of casualties, not only
 15 injuries but fatalities, in the refining process?
 16 Why is it that BP seems to accept that, culturally
 17 they accept loss of life on their job sites?
 18 MR. GALBRAITH: Objection to form.
 19 A. You know, I don't think -- I don't
 20 certainly accept a loss -- any loss of life or any
 21 injury, for that matter, to be acceptable. It's
 22 not.
 23 Q. (BY MR. COON) And yet if we look at the
 24 history of just this one facility, we see one
 25 occurring every 18 months on average until this

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1 year and this year we have had 15 so far.
 2 MR. GALBRAITH: Objection, form.
 3 A. That's correct.
 4 Q. (BY MR. COON) Correct?
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. COON) Real briefly, the plant is
 7 not in operation at this time; is that correct?
 8 A. Actually, the steam system is back in --
 9 we are in the process of starting up the steam
 10 system.
 11 Q. And it has been down since the potential
 12 of Hurricane Rita?
 13 A. What has been down?
 14 Q. The BP Texas -- Texas City facility?
 15 A. Yes, we shut down prior to Hurricane
 16 Rita.
 17 Q. But it was shut down in anticipation of
 18 Hurricane Rita?
 19 A. Correct.
 20 Q. It didn't have anything to do with the
 21 decision by BP to shut it down because of safety
 22 concerns?
 23 A. The -- there were units that were down
 24 prior to Hurricane Rita; and then as Hurricane Rita
 25 approached, we shut down the remaining units.

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1 Q. And --
 2 A. Which is our normal hurricane procedure.
 3 Q. And none of those units are back up yet?
 4 A. No.
 5 Q. And when do you expect BP to be operating
 6 that refinery back to what you would call normal?
 7 MR. GALBRAITH: Objection, form.
 8 And I am going to instruct you not
 9 to answer.
 10 Q. (BY MR. COON) Let me just ask you: Do
 11 you anticipate that BP's operations, refining
 12 operations in that facility will return to normal
 13 in the foreseeable future?
 14 MR. GALBRAITH: Objection.
 15 And I will instruct you not to
 16 answer.
 17 MR. COON: Okay. Well, I guess we
 18 will certify as-needed.
 19 (Discussion off the record.)
 20 MR. COON: Mr. Galbraith, what are
 21 we going to do? John Eddie has some questions,
 22 particularly one subject matter. He anticipates it
 23 will last maybe 30 minutes. We understand we only
 24 have about an hour left of the assigned six hours.
 25 I am going to defer the remaining 30 minutes of my

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1 time to him.
 2 I will yield the floor to
 3 Mr. Williams and then I think Mr. Williams
 4 anticipates yielding the floor to others for the
 5 remaining 30 minutes. And with that as a caveat, I
 6 would just point out: We still have a number of
 7 areas to go over with this witness. We have tried
 8 to cover them as comprehensively and as swiftly and
 9 as expeditiously as we could today and we're just
 10 not getting there.
 11 But thank you for your questions
 12 and answers today.
 13 THE WITNESS: Are you finished
 14 with this?
 15 MR. COON: Yeah.
 16 THE WITNESS: Do you want to take
 17 that?
 18 MR. GALBRAITH: Yeah, just put it
 19 there.
 20 THE WITNESS: I just didn't have a
 21 paper clip.
 22 MR. GALBRAITH: What is the lapsed
 23 time now? Can you tell us?
 24 THE VIDEOGRAPHER: 5:03.
 25

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1 * * *
 2 EXAMINATION
 3 Q. (BY MR. WILLIAMS) Ms. Lucas, my name is
 4 John Eddie Williams. I want to talk to you about
 5 process safety.
 6 And process safety is different
 7 from wearing your hard hat and making sure you
 8 don't trip over something and keeping the area
 9 clean, right?
 10 A. That's correct.
 11 Q. Process safety is a technical thing, and
 12 it requires knowledge and -- like an engineer.
 13 You're a chemical engineer, right?
 14 A. That's correct.
 15 Q. And process safety is something that is
 16 put in the hands of management, the people who
 17 design and run the chemistry of this plant, right?
 18 MR. GALBRAITH: Objection, form.
 19 A. I would say that process safety is
 20 everyone's job, particularly those who operate the
 21 refinery.
 22 Q. (BY MR. WILLIAMS) Well, if you say it's
 23 everyone's job, how many of the hourly people that
 24 are running the control board have chemical
 25 engineering degrees?

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1 A. None that I know of.
 2 Q. Yes, ma'am.
 3 When it gets to the chemistry of
 4 things and process safety management, you have a
 5 whole lot more training, we hope, than somebody who
 6 comes right out of junior college or college and
 7 works on the control board, right?
 8 MR. GALBRAITH: Objection, form.
 9 A. I probably have more formal education
 10 than they do, yes.
 11 Q. (BY MR. WILLIAMS) Who was the top
 12 process safety person? Who was responsible at BP
 13 on March 23rd, who was the top person that we go to
 14 for process safety?
 15 A. That would be me.
 16 Q. You're the one?
 17 A. That's correct.
 18 Q. Okay. So did you identify that -- or do
 19 you know that things can overflow, vessels can
 20 overflow?
 21 A. Yes, I do.
 22 Q. What did you do to -- did you know that
 23 there was nothing to prevent the overflow in this
 24 ISOM unit on that day?
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. WILLIAMS) No -- no mechanical
 2 interlocks or things of that nature?
 3 MR. GALBRAITH: Objection, form.
 4 A. I would disagree that there was nothing
 5 to prevent the overflow of that blowdown.
 6 Q. (BY MR. WILLIAMS) Well, ma'am, was there
 7 anything mechanical to prevent it?
 8 A. There were meters in and out.
 9 Q. A meter doesn't stop an overflow, does
 10 it?
 11 It has to have something that's an
 12 interlock that shuts a valve. What was there
 13 mechanical that would shut a valve that day?
 14 MR. GALBRAITH: Objection, form.
 15 A. Well, it depends if you would call a
 16 process operator mechanical; but there were no
 17 mechanical --
 18 Q. (BY MR. WILLIAMS) No, ma'am.
 19 I don't call a human being
 20 mechanical, do you?
 21 A. No.
 22 Q. Now, back to my question.
 23 Did you, as the chief process
 24 safety person, have anything mechanical in place
 25 that day to prevent the overflow and loss of

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1 containment of that chemical?
 2 A. No.
 3 Q. And ma'am, that high ISOM unit, does it
 4 deal with highly hazardous chemicals?
 5 MR. GALBRAITH: Objection, form.
 6 A. I don't know -- I mean, that is a term
 7 that is used by OSHA, highly hazardous chemicals.
 8 I don't know whether the contents of the raffinate
 9 splitter would have been considered highly
 10 hazardous by OSHA's definition; but obviously they
 11 formed a vapor cloud and that was hazardous.
 12 Q. (BY MR. WILLIAMS) Well, wait a minute
 13 now.
 14 The chief process safety person
 15 doesn't know if they were -- if you were dealing
 16 with a highly hazardous chemical --
 17 MR. GALBRAITH: Object --
 18 Q. (BY MR. WILLIAMS) -- is that correct?
 19 MR. GALBRAITH: Objection, form.
 20 A. I don't know if those specific contents
 21 would be classified that way.
 22 Q. (BY MR. WILLIAMS) Well, it was hazardous
 23 enough to explode and kill 15 people and injure
 24 hundreds, right?
 25 A. That's what I said --

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1 MR. GALBRAITH: Objection, form.
 2 A. -- yes.
 3 Q. (BY MR. WILLIAMS) Now, OSHA mandates
 4 that you treat highly hazardous materials
 5 differently from other chemicals, correct?
 6 A. I believe that's true, yes.
 7 Q. There's a whole set of requirements under
 8 29 CFR that you deal with when you deal with highly
 9 hazardous chemicals, correct, ma'am?
 10 A. That's correct.
 11 Q. And you didn't know, you didn't take the
 12 time to find out if the chemical involved here fit
 13 into that category of highly hazardous?
 14 MR. GALBRAITH: Objection, form.
 15 A. At what time?
 16 Q. (BY MR. WILLIAMS) Before the explosion.
 17 A. No, I did not.
 18 Q. Did you look after the explosion?
 19 A. I did not.
 20 Q. You have never looked to see if it fit
 21 within the requirements, the -- of a highly
 22 hazardous chemical, have you?
 23 A. I have not.
 24 Q. Now, are you claiming, then, that safety
 25 is priority one with you? Are you going to try and

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1 tell us that?
 2 A. Yes, I will.
 3 Q. Okay. How many -- how much time did you
 4 spend reading, analyzing and studying the major
 5 accident report that -- what's called by some
 6 people the MAR report, before this explosion?
 7 A. I believe you were here when I said I had
 8 not seen that report.
 9 Q. Well, ma'am, I thought it came out before
 10 the explosion?
 11 A. That's what the date on the report said,
 12 yes.
 13 Q. Well, I am sure you spent lots of time --
 14 it was an accident. It was a major -- it was a --
 15 y'all spent a lot of money on that report and had
 16 an outside person come and tell you what the risks
 17 were, and the chief person for process safety never
 18 read it.
 19 Is that what you're telling me?
 20 MR. GALBRAITH: Objection, form.
 21 A. That is correct.
 22 Q. (BY MR. WILLIAMS) Well, ma'am, the Telos
 23 report, when the Telos report came out, again you
 24 had an outside contractor come in and they -- you
 25 know, that's a pretty -- pretty damning report,

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1 right?
 2 MR. GALBRAITH: Objection, form.
 3 A. It was very critical, yes.
 4 Q. (BY MR. WILLIAMS) It ought to set off
 5 bells and whistles and rockets and everything,
 6 right?
 7 MR. GALBRAITH: Objection, form.
 8 Q. (BY MR. WILLIAMS) Correct?
 9 A. (Nods head.)
 10 Q. You have to say --
 11 A. Yes.
 12 Q. Okay. I'm sure you -- when you saw the
 13 Telos report, you got everybody together; and
 14 considered shutting down the plant, didn't you?
 15 MR. GALBRAITH: Objection, form.
 16 A. We certainly got together and, you know,
 17 looked at what were the important things to focus
 18 on.
 19 Q. (BY MR. WILLIAMS) Considered shutting
 20 down the plant, that was my question?
 21 A. I can't recall at that point if we
 22 considered shutting down the entire plant, no.
 23 Q. Well, I'll bet you spent -- when that
 24 report came in, I bet you, as the chief process
 25 safety officer, spent all your time trying to

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1 correct those problems, right?
 2 A. We spent a significant --
 3 MR. GALBRAITH: Objection, form.
 4 A. -- amount of time.
 5 Q. (BY MR. WILLIAMS) What percent of your
 6 time have you spent on process safety from the time
 7 you returned to the plant to the time of the
 8 explosion?
 9 A. You know, it would depend on what
 10 activities you would characterize as working on
 11 process safety.
 12 Q. You just -- I'm just asking for percent
 13 of your time that you, as the chief process safety
 14 officer, spent on process safety based -- from the
 15 time that you were appointed to that job up until
 16 the time of the explosion.
 17 A. You know, I couldn't give you a
 18 percentage. That would require me to look at my
 19 calendar, to look at activities.
 20 Q. I am going to take your word for it.
 21 Is it 5 percent, or is it
 22 95 percent? I think the jury is entitled to an
 23 answer, ma'am.
 24 MR. GALBRAITH: Objection, form.
 25 A. You know, I would just be guessing; and I

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1 don't think that that would be what --
 2 Q. (BY MR. WILLIAMS) Well, give us your
 3 best estimate. Come on, ma'am.
 4 MR. GALBRAITH: Objection, form.
 5 Asked and answered.
 6 A. I would say that, you know, probably 20
 7 to 30 percent of my time.
 8 Q. (BY MR. WILLIAMS) Okay. And how many --
 9 when did you read the process safety studies that
 10 had been done in the ISOM unit? Had you ever read
 11 those before this explosion?
 12 A. No, I had not.
 13 Q. Ma'am, when the chief process safety
 14 officer doesn't take the time to even read the
 15 HAZOPs and the MAR report and things like that, do
 16 you think that signals to the rest of the plant
 17 that this is our number one priority?
 18 A. You keep calling me the --
 19 MR. GALBRAITH: Objection, form.
 20 A. -- chief process safety officer. I'm the
 21 operations manager, correct? That's my title.
 22 Process safety is one of the main
 23 functions of that. But we also have technical
 24 experts on process safety, and they would also
 25 provide advice to me as regards some of those

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1 detailed technical reports.
 2 Q. (BY MR. WILLIAMS) You can't avoid the
 3 question, ma'am.
 4 Does it -- does it signal to the
 5 rest of the people in the plant that process safety
 6 is a priority if the chief process safety, if you,
 7 whatever your title was, did not even take the time
 8 to read the various documents, the studies that
 9 have been done specifically of the ISOM unit?
 10 MR. GALBRAITH: Objection, form.
 11 A. You know, I don't know what it signals to
 12 people. We have 30 process units.
 13 Q. (BY MR. WILLIAMS) Yes, ma'am, but you
 14 never took the time.
 15 Did you have it on your schedule
 16 that, "Gosh, I guess in August I'm going to study
 17 the -- what they have said in the past about the
 18 ISOM unit"? Was it on your schedule to ever do?
 19 A. That particular activity, no.
 20 Q. You had no intent whatsoever to study the
 21 hazards that had already been -- the reports that
 22 had already been done on the ISOM unit; is that
 23 true?
 24 MR. GALBRAITH: Objection, form.
 25 A. Our practice was to review past

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1 incidents.
 2 Q. (BY MR. WILLIAMS) You're right.
 3 A. Yeah.
 4 Q. And that, ma'am, if I may dare say, could
 5 get you in trouble. Wait until something blows up
 6 or somebody is hurt and then we will look at past
 7 incidents.
 8 Does that sound like something
 9 that's putting safety as job one?
 10 MR. GALBRAITH: Objection, form.
 11 A. I am not sure that's what I said,
 12 actually.
 13 Q. (BY MR. WILLIAMS) You said, "Review past
 14 incidents"?
 15 A. Correct.
 16 Q. Well, ma'am, there is another way of
 17 doing it. It's called being proactive rather than
 18 reactive.
 19 Do you know the difference between
 20 being proactive on safety versus reactive?
 21 A. Certainly.
 22 Q. And proactive says you go and you study
 23 things and not that you take consultants' reports,
 24 like the Telos report, the MAR report, the various
 25 reports that had been done on the isomerization

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1 unit and stick them in a drawer.
 2 Proactive means you read them, you
 3 study them and you do something, right?
 4 A. That's correct.
 5 Q. Well, who was going to do it if you
 6 weren't?
 7 A. As far as what?
 8 Q. I don't know. I'm --
 9 A. What particular report?
 10 Q. Well, I'm trying to figure out.
 11 You were the chief person in
 12 charge of process safety. So who is supposed to be
 13 reviewing these reports and doing something about
 14 them and setting off the alarms and bells and
 15 whistles after you get the Telos report?
 16 A. I think we talked about some meetings as
 17 regards the Telos report.
 18 Q. I need a name.
 19 Who was supposed to do it? Who?
 20 MR. GALBRAITH: Objection, form.
 21 A. It seems to me that that would be a
 22 function of the -- the process safety committee and
 23 we have process safety experts as well.
 24 Q. (BY MR. WILLIAMS) Well, who is in charge
 25 of the process safety committee? You?

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1 A. That would be me.
 2 Q. And you -- did you go shake them up and
 3 say, "Whoa, we've got a problem here"?
 4 MR. GALBRAITH: Objection, form.
 5 A. We -- we had process safety as one of the
 6 main areas that we wanted to focus on as a result
 7 of seeing the Telos report.
 8 Q. (BY MR. WILLIAMS) Well, did your bosses
 9 above you ever come to you and say, "You know,
 10 Ms. Lucas, process safety is job one and we are
 11 going to make -- and I want you to make sure that
 12 people under you on this so-called committee are
 13 paying really big attention to it"?
 14 Did they come do that?
 15 MR. GALBRAITH: Objection, form.
 16 A. I don't recall that conversation in the
 17 two months prior to the ISOM, no.
 18 Q. (BY MR. WILLIAMS) Okay. Well, can you
 19 think of a plant in America that has had more
 20 deaths and injuries than your plant in the last
 21 decade?
 22 MR. GALBRAITH: Objection, form.
 23 A. I don't have that data, no.
 24 Q. (BY MR. WILLIAMS) Well, as a -- as a
 25 person in your position, I guess you track what

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1 goes on in other plants to make sure it doesn't
 2 happen in your plant. That would make sense,
 3 wouldn't it?
 4 A. That would, to the extent the information
 5 is available, yes.
 6 Q. Well, it's out there and it's available,
 7 Ms. Lucas.
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. WILLIAMS) And had you ever taken
 10 the time to see if there was any plant in the world
 11 that competed with having a worse safety record for
 12 fatalities and deaths in the last decade than the
 13 Texas City plant?
 14 MR. GALBRAITH: Objection, form.
 15 A. You know, actually one death is too many.
 16 So I am not sure what I would have done with that
 17 data. The important thing is to prevent all
 18 fatalities.
 19 Q. (BY MR. WILLIAMS) Well, I hear you talk
 20 that talk; but I want to know what you did to walk
 21 the walk.
 22 A. Okay.
 23 Q. Did you go and look and verify and did
 24 you even recognize that your plant was way out of
 25 line with other plants as far as safety, process

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1 safety?
 2 MR. GALBRAITH: Objection, form.
 3 A. I am not sure what you mean by "way out
 4 of line."
 5 Q. (BY MR. WILLIAMS) Well, when you got
 6 there, did you see that process safety was a major
 7 problem and that you needed to raise some flags and
 8 shake it up?
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. WILLIAMS) Did you do that?
 11 MR. GALBRAITH: Objection, form.
 12 A. Process safety was a major focus area of
 13 mine, yes.
 14 Q. (BY MR. WILLIAMS) Was it a major
 15 problem? Did you recognize it when you got there,
 16 ma'am, that "This is a major problem we have in
 17 process safety and we've got to change this
 18 culture"?
 19 MR. GALBRAITH: Objection, form.
 20 A. Process safety was a concern.
 21 Q. (BY MR. WILLIAMS) Was it a major
 22 problem, was my question?
 23 MR. GALBRAITH: Objection, form.
 24 A. I don't know what you mean by "major
 25 problem," but it certainly was in my top

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1 priorities.
 2 Q. (BY MR. WILLIAMS) Well, what was above
 3 it? What was more important than process safety to
 4 you?
 5 You said it was in your top
 6 priorities, but what did -- it sounds like you may
 7 have had other things above it.
 8 A. No.
 9 Q. Were there things you had above it?
 10 A. No.
 11 Q. So it was your top priority?
 12 A. Well --
 13 Q. Process safety is your top priority, as I
 14 understand your testimony?
 15 A. It was -- I mean, I never sat down and
 16 listed my priorities in terms of one, two, three,
 17 four.
 18 Q. What was your top priority then,
 19 Ms. Lucas?
 20 A. Safe operations.
 21 Q. Including process safety?
 22 A. Including process safety, exactly.
 23 Q. Okay. So process safety was your top
 24 priority is what you're claiming today.
 25 MR. GALBRAITH: Objection to form.

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1 Q. (BY MR. WILLIAMS) True?
 2 A. (Nods head.)
 3 Q. You have to --
 4 A. As you used it, yes.
 5 Q. I'm sorry. I didn't hear you.
 6 A. Yes.
 7 Q. Now -- so, you -- did you recognize when
 8 you got there that there was a lack of process
 9 safety and that there was something that needed to
 10 be done to shake up what was happening there?
 11 A. Process safety, as I'm sure you know, is
 12 very broad, a very broad topic, if you will; and
 13 there were certain areas that I wanted to make sure
 14 that we were focused on that I saw a gap.
 15 Q. So you -- did you recognize that there
 16 was a gap in process safety?
 17 A. Yes.
 18 Q. Now, certainly you have read the final
 19 incident report, correct?
 20 A. What are you calling "the final"?
 21 Q. Well, we have a copy here. It's the one
 22 that came out last Friday.
 23 A. I have haven't read the thing from cover
 24 to cover.
 25 Q. Ma'am, if you'll look at that on

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1 page 140. Let's go to page 139.
 2 MR. ALVAREZ: What exhibit number
 3 is that?
 4 MR. WILLIAMS: Well, let's mark it
 5 as the next exhibit --
 6 THE WITNESS: It's 21.
 7 MR. WILLIAMS: Thank you.
 8 (Exhibit Number 21 marked for
 9 identification.)
 10 A. Are you on page 139?
 11 Q. (BY MR. WILLIAMS) Yes, ma'am.
 12 Do you see there where it says
 13 that -- in the last paragraph, first sentence, this
 14 is what was found about your plant that you were
 15 running that -- quote, The poor understanding of
 16 risk is also reflected in some of the process
 17 hazard analyses including HAZOP studies and the MAR
 18 assessment.
 19 Now, those are the things that you
 20 had not bothered to read, right?
 21 MR. GALBRAITH: Objection, form.
 22 Q. (BY MR. WILLIAMS) Those items, the
 23 process hazard analysis, HAZOP studies and MAR
 24 assessment, am I correct?
 25 A. Not these specific ones on the ISOM unit.

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1 Q. So that it's real clear to the jury, on
 2 page 139 the things that are quoted here, those
 3 three items, you had not read any of them with
 4 regard to the ISOM unit, right?
 5 A. That's correct.
 6 Q. And if we look to the next page, ma'am,
 7 in the second paragraph, and here again, this is
 8 talking about process safety. It says, quote,
 9 There were no plans to systematically reduce safety
 10 risk in the refinery.
 11 That's what upper management has
 12 found, right?
 13 MR. GALBRAITH: Objection, form.
 14 A. That's what it says here. I am not sure
 15 I'd agree completely with that.
 16 Q. (BY MR. WILLIAMS) Well, ma'am, have they
 17 come and talked to you about the fact that -- it
 18 sounds to me like they are pretty -- they're pretty
 19 critical of the lack of process safety, aren't
 20 they?
 21 MR. GALBRAITH: Objection, form.
 22 A. I think they're talking about risk
 23 awareness is what the topic is here.
 24 Q. (BY MR. WILLIAMS) You betcha.
 25 And that's one of the problems

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1 because if you read the last paragraph -- last
 2 sentence of that paragraph, "Site management did
 3 not appear to be focused on understanding and
 4 reducing the highest risk," right?
 5 A. That's what it says, yes.
 6 Q. And your site -- you were considered site
 7 management, right?
 8 A. Yes.
 9 Q. And so, they -- what kind of grade do you
 10 think they are giving you there?
 11 MR. GALBRAITH: Objection, form.
 12 Q. (BY MR. WILLIAMS) That's not a passing
 13 grade, is it?
 14 MR. GALBRAITH: Objection.
 15 Q. (BY MR. WILLIAMS) I didn't hear your
 16 answer.
 17 A. That's because I didn't give one. I
 18 wasn't sure what the question was.
 19 Q. Well, let me ask you on the next sentence
 20 there under "Risk Acceptance." It says that
 21 risk -- when -- "When risks were identified,
 22 management and the workforce appeared to tolerate a
 23 high level of risk." The team -- "The
 24 investigation team observed many examples of a high
 25 level of risk being accepted within the site,"

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1 right?
 2 A. That's what it says here, yes.
 3 Q. Let's sum it up here, ma'am.
 4 What this report says is y'all
 5 didn't even identify the risk and then when you did
 6 identify them, you seemed to accept a high level of
 7 risk.
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. WILLIAMS) Fair summary?
 10 MR. GALBRAITH: Objection, form.
 11 A. They -- they do note two examples here of
 12 vehicles and trailers siting.
 13 Q. (BY MR. WILLIAMS) Back to my question,
 14 though.
 15 Fair summary: They say that the
 16 people on the site management, including you, did
 17 not even identify a risk, weren't very good at it
 18 and when you did it, you accepted high levels of
 19 risk, right?
 20 MR. GALBRAITH: Objection, form.
 21 Q. (BY MR. WILLIAMS) Isn't that what they
 22 said?
 23 A. That is what they said in this report,
 24 that the -- that the risk awareness was not that
 25 good and the risk of acceptance was high.

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1 Q. It is the duty of management, when
 2 dealing with highly hazardous chemicals, to
 3 identify the risk and try and reduce them, correct?
 4 A. That's correct.
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. WILLIAMS) It's criminal not to
 7 do that, isn't it, ma'am?
 8 MR. GALBRAITH: Objection, form.
 9 Don't answer that.
 10 MR. WILLIAMS: You are instructing
 11 her not to answer?
 12 MR. GALBRAITH: Yes.
 13 MR. WILLIAMS: Under what rule?
 14 MR. GALBRAITH: It's relevant to
 15 the proceedings here.
 16 MR. WILLIAMS: Well, we'll go --
 17 we will take that one up with the judge.
 18 Q. (BY MR. WILLIAMS) The -- putting process
 19 safety first, identifying risk and doing something
 20 about it involves a high degree of leadership,
 21 right, ma'am?
 22 A. I would agree.
 23 Q. And when you took over your job, how long
 24 did it take for you to recognize that process
 25 safety was in disarray at that plant?

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1 MR. GALBRAITH: Objection, form.
 2 A. I am not exactly sure what you mean by
 3 "disarray," but there were -- there were parts of
 4 process safety that certainly needed improvement.
 5 Q. (BY MR. WILLIAMS) And let's go back.
 6 Just how much training are you --
 7 you are now chairman of the process safety
 8 committee, right?
 9 A. That's correct.
 10 Q. And do you have any degrees in process
 11 safety?
 12 A. No.
 13 Q. You went to A&M. Did they teach any
 14 specific courses addressing an entire course on
 15 process safety?
 16 A. There weren't any courses like that when
 17 I went to school, actually.
 18 Q. So anything you have learned about
 19 process safety has been on the job?
 20 A. That's correct.
 21 Q. And how many process safety seminars did
 22 BP give you during your career?
 23 A. You mean like going to external seminars?
 24 Q. Yes, ma'am.
 25 Some kind of training -- what kind

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1 of training did they give you?
 2 A. As I recall, the -- all the training I've
 3 had has been internal.
 4 Q. Well, did they ever send you out to
 5 see -- to go to some -- some seminar where all the
 6 industry experts on this get together and tell
 7 you -- teach you a course on it?
 8 A. No.
 9 Q. So you've had no college training on
 10 process safety, correct?
 11 A. That's correct.
 12 Q. You've had no outside training from any
 13 outside experts on process safety, correct?
 14 A. Not specifically.
 15 Q. Am I correct you've had no outside
 16 training on process safety?
 17 A. Not outside BP.
 18 Q. And so, tell me what the heck BP did to
 19 make you be qualified to be chairman of the process
 20 safety committee.
 21 A. Given my -- my familiarity with process
 22 operations.
 23 Q. I am talking about training.
 24 Did they ever give you any formal
 25 training on process safety?

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1 A. Yes.
 2 Q. How many hours? How many days, months,
 3 weeks?
 4 A. Gosh, I couldn't tell you how many.
 5 Q. Can you list for me a single process
 6 safety course that BP has taught you and who did
 7 it? I'd like to look at the documents and see what
 8 they actually tried to teach you.
 9 A. What I recall is -- is safe -- process
 10 safety on 1910.119.
 11 Q. What year was that?
 12 A. I would be guessing.
 13 MR. GALBRAITH: Objection, form.
 14 A. Probably mid to late Nineties.
 15 Q. (BY MR. WILLIAMS) So that happened in
 16 Australia?
 17 A. No. I think it happened in Texas City.
 18 Q. Okay. You were gone for ten years,
 19 weren't you?
 20 A. Uh-huh.
 21 Q. And what --
 22 A. From Texas City.
 23 Q. Gone from Texas City. So -- so, it was
 24 at least 15 years ago that you had -- or 11 or
 25 12 years ago.

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1 How many years ago was it that you
 2 last had any formal training on process safety by
 3 BP?
 4 MR. GALBRAITH: Objection, form.
 5 A. Probably -- let me do the math -- ten
 6 years.
 7 Q. (BY MR. WILLIAMS) And how long was that
 8 training ten years ago on process safety?
 9 A. You know, I...
 10 Q. Don't remember much about it, I take it?
 11 A. I don't remember the length, no.
 12 Q. Well, was it a month?
 13 A. No.
 14 Q. A week?
 15 A. Probably about a week.
 16 Q. Do you have any notes from it?
 17 A. No.
 18 Q. Any books?
 19 A. No.
 20 Q. Any reference manuals?
 21 A. Well, we have our process safety
 22 standards.
 23 Q. Well, do you have any reference manuals
 24 from the one week of training that you received ten
 25 years ago on process safety?

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1 A. Me personally, no.
 2 Q. So if we sum up Kathleen Lucas' entire
 3 career of formal training on process safety, it
 4 comes down to one week that you received from BP
 5 ten years ago?
 6 A. In terms of formal training, yes.
 7 Q. Does that send a signal that process
 8 safety is a real big priority at BP?
 9 MR. GALBRAITH: Objection, form.
 10 A. If you -- if you count the signal by how
 11 many classes you attend.
 12 Q. (BY MR. WILLIAMS) Well, they have now
 13 promoted you to chairman of process safety based on
 14 one week of training ten years ago, correct?
 15 A. I doubt that was the only criteria.
 16 Q. Well, do you teach any seminars on
 17 process safety?
 18 A. No, I do not.
 19 Q. Did anybody ever come to you from
 20 government or outside or said, "Ms. Lucas, you're
 21 the -- you're the guru on process safety. Write a
 22 paper for us, give a speech, train us"?
 23 Anybody ever done that?
 24 A. No, they have not.
 25 Q. Anybody ever come to you for your

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1 expertise on process safety?
 2 A. Only within the refinery.
 3 Q. What happened to -- first, Mr. Barnes,
 4 Joe Barnes, do you know him?
 5 A. Yes, I do.
 6 Q. Was he in charge of process safety, too?
 7 A. Joe had -- well, Joe was the HSE manager.
 8 There was someone who worked for him who is our
 9 technical expert on process safety.
 10 Q. Well, does Joe have any -- Joe Barnes
 11 have any expertise in process safety?
 12 A. I don't know. In terms of formal
 13 training, I don't know.
 14 Q. Really? You were -- were you his boss?
 15 A. I am now. I wasn't on March 23rd.
 16 Q. Is he on the process safety committee?
 17 A. No, he is not.
 18 Q. He lost his job as head of HSSE after
 19 this explosion, didn't he?
 20 MR. GALBRAITH: Objection, form.
 21 A. He is no longer the HSE manager.
 22 Q. (BY MR. WILLIAMS) That's right.
 23 And as -- he was head of safety,
 24 right? HSSE stands -- part of it is that he was
 25 head of safety?

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1 A. That's correct.
 2 Q. And you are not aware of any formal
 3 training that he has ever had on process safety,
 4 true?
 5 A. That's correct.
 6 Q. Do you know -- who is your boss?
 7 A. My boss is Colin Maclean.
 8 Q. Do you know if he has ever had any
 9 training on process safety?
 10 A. No, I do not.
 11 Q. When is the last time before this
 12 explosion that your boss came to you and said,
 13 "We've really got to focus on priority one process
 14 safety"?
 15 A. Well, Colin wasn't my boss before the
 16 explosion.
 17 Q. Well, whoever it was, did they -- could
 18 you show me the e-mail or any letter or something
 19 that said, "Hey, we got to focus on process
 20 safety"?
 21 A. I think -- you know, from my boss, I
 22 don't know; but I think that if we looked at the --
 23 the focus areas coming out of the Telos study, the
 24 Telos report which we just reviewed, process safety
 25 was one of those key areas of focus.

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1 Q. There's no question that the Telos report
 2 put you on notice that process safety was a
 3 problem, right?
 4 A. Yes.
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. WILLIAMS) Okay. But your
 7 boss -- so that we get it correct, your boss had
 8 never come to you before the explosion to highlight
 9 the importance or prioritize process safety,
 10 correct?
 11 MR. GALBRAITH: Objection, form.
 12 A. I -- I couldn't tell you whether he had
 13 or not.
 14 Q. (BY MR. WILLIAMS) Now, is there somebody
 15 up the corporate ladder that's some big resource on
 16 process safety? Do y'all have some big guru up
 17 there -- up the ladder that's a resource person?
 18 A. There are people throughout the
 19 organization that are process safety resource
 20 people, yeah.
 21 Q. Well, who -- who?
 22 A. Well, there is -- you know, each refinery
 23 has a process safety sort of technical expert.
 24 Q. Was there anybody, though, up the
 25 corporate ladder in Chicago or London or wherever

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1 that really drove the leadership and pounded the
 2 drum that process safety is job one?
 3 A. I would say there's various people
 4 throughout the organization.
 5 Q. Well, who?
 6 A. You know, one -- one of the guys in
 7 London that was, you know, involved with major
 8 accident risk study.
 9 Q. The one -- that's the study you didn't
 10 read, the MAR?
 11 A. That's correct.
 12 Q. And -- okay. Does that person have a
 13 name?
 14 A. Yes.
 15 Q. What?
 16 A. Tony Constadine.
 17 Q. Okay. How often did Tony come down and
 18 talk to you about process safety?
 19 A. In the two months prior to the ISOM
 20 incident?
 21 Q. In your career, anytime during your
 22 career.
 23 A. I talked to Tony post the ISOM incident.
 24 Q. My question was -- I'm sorry. Thank you.
 25 Before this fire and deadly

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1 explosion, had you ever talked with this guru,
 2 Tony -- what's his last name?
 3 A. Constadine.
 4 Q. Had you ever talked with him about
 5 process safety?
 6 A. No.
 7 Q. Had anybody at the corporate level ever
 8 come down and really been beating the drum about
 9 process safety to you?
 10 A. In the two months -- I mean, in what
 11 timeframe?
 12 Q. In your career.
 13 A. Post the ISOM incident, yes.
 14 Q. Yeah, it's a little -- that was a little
 15 late. But --
 16 A. Okay.
 17 Q. -- before these people lost their lives
 18 and these people were injured, had anybody ever
 19 come down and really put the emphasis on it,
 20 anybody from corporate?
 21 A. Not that I recall.
 22 MR. WILLIAMS: How are we doing
 23 time-wise?
 24 THE VIDEOGRAPHER: We have
 25 23 minutes until six hours.

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1 MR. GALBRAITH: So we are in our
 2 last 30 minutes.
 3 MR. WILLIAMS: I will yield to
 4 others. Rob?
 5 Thank you, Ms. Lucas.
 6 THE WITNESS: You're welcome.
 7 MR. AMMONS: Brent, can I use this
 8 thing?
 9 MR. GALBRAITH: Would you like
 10 like a ten-minute warning or something like that?
 11 Could we get that maybe, would that help?
 12 MR. AMMONS: Yeah, I know how to
 13 use it.
 14 MR. GALBRAITH: Okay.
 15 * * *
 16 EXAMINATION
 17 Q. (BY MR. AMMONS) Ms. Lucas, I have some
 18 questions for you.
 19 You have spent 14 to 15 years of
 20 your adult life working at the Amoco BP refinery in
 21 Texas City, correct?
 22 A. That's correct.
 23 Q. You are familiar with this raffinate
 24 splitter that is in the ISOM unit?
 25 A. Yes.

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1 Q. Okay. And what that raffinate splitter
 2 is, it's a column that separates various types of
 3 gasoline blending components?
 4 A. Correct.
 5 Q. These blending components are generically
 6 referred to as hydrocarbons?
 7 A. That's correct.
 8 Q. Hydrocarbons are highly hazardous in one
 9 description, but can we just say they're flammable
 10 and they are dangerous things that you have to deal
 11 with?
 12 MR. GALBRAITH: Objection to form.
 13 Q. (BY MR. AMMONS) Would you agree with
 14 that?
 15 A. They are flammable, yes.
 16 Q. They are flammable and you want to take
 17 the utmost in precautions in order to prevent
 18 what's referred to as the loss of containment of
 19 these hydrocarbons at your plant, don't you?
 20 A. That's correct.
 21 Q. All right. Now, your work at the
 22 BP facility, at this refinery, involves the daily
 23 use of these hydrocarbons because you are refining
 24 them to make your product, correct?
 25 A. That's correct.

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1 Q. All right. If hydrocarbons are -- get
 2 near an ignition source, either in their vapor form
 3 or in their liquid form, and there is oxygen, which
 4 is in the air, you can have an explosion, can't
 5 you?
 6 A. Would you say that again, please?
 7 Q. Sure.
 8 If hydrocarbons liquids or
 9 hydrocarbon vapors get near an ignition source out
 10 at your plant, you can have an explosion?
 11 A. If they are in the flammable range, yes.
 12 Q. And, of course, the ones that escape from
 13 the raffinate splitter we know were in the
 14 flammable range, correct?
 15 A. Correct.
 16 Q. So at the refinery you want to take every
 17 possible precaution that you can to contain these
 18 highly hazardous hydrocarbons?
 19 MR. GALBRAITH: Objection, form.
 20 Q. (BY MR. AMMONS) True?
 21 A. That's correct.
 22 Q. You want to prevent the uncontrolled
 23 release of these hydrocarbons into the plant
 24 because of the risk of an explosion, true?
 25 A. That's correct.

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1 Q. An explosion at the plant has a high
 2 probability of causing serious injuries and deaths
 3 to workers, doesn't it?
 4 A. I think that depends; but there's a good
 5 possibility, yes.
 6 Q. Okay. As the number one --
 7 A. It depends, though.
 8 Q. As the number one person in process
 9 safety, as we've heard Mr. Williams describe, you
 10 would have to disagree with me that if you have an
 11 explosion out there and there are hundreds of
 12 workers in the vicinity, there is a high
 13 probability that there is going to be severe injury
 14 or death, true?
 15 MR. GALBRAITH: Objection to form.
 16 A. That's possible.
 17 Q. (BY MR. AMMONS) Okay. So the magnitude
 18 of the potential harm for this escape of these
 19 hydrocarbons at your facility there at the BP plant
 20 is very high, isn't it?
 21 MR. GALBRAITH: Objection, form.
 22 A. Certainly if people are exposed to that
 23 sort of event, yes.
 24 Q. (BY MR. AMMONS) Okay. The magnitude of
 25 the potential harm of the escape of these

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1 hydrocarbons or this loss of containment is high.
 2 Do you agree with that?
 3 MR. GALBRAITH: Objection, form.
 4 A. Magnitude -- would you repeat that?
 5 Q. (BY MR. AMMONS) Sure.
 6 The magnitude you understand --
 7 you know what "magnitude" means?
 8 A. Yes.
 9 Q. The magnitude of the harm that can result
 10 from this loss of containment of these hydrocarbons
 11 is extremely high, isn't it?
 12 MR. GALBRAITH: Objection, form.
 13 A. Yes.
 14 Q. (BY MR. AMMONS) Okay. I mean, on a one
 15 to ten, can you think of anything, anything more
 16 dangerous that can happen at a refinery than an
 17 explosion?
 18 A. It's certainly among the top major
 19 hazards.
 20 Q. Top major hazards on a one to ten.
 21 How would you characterize this --
 22 this explosion as the magnitude of the harm that
 23 resulted from the loss of containment? On a scale
 24 of one to ten, how would you chaTMacterize it?
 25 A. Certainly if you look at the loss of

<p style="text-align: right;">Page 342</p> <p>1 life, a ten. 2 Q. A ten. All right. 3 So, you know that the escape or 4 the loss of containment of these hydrocarbons has a 5 high potential for harm and in this case it 6 resulted in as bad a harm as you could foresee; is 7 that true? 8 MR. GALBRAITH: Objection, form. 9 A. Well, it resulted in a lot of harm. I 10 think we would all agree to that. 11 Q. (BY MR. AMMONS) Now, you have personally 12 known for literally decades that if these 13 hydrocarbons are released into the plant, that 14 there is an extreme degree of risk to workers. 15 You've known that since you've 16 been out there, haven't you? 17 A. If workers -- 18 MR. GALBRAITH: Objection, form. 19 A. -- are exposed. 20 If workers are exposed. 21 Q. (BY MR. AMMONS) If workers are exposed, 22 then you have known for decades that there is an 23 extreme degree of risk to those workers, true? 24 A. It depends on what you mean by "extreme," 25 but certainly there's a risk.</p>	<p style="text-align: right;">Page 344</p> <p>1 A. If they're present in the explosive 2 range, there's a good likelihood. 3 Q. (BY MR. AMMONS) And how much risk do you 4 take as to whether there will be an ignition source 5 or not? How much risk at your plant do you believe 6 is acceptable? 7 MR. GALBRAITH: Objection, form. 8 A. Well, we would hope to not have any 9 ignition sources. 10 Q. (BY MR. AMMONS) You would hope to not 11 have any ignition sources. 12 And so you should do everything 13 you can to prevent the proximity of ignition 14 sources to operating units like this, shouldn't 15 you? 16 A. That's correct. 17 Q. And you have known that because it's a 18 fact of chemical engineering that if you have 19 flammable vapors in the presence of an ignition 20 source with oxygen, there is an extreme degree of 21 risk. 22 You have known that for years, 23 haven't you? 24 MR. GALBRAITH: Objection, form. 25 A. There -- there's a chance of explosion in</p>
<p style="text-align: right;">Page 343</p> <p>1 Q. All right. Well, let's talk about an 2 explosion, an explosion resulting from the release 3 of hydrocarbons. 4 Would you agree that that involves 5 an extreme degree of risk to the workers at the 6 plant? 7 A. If they are -- 8 MR. GALBRAITH: Objection, form. 9 A. If they are exposed to it, yes. 10 Q. (BY MR. AMMONS) So you as the -- as a 11 chemical engineer had an objective awareness of the 12 risk of a deadly explosion that could occur if 13 there was a loss of containment of these 14 hydrocarbons. You personally, given your 15 background, knew that, didn't you? 16 A. I don't know what you mean by an 17 objective risk. 18 Q. Well, take a step back. 19 And as a chemical engineer, you 20 know that these hydrocarbons are highly flammable, 21 right? You know that if they are released in the 22 presence of oxygen and there is an ignition source, 23 you are going to have an explosion, right? 24 A. If -- 25 MR. GALBRAITH: Objection, form.</p>	<p style="text-align: right;">Page 345</p> <p>1 a refinery. 2 Q. (BY MR. AMMONS) Now, there has been a 3 little bit of a suggestion that there have been 4 prior incidents out there at the plant. You have 5 heard discussion of that today, correct? 6 A. That's correct. 7 Q. And would you agree with me that it is 8 imperative, it's critically imperative that a 9 caring, responsible company investigate any 10 incidents, near misses or anything like that at all 11 to prevent potential for a reoccurrence? 12 MR. GALBRAITH: Objection, form. 13 A. I lost your question in there. 14 Q. (BY MR. AMMONS) Sure. 15 A. I'm sorry. 16 Q. If you are a responsible company and you 17 are running a refinery and you've got these highly 18 hazardous hydrocarbons and there are upsets, 19 process upsets is the term, or there is an incident 20 involving them, you want to do everything possible 21 to investigate it, don't you? 22 A. That's correct. 23 Q. And it's -- because it's important that 24 you don't have explosions, correct? 25 A. That's correct.</p>

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1 Q. And it's important that you learn from
 2 past mistakes, true?
 3 A. Our objective was always to learn from
 4 past mistakes, yes.
 5 Q. Has that been true at Amoco and then
 6 again at BP after they took over, for as long as
 7 you can remember, that the company believes it has
 8 a duty to investigate incidents and learn from past
 9 mistakes?
 10 MR. GALBRAITH: Objection, form.
 11 A. That's my belief.
 12 Q. (BY MR. AMMONS) All right. That's what
 13 a reasonable, responsible company should do, isn't
 14 it?
 15 MR. GALBRAITH: Objection, form.
 16 A. Yes.
 17 Q. (BY MR. AMMONS) It would be
 18 reprehensible for a company to take the position
 19 that because there is a -- when there is an
 20 incident, that they don't have a responsibility to
 21 investigate it or to learn from past mistakes.
 22 Would you agree that that would be
 23 reprehensible conduct?
 24 MR. GALBRAITH: Objection, form.
 25 A. That certainly wouldn't be the way I

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1 would want to conduct -- to conduct my business,
 2 and I don't think that's the way BP conducts their
 3 business.
 4 MR. AMMONS: Object to the
 5 responsiveness.
 6 Q. (BY MR. AMMONS) Ma'am, you would agree
 7 that is reprehensible, immoral conduct, isn't it?
 8 MR. GALBRAITH: Object to the
 9 form.
 10 A. Like I said, it's not what I would
 11 expect, no.
 12 Q. (BY MR. AMMONS) All right. You have
 13 known for decades, since you have been out there
 14 working, that it's important to learn lessons from
 15 previous incidents.
 16 You've known that, haven't you?
 17 A. That's correct.
 18 Q. Now, have you taken the time over the
 19 weekend to read the BP investigation report that
 20 was issued on Friday? Did you take the time to
 21 read that?
 22 A. I read some of it. I didn't get through
 23 all 400 pages.
 24 Q. It's 192 pages.
 25 Are there 200 pages I'm missing?

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1 A. There's appendices that go with this.
 2 Q. I see.
 3 How about the 192-page main
 4 section of the report? Did you read that over the
 5 weekend realizing you're coming in here to answer
 6 questions from all these lawyers for the families?
 7 Did you take the time to read it?
 8 A. I read some of it. I cannot honestly say
 9 I read it cover to cover.
 10 Q. Well, did you read the part in the report
 11 from BP's own investigation where it said that
 12 there were opportunities to tie a flare into this
 13 system which would have prevented this occurrence?
 14 Did you read that part?
 15 A. Can you tell me what page you are on,
 16 please?
 17 Q. Well, just tell me from your
 18 recollection: Do you recall reading any part of
 19 the report in which BP's own investigation team
 20 said BP had decisions that they made where they did
 21 not tie this system into a flare?
 22 Did you read that?
 23 A. I don't know if I read that in this --
 24 this weekend, but I remember hearing that.
 25 Q. All right.

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1 A. Or reading it prior.
 2 Q. It says, "Two opportunities for
 3 converting the F-20" --
 4 That's that drum, the blowdown
 5 drum?
 6 A. Uh-huh.
 7 Q. -- "to an inherently safer alternative
 8 relief system, a flare, were not chosen when
 9 modifications were made to adjacent process units."
 10 Did you read that part of the
 11 report? And it's on the screen for the jury to
 12 see.
 13 MR. GALBRAITH: What page are we
 14 on? Will you identify it for the witness?
 15 Q. (BY MR. AMMONS) Page 111, ma'am.
 16 Did you read the report where your
 17 own investigation team says that there were two
 18 opportunities to convert the F-20 to an inherently
 19 safer alternative relief system, a flare, were not
 20 chosen when modifications were made to adjacent
 21 process units? Did you read that part of the
 22 report?
 23 A. I think I did actually read this, and I
 24 think I've heard that before as well.
 25 Q. Did you participate in the decision that

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1 the F-20 blowdown drum would not be converted into
 2 an inherently safer system? Did you personally
 3 participate in that decision?
 4 A. No, I did not.
 5 Q. Who at BP would have personal
 6 responsibility for making that decision to choose
 7 not to use an inherently safer system? Who would
 8 have that responsibility?
 9 A. I guess that would depend on the time in
 10 which those decisions were being made.
 11 Q. How long was -- was it Dan Parus?
 12 A. Don Parus.
 13 Q. Don Parus, how long was he the plant
 14 manager?
 15 A. I actually don't know how long Don had
 16 been there.
 17 Q. Would he have personal responsibility for
 18 those types of decisions?
 19 A. You know, I don't think that that
 20 decision -- it may or may not have come to Don.
 21 That decision may have been made somewhere else in
 22 the organization. I don't really know. I think it
 23 depends on, you know, what time it was and what the
 24 nature of the project was.
 25 Q. Earlier we talked about the importance of

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1 learning lessons from prior incidents.
 2 Do you recall that discussion?
 3 A. Yes, I do.
 4 Q. Did you see in the report from BP's own
 5 investigation team that there appear to be no
 6 effective feedback loop to capture the lessons
 7 learned from previous incidents and process upsets
 8 into operating procedures and training programs?
 9 Did you read that language in the report?
 10 A. I did read that.
 11 Q. Okay. And effectively what that is
 12 saying is there are these prior incidents. They
 13 know about them, but there is no effective way that
 14 they implement to change things.
 15 That's what your own team is
 16 saying here, aren't they?
 17 A. That's what they said there.
 18 Q. "There did not appear to be any effective
 19 process to learn and implement lessons from
 20 significant incidents outside the Texas City site."
 21 And --
 22 A. Can you tell me what page you are on?
 23 I'm sorry.
 24 Q. Page 135.
 25 A. So I can look at the context. Thank you.

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1 Q. And what this means is this particular
 2 plant is part of a larger organization, and at BP
 3 there was no effective process to tell the people
 4 at Texas City about lessons learned at other BP
 5 plants.
 6 That's what your own investigation
 7 team concluded, didn't it?
 8 A. Can I just read where you are drawing
 9 that conclusion from? I'm sorry.
 10 Q. Ma'am, it's up there --
 11 A. The yellow --
 12 Q. -- on the monitor.
 13 A. The yellow highlighted one?
 14 Q. Yes, ma'am, up at the top.
 15 A. Okay. Thank you.
 16 Q. You can read along with us.
 17 "There did not appear to be any
 18 effective process to learn and implement lessons
 19 from significant incidents outside the Texas City
 20 site."
 21 It continues. It says, "There was
 22 little evidence that accepted BP group programs
 23 were in place, nor had that incident learnings from
 24 other refineries, such as ladder modifications
 25 following a fall from height, been absorbed."

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1 So BP has these programs. The
 2 company has the programs. It knows about its
 3 programs, but doesn't implement them at the Texas
 4 City site. That's what your investigation team
 5 concluded, didn't they?
 6 MR. GALBRAITH: Objection, form.
 7 A. Well, they do actually talk about the
 8 QSBs and the process safety committee as vehicles
 9 to import learning; but they did conclude what you
 10 read there.
 11 Q. (BY MR. AMMONS) Ma'am, I want to ask you
 12 some questions about whether there were any
 13 conscious or intentional acts or decisions which
 14 put workers at risk.
 15 Do you understand?
 16 A. Okay.
 17 Q. I am going to ask you questions about it.
 18 Have you read the appendix from
 19 your own company's report that's titled "Causal
 20 Analysis"? Have you read that document that we
 21 have on the monitor?
 22 MR. GALBRAITH: Which appendix?
 23 MR. AMMONS: 34.
 24 A. Can you please tell me what page you are
 25 on?

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1 Q. (BY MR. AMMONS) A153.
 2 A. I don't have that.
 3 Q. Let me just ask you this question:
 4 Regardless of what's in the report, does your
 5 company have startup procedures for the unit?
 6 A. For the raffinate splitter?
 7 Q. Yes, ma'am.
 8 A. Yes, they do.
 9 Q. All right. Is it important that the
 10 board and the outside operators follow the
 11 operating startup procedures?
 12 A. Yes, it is.
 13 Q. If they don't follow the procedures,
 14 that's an invitation for disaster, isn't it?
 15 A. Yes, it is.
 16 MR. GALBRAITH: Objection, form.
 17 Q. (BY MR. AMMONS) If they don't follow the
 18 procedures, that puts people at the plant at
 19 extreme -- an extreme risk, doesn't it?
 20 MR. GALBRAITH: Objection, form.
 21 A. There are certainly cases, this may be
 22 one, that not following procedures put people at
 23 extreme risk.
 24 Q. (BY MR. AMMONS) And it's true that your
 25 board and your outside operators chose not to

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1 follow the operating startup procedures, isn't it?
 2 A. That's correct.
 3 Q. All right. And that put workers at the
 4 plant, particularly the contract workers, the ones
 5 who were killed and injured, at an extreme degree
 6 of risk, that decision not to follow the startup
 7 procedures, didn't they?
 8 A. That did.
 9 Q. There were also other decisions,
 10 intentional decisions that were made by the company
 11 that put workers at risk.
 12 For example, the company has to
 13 decide whether it's going to modernize its
 14 equipment or not, doesn't it?
 15 A. Yes, that's a decision they make.
 16 Q. That's an intentional, conscious decision
 17 the company makes. "Do we take this money and do
 18 we use it for profit or do we invest it into the
 19 plant to modernize our equipment?"
 20 A. Yes.
 21 Q. Company people, decision-makers have to
 22 make those decisions, don't they?
 23 A. That would be typical, yes.
 24 Q. All right.
 25 MR. GALBRAITH: Where are we now?

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1 MR. AMMONS: Same page.
 2 Q. (BY MR. AMMONS) "The raffinate splitter
 3 did not have" an emergent -- "have a modern
 4 emergency shutdown system comprised of critical
 5 alarms/trips linked to an automated heat off and
 6 feed shutdown system."
 7 Do you see where I read that?
 8 A. Yes, I do.
 9 Q. Do you recall Mr. Williams, the lawyer
 10 before me, asking you about whether there was a
 11 mechanical system in place to prevent this tragedy
 12 from occurring? Do you recall that question?
 13 MR. GALBRAITH: Objection, form.
 14 A. I do recall that question.
 15 THE VIDEOGRAPHER: Mr. Ammons, two
 16 minutes.
 17 Q. (BY MR. AMMONS) All right. What we know
 18 is that your company chose not to have a modern
 19 emergency shutdown system with these critical alarm
 20 trips linked to an automated heat off and feed
 21 shutdown system. That's what we know from your own
 22 report, true?
 23 MR. GALBRAITH: Objection, form.
 24 A. What it says is, "The severity of the
 25 incident would have been reduced."

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1 Q. (BY MR. AMMONS) It says, "The severity
 2 of the incident" -- maybe we wouldn't have killed
 3 15 people and hurt hundreds of others if the
 4 raffinate splitter had relieved to a flare system
 5 instead of an atmospheric blowdown drum and stack.
 6 Do you see where I read that?
 7 A. Yes, I do.
 8 Q. And someone at BP, in fact, on two
 9 separate occasions, made the conscious decision
 10 that they weren't going to convert this system into
 11 a flare. They made that decision and because of
 12 that people got injured and killed.
 13 MR. GALBRAITH: Objection, form.
 14 Q. (BY MR. AMMONS) True?
 15 A. I think there were a number of bad
 16 decisions made.
 17 Q. And that was one of them, the one I just
 18 described, wasn't it?
 19 A. That was one.
 20 Q. All right. And that bad decision, that
 21 bad decision made -- well, scratch that.
 22 Do you know -- do you know or do
 23 you have any evidence that would indicate that that
 24 was anything other than a money decision? "We want
 25 to take that money for profit versus updating and

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1 converting this system."
 2 MR. GALBRAITH: Object to form.
 3 Q. (BY MR. AMMONS) Do you have any evidence
 4 that would indicate that that decision was anything
 5 other than a money decision?
 6 MR. GALBRAITH: Objection, form.
 7 A. No, I don't -- my recollection is that
 8 those were environmental decisions.
 9 Q. (BY MR. AMMONS) So not only would it
 10 have been better for the environment, but it would
 11 have been safer for the workers to convert the
 12 system to a flare; but BP didn't want to spend its
 13 corporate dollars to make that conversion.
 14 That's the situation we have here,
 15 isn't it?
 16 MR. GALBRAITH: Objection, form.
 17 A. My understanding was that the risk of
 18 having hydrocarbons come out -- liquid hydrocarbons
 19 come out of the blowdown stack was not recognized
 20 and that decision to not convert the blowdown stack
 21 was made on the basis of a benzene regulation and
 22 there isn't benzene coming out of that stack.
 23 So...
 24 MR. AMMONS: Objection,
 25 nonresponsive.

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1 Q. (BY MR. AMMONS) Ma'am, it would have
 2 been better for the environment, is what they were
 3 saying, to have a flare; is that correct?
 4 A. The particular case that they were
 5 looking at when this was under consideration was a
 6 benzene regulation.
 7 Q. Okay.
 8 A. So, I mean, that's the base on which they
 9 made the decision not to replace that particular
 10 blowdown drum.
 11 Q. And we could have decreased the severity
 12 of the incident if it had been relieved into a
 13 flare system, which would have been better for the
 14 workers out there, true?
 15 A. That's correct. That's what it says.
 16 Q. And do you know of any reason other than
 17 money, other than BP wanting to take that money and
 18 use it as corporate profit as opposed to updating
 19 the system? Do you know of any reason, other than
 20 them wanting to take that money as profit, why they
 21 did not correct or modernize or convert this
 22 system?
 23 A. I mean, I think I told you that the
 24 reason I understand that they did not choose to
 25 replace that blowdown stack was an environmental

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1 reason. The money was spent on different
 2 compliance projects for that benzene regulation.
 3 THE VIDEOGRAPHER: It's been at
 4 six hours.
 5 MR. AMMONS: I've got some
 6 additional, probably ten minutes. Is that all
 7 right?
 8 MR. GALBRAITH: Yes.
 9 MR. AMMONS: All right.
 10 THE VIDEOGRAPHER: I need to
 11 change the tape.
 12 MR. AMMONS: All right.
 13 THE VIDEOGRAPHER: Off the record
 14 at 6:39 p.m., ending Tape 6.
 15 (Recess taken.)
 16 THE VIDEOGRAPHER: On the record
 17 at six -- give me just a second.
 18 MR. AMMONS: Mr. Galbraith has
 19 graciously agreed to allow me an extra ten minutes
 20 to examine this witness. What I would like to do
 21 at this time is yield any time I have on to --
 22 MR. GALBRAITH: Mr. Werner.
 23 MR. AMMONS: -- Mr. Werner.
 24 MR. GALBRAITH: The one
 25 questioning.

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1 MR. AMMONS: Right. The only one
 2 that I understand has asked for an opportunity
 3 other than the three that have to question the
 4 witness.
 5 MR. COON: Okay. And it's my
 6 understanding there has been some confusion
 7 regarding the chain of command and who to go to to
 8 ask for this additional time. And hopefully we
 9 won't have these problems in the future, but
 10 lessons learned from the first deposition.
 11 MR. WILLIAMS: Why don't you put
 12 me in charge of additional time, and I'll make the
 13 decisions?
 14 MR. COON: Is this a democracy?
 15 I'll vote fair, though.
 16 MR. GALBRAITH: Shall we begin?
 17 (Discussion off the record.)
 18 * * *
 19 EXAMINATION
 20 Q. (BY MR. WERNER) Ms. Lucas, you described
 21 how after the blast you initially were at the --
 22 coming back from lunch and then you went toward the
 23 scene; is that correct?
 24 A. That's correct.
 25 Q. And I understand that there was sort of a

<p style="text-align: right;">Page 362</p> <p>1 perimeter set up, so to speak, where access to the 2 scene was restricted to those people who needed to 3 be there? 4 A. If you mean was there -- there wasn't 5 like a rope or anything around there, but certainly 6 the fire group was in control of the -- of the 7 scene -- or of all the emergency responders, 8 actually. 9 Q. Well, you were there not in your -- not 10 in a position as an emergency responder, but that 11 as upper management of the refinery; is that 12 correct? 13 A. As the operations manager, yes. 14 Q. All right. In fact, the highest ranking 15 person on site since Mr. Parus was not there, 16 correct? 17 A. Yeah. I don't know what time Don had 18 come back. Actually, I think he actually was back 19 on site when I was down at the ISOM. 20 Q. Approximately how far were you away from 21 the trailers where the fatalities occurred, 22 ballpark? 23 A. I would say that I was about -- when I 24 was on the west side of the NDU, that's probably 25 about 200 feet.</p>	<p style="text-align: right;">Page 364</p> <p>1 mean, I thought he was -- I didn't realize that he 2 was dead until they covered him up. 3 Q. What was the condition of the other 4 people? Were the bodies covered, is that what you 5 mean? 6 A. When they -- 7 Q. When they were removed. 8 A. No. When I walked around where the 9 trailers were, I couldn't see a lot of bodies. And 10 one of the firemen -- at that point we didn't know 11 how many people had been fatally injured. And -- 12 and when they saw me coming, they actually pulled 13 the rope across. 14 And one of the -- the firemen who 15 was participating in the -- in the recovery 16 operations, rescue and recovery at that point, told 17 me he thought he had seven fatalities within that 18 trailer area. 19 Q. Did you see the body of Ryan Rodriguez, 20 28 years old? 21 A. Actually, Ryan was not in that trailer 22 area and I -- you know, I know that Ryan -- I found 23 out later when I had a list of people who were 24 potentially in the trailers. 25 We were, you know, looking for</p>
<p style="text-align: right;">Page 363</p> <p>1 Q. And were you able to see the site where 2 the trailers had been? 3 A. Not initially, but then, you know, as the 4 fire went out, I did walk around what would be the 5 south side, the south side around the ISOM, south 6 of the catalyst where I could see where the 7 trailers were. 8 Q. Approximately how long after the 9 explosion was it that you saw the first fatality, 10 the first dead person removed from the area? 11 A. You know, my recollection of time, I 12 didn't look at my watch. I don't think -- I don't 13 think a great deal of time had passed actually; but 14 I couldn't tell you whether or not that was one 15 hour, 15 minutes. It was really -- my recollection 16 of time is not that good. 17 Q. And who was the first person you saw 18 removed who had died? 19 A. I believe I said -- told Mr. Coon earlier 20 that that was Morris King. 21 Q. How many people total did you see removed 22 having died on the scene? 23 A. Mr. King was the only one that I saw 24 physically removed. He was actually on a stretcher 25 and actually looked -- he -- he looked okay. I</p>	<p style="text-align: right;">Page 365</p> <p>1 them. Some of them actually did come out with 2 injured parties. And Ryan Rodriguez, I don't 3 recall whether he was on my list of people 4 potentially in there. 5 But I know when I went in 6 subsequently talking to people on the scene, I 7 said, you know, "They think that there are seven 8 bodies there." 9 We had Mr. King on a stretcher 10 recovered. And one of the maintenance workers, I 11 think it was, told me there was another body that 12 was on the road. And I said, "I need to know who 13 that is." 14 They said, you know -- so I said, 15 "Show me where." 16 And as we started going over 17 there, he said, "No, you just stay here." 18 I said, "Well, see if you can find 19 a name tag, some identification." 20 And what they came back and told 21 me was that the only identification they found on 22 him was Ryan. So I did not know whether that was 23 his first name or his last name. That was on his 24 jacket. 25 Q. Do you know how it was that Ryan got to</p>

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1 be out away from the trailers where he was found?
 2 A. My understanding is that -- and I only
 3 heard this after. I did not know at the time how
 4 Ryan had gotten there.
 5 My understanding was one of the
 6 BP employees was running with Ryan and he was
 7 physically carrying him to take him to the
 8 ambulance, which would take him to Life Flight, and
 9 he actually died in that employee's arms.
 10 Q. That's because Ryan was alive, right? He
 11 survived the blast, didn't he?
 12 A. You know, I think that that was their
 13 belief is that when they were racing him towards
 14 where that ambulance -- where they were taking
 15 injured people, that they believed at that point he
 16 was alive.
 17 Now, I don't know, you know, what
 18 sort of assessment or anything was done on Ryan. I
 19 just know that the determination was made that he
 20 had died prior to being able to load him into an
 21 ambulance.
 22 There were other critically
 23 injured people coming out. So they chose, since he
 24 was already deceased, to cover him up there and to
 25 give those Life Flight spots to people who were

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1 actually still alive.
 2 Q. And who told you that they had been
 3 involved in trying to save Ryan's life after the
 4 explosion by getting him to Life Flight?
 5 A. As I said, I only heard that -- that much
 6 later that someone had actually carried --
 7 physically carried Ryan to that spot.
 8 Q. Do you know who that was?
 9 A. I can't remember his name just under this
 10 pressure, but he is a BP employee. I -- if you
 11 said his name, I would be able to tell you if it
 12 was the right name or not. I cannot recall it
 13 right off the top of my head. I'm sorry.
 14 Q. Was it Pat Nickerson or someone else?
 15 A. That's it. Pat.
 16 Q. Have you ever spoken with Mr. Nickerson
 17 about --
 18 A. No.
 19 Q. -- what he saw after the explosion while
 20 he was carrying Ryan out to try to save his life?
 21 A. No.
 22 Q. You talked about some bad decisions that
 23 were made. One of them was to have the trailers
 24 where they were; is that correct?
 25 MR. GALBRAITH: Objection, form.

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1 A. In hindsight, that was not the best place
 2 for those trailers.
 3 Q. (BY MR. WERNER) Even in foresight, if
 4 you had been given an opportunity to look at that
 5 MOC, would you have approved it?
 6 MR. GALBRAITH: Objection, form.
 7 A. You know, that is really hard to say. I
 8 believe you saw in the report that was not an
 9 uncommon place to locate trailers for projects and
 10 turnarounds.
 11 Q. (BY MR. WERNER) What is the safety
 12 advantage to having a trailer so close to a unit,
 13 particularly one that is going to be starting --
 14 starting back up?
 15 There isn't any, is there?
 16 MR. GALBRAITH: Objection, form.
 17 A. "The safety advantage," I'm not sure what
 18 you mean by "the safety advantage."
 19 Q. (BY MR. WERNER) It is patently more
 20 dangerous to have that trailer closer to the
 21 unit -- to the unit, correct?
 22 MR. GALBRAITH: Objection, form.
 23 A. You know, like I said, certainly in
 24 hindsight that was not the best place to have
 25 trailers.

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1 Q. (BY MR. WERNER) Your testimony is that
 2 you needed this explosion and these fatalities to
 3 realize that. That's not something that you could
 4 have made a decision on back in February or
 5 January, 2005?
 6 A. Like I said --
 7 MR. GALBRAITH: Objection, form.
 8 A. -- I think that no one, no one ever
 9 anticipated that the quantity of liquids would come
 10 out the top of the blowdown stack. That was never
 11 a scenario that was anticipated or a risk that was
 12 seen.
 13 MR. WERNER: Objection,
 14 nonresponsive.
 15 Q. (BY MR. WERNER) Was BP responsible for
 16 the death of Ryan Rodriguez?
 17 MR. GALBRAITH: Objection, form.
 18 A. Well, I think we take responsibility for
 19 people who come to work on our site and I -- you
 20 know, as we stated earlier today, when John Browne,
 21 on March 24th, came to BP Texas City, he said that
 22 BP accepts responsibility for the accident that
 23 happened on our -- on our site that we own and
 24 operate.
 25 Q. (BY MR. WERNER) In your opinion is BP

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1 responsible for the death of Ryan Rodriguez? Not
 2 what Lord Browne says, what you say.
 3 A. If you asked --
 4 MR. GALBRAITH: Objection, form.
 5 A. I guess I feel responsible for those
 6 people getting hurt. I don't want anyone to get
 7 hurt when they come to work at Texas City.
 8 Q. (BY MR. WERNER) You answered questions
 9 before about the fatalities that took place during
 10 the Eighties or early Nineties when you worked at
 11 that site; is that correct?
 12 MR. GALBRAITH: Objection, form.
 13 A. I believe there were questions earlier
 14 about that.
 15 THE VIDEOGRAPHER: Excuse me.
 16 Q. (BY MR. WERNER) How many of those
 17 fatalities do you recall?
 18 THE VIDEOGRAPHER: It's been about
 19 12 minutes.
 20 A. I couldn't count for you. I do recall
 21 fatalities that took place on the site.
 22 Q. (BY MR. WERNER) Can you name for me a
 23 specific fatality that stands out in your mind as
 24 something memorable from the time that you worked
 25 at that refinery?

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1 A. Yes, I can. I can name a couple for you.
 2 Q. Okay. How many other than -- a couple,
 3 that's two.
 4 How many total could you name and
 5 how many are there that just have faded into memory
 6 as unmemorable fatalities? How many can you
 7 specifically recall?
 8 MR. GALBRAITH: Objection, form.
 9 A. I can name several.
 10 Q. (BY MR. WERNER) Please. How many?
 11 Would you name them for me?
 12 A. I can name Butch Brandon, who is an I&E
 13 guy. I can name John Logan, who was the managing
 14 superintendent.
 15 I can't recall by name, but there
 16 were two workers who -- at least two that were
 17 exposed to nitrogen in the NDU unit. I think we
 18 also had a nitrogen fatality on the ultracracker.
 19 And that may have been, you know, actually prior to
 20 '82.
 21 We had a explosion at the NOx lab
 22 that killed one of our operators, David Ruiz.
 23 Q. Six that you can name. The rest are just
 24 unnamed fatalities, right?
 25 MR. GALBRAITH: Objection, form.

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1 A. I could go on. I know there were -- I
 2 don't know what this is really leading to.
 3 MR. WERNER: That's all the
 4 questions I have. Thank you.
 5 MR. GALBRAITH: I appreciate all
 6 of you. See you tomorrow, same time.
 7 THE VIDEOGRAPHER: Off the record
 8 at 7:07 p.m.
 9 (Deposition adjourned.)
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1 EXAMINATION
 2 CHANGES AND SIGNATURE
 3 PAGE LINE CHANGE REASON
 4 _____
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KATHLEEN LUCAS

Page 374

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

 5 KATHLEEN LUCAS
 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 style="text-align: center;">_____
 NOTARY PUBLIC IN AND FOR
 THE STATE OF _____
 22

My Commission Expires: _____
 23
 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 I
 23 DECEMBER 12, 2005
 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 (5 hours, 51 minutes)
 Mr. Williams (35 minutes)
 Mr. Ammons (25 minutes)
 Mr. Werner (14 minutes)
 Attorneys for Plaintiffs

Page 376

1 That pursuant to information given to the
 2 deposition officer at the time said testimony was
 3 taken, the following includes the parties of record:
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10 That a copy of this certificate was served on
11 all parties shown herein on _____ and
filed with the Clerk.

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

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

17 Certified to by me on this _____ day of
18 _____, _____.

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

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. Chris Dean at the Williams & Bailey
10 law firm 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
Expiration: 12/31/06
22 U.S. Legal Support
Firm Registration: 122
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