

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 ORAL VIDEOTAPED DEPOSITION OF

15 PAUL MASLIN

16 JULY 13, 2006

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

Page 3

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 22
 23
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Page 6

1		
2	INDEX	
3		
4		PAGE
5	PAUL MASLIN	
6	Examination by Mr. Coon	9
	Examination by Mr. Werner	298
7	Signature Page	337
	Court Reporter's Certificate	339
8		
9		
10		
11		
12	EXHIBITS	
	(Continued)	
13		
14		
15	EXHIBIT	DESCRIPTION PAGE
16	594	Plaintiffs' First Amended Notice of Intention To Take the Oral and Videotaped Deposition of Paul Maslin with Subpoena Duces Tecum 52
17		
18		
19	595	Email from Rob Lewis dated 6/13/05, Subject: FW: DCS migration and how it can improve safety, availability and commercial performance, BPISOME01305229 through BPISOME01305231 158
20		
21		
22		
23		
24		
25		

Page 7

1	EXHIBITS	
	(Continued)	
2		
3		
4	EXHIBIT	DESCRIPTION PAGE
5	596	Email from James Clarkon dated 4/11/05, Subject: RE: Refining Relief Systems Study, BPISOME01310318 through BPISOME01310321 211
6		
7		
8	597	Email from Lawrence Sault dated 5/13/05, Subject: Status of Atmospheric Relief Study Project, BPISOME01305354 and BPISOME01305355 229
9		
10		
11	598	Email from Terry Bale dated 10/20/03, Subject: RE: Review Texas City: Solomon Capex data, BPISOME00513895 through BPISOME00513901 241
12		
13		
14	599	Aggregate HRO Survey Results, June, 2004, BPISOME01285308 through BPISOME01285322 251
15		
16	600	Email from Michael Hoffman dated 7/30/04, Subject: RE: INFO: TAR Preparation milestones - Quarterly Update, BPISOME01384187 and BPISOME01384188 267
17		
18		
19	601	Email from Patrick Gower dated 3/19/05, Subject: RE: RESPONSE REQUIRED: Inspection Minimum Expectations - Implementation Plans Budgets, BPISOME01362016 through BPISOME01362018 274
20		
21		
22		
23		
24		
25		

Page 8

1	EXHIBITS	
	(Continued)	
2		
3		
4	EXHIBIT	DESCRIPTION PAGE
5	602	Email from Rick Hale dated 10/21/02, Subject: FW: Turnaround Capex: Business case challenge, BPISOME00559146 through BPISOME00559148 281
6		
7		
8	603	Email from Ken Richardson dated 12/1/00, Subject: URGENT: Grangemouth Communicates Task Force Findings, BPISOME00628352 and BPISOME00628353 287
9		
10		
11		
12		
13		
14		
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16		
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19		
20		
21		
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Page 9

1 THE VIDEOGRAPHER: On the record
 2 starting Tape 1 at 9:13.
 3 (Witness sworn.)
 4 MR. COON: And, Counsel, same
 5 agreements as in the past regarding form,
 6 responsiveness, signature?
 7 MR. PATTERSON: Yes.
 8 PAUL MASLIN,
 9 having been first duly sworn, testified as follows:
 10
 11 EXAMINATION
 12 Q. (BY MR. COON) Good morning, Mr. Maslin.
 13 How are you?
 14 A. I'm not too bad. Suffering a little bit
 15 from back pain. Otherwise, okay.
 16 Q. My name is Brent Coon. I had an
 17 opportunity to meet with you briefly before your
 18 deposition. We appreciate you coming over here
 19 today.
 20 This is a deposition process. I
 21 don't know if you're familiar with it. We will ask
 22 you questions on that regard in a minute.
 23 But we have you here in the
 24 temporary, I guess, mock trial courtroom at
 25 Fulbright. And we are taking your deposition today

<p style="text-align: right;">Page 10</p> <p>1 because we believe you have information that may be 2 relevant to a plant explosion that occurred at the 3 Texas City BP facility last year. 4 You are here with counsel for BP, 5 and I take it that you understand basically why you 6 are here and what a deposition is about; is that 7 correct? 8 A. Yes, I do. 9 Q. I'm going to ask you a number of 10 questions today. Let me know if you don't 11 understand what I'm saying. If I need to repeat 12 it, if I talk too fast or it gets jumbled up, just 13 let us know. We'll start all over. Okay? 14 A. Okay. 15 Q. It's very important that the answers that 16 you give are accurate and they are, as the court 17 reporter swore you in, the whole truth to the 18 answer as opposed to a partial truth. Okay? 19 A. Okay. 20 Q. Likewise, I need you to continue to 21 answer out orally; that is, "yes" and "no's," so 22 that the court reporter doesn't have to take it 23 down as nods of the head. 24 And I will try to let you finish 25 an answer before I ask the next question because</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Okay. My name is Paul Maslin. I am the 2 technology vice president for BP Refining. 3 Recently, I have also taken on the tagging role for 4 HSSE. I'm based at BP's offices in Sunbury, the 5 UK. That's just outside London. And I'm an 6 employee -- employee of BP International. 7 Q. Okay. Mr. Maslin, have you ever given a 8 deposition before where you have been sworn under 9 oath? 10 A. Not a deposition that's something like 11 this, no. 12 Q. Okay. Have you ever testified in court 13 before in any matter? 14 A. I have testified in court in a 15 magistrate's court in the UK. 16 Q. What was that regarding, sir? 17 A. It was regarding an incident at a Coryton 18 refinery, where I was the business unit leader. 19 Q. Okay. What type of incident, sir? 20 A. It was a safety incident. It was a 21 safety incident. 22 Q. Was that a matter where it involves a 23 magistrate much like we have a regulatory agency 24 here in the States with OSHA? 25 A. I don't believe so, no. I don't recall</p>
<p style="text-align: right;">Page 11</p> <p>1 it's difficult for this court reporter, as good as 2 she is, to get us both down at the same time. Fair 3 enough? 4 A. That's fine. 5 Q. We will break about once an hour during 6 the course of the day. The deposition will 7 probably take the better part of the day. 8 If you do need a break in between 9 to talk to counsel, you're free to do so. Just let 10 us know. 11 A. That's fine. 12 Q. And I think in terms of introductions, 13 the last thing is: We do not know if the case is 14 going to go to trial or not. We do not know. If 15 it does, it will be in September. And we do not 16 know if you will be available at that time to 17 testify live if we need you to. 18 As a consequence, the jury may be 19 watching your testimony through the utilization of 20 the videotape here today, as well as the transcript 21 that the court reporter is taking down. 22 So with those caveats going in, I 23 would like you first to introduce yourself to the 24 ladies and gentlemen of the jury by stating your 25 name, address and occupation, please, sir.</p>	<p style="text-align: right;">Page 13</p> <p>1 it being like that. 2 Q. Was this a result of some sort of 3 criminal charges that were filed by an agency that 4 brought BP representatives to a court? 5 A. I am not sure what you mean by 6 "criminal." 7 Q. Well, like -- like fines that may be 8 assessed, penalties -- 9 A. Yes. 10 Q. -- for safety violations? 11 A. Yes, it was related to that. 12 Q. And were these brought against BP? 13 A. There were some fines against BP, 14 correct. 15 Q. Okay. And who brought those fines? Was 16 it a regulatory -- 17 A. It was a -- 18 Q. -- agency? 19 A. It was a regulatory agency, yeah. 20 Q. Was that UK's HSE? 21 A. Yes, it was the UK HSSE. Sorry, the 22 Health and Safety Executive of the UK. 23 Q. Yeah. I think their acronym is HSE, 24 isn't it? 25 A. It's HS on the health -- I'm sorry.</p>

<p style="text-align: right;">Page 14</p> <p>1 H&SE, Health and Safety Executives. It's H&SE. 2 Q. And I understand that is somewhat 3 comparable to what we have here in the United 4 States with OSHA? 5 A. Yes, it's very similar to OSHA. 6 Q. Do you have a resumé or curriculum vitae 7 that would outline your past educational and 8 vocational endeavors? 9 A. There would be one on record. I don't 10 have it with me right here. 11 Q. Okay. If you had one here today, could 12 you read out for us what it would say with respect 13 to the basic background of your educational 14 highlights first, and then we'll talk about your 15 vocational? 16 A. Certainly. So it would say that I -- I 17 started at Coryton refinery in the UK in 1972 as a 18 process engineer. I have a lot of experience at 19 Coryton in different process engineering roles. I 20 worked in operations. I've been operations 21 manager. 22 I've worked in planning and supply 23 in the UK. I have worked in international planning 24 and supply in the US. All that was with Mobil. 25 And I was also a plant manager with Mobil. And I</p>	<p style="text-align: right;">Page 16</p> <p>1 business units are located there, some different 2 businesses from chemicals, upstream, et cetera. 3 And there's also some technology people there. And 4 that's where -- where I'm based currently at 5 Sunbury. 6 Q. And have you held the title of technology 7 vice president at BP since 2003? 8 A. Since May, 2003. Let's just clarify that 9 it's technology vice president for refining. 10 There's -- there's lots of technology vice 11 presidents. I'm one for refining. 12 Q. And is there a president of technology on 13 the refining side? 14 A. No, not on the refining side. 15 Q. So are you the highest official under 16 that heading, then? 17 A. For refining. 18 Q. Okay. We have a flowchart that kind of 19 shows us where different people are in the 20 corporate hierarchy at BP. I want to show you one. 21 It's part of what was attached as an exhibit to 22 318, Exhibit 318 to the Gower deposition. 23 Pat Gower, I take it you know 24 that -- 25 A. I know --</p>
<p style="text-align: right;">Page 15</p> <p>1 have worked in Mobil's engineering offices in 2 the -- in the US. 3 And then in '97, I transferred in 4 to BP as part of the joint venture that BP and 5 Mobil set up in Europe. So it was '97, I had six 6 months in Sunbury in the Sunbury offices in a 7 technical role. 8 And then in approximately December 9 '97, I was then appointed business unit leader at 10 Coryton refinery. I was at Coryton refinery until 11 December, 2001, when I then went to Sunbury again 12 as general manager reliability. 13 I was doing that role until May, 14 2003, when I -- that role, then, was combined with 15 the technology vice president role for refining. 16 And that's the current role I'm doing. 17 Q. So your move out of Coryton was to 18 London? 19 A. To Sunbury. There is a distinction 20 between Sunbury and -- and London. So when people 21 say "London," that's typically at the head office 22 in London; but Sunbury is not the head office. 23 It's -- it's outside of London. It's in the 24 suburbs. 25 And it's where there's -- some</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. -- gentleman? 2 A. -- Pat -- Patrick Gower, yeah. 3 Q. This was a document that was used, and if 4 we can get you to confirm that that is the accurate 5 reflection of the corporate hierarchy? 6 A. It is. Can I make a comment on it? 7 Q. Yes, you may. 8 A. It sort of appears as the only thing I do 9 is process safety, which is not true. 10 Q. Okay. 11 A. I do a lot more than -- you know, just -- 12 it looks like I've got one box, "Process Safety." 13 Q. Okay. 14 A. There's a lot more than process safety 15 that I have responsibility for. 16 Q. Okay. You are free to watch it either 17 off the big screen over -- 18 A. Yeah. 19 Q. -- here or look through to your right 20 there. 21 A. Okay. 22 Q. But we have an ability to put these 23 charts on this monitor. 24 A. Uh-huh. 25 Q. Okay. So if we look at this under what's</p>

<p style="text-align: right;">Page 18</p> <p>1 called the refining and marketing safety and 2 operations, this side -- this is the refining side, 3 correct? 4 A. This is the refining -- this is the 5 refining side over here, yes. 6 Q. Okay. 7 MR. PATTERSON: Brent, can you -- 8 Q. (BY MR. COON) This side here? 9 MR. PATTERSON: -- focus this 10 exhibit a little bit for us? 11 (Discussion off the record.) 12 Q. (BY MR. COON) We have you over here, 13 sir, "Paul Maslin, technology vice president"? 14 A. Yes. 15 Q. And it would show that under this 16 flowchart, it goes up to group vice president 17 refining, Mike Hoffman. 18 Is that the person that you would 19 report to? 20 A. That's correct. 21 Q. And then under this chart, Mr. Hoffman 22 would then report to Mr. Manzoni as executive vice 23 president of refining and marketing? 24 A. That's correct. 25 Q. Was this the way the structure was set up</p>	<p style="text-align: right;">Page 20</p> <p>1 put together, but in -- there's more people 2 reporting to Mike Hoffman than -- than just the 3 three gentlemen shown there. That... 4 Q. Okay. Fair enough. 5 A. That's all. But in terms of the 6 structure, the structure there is correct. 7 Q. Now, with respect to your position here, 8 is there any lateral reporting? In other words, do 9 you, for some reason, report to Mr. Gower or 10 Mr. Reid as lateral position reporting? 11 A. No, the -- not in that structure there. 12 The only -- I call it dotted line reporting, but 13 maybe it's the same as your lateral. The only 14 dotted line reporting I have is in to CJ Warner, 15 who's also on that chart. 16 Q. Okay. 17 A. Yeah. 18 Q. So if we go back out -- 19 MR. COON: Let me zoom back out 20 just a second. Yeah. 21 Q. (BY MR. COON) Okay. So you do have some 22 dotted line reporting from over here to Mr. Warner? 23 A. To -- yeah, it's Mrs. Warner, actually. 24 Q. It's Ms. Warner? 25 A. Mrs.</p>
<p style="text-align: right;">Page 19</p> <p>1 in 2003 when you obtained this title? 2 A. Yes. Yes, it was. 3 Q. And is that still the way it is today? 4 A. Yes, it is. 5 Q. And Mr. Manzoni, I understand from other 6 depositions, if you drew this chart up, it would 7 show that he reports to Lord John Browne of 8 Madingley? 9 A. Yes, that's correct. 10 Q. Now, with respect to downstream here, 11 sir -- 12 A. Yes. 13 Q. -- if we look at where you are here, you 14 had a comment with respect to process safety; and I 15 will let you elaborate. 16 But under this group heading, you 17 have three people reporting to Mr. Hoffman. One 18 being Mr. Gower, Mr. Reid and yourself. Is that 19 part of the structure still set up that way? 20 A. That's part of the structure, that's 21 correct. 22 Q. Has there been anything that's added to 23 it since then, since whenever this chart was put 24 together? 25 A. I don't know what's -- when the chart was</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. What does the "CJ" stand for, if you 2 know? 3 A. The "C" stands for Cynthia. 4 Q. Cynthia. 5 A. But no one ever calls her Cynthia. 6 Q. She goes by "CJ"? 7 A. "CJ." 8 And then there's also a group vice 9 president technology position, which is held by 10 Tony Meggs, who's not shown on that chart. So 11 that's a group position. I have a dotted line in 12 to him, as well. 13 So those are the dotted line 14 reportings that I have. My solid line, I call it, 15 is in to Mike Hoffman. 16 Q. Okay. And in this reporting hierarchy, 17 what would be the circumstances where you would 18 dotted line to Ms. Warner? 19 A. Just for coordination of any activities 20 within the segment around technology. So it -- 21 it's pretty light touch, actually. 22 And as I mentioned, just recently 23 I -- I've picked up this tagging role for -- for 24 HSSE, which means I will provide an interface to 25 the HSE function for refining. And so I then would</p>

<p style="text-align: right;">Page 22</p> <p>1 have some more connection with Chris Roger, who is 2 shown on here, as well. So it's not a reporting 3 level. It's just more of a working relationship. 4 Q. Who reports to you downstream? 5 We have this "process safety" box. 6 I think you said earlier there might -- probably be 7 some additional boxes down here? 8 A. That's correct -- 9 Q. So that's -- 10 A. -- there are. 11 Q. -- first. 12 What would the other boxes be if 13 they were to be drawn in here, other than process 14 safety? 15 A. Well, the -- the -- there's three boxes, 16 which would have three individuals reporting to me. 17 I have one individual who's -- manages a new 18 technology group, a manager who manages a 19 capability group, and one who manages manufacturing 20 excellence. 21 And there is also a box which is 22 an HR manager. She is more of a dotted line 23 reporting in to me. She takes functional direction 24 from someone else. 25 Q. All right. Well, if we were to draw them</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Correct. 2 Q. P-a-r-s-o-n-s? 3 A. Yes. 4 Q. And what else? 5 A. What else in -- how do you mean? The 6 other two boxes or -- 7 Q. Where do the other two boxes go in? 8 A. Well, they -- so this process safety is 9 underneath manufacturing excellence. 10 Q. Okay. So this actually goes here? 11 A. That's correct. 12 Q. That's right. We've got a line showing 13 this is where this really goes over here. We 14 didn't have enough room to put it right here. So 15 we've drawn a line. 16 A. Right. 17 Q. Okay. 18 A. Sorry. What was your next question? 19 Q. Yes, sir. 20 What other boxes are there? We 21 have manufacturing excellence, process safety? 22 A. Other boxes on -- how many boxes do you 23 want? 24 Q. I don't necessarily want any boxes. How 25 many do you have?</p>
<p style="text-align: right;">Page 23</p> <p>1 in, would all three of the -- you said -- you said 2 there's three boxes -- 3 A. Yes. 4 Q. -- of process safety and two others? 5 A. Well, it -- process safety is down -- 6 down again, another layer down below. 7 Q. Is there a box that is between this one 8 and this one? 9 A. Yes. 10 Q. What would this box that would be in 11 between be? 12 A. That would be manufacturing excellence. 13 Q. Okay. Well, let's just draw it in here 14 like this and down. And we'll make a little box 15 here. 16 And you would call this 17 manufacturing? 18 A. Yes, excellence. 19 Q. And who's in charge of that? 20 A. Hugh Parsons. Hugh. 21 Q. H -- 22 A. -- u-g-h. 23 Q. H-u-g-h. 24 A. Parsons. 25 Q. Parsons?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Well, there's a lot -- it's -- it's a 2 complex organizational structure. So in my 3 organization, there's about 140 people. 4 Q. Okay. 5 A. And there's various different teams that 6 comprise that 140. 7 Q. Okay. Well, I thought we had started 8 earlier where you said really there were three 9 boxes -- 10 A. There's three direct -- 11 Q. -- that should be -- 12 A. There is three direct boxes reporting in 13 to me. 14 Q. Okay. 15 A. Manufacturing excellence, you've got. 16 The other is new technology. 17 Q. New technology? 18 A. Yep. 19 Q. Okay. 20 A. And the other one is capability growth. 21 Q. Okay. Capability growth? 22 A. Correct. 23 Q. And who is in charge of new technology? 24 A. New technology is Graham Butler. 25 Q. Graham?</p>

Page 26

1 A. Yes, Graham.
 2 Q. G-r-a --
 3 A. G-r-a --
 4 Q. -- h-a-m?
 5 A. Yes.
 6 Q. Last name?
 7 A. Butler, B-u-t --
 8 Q. Butler.
 9 A. -- l-e-r.
 10 Q. Okay. And capability growth?
 11 A. Growth, yeah, is Jan, J-a-n. It's a
 12 lady, Jan Campbell.
 13 Q. C-a-m-p --
 14 A. "P" --
 15 Q. -- or no "p"?
 16 A. -- p-b-e-l-l, yeah.
 17 No, no, no, no. That line is
 18 not -- new technology is not part of this
 19 manufacturing excellence.
 20 Q. Okay. All three of these --
 21 A. Those three boxes drawn in report in --
 22 in to me. Those three individuals report in to me.
 23 Q. Okay. I'm just -- all three of these
 24 come in above here to you here?
 25 A. That's -- yes.

Page 27

1 Q. Okay. Well, I'm just stringing them all
 2 together --
 3 A. Okay.
 4 Q. -- so that we have an idea.
 5 A. Okay.
 6 Q. Okay. Where does process safety then
 7 come in?
 8 A. Process safety is -- comes in under the
 9 manufacturing excellence group.
 10 Q. Okay. So we would -- technically, we
 11 would get rid of this line and really do it that
 12 way?
 13 A. Yes, yes.
 14 Q. And we understand these all would go --
 15 A. Yeah.
 16 Q. -- back this way, right?
 17 A. Yeah.
 18 Q. Okay. That gives us a pretty good idea.
 19 You've explained away the rest.
 20 A. Okay.
 21 Q. Is there someone in charge of process
 22 safety here?
 23 A. Process safety, we -- we manage it a
 24 couple of ways. With my organization -- if I can
 25 explain it just a little bit.

Page 28

1 Q. You bet.
 2 A. In my organization, we have some
 3 functional experts; and we call them "advisors" as
 4 senior recognized experts in refining for different
 5 areas. And we have a process safety advisor. In
 6 fact, we have two. We just appointed a second one
 7 in the last six weeks or so.
 8 So I have two process safety
 9 advisors; and I have a COP, which is -- I can
 10 explain if -- if necessary. I have a COP for
 11 process safety.
 12 Q. How do you spell that?
 13 A. It's -- it's C-O-P. It stands -- it's an
 14 abbreviation. It stands for "community of
 15 practice."
 16 Q. Okay.
 17 A. So, yeah, those -- those three people are
 18 the ones who support process safety in refining.
 19 Q. And where are they located?
 20 A. One is -- two, sorry, are located in
 21 Sunbury. So the person who runs the process safety
 22 COP, process safety community of practice, he is
 23 based in Sunbury. One of the advisors is based in
 24 Sunbury. And the other advisor, the one that's
 25 recently been appointed, is based in Houston.

Page 29

1 Q. Let's go back to 2003.
 2 Were these departments set up then
 3 when you were the technology vice president?
 4 A. Yes. Yes, they were.
 5 Q. Were these the persons in those positions
 6 at the time?
 7 A. 2003. Graham and Jan were. Hugh came in
 8 to position in -- let me just think a minute. I
 9 think he came in January 2005. So, no, he wouldn't
 10 be.
 11 Q. Okay. Who did he replace?
 12 A. He replaced Jerry Rhodes.
 13 Q. Where did Mr. or Ms. Rhodes go?
 14 A. He went in to IST, which is a training
 15 group in -- in Cantera.
 16 Q. Fair enough. Let's talk about process
 17 safety again.
 18 A. Yes.
 19 Q. In 2003 -- in fact, let's do this with a
 20 separate piece of paper since we've already written
 21 all over this one.
 22 (Discussion off the record.)
 23 Q. (BY MR. COON) All right. We will draw
 24 on this one.
 25 Okay. You had -- you said with

<p style="text-align: right;">Page 30</p> <p>1 process safety, there were three? 2 A. There weren't three in 2003. There's 3 three now. 4 Q. Okay. Let's talk about each one. 5 What was the title for the two 6 process safety departments that were in place in 7 2003? You said there was an advisor? 8 A. There's an advisor, yeah. There's not -- 9 there weren't departments. There's -- 10 Q. Okay. 11 A. -- for process safety. There was -- in 12 2003, there was one process safety advisor; and 13 he -- he also convened the process safety COP. 14 Q. And the process safety advisor's name 15 was? 16 A. At that point, it was Mark Preston. 17 Q. Mark Preston. 18 And this was a position that was 19 in place when you were -- arrived on the scene in 20 the summer of '03? 21 A. That's correct. Just -- they weren't 22 actually called advisors then, but it -- it's what 23 we call them now. It's just easier to call them 24 advisors. 25 Q. Fair enough.</p>	<p style="text-align: right;">Page 32</p> <p>1 challenges, peer reviews, to help different 2 colleagues in different refineries. So it's a way 3 that we tend to basically manage the -- the 4 particular discipline, the particular technology 5 area. 6 So for process safety, what that 7 would mean is there would be a process safety 8 person from each refinery, part of this COP; and 9 then they would constitute that -- that COP. And 10 Mark Preston, as the process safety advisor, he is 11 the recognized expert for refining in -- in that 12 discipline; but he will also convene the COP. 13 Q. Mr. Maslin, there's been some discussion 14 in this case with respect to the principle of 15 sharing best practices; and it's an important 16 concept. 17 And I would like you to elaborate 18 more, for the benefit of the jury, as to what your 19 understanding of it is and a couple of examples, 20 please, sir. 21 A. A best practice is -- would be -- it can 22 be a variety of things. It could be a procedure, a 23 way of doing something. It could be equipment. It 24 could be some technology, from that point of view. 25 And it's something that is seen that is a good way</p>
<p style="text-align: right;">Page 31</p> <p>1 And I believe you said there was 2 one other one in place? 3 A. Not then, no. Not in 2003. There is 4 today, but not in 2003. 5 Q. So in 2003, there was one person -- 6 process safety advisor, Mr. Preston? 7 A. Mr. Preston, who also convened or ran the 8 process safety COP. 9 Q. And who was the process safety COP? 10 A. That -- okay. 11 Q. Or are there multiple? 12 A. Yeah. Can I -- do you want -- do you 13 want me to explain what the COP is? It... 14 Q. Yeah, I think it would help us. Thank 15 you. 16 A. Okay. What we have in -- in BP Refining 17 are a number of networks. And the network is 18 comprised of people that are based at the 19 refineries; and they represent their refinery in 20 their relevant discipline that that COP, that 21 community of practitioners, are interested in. 22 And a large number of those 23 networks are convened, facilitated by someone in -- 24 in my -- my team. And the COP -- COP role is to 25 share best practices, lessons learned, to do peer</p>	<p style="text-align: right;">Page 33</p> <p>1 of doing something. 2 And what we expect the -- all the 3 different COPs to do is to share what is seen and 4 seek out best practice. So it's by exchanging 5 information, dialogue, debate within the networks 6 that they can actually start to -- or COPs, sorry, 7 is to identify what is good, what is a good 8 practice in terms of a piece of equipment. 9 So it might be -- for instance, it 10 could be a pump, something as simple as a pump. If 11 someone has problems with the reliability on a 12 pump, it keeps breaking down, then they might say, 13 "Well, here's a pump; but in our refinery that's 14 been running for 20 years, it has never broken 15 down, it's really reliable, it's efficient," that 16 would be a piece of best practice. It -- you know, 17 it's -- best practice, something that is good that 18 you want to share and something that you would want 19 to adopt in -- in all refineries. 20 It then becomes a choice for each 21 refinery whether they use that best practice or 22 not. It's their choice. There's no compulsion to 23 use it. It is something that's beyond the minimum. 24 So it -- it is a best practice. 25 Q. So really we're looking at two concepts.</p>

<p style="text-align: right;">Page 34</p> <p>1 One is the identification of what are the potential 2 best practices available? 3 A. Yes. 4 Q. And then once those are identified, from 5 whichever sources they come from, is to exchange 6 that information or share it amongst the other 7 employees and management teams at the various 8 places of business that BP has around the world? 9 A. It's almost like that in the sense that 10 it's -- it would -- wouldn't necessarily get to the 11 management teams. So if it's -- if information is 12 being discussed in -- in a COP, in a community of 13 practice, then it would be up to those 14 representatives within that as to what do they then 15 do with that information. 16 So it could be that that doesn't 17 go back to management teams, just -- just to be 18 clear on that. 19 Q. All right. They're a filter for this 20 information, the COPs? 21 A. Yes, yes. 22 Q. And they're utilized to help assimilate 23 this information, correct, round it up, identify 24 it? 25 A. Yes, yes. And it could well be that the</p>	<p style="text-align: right;">Page 36</p> <p>1 And you want to be aware of that 2 so you can stay updated and stay current and be 3 competitive and maximize the efficiency and 4 capabilities of your units, correct? 5 A. That will be correct, yes. 6 Q. And I would take it in your business, 7 it's a pretty competitive business, isn't it, 8 refining and marketing? 9 A. I think it is very competitive. 10 Q. And there is obviously a lot involved 11 with it. There's a lot of capital involved in it, 12 correct? 13 A. There's a lot of capital employed, yes. 14 Q. A lot of international competition? 15 A. It's a global business. 16 Q. And your competitors are names that most 17 people on the jury would probably identify with. 18 That would be Shell and Chevron and Texaco and all 19 these other major refiners and chemical facilities 20 around the world, DuPont, Dow, all these places, 21 right? 22 A. It would be the major oil companies 23 and -- and also the independents, as well, yes. 24 Q. Now, you were telling us that in 2003, 25 there was a process safety advisor, Mr. Preston.</p>
<p style="text-align: right;">Page 35</p> <p>1 advisor in this case could be the person who might 2 compile it, document it, store it in some way. 3 Q. And I would take it that in terms of the 4 best practices, that it envelopes all aspects or 5 components of the operation of the company; that 6 is, best practices are looked at from the 7 standpoint of safety practices, correct? 8 A. Yes. 9 Q. Best practices are also identified with 10 respect to the areas of training? 11 A. Yes. 12 Q. Best practices would also involve 13 consideration for the methodology or modality of 14 supervision, how you supervise people and the 15 structure of the supervision? 16 A. I -- probably less so on that last one in 17 the -- and that's -- that's more of an HR type of 18 function. And I'm sure there -- there will be some 19 best practices there. I would -- so I think, yes, 20 you are correct. 21 Q. And you had the big picture example of, I 22 take it, maintenance; that is, you used, as an 23 example, pumps, different pumps may perform with 24 better capabilities as a result of improved 25 technology or just different technology.</p>	<p style="text-align: right;">Page 37</p> <p>1 Was that the only titled position at that time? 2 You said there were two -- 3 A. Well -- 4 Q. -- others at some point. 5 A. Yeah, that was the only titled position 6 in -- in my group at that point in time. 7 Q. And when did it change and how did it 8 change? 9 A. It -- it would have been sometime last 10 year, 2005. I would think in the third quarter. 11 I'm not completely sure on that. We -- 12 Q. "Third quarter," being the fall? 13 A. Yes, yes, in the July, September time 14 frame, I think. 15 We appointed a person to convene 16 the process safety COP. So Mark Preston was still 17 the advisor. We recognized that -- that, you know, 18 there was a lot going on in the process safety 19 area. We needed to support him with an extra 20 resource. And so we appointed a process safety COP 21 convener. 22 So just recently, we appointed 23 another process safety advisor. And that gentleman 24 was an external hire. And that would have been -- 25 I think he joined us the beginning of June.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. So I have a better 2 understanding -- we'll -- we'll finish filling all 3 of this in, but let me swap this out and just write 4 names in. 5 You had, under "Process Safety," 6 in June of 2003, when you arrived there, there was 7 a process safety advisor, Mr. Preston? 8 A. Yes. 9 Q. And that in the third quarter last year, 10 which is 2005, you added a process safety COP 11 convener? 12 A. That's correct. 13 Q. And that person reported to Mr. Preston? 14 A. I'm -- we made some changes. I'm not 15 sure exactly when the direct reporting -- when it 16 changed, but that individual does not report to the 17 process safety advisor today. 18 What I don't -- don't honestly 19 recall is when the individual was appointed, 20 whether he reported in to Mark Preston or whether 21 he reported in to another individual, because we 22 made some -- we made some changes. I can't 23 remember exactly when that was. 24 Q. Fair enough. 25 But this would have been a change</p>	<p style="text-align: right;">Page 40</p> <p>1 A. He reports to Kim Bucek, which is 2 complicated. 3 Q. It really is. 4 And that's somebody we did not see 5 on the chart that we utilized earlier, is it? 6 A. That's correct. 7 Q. So we now have -- does Mr. Preston still 8 report to you? 9 A. Mr. Preston has moved on in to a new 10 position within the new Mr. Mogford organization 11 called safety in operations. 12 Q. Okay. Are you familiar with a -- a 13 comedy group called Abbot and Costello? 14 A. I've heard the -- the name. 15 Q. Have you ever heard their routine called 16 "Who's on first"? 17 A. I don't think so. 18 Q. Okay. We'll see if we can identify that 19 for you after the deposition. I feel like that's 20 where we're going. 21 All right. Who has replaced 22 Mr. Preston here now? 23 MR. PATTERSON: Object to sidebar. 24 You can answer. 25 A. Who's replaced Mr. Preston? It's</p>
<p style="text-align: right;">Page 39</p> <p>1 that has taken place within the last year because 2 the position only -- 3 A. That's -- that's right. 4 Q. -- occurred in the last year? 5 A. Right. 6 Q. And you think they may have reported to 7 Mr. Preston at one time, but no longer do? 8 A. I'd -- if I have to make a statement, I'd 9 prefer to say that I don't think the individual 10 reported to Mr. Preston. I'm not completely sure, 11 but I don't believe so. 12 Q. Fair enough. 13 And this would have been, we can 14 say, like July or August, 2005? 15 A. Yeah, I -- yeah, that approximate time 16 frame. 17 Q. And who is this person? 18 A. That's Rob Shaw. 19 Q. How do you -- 20 A. "R" -- 21 Q. Rob? 22 A. "R" -- 23 Q. Yeah. 24 A. R-o-b, S-h-a-w, Rob Shaw. S-h-a-w. 25 Q. And who does Mr. Shaw report to now?</p>	<p style="text-align: right;">Page 41</p> <p>1 Frederick Gil, F-r-e-d -- 2 Q. (BY MR. COON) When -- when did this 3 occur, ballpark? 4 A. March of this year. 5 Q. And the new person is Frederick -- 6 A. Frederick Gil. 7 Q. Last name spelling? 8 A. G-i-l. 9 And -- yeah. And additionally, as 10 I said, in June of this year, we appointed an 11 additional person in that -- 12 Q. With -- 13 A. -- process safety. 14 Q. -- Mr. Gil? 15 A. Yeah. 16 Q. The name? 17 A. Don. 18 Q. Don? 19 A. Don Connolly. Connolly. 20 Q. D-a-w-n or D-o-n? 21 A. D-o-n, Connolly, C-o-n-n-o -- I think -- 22 I-I-y. I don't believe it -- 23 Q. And that occurred when? 24 A. June of this year. 25 Q. And what was the reason for replacing</p>

<p style="text-align: right;">Page 42</p> <p>1 Mr. Preston with what are now two individuals? 2 MR. PATTERSON: Objection, form. 3 Q. (BY MR. COON) Was he twice as good or 4 are you expanding the roles or what? 5 MR. PATTERSON: Objection, form. 6 A. Mark Preston had an opportunity to move 7 on in to this S&O group, because this new group was 8 being set up. And that was, obviously, in Mark's 9 interest to develop his -- his career; but also, 10 from a refining point of view, it was good to have 11 a refining person in this new team that was being 12 set up. So Mark moved on for career reasons. 13 And we decided that there was a 14 lot of work going on in the process safety area; 15 and we needed to add some additional central 16 resources, which was why we posted an additional 17 position and appointed Mr. Connolly. 18 Q. (BY MR. COON) Okay. So we've identified 19 that you had a process safety advisor back when you 20 took the position in '03, and that was Mr. Preston? 21 A. Yes. 22 Q. And he's now been replaced with two 23 individuals, Mr. Gil and Mr. Connolly? 24 A. Yes. 25 Q. We've identified that last fall, summer</p>	<p style="text-align: right;">Page 44</p> <p>1 in -- in Sunbury. Mr. Connolly is located in 2 Houston. 3 Q. Okay. That's -- that helps. 4 But then these two persons, they 5 may have Mr. Preston's role, but they're in two 6 different locations now? 7 A. Yes. 8 Q. This one here is in UK? 9 A. Yes. 10 Q. Mr. Connolly is here in Houston? 11 A. That's correct. 12 Q. And how is that now split up, and who do 13 they report to? 14 A. The two advisors report in to Tom 15 Cerwinski. Tom Cerwinski is my engineering 16 authority and also manager of the discipline 17 advisors. Mr. Cerwinski reports in to Hugh 18 Parsons, who is the manufacturing excellence 19 manager, as we saw earlier on. 20 Rob Shaw, the convener of the 21 process safety COP, reports in to Kim Bucek, who is 22 the HSSE network convener. And Kim reports in to 23 Hugh Parsons, similarly, the manufacturing 24 excellence manager. 25 Q. And what was -- let me back up a couple</p>
<p style="text-align: right;">Page 43</p> <p>1 to fall, you also established a process safety COP 2 convener, a Mr. Shaw? 3 A. Yes. 4 Q. Is he still there? 5 A. Yes. 6 Q. And what else has transpired in the three 7 years you've been there? 8 A. In the process safety area? 9 Q. Yes, sir. 10 A. In terms of resource, then that's -- 11 that's the resource. That's the change on -- you 12 know, that is the resource that's there now. So 13 that reflects that. 14 Q. I was of the impression, earlier in your 15 testimony, that something else occurred specific to 16 address this process safety field here in the 17 United States? 18 A. I don't recall what that was. 19 Q. Okay. Well, maybe I misunderstood 20 something. 21 Are all three of these gentlemen 22 located in London? 23 A. No. 24 Q. Or the UK? 25 A. No. Mr. Shaw and Mr. Gil are located</p>	<p style="text-align: right;">Page 45</p> <p>1 of things. 2 One is, first, with Mr. Preston, 3 did he have anything to do with the hiring of these 4 two persons or make the recommendations to create 5 two offices? 6 How did that work where you end up 7 with somebody replacing him where he was with 8 Mr. Gil, and then the creation of someone else with 9 the same or similar responsibilities here in 10 Houston? 11 A. Mark would have been involved with -- I'm 12 fairly confident that he was involved with the 13 interviews to select the individuals. 14 Frederick Gil was already in my 15 organization undertaking another role. He turned 16 out to be the best candidate of the applicants we 17 had. So that's why we appointed him to be the 18 process safety advisor. 19 Q. And what was the purpose of splitting up 20 Mr. Preston's role in to two positions, one 21 remaining in the UK and one where the residency 22 would be here in the States? 23 A. There wasn't -- there isn't directly 24 anything significant between the two locations -- 25 being two different locations. What -- what we saw</p>

<p style="text-align: right;">Page 46</p> <p>1 as a need was an extra resource for the work that 2 was going on on process safety. We needed an extra 3 resource. 4 And so when we posted the job, 5 when we said we had a -- a vacancy, we posted the 6 job, which is an internal; but we also went 7 externally, as well, to try to recruit someone. 8 And it turned out that the two best people we had 9 were Mr. Gil and Mr. Connolly, and one was US based 10 and one was UK based. So it worked out well; but 11 that wasn't a desired intent. 12 Q. Well, when I look at what we've gone 13 through to date and we see that Mr. Preston was a 14 pretty responsible role. 15 Process safety advisor is a pretty 16 responsible role at BP, isn't it? 17 A. Yes, it is. 18 Q. And to see that position then bifurcated 19 with someone put specifically here in Houston and 20 then with the creation of the process safety COP 21 convener, both of these occurring since the 22 explosion last year, I just -- I guess it begets 23 the question: Did the explosion down here have 24 anything to do with the creation of the additional 25 role of process safety advisor or the addition of a</p>	<p style="text-align: right;">Page 48</p> <p>1 that my organization has grown a lot in the last 2 nine months; and it's not just going to -- directly 3 because of Texas City. It has just gotten bigger 4 because we needed to staff it with more resources. 5 Q. (BY MR. COON) Okay. Let's first talk 6 about this specific issue here. 7 Did the change with respect to 8 Mr. Gil replacing Mr. Preston in the UK have any 9 consideration to the explosion of March, 2005 -- 10 MR. PATTERSON: Objection, form. 11 Q. (BY MR. COON) -- to the best of your 12 knowledge? 13 Was there any rumor or any 14 information that you had that indicated that BP, at 15 some level, felt Mr. Preston should be replaced -- 16 A. Oh, I see. 17 Q. -- in this position, in part or in whole, 18 because of what happened in Texas City? 19 MR. PATTERSON: Objection, form. 20 A. To my knowledge, that was not part of the 21 reason for moving him in to something else, no. 22 Q. (BY MR. COON) Was the creation of an 23 additional person with this same role here in 24 Houston after the explosion in any way involved 25 with what did happen at Texas City, directly or</p>
<p style="text-align: right;">Page 47</p> <p>1 process safety COP convener? 2 MR. PATTERSON: Objection, form. 3 A. The -- it was -- Mark Preston was a 4 pretty heavily worked individual as the process 5 safety advisor and also the process safety COP. 6 And not just in the process safety area, but in 7 other technology areas, as well, we had been 8 looking to make sure that the advisor has the 9 correct support to enable him to be the advisor, 10 the technical expert, and tried to take off some of 11 the more, I'll say, routine type of work off of 12 him. 13 And if -- so some of the advisors 14 both were technical experts and convening these 15 COPs. And we tried to shift, wherever possible, 16 convening the COPs onto other individuals to try to 17 free up the advisor of more time to use their 18 technical expertise. So that's some moves that 19 we've made in some other areas, as well, not just 20 in process safety. 21 But again, I think it's just 22 recognizing that there is a lot of work going on in 23 process safety; and we needed to put some 24 additional resources in. 25 Generally -- if I might just say</p>	<p style="text-align: right;">Page 49</p> <p>1 indirectly? 2 MR. PATTERSON: Objection, form. 3 A. I think it's very difficult to answer 4 that question as to what goes on in your mind as a 5 consequence of Texas City. 6 It did not have some -- some role 7 in looking for extra resources. It could have been 8 done, but that wasn't the specific intent of having 9 the extra resource. It was generally the amount of 10 work that was being done in that area. 11 Some of that extra work did come 12 out as a result of Texas City. So I'm sure that 13 some of it will be part of the cause for having 14 additional resources, but that wasn't the only 15 reason. 16 Q. (BY MR. COON) Well, was it just 17 coincidental that Mr. Connolly's position was 18 located here in Houston, just a few miles from 19 Texas City? 20 A. That absolutely was coincidental. 21 He -- he was an external hire, and 22 I'm trying to recall which company he was working 23 for; but he was working for another chemical 24 company. And he -- he was an external hire, and he 25 was based in Houston.</p>

Page 50

1 And so rather than move him to
 2 Chicago, which would have been where my -- most of
 3 my team in the US is based, we decided to leave him
 4 in -- in Houston. So it was coincidental.
 5 Q. Does he work out of his house?
 6 A. He -- he would be based in Texas City.
 7 So he would spend some time working out of his
 8 house, as well as Texas City.
 9 Q. In Texas City, does he work in the newly
 10 created administrative office off-site?
 11 A. I don't know specifically which of
 12 those...
 13 Q. Okay. Here in Houston, you also have, I
 14 think, a North American or Western Hemisphere HSSE
 15 department?
 16 A. I'm not familiar with that.
 17 Q. Do you know of any other offices here in
 18 Houston --
 19 A. I know that --
 20 Q. -- either owned or operated by BP?
 21 A. I know there's upstream offices. I'm not
 22 that familiar with the Houston location. So I
 23 don't know exactly where it is, but I think I've
 24 heard Westlake.
 25 Q. With respect to this other position,

Page 51

1 process safety COP convener, Mr. Shaw, this was
 2 something that was created after the March, '05
 3 explosion, correct?
 4 A. Yes.
 5 Q. Did the creation of this position have
 6 anything to do with the recognition of the
 7 explosion and its potential causes?
 8 MR. PATTERSON: Objection, form.
 9 A. No.
 10 I think I mentioned already that
 11 the -- we had been looking to separate some of the
 12 duties of the advisor in other areas; and process
 13 safety was just one of those areas that we wanted
 14 to split out the role of the advisor as a technical
 15 expert from managing, convening a process -- in
 16 this case, a process safety COP. So that was just
 17 something we were doing generally, not specifically
 18 because of Texas City.
 19 Q. (BY MR. COON) Are there any other
 20 changes at this level since June of 2003?
 21 A. "At this level" being?
 22 Q. At this level within the hierarchy. We
 23 don't need to go further down into subgroups down
 24 here.
 25 But at this level, process safety,

Page 52

1 had there been some other additions or changes?
 2 A. Not in terms of process safety, no.
 3 MR. COON: Let's go off the record
 4 just a minute.
 5 THE VIDEOGRAPHER: Off the record
 6 at 9:58.
 7 (Recess taken.)
 8 (Exhibit Number 594 marked for
 9 identification.)
 10 THE VIDEOGRAPHER: Back on the
 11 record at 10:16.
 12 Q. (BY MR. COON) Mr. Maslin, we took a
 13 break to get our ducks lined back up. So let's
 14 start all over with some of this stuff.
 15 We digressed a lot into some of
 16 the corporate changes that have happened over the
 17 last couple of years. So let's see if we can get
 18 back on track.
 19 I've handed you a document. It's
 20 right in front of you there. It's Exhibit
 21 Number 594. That was the deposition notice for
 22 your appearance today.
 23 And attached to that, sir, was the
 24 subpoena, which requested certain documents be
 25 provided to the plaintiff counsel in this case that

Page 53

1 were the type of documents that may have been in
 2 your domain; that is, communications and various
 3 other things.
 4 And we've received some documents
 5 in response to that. So I want to ask you a couple
 6 of questions on it.
 7 First, have you personally
 8 participated in assimilating any information
 9 responsive to any subpoenas or requests for
 10 discovery?
 11 A. I don't understand the question.
 12 Q. Yes, sir.
 13 Had BP's counsel or anyone come to
 14 you and say, "We need certain things as part of the
 15 discovery in the explosion case in Texas City"?
 16 A. Yes.
 17 Q. Can you tell us what types of information
 18 you've identified and provided to counsel for BP?
 19 A. There was a number of e-mails that I
 20 provided relating to Texas City, to HRO, to, I
 21 think, capital allocation, some bilateral inform --
 22 information, information of that nature.
 23 Q. Do you believe the things that you
 24 identified and provided to them was all of the
 25 information that you had available responsive to

<p style="text-align: right;">Page 54</p> <p>1 those requests? 2 A. I believe so, yes. 3 Q. Have you had an opportunity to read that 4 information that you provided to them before your 5 testimony today? 6 A. No. I've -- well, I've had an 7 opportunity, but I haven't done -- I have not done 8 it. 9 Q. I understand. We all have other things 10 to do. 11 A. Yeah. 12 Q. Have you looked at anything to help 13 assist you in your preparation for your testimony 14 today? 15 A. No. 16 Q. Have you read over any reports regarding 17 this explosion to prepare you for your testimony 18 today? 19 A. I have read the -- the Mogford report. I 20 read that one when it -- when it came out. I went 21 through it pretty quickly, though, when it came out 22 last December. 23 And I also recently made a 24 presentation on the underlying causes of the Texas 25 City incident to an industry conference in Portugal</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Have you ever prepared any books, 2 treatises or articles on the subject matter of 3 process safety, process safety management? 4 A. I haven't prepared any, no. 5 Q. Have you ever engaged in discussion of 6 those issues in a public forum prior to this 7 conference in Portugal? 8 A. No. 9 Q. You haven't been a guest speaker at any 10 kind of national or international symposiums 11 discussing the issues of process safety management? 12 A. No. 13 Q. The presentation that was given in 14 Portugal, was that last -- when did you say that 15 was? The last month or two or -- 16 A. Yeah, it was in June. It was right about 17 the middle of June. 18 Q. And was this a European or international 19 conference regarding process safety in the refining 20 industry? 21 A. No, it was -- well, it was a European 22 conference; and it was entitled something like 23 "Refining Management and Strategy Conflicts." 24 Q. And who was the sponsor or presenting 25 party for this conference?</p>
<p style="text-align: right;">Page 55</p> <p>1 about a month ago. And so in preparation for that, 2 I looked at the report again. 3 That's the only, you know, 4 relevant information, I think, in terms of -- not 5 actually preparing for this deposition today, but 6 it was, you know, obviously information related to 7 the incident. 8 Q. Was this the only occasion where you've 9 given any type of presentation associated with the 10 Texas City explosion? 11 A. Beyond just after the incident, there was 12 general communication about the incident to -- 13 which I gave to the staff. 14 We had a safety stand-down where 15 we talked about the incident, what the -- what we 16 might want to do in my team, what were the -- not 17 consequences, not the right word, but what were the 18 things that we might want to do to prevent a repeat 19 incident elsewhere, how could we help to avoid a 20 repeat incident elsewhere. 21 So it was that type of 22 information -- you know, information, presentation. 23 But in terms of a formal presentation to others 24 around the causes, no, that was the only 25 presentation out there.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. It was a company called GT Forum. They 2 are based in the UK and they're -- I just want to 3 make sure I get the right name. But they're -- 4 they run a conference. It's something similar, I 5 think, to MPRA. I haven't been to MPRA. 6 But it was something similar 7 called ERTC, European Refining Technology 8 Conference. They -- that's what they're well-known 9 for. This is an additional conference that they -- 10 they put on. 11 Q. It's my understanding that there is some 12 national or international conference that's held 13 here. It's -- I don't know if it's held outside 14 the United States on occasion; but it was held in 15 Orlando in the last couple of months, Orlando, 16 Florida. And several BP representatives were 17 there. I believe Mr. Broadribb spoke. 18 Mr. Pillari, I think, spoke. 19 Did you know anything about that 20 conference? 21 A. I recollect it was going on, but I -- but 22 that -- that's all. 23 Q. Did you have anything to do with helping 24 prepare any information for Mr. Broadribb or for 25 Mr. Pillari on that particular conference?</p>

Page 58

1 A. I did not.
 2 Q. Have you helped anyone else prepare any
 3 public materials associated with the Texas City
 4 explosion?
 5 A. I have not helped anyone prepare anything
 6 for -- information on the Texas City explosion.
 7 Q. Have you personally prepared any type of
 8 public press releases associated to the Texas City
 9 explosion?
 10 A. I have not.
 11 Q. How was it that you were invited to be a
 12 speaker at this conference in Portugal?
 13 A. The -- the individual who is a partner in
 14 GT Forum is someone who I -- I know personally.
 15 And he approached me by e-mail sometime towards the
 16 end of last year and said that he's running this
 17 conference and he would like someone from BP to
 18 talk about the underlying causes of the Texas City
 19 incident, could I -- you know, would BP be prepared
 20 to do that, who could he contact in BP to find out
 21 whether he could get a speaker to come.
 22 And I said, "I'll try and find out
 23 whether BP's prepared to make a presentation."
 24 And so I made contacts; and it
 25 took a long while before BP said that they are

Page 59

1 prepared to make a presentation now, that it would
 2 be okay.
 3 And the gentleman said, "Well,
 4 time was -- was marching on." He said, "Well, I've
 5 got to go to the press with the -- the brochure and
 6 the agenda. What's the -- what's the title of the
 7 subject?"
 8 And I said, "I don't know."
 9 He said, "Who's going to make the
 10 presentation?"
 11 I said, "I don't know."
 12 He said, "Well, I need to put
 13 someone's name down on the brochure because I've
 14 got to go to print."
 15 And I said, "Well, put -- put my
 16 name down. I'll get someone to make a presentation
 17 for you. Put my name down," which he did.
 18 And you can probably guess I
 19 couldn't get anyone else to make the presentation.
 20 So in the end, I -- I made the presentation.
 21 Q. Who did you have to go to in order to
 22 obtain permission to attend and speak at this
 23 seminar?
 24 A. CJ Warner, Sue Rogue -- sorry, no.
 25 Rataj, Sue Rataj, if I've got the right name.

Page 60

1 Those were the -- and also the -- through that --
 2 through the lawyers, as well, the BP lawyers. I
 3 think Jim Nolan was one also I went to.
 4 Q. Did you have to meet with or get approval
 5 by Mr. Hoffman, Mr. Manzoni or Lord Browne?
 6 A. No.
 7 Q. Do you know if any of those three
 8 individuals were involved --
 9 MR. PATTERSON: Objection, form.
 10 Q. (BY MR. COON) -- in the approval
 11 process?
 12 A. I did not contact them. So I have no
 13 idea whether they were informed of anything.
 14 Q. Who prepared the written materials for
 15 that seminar?
 16 A. The -- interesting. The -- I found
 17 out -- I can't remember how now -- that Mark
 18 Preston had made a presentation on Texas City to
 19 some conference. And I can't -- I can't remember
 20 what conference that was now, but he had some slide
 21 material.
 22 And he sent me those slides that
 23 he had. There were too -- too many for what I had.
 24 I had a half an hour slot at this conference.
 25 There were too many. So I cut them down.

Page 61

1 Q. Was this like PowerPoint presentations?
 2 A. PowerPoint present -- yes.
 3 Q. Were photographs involved as well or --
 4 A. There was embedded -- I think there was
 5 two embedded photographs, one generally of the
 6 Texas City site and one of -- a picture of the
 7 ISOM unit after the explosion.
 8 Q. So you were --
 9 A. Yes. So -- so Mark sent me these
 10 PowerPoint slides, and I got the okay from Jim
 11 Nolan that these slides were okay to use.
 12 I -- I said I would need to reduce
 13 them down, was that okay. And so I reduced down
 14 the number, and I used those slides.
 15 And then in terms of preparing
 16 what I said to those slides, as I mentioned
 17 earlier, I -- I looked at the Mogford report again
 18 just to refresh myself and make some notes around
 19 that.
 20 So it was actually sharing --
 21 sharing the underlying causes of the Texas City
 22 incident with -- with people at the conference who
 23 were, obviously, from other parts of the -- the
 24 industry. There weren't -- there were one or two
 25 BP people there, but people from other part --

<p style="text-align: right;">Page 62</p> <p>1 other oil companies. 2 Q. Did anyone else speak at the seminar on 3 behalf of BP? 4 A. Not -- not on -- on the Texas City 5 incident, no. Did anyone else speak? I don't 6 believe so. I went there for -- just basically for 7 the morning to do this presentation. I didn't stay 8 for the whole conference, though. 9 Q. Other than the PowerPoints that 10 Mr. Preston had previously prepared and your 11 editing of that presentation he had used before, 12 was there anything else that was utilized, 13 something that was added, written materials that 14 you put together or a story line or anything like 15 that? 16 A. No, that was -- as I said, I had the 17 PowerPoint presentations and I had some written 18 notes, I made written notes, which I read, too; but 19 those were obviously not -- the notes weren't 20 provided to anyone, but I read them to make sure 21 that I stayed on track, on course. 22 Q. Where are all the materials associated to 23 Mr. Preston's more comprehensive slide 24 presentation? 25 A. Where are they?</p>	<p style="text-align: right;">Page 64</p> <p>1 there's any other type of literature out there that 2 has formulated part of any kind of presentation or 3 literature that's been published in the -- I guess 4 it's been put out in the public domain; that is, 5 conference materials, any other kind of seminar 6 materials, any articles that you are aware of that 7 BP has produced to the general public or the press 8 or anything like that? 9 A. The only -- no, that's the only one that 10 I'm familiar with, but I -- well, no. I -- excuse 11 me. That's not true. 12 I know John Mogford has -- has 13 made talks -- has given talks. 14 Q. Do you know where at? 15 A. No. No. I remember seeing a transcript 16 of something that he had -- he had said, but I 17 can't remember to what organization that was to. 18 Q. Do you know if this was like a conference 19 or a seminar, anything of that nature? 20 A. I don't recall what it -- what it was 21 for. I would think it was a conference, but I'm 22 not sure. 23 Q. Do the regulatory authorities, like the 24 H&SE in UK, have any oversight role in things that 25 happen with BP's enterprises outside the UK?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Yes, sir. 2 A. I have a copy on my laptop. 3 Q. Was that something that has been provided 4 as part of the request made with your deposition 5 notice and subpoena? 6 A. I honestly don't recall whether that was 7 in the file when I sent all the material to the -- 8 to the BP lawyers. 9 Q. Okay. 10 A. It's in the folder. So I haven't 11 personally checked that individual -- 12 Q. Okay. 13 A. -- one. 14 Q. We would like to make a specific request 15 of that material, if you would provide that to 16 counsel as an addition to the documents that you've 17 already provided to them. 18 I am not sure it is something -- I 19 haven't personally seen it, but we have 6 million 20 documents that we've received. So it may be in 21 there somewhere, but in the event it's not. 22 MR. COON: Just a minute. We have 23 something top secret to discuss. 24 (Discussion off the record.) 25 Q. (BY MR. COON) Mr. Maslin, do you know if</p>	<p style="text-align: right;">Page 65</p> <p>1 For instance, with Texas City, are 2 there regulatory agencies in the UK that would 3 consider dealing with or inquiring of BP about what 4 happened and how it happened and the potential 5 imposition of any fines or penalties associated 6 with it for things that happen outside the UK? 7 A. No. They wouldn't have jurisdiction to 8 put any fines on BP for instances overseas, no. 9 Q. Do you know whether or not they have 10 ever, in the past, attempted to facilitate informal 11 inquiries into matters that occur outside the UK 12 for their own personal benefit? 13 MR. PATTERSON: Objection, form. 14 A. I haven't -- I think I'm unable to know 15 what -- what they have done. They have not 16 approached me for any of that information. 17 Q. (BY MR. COON) Okay. Were you involved 18 in any way with respect to the investigation or 19 reporting on the Grangemouth incident? 20 A. No. 21 So if -- so if I could just 22 clarify. Grangemouth, there were -- which -- 23 Q. It was 2000 or so, the -- 24 A. 2000. 25 Q. -- the major explosion that occurred?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. The fire at -- The fire? 2 Q. Yes, sir. 3 A. No. It's still no, but... 4 Q. From a timing standpoint, when was it 5 that you were requested to get all this information 6 together? Has this been something that occurred 7 recently, or is this something that happened a long 8 time ago? 9 A. For submitting to the BP lawyers? 10 Q. Yes, sir. 11 A. I was asked in October of last year to 12 download the files. I only did it recently, 13 probably in the last two weeks. 14 Q. Okay. So you think that in light of the 15 fact that it was produced relatively recently, that 16 it captured just about everything that you had? 17 A. That's what I am -- I am suspecting, yes. 18 Q. And you're not sure today whether or not 19 you included the presentation or the slide 20 materials from Mr. Preston as part of that 21 production? 22 A. That's what I'm not -- I'm not sure of. 23 I'm -- I'm thinking that the materials that I used 24 would have been in the file, and I'm not sure 25 whether Mr. Preston's material was in the file.</p>	<p style="text-align: right;">Page 68</p> <p>1 to any -- talked -- talked. 2 I haven't talked to any 3 individuals or read any papers in terms of 4 preparing for that. I obviously came across -- I 5 met the BP lawyers for the -- you know, the head of 6 the meeting, but that's -- that's all I have done 7 to date. I've -- 8 MR. PATTERSON: Don't say anything 9 about the lawyers and what you talked about. 10 THE WITNESS: No. 11 A. I was -- I was just going to say that I 12 was -- I had some concerns of what I was coming for 13 because it was unclear to me what -- what I was 14 being called to the States for. So I tried to 15 understand what the -- the process was and why was 16 I being called across here. 17 Q. (BY MR. COON) But you have had an 18 opportunity to meet with BP's attorneys and they've 19 explained to you what the deposition is generally 20 about and -- 21 A. Yeah. I was concerned about that 22 because there's, yeah, stuff going on in -- in the 23 UK now of -- with NatWest people and Enron cases 24 and I was a bit concerned about what I was coming 25 over for.</p>
<p style="text-align: right;">Page 67</p> <p>1 That's what I would need to check. 2 Q. Have you looked at anything except 3 Mr. Mogford's report -- that being the fatal report 4 of December, '05 -- for preparation for your 5 testimony today? 6 MR. PATTERSON: Objection -- 7 A. No. 8 MR. PATTERSON: -- form. 9 Q. (BY MR. COON) Have you reviewed any 10 summaries of anybody's testimony or talked to 11 anybody else who has either testified or you 12 believe to have knowledge relevant to these 13 proceedings to help facilitate a better dialogue 14 about what happened out there? 15 A. Not to help -- sorry. Say that again. 16 The -- to help better what, sir? 17 Q. Just -- just to help refresh your memory 18 about things or understand more things about what 19 happened at Texas City to -- to be able to talk to 20 us today about questions we may have. 21 You understood you were coming 22 over here to talk about the Texas City 23 explosion and -- 24 A. That's correct. That's correct. 25 So I haven't -- I haven't talked</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Now, you were aware of the -- I guess, 2 the recent allegations associated to the price 3 fixing of propane and -- 4 A. I've seen issues in the press around 5 that. 6 Q. Okay. You don't have any personal 7 involvement in those issues? 8 A. No, I don't. 9 Q. And could you give us some idea of the 10 amount of times you've had an opportunity to meet 11 with the BP attorneys to prepare you for testimony 12 today? 13 A. I've met the BP attorneys twice, once 14 back in October, which was -- made me aware of any 15 materials I might have that would be relevant to -- 16 to the case then. So that was the first time I met 17 them. And they made me aware of -- asked me what 18 information I might have that might be relevant. 19 And then just -- just ahead of this -- coming 20 across here for this deposition today. 21 Q. And I take it you've not made an effort 22 to talk with the witnesses or the plant manager or 23 anybody in health and safety at Texas City? 24 A. No, I haven't. 25 Q. Since the explosion, did you ever have a</p>

Page 70

1 responsibility to talk to any of those individuals
 2 to get a better understanding as to what happened,
 3 not for your testimony today, but just part of your
 4 job?
 5 A. No, I have not spoken to the plant
 6 manager since the explosion.
 7 Q. Do you know who the plant manager was?
 8 A. Don Parus.
 9 Q. Did you have dealings with him before the
 10 explosion?
 11 A. Yes.
 12 Q. Do you know what's happened to him since
 13 then?
 14 MR. PATTERSON: Objection, form.
 15 A. I'm not familiar with what's happened to
 16 Don, no.
 17 Q. (BY MR. COON) Do you understand he was
 18 replaced?
 19 A. I understand he was replaced.
 20 Q. Do you know who replaced him?
 21 A. I know that Maclean is now the business
 22 unit leader of Texas City, yes.
 23 Q. Had you had dealings with Mr. Maclean
 24 before and after this explosion?
 25 A. Before, yes; and after, yes.

Page 71

1 Q. Do you know why Mr. Maclean replaced
 2 Mr. Parus?
 3 MR. PATTERSON: Objection, form.
 4 A. No.
 5 Q. (BY MR. COON) You were never told or
 6 advised or had an understanding as to why
 7 Mr. Maclean replaced Mr. Parus?
 8 MR. PATTERSON: Objection, form.
 9 A. I would only be able to surmise.
 10 Q. (BY MR. COON) What is your supposition?
 11 MR. PATTERSON: Objection, form.
 12 A. He -- he was running Grangemouth
 13 refinery. So he went to Grangemouth after the
 14 troubles they had in Grangemouth in the 2000 time
 15 frame.
 16 Q. (BY MR. COON) This being Mr. Maclean?
 17 A. Mr. Maclean, that's right. And so he did
 18 a good job there of improving operations at -- at
 19 Grangemouth and, therefore, had some experience of,
 20 let's say, pulling a site around. And so I think
 21 that could be a reason why he was selected and
 22 proposed --
 23 Q. Okay.
 24 A. -- to --
 25 Q. You had --

Page 72

1 A. -- to be the Texas City business unit
 2 leader.
 3 Q. From your position, you had some
 4 understanding that Mr. Maclean had a good track
 5 record of being a trouble shooter for BP at plants
 6 that had problems?
 7 A. Well, I am only really familiar that --
 8 in terms of the expression you used, "a
 9 troubleshooter." I think that it was really only
 10 Grangemouth where he's done that before, as far as
 11 I'm aware.
 12 Q. I take it you've not been interviewed by
 13 any investigative authorities or regulatory
 14 agencies regarding anything you may know about
 15 process safety or anything it would have to do with
 16 this explosion?
 17 A. That's correct.
 18 Q. No statements to OSHA, the CSB or any
 19 other investigative agency?
 20 A. The only -- I had an interview with
 21 the -- termed the Baker panel; but that's not
 22 agencies, I guess, as you've phrased the question.
 23 Q. Anyone else you've talked to other than
 24 the Baker panel regarding this incident as part of
 25 any kind of formal inquiry?

Page 73

1 A. Not as -- the only other -- the only
 2 other conversation was a recent one which came --
 3 came out of the blue, which had an -- I think it
 4 was an e-mail and a voice mail from a gentleman
 5 called Bill Bonze, a BP person. And they wanted to
 6 interview me was what it was. And I didn't quite
 7 understand what that was about.
 8 And I spoke with him, and he said
 9 that he was leading an investigation into the Texas
 10 City incident from -- well, I took it to be a
 11 disciplinary point of view.
 12 Q. And did you understand who the persons
 13 were that they were looking at as part of this
 14 information?
 15 A. No, I do not know.
 16 Q. Was it related to you that Mr. Gower was
 17 a point of that investigation?
 18 MR. PATTERSON: Objection, form.
 19 A. No.
 20 Q. (BY MR. COON) Was it related that
 21 Mr. Parus was a point of that investigation?
 22 MR. PATTERSON: Objection, form.
 23 A. No.
 24 Q. (BY MR. COON) Were you made aware that
 25 Ms. Lucas or Mr. Willis at Texas City were

<p style="text-align: right;">Page 74</p> <p>1 considered points of that investigation? 2 MR. PATTERSON: Objection, form. 3 A. No. 4 Q. (BY MR. COON) Were you made aware of 5 anyone who was a point of that investigation? 6 MR. PATTERSON: Objection, form. 7 A. No. 8 Q. (BY MR. COON) Do you know why it would 9 be that BP would be initiating an investigation of 10 any disciplinary nature with respect to any of 11 those four individuals I just named? 12 MR. PATTERSON: Objection, form. 13 A. No. 14 Q. (BY MR. COON) Do you know Mr. Willis at 15 Texas -- 16 A. Yes. 17 Q. -- City? 18 A. Yes, I do. 19 Q. Do you know Ms. Lucas? 20 A. Yes, I do. 21 Q. Do you know Mr. Gower? 22 A. Yes, I do. 23 Q. And you told us you knew Mr. Parus? 24 A. Yes. 25 Q. Have you talked to any of those four</p>	<p style="text-align: right;">Page 76</p> <p>1 that indicates that Mr. Pillari is retiring and 2 he's, therefore, being replaced by Bob Malone. I 3 don't know -- all I know is he is retiring. 4 Q. (BY MR. COON) Did you know whether or 5 not Mr. Parus is still even on the BP payroll? 6 MR. PATTERSON: Objection, form. 7 A. I do not know. 8 Q. (BY MR. COON) Mr. Maslin, I want to turn 9 our attention to several areas regarding process 10 safety management. 11 And in that regard, could you tell 12 us, sir, first, what prior formal training and 13 education you have received that would relate to 14 process safety management; that would be college, 15 postgraduate or other special areas that target you 16 in training or in educating you or training as it 17 relates to process safety management? 18 A. Excuse me. I've had no formal training 19 with process safety management, but I'm very 20 familiar -- from having been in the refining 21 business for 34 years that I'm very familiar, from 22 a practical point of view from operations, what 23 process safety is. 24 Q. Does the UK have regulatory agencies such 25 as H&SE that deals with process safety?</p>
<p style="text-align: right;">Page 75</p> <p>1 individuals about the possibility of disciplinary 2 action being undertaken against them as a result of 3 this explosion? 4 A. Not directly. I see Mr. Gower quite -- 5 quite regularly and often have a conversation with 6 Pat about, you know, how is he feeling, how is he 7 doing. You know because there's obviously a lot of 8 pressure, investigation going on. 9 So just from a colleague point of 10 view, just check in with him; but I've never 11 outrightly asked him about disciplinary action 12 around him. 13 Q. Do you have an understanding that not 14 only was Mr. Parus removed from his position as the 15 BUL at Texas City after this explosion, but that 16 Mr. Gower is now being replaced, as well? 17 MR. PATTERSON: Objection, form. 18 A. I was unaware that Mr. Gower was being 19 replaced. As far as I'm aware, he's still in -- 20 still in his position. 21 Q. (BY MR. COON) Are you aware that 22 Mr. Pillari is being replaced in his position as 23 president of BP North America? 24 MR. PATTERSON: Objection, form. 25 A. I am -- I have read a staff announcement</p>	<p style="text-align: right;">Page 77</p> <p>1 A. The UK Health and Safety Executive would 2 include process safety as part of their -- their 3 remit, yes; but I'm not familiar with any other 4 agencies that would look at that. 5 Q. Are there any kind of tests that you need 6 to take to have positions at BP such as the BUL at 7 Coryton to show that you can pass an educational 8 level of experience and knowledge regarding process 9 safety? 10 A. No, there's no test. 11 Q. Have you ever worked here in the United 12 States? 13 A. I've worked in the US. 14 Q. Did you grow up in Britain? 15 A. Yes, I did. 16 Q. Did you go to college there? 17 A. Yes, I did. 18 Q. Which college, sir? 19 A. Imperial College London. 20 Q. Is that a four year? 21 A. It's three year. 22 Q. Three year. 23 What type of degree did you get? 24 A. Chemical engineering. 25 Q. Do you have any other degrees?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. I have an HNC in business studies. 2 Q. What is that, sir? 3 A. It's a higher national certificate. It's 4 lower than the degree level. It's a formal study 5 qualification. 6 Q. Is it along the lines of what we have 7 here as an MBA? 8 A. No, it -- no, it's not that same level. 9 Q. And what years did you work here in the 10 States? 11 A. Do you want approximately or -- 12 Q. Ballpark, yes, sir. 13 A. August, '79 to August, '80. 14 Q. Was that with Mobil? 15 A. That was with Mobil in Princeton, 16 New Jersey, their engineering center. 17 Q. Did you happen to know a gentleman over 18 there, Myron Mehlman, who is head of industrial 19 safety? 20 A. Say again. 21 Q. Did you know a Myron Mehlman, who is head 22 of industrial hygiene and toxicology at Mobil? 23 A. No. 24 Then it would have been '80 -- it 25 was roughly '87, I think it was. '87 -- I would</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. So is Coryton now a joint venture 2 operating refinery? 3 A. Well, I was going to move on to say that 4 then -- we then had the Amoco and BP merger in -- 5 when was that, '98? 6 Q. '99? 7 A. '99, '98. And then as a Mobil -- sorry, 8 yeah, the Mobil response to that -- or Exxon's 9 response to that was the merger with ExxonMobil. 10 And the Mergers and Monopolies 11 Commission in -- in Europe said to Mobil, as I 12 understand it, "You can't go into this merger with 13 Exxon unless you get out of your joint venture with 14 BP in Europe because you're going to be too big. 15 It's going to be too monopolistic." 16 And so at that point in time, the 17 merger -- sorry, the joint venture of Mobil and BP 18 in Europe dissolved and BP purchased certain parts 19 of Mobil and they purchased the Coryton refinery at 20 that time with that breakup. So Mobil -- Coryton 21 then moved from a joint venture refinery to a BP 22 owned refinery, which it is today. 23 Q. Okay. And what did you do out there 24 during that time frame, '80, '87? 25 A. '80, '87. I was superintendent in the</p>
<p style="text-align: right;">Page 79</p> <p>1 say August, '87 to March, '89, if I got that right. 2 And then again November, '95 to April of '97. 3 Q. Okay. Let's just hit those dates real 4 quick. 5 The 1979, 1980 time frame -- 6 A. Yeah. 7 Q. -- what were you doing? 8 A. I -- I was working in the engineering 9 center in -- in Princeton. So it was part of 10 Mobil's R&D. So it centered on the engineering 11 site, just doing general engineering work, 12 design -- design type of work. 13 Q. And where were you in the seven years 14 between then and when you came back stateside? 15 A. I came back from stateside to Coryton 16 refinery. 17 Q. Was that with BP? 18 A. No, still Mobil. This was all Mobil. 19 All the -- all the three US experiences were with 20 Mobil. 21 Q. Did BP have a refinery in Coryton also? 22 A. No. The Coryton refinery is a Mobil 23 refinery and I'll say it -- it was involved -- got 24 involved with this joint venture that BP and Mobil 25 set up in Europe in '96.</p>	<p style="text-align: right;">Page 81</p> <p>1 planning and scheduling department. So this is the 2 team that schedules, you know, what crews are going 3 to be run, what the different rates we want on -- 4 we want to run on the different parts of the 5 refinery, what products we're going to make. So 6 scheduling the refinery. I did that. 7 And then I moved on to be the 8 operating superintendent for the CAT cracking 9 complex. That would have been '82 to, I guess, in 10 '85, I think it probably was. 11 And then I went up to London to 12 work in their manufacturing and supply department. 13 So this would have been Furama CL, Mobil Oil 14 Company Limited, UK. 15 And I was through there until I 16 then went to the US again in '80 -- did I say '87, 17 something like that? 18 Q. Yes, sir. '87 -- 19 A. '87. 20 Q. -- '89. 21 A. Where did I go then? 22 In '87, I went to East 42nd Street 23 in New York, at Mobil's head office in New York, 24 where I was initially in the supply -- 25 international supply department. And I also had an</p>

<p style="text-align: right;">Page 82</p> <p>1 assignment in the international planning 2 department. 3 And I left there, went back to 4 Coryton again in '89. And I was the operations 5 manager for the refinery at that point in time. 6 I then was -- did that for a 7 couple of years. I was then the isomerization 8 venture manager. This was a new project that was 9 being constructed at Coryton on an isomerization 10 unit. And I was the project manager -- sorry, the 11 venture manager, which led the business manager for 12 that project through its start-up in '93. I then 13 became the deputy manager for Coryton. 14 And then in '94, I think that's 15 right, '94, I had an assignment in Germany where I 16 was the refinery manager of Mobil's WÖrth refinery. 17 I was there for just about two years. And during 18 that time, unbeknown when I went over there, Mobil 19 decided they would close that refinery. So I had 20 the -- had the duty to shut that refinery down and 21 close it. 22 And after the closure, I then went 23 back to the US, which would have been November, 24 '95, went to Paulsboro outside Philadelphia, where 25 I joined the -- the Mobil research and development</p>	<p style="text-align: right;">Page 84</p> <p>1 roles together, and that's the job I've got today. 2 MR. PATTERSON: That was -- 3 THE WITNESS: No, that's right, 4 yeah. 5 Q. (BY MR. COON) All right. Well, thank 6 you. That covered a lot of ground for us. 7 Mr. Maslin, do you have a working 8 understanding of blowdown drums? 9 A. Yes. 10 Q. Vent stacks? 11 A. Yes. 12 Q. Have you ever worked hands-on on units 13 before? Have you ever been out in the field where 14 you've actually seen the operations? 15 A. In -- there was a blowdown drum at 16 Coryton refinery and I -- on one of the units when 17 I was a day supervisor. So a production day 18 supervisor was on one of the units I had 19 responsibility for. So I haven't actually operated 20 it myself, but I saw -- it was under my, you know, 21 jurisdiction, under my supervision. So I had 22 operating crews that operated process units. I had 23 a blowdown drum on there. 24 Q. What regulatory agencies are there in the 25 UK that deal with what type of technology should or</p>
<p style="text-align: right;">Page 83</p> <p>1 company again. And I was the plant integration 2 manager, which was a role looking at different -- 3 just different aspects of technology supporting to 4 the refineries. 5 And I was there whilst this joint 6 venture with BP and Mobil was announced in Europe, 7 and I had an opportunity then, because I was out of 8 the country, to either stay with Mobil 9 internationally or join BP. And because I wanted 10 to go back to Europe and Mobil, it would appear, 11 was not going to have any operating assets left in 12 Europe, as a consequence of this joint venture, I 13 decided to join BP. 14 And BP offered me a position in 15 Sunbury as the refining processes manager; and I 16 did that for six months before I then was appointed 17 business unit leader of Coryton refinery in 18 approximately December, '97. And I was there -- 19 the business unit leader at Coryton through to 20 December, 2001, when I was -- as I mentioned, I was 21 the general manager of reliability based in 22 Sunbury. 23 And then that role then, I had -- 24 did that and was then also appointed the technology 25 vice president of refining and combined those two</p>	<p style="text-align: right;">Page 85</p> <p>1 has to be utilized in refineries and chemical 2 plants? 3 A. I wouldn't actually say there is an 4 agency that deals with what technology should be 5 used. The UK Health and Safety Executive is really 6 the only regulatory authority, and the Environment 7 Agency, as well; but they do not tell you what 8 equipment to use in your refineries. 9 They rely on the operating 10 companies to make sure whatever equipment you have, 11 you know, is -- is fit for purpose and meets the 12 needs of that equipment and expects you to operate 13 it appropriately. They don't actually stipulate 14 what equipment you should have. 15 Q. Okay. You understand what OSHA does here 16 in the United States, do you not, regarding safety 17 practices and workforce issues? 18 MR. PATTERSON: Objection, form. 19 A. I'm not sure I'm able to categorically 20 state I understand what they do. I have an 21 impression of what they do, but I think that would 22 be all. 23 Q. (BY MR. COON) Okay. And do you have a 24 working understanding or familiarity with what the 25 EPA does here in the States, the Environmental</p>

<p style="text-align: right;">Page 86</p> <p>1 Protection Agency? 2 A. Similarly, just a working knowledge of 3 what they do. 4 Q. What compares with those in the UK? 5 A. My impression is that OSHA is equivalent 6 to the Health and Safety Executive; and I think our 7 Environmental Agency, I would think, is similar to 8 the EPA. 9 Q. What is your Environmental Agency? 10 A. They -- they have responsibility to make 11 sure that companies meet emission limits, whether 12 it's air, water, land. So it would be around 13 those -- those areas. That's their area of 14 jurisdiction -- 15 Q. Is that what -- I'm sorry. 16 Is that what's called the 17 Environmental Agency? 18 A. Yes. 19 Q. Okay. And I take it your H&SE or your 20 Environmental Agency has the ability to go out to 21 the refinery or chemical plant premises and inspect 22 them and make recommendations and sometimes even 23 initiate fines for failure to comply with the 24 existing regulations? 25 A. That's correct.</p>	<p style="text-align: right;">Page 88</p> <p>1 safety. I would expect any operating company to 2 pay attention to process safety. Any -- any 3 company should -- should do that. They might do it 4 in different ways. 5 So will I, therefore, say they are 6 irresponsible if they don't pay attention to it, I 7 guess I suppose I would. 8 Q. (BY MR. COON) And you would agree and 9 understand that a failure to practice good process 10 safety management in the refining industry can put 11 the workforce at an extreme risk of harm? 12 MR. PATTERSON: Objection, form. 13 A. Yes, it could put them at risk. 14 Q. (BY MR. COON) Sure. 15 Because you're dealing with a lot 16 of materials that are flammable, for instance, 17 correct? 18 A. That's right. 19 Q. Many of them are toxic to the environment 20 and to people that are exposed to them, correct? 21 A. That's correct. 22 Q. And you're familiar with a number of the 23 processes in the refining and chemical sector that 24 involved the utilization of chemicals that are 25 known to cause cancer, for instance? You're</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Mr. Maslin, you would agree that process 2 safety management, as a principal, is critical in 3 the petrochemical industry, would you not, sir? 4 A. Yes, I would agree. 5 Q. And you would agree that a company that 6 failed to recognize the importance of process 7 safety management would be careless? 8 A. Would be -- pardon? 9 Q. Would be careless? 10 A. Careless. 11 Q. Would be irresponsible? 12 MR. PATTERSON: Objection, form. 13 A. I think -- well, process safety, I think, 14 is very important. So would I say that they were 15 reckless, I'm not sure that necessarily correlates; 16 but I think process safety is very important. 17 Q. (BY MR. COON) Okay. Well, if a company 18 is engaged in the business of refining 19 hydrocarbons, such as BP, if they failed to 20 recognize the importance of process safety 21 management, that would be irresponsible, wouldn't 22 it? 23 MR. PATTERSON: Objection, form. 24 A. It depends how -- it depends what -- what 25 you mean by, you know, fail to recognize process</p>	<p style="text-align: right;">Page 89</p> <p>1 familiar with that, are you not? 2 A. Yes. 3 Q. Such as benzene, other aromatic 4 hydrocarbons, toluene, xylene, are associated to 5 the development of blood cancers and blood 6 disorders, like leukemia, lymphoma and Hodgkin's 7 disease, right? 8 A. Yes. 9 Q. So you don't want any of your workforce 10 exposed to those and -- either by getting it on 11 them or breathing it, where it can put them at risk 12 of developing some kind of disease down the road, 13 do we? 14 A. We try to take all those concerns into 15 case, and then you manage the risk associated with 16 it. And there are -- so you manage that risk. So 17 I don't think it's an absolute thing that you don't 18 want to expose anyone, you know, absolutely zero. 19 You're trying to minimize within 20 the known -- the known safe limits that you can 21 come into contact with those types of things. 22 Q. And part of good process safety 23 management is recognizing risk areas and doing what 24 you reasonably can to reduce that risk. Fair 25 statement?</p>

Page 90

1 A. Yes.
 2 Q. And you cannot be an absolute guarantor
 3 of eliminating all risks, but you can exercise
 4 reasonable prudence to at least do what you can to
 5 minimize that risk?
 6 A. Yes, that's right. I would agree with
 7 that.
 8 Q. And, for instance, with the utilization
 9 of hydrocarbons, you want to try to keep those
 10 hydrocarbons contained within the infrastructure of
 11 the units?
 12 A. That's correct.
 13 Q. And that's because if they escape, not
 14 only are they sometimes a potential health hazard
 15 to individuals, they pose a risk of, for instance,
 16 an explosion, correct?
 17 A. In some --
 18 MR. PATTERSON: Objection, form.
 19 A. In some circumstances, that could be the
 20 case.
 21 Q. (BY MR. COON) Sure.
 22 And that's really what we had in
 23 Texas City on March 23rd, was the escape of
 24 hydrocarbons through an open containment system,
 25 where it formed a vapor and/or a liquid at ground

Page 91

1 level that reached the source of the ignition and
 2 exploded?
 3 MR. PATTERSON: Objection, form.
 4 A. That's what the -- was contained in the
 5 report I remember reading.
 6 Q. (BY MR. COON) Sure.
 7 And you didn't personally
 8 investigate what happened at Texas City; but you
 9 don't really, I gather, take any dispute with
 10 the -- any of the known findings as to what
 11 actually happened out there as it relates to this
 12 being an explosion as a result of hydrocarbons
 13 coming out of a blowdown drum?
 14 A. I -- no, I do not take any exception to
 15 that. That's what I have read and I have reason to
 16 believe that.
 17 Q. Have you read any reports from anyone
 18 other than the fatal report that is the BP official
 19 statement as to what happened?
 20 A. I have read internal communications
 21 related to the incident that have come out from
 22 Manzoni. I think there might have been -- Mike
 23 Hoffman might have sent one. I think Browne has
 24 sent some sort of internal notes just informing
 25 people about it. I have seen the press statement

Page 92

1 that Pillari made when -- when he made a statement.
 2 Q. Are you familiar with an agency here in
 3 the United States known as the CSB --
 4 A. Yes.
 5 Q. -- Chemical Safety and Hazard Board?
 6 A. Yes.
 7 Q. Have you had any dealings with them?
 8 A. No, I have not.
 9 Q. Have you seen their interim report or any
 10 of the comments that they have made associated to
 11 this explosion?
 12 A. Yes, I -- I've seen that report.
 13 Q. Okay. Is there anything else that you
 14 recall having seen or read about associated to
 15 investigations or comments on this explosion?
 16 A. The only other information has been
 17 the -- I call it the HOR assessment. This was the
 18 BP internal assessment of the -- of the Texas City
 19 site. Jim Stanley was the leader of that.
 20 JJ Gomez was also the sort of the joint leader of
 21 it. So I've heard some of the comments from that.
 22 Q. Okay. So you did hear about the Stanley
 23 report that came out, I believe, the summer of '05?
 24 A. That would be the same one, when the -- I
 25 think that would be the same -- that would be what

Page 93

1 I am referring to.
 2 Q. Were you aware of another study or survey
 3 that had been done out at Texas City just before
 4 the explosion called the Telos Report?
 5 A. I was not aware of that until earlier
 6 this week.
 7 Q. Have you had an opportunity to read any
 8 of the comments in the Telos Report?
 9 A. No, I have not.
 10 Q. Do you have an understanding as to what
 11 it is, being a survey of the majority of the
 12 individuals that worked out at BP Texas City?
 13 MR. PATTERSON: Objection, form.
 14 A. I haven't seen it. All I know -- I've
 15 heard the Telos Report and it was a survey done on
 16 safety. I don't know any of the details of what
 17 was covered in that.
 18 Q. (BY MR. COON) Do you have an
 19 understanding it was somewhat condemnational of a
 20 number of health and safety practices at BP Texas
 21 City?
 22 MR. PATTERSON: Objection, form.
 23 A. I haven't seen the report. So I can't
 24 comment on that.
 25 Q. (BY MR. COON) Have you had an

<p style="text-align: right;">Page 94</p> <p>1 opportunity to understand what any of the persons 2 that have been interviewed about this matter, 3 formally or informally, have to say about the 4 explosion? 5 MR. PATTERSON: Objection, form. 6 A. I'm sorry. Could you repeat the 7 question? 8 Q. (BY MR. COON) Yes, sir. Let me 9 predicate it for you. 10 There have been a lot of people 11 who have been deposed in this inquiry by, for 12 instance, us. There's also been people that have 13 been deposed in some format by the investigative 14 agencies, like OSHA and the CSB. 15 And in that regard, have you been 16 made familiar with what any of those persons have 17 had to say about the matter? 18 A. No. 19 Q. Who is your contact, if anyone, at Texas 20 City? Did you ever pick up a phone and call anyone 21 that went down there? 22 A. It -- it would depend on -- on what it 23 was to do with. So my responsibilities are quite 24 broad in terms of the areas that I covered, the 25 technology areas. So it would depend on what --</p>	<p style="text-align: right;">Page 96</p> <p>1 endorse capital project requests for funds. Any 2 project -- capital project that was over 3 \$10 million, there is a -- I call it a 4 TVP endorsement sheet. And just to make sure that 5 the right -- or the appropriate technology is used 6 and the project execution plan is appropriate, I -- 7 I sign those documents. 8 And so there will be people who 9 send me those documents from Texas City, and I make 10 sure that my relevant people have been involved. 11 And if everything is okay, I will sign them off; 12 and that will be an e-mail exchange with Ciro 13 Sorrentino. 14 Q. For these capital expenditures, would 15 that deal just with new construction or 16 renovations, turnarounds, things of that nature, as 17 well? 18 A. It would be anything -- it could be a 19 project on an existing unit. So it could be a 20 brownfield project. It could be a greenfield, 21 something brand-new. It's anything where capital 22 is used rather than Revex. 23 Q. We have come to understand, sir, that 24 after the Amoco/BP merger, which took effect, I 25 believe, in January of '99, that there was an edict</p>
<p style="text-align: right;">Page 95</p> <p>1 what specifically. 2 So I know individuals I would -- 3 most of the contact would be by e-mail rather than 4 by phone. I see people in meetings, exchange 5 e-mails. So it's fairly -- you know, not lots of 6 people, but fairly -- fairly broad. 7 Q. For instance, there would be times when 8 you would talk to the BUL at Texas City? 9 A. There would be, but pretty rarely and it 10 would -- I -- if it is, it would more -- most 11 likely be if there was an SPU conference. So SPU 12 is a refining conference where the business unit 13 leaders get together. 14 Q. Do you recall ever contacting anyone 15 directly at Texas City other than the BUL? 16 A. Oh, yes. 17 Q. And can you give me examples of other 18 persons that you would call upon -- 19 A. Yeah. Well, Walt Wundrow is the tech 20 manager. Walt is in one of these networks, the 21 tech managers network. And I'm a tag to the tech 22 managers network. And so I -- I know Walt and we 23 would maybe exchange notes on something of some 24 relevance and Walt Wundrow would be some person. 25 As part of my role, I have to</p>	<p style="text-align: right;">Page 97</p> <p>1 emanating from London, specifically Lord Browne, to 2 reduce the fixed operating budget of a number of 3 the refineries. 4 Do you know anything about that? 5 MR. PATTERSON: Objection, form. 6 A. I don't know exactly as you've phrased it 7 in that way. I'm not familiar with that. 8 What I am familiar with, there was 9 a cost challenge to save 25 percent that came out 10 from Doug Ford. That would have been in that sort 11 of time frame, 2000, 2001. I can't remember 12 exactly. So I didn't hear it as you expressed it, 13 related to -- you know, from -- from Browne or 14 anything, but Ford simply put a cost challenge in. 15 Q. (BY MR. COON) Okay. What was Mr. Ford's 16 title at that time? 17 A. He would have been -- he's the equivalent 18 of Manzoni. Manzoni took over from Ford. So he 19 would have been the chief executive for the 20 R&M business. I can't remember what the exact 21 title was. 22 Q. And he would have been reporting directly 23 to Lord Browne? 24 A. Yes, that's correct. 25 Q. Okay. And how was it that you received</p>

Page 98

1 this information? Was this a phone call or an
 2 e-mail or a meeting or what?
 3 A. It was -- the way that refining was
 4 organized, we had -- the business unit leaders
 5 would get together and it was certainly once a
 6 year, maybe twice a year. I don't quite recall.
 7 And we would meet with the
 8 executive committee of refining. So that would
 9 have been Ford's direct reports. So we would meet
 10 with the -- Ford's direct reports and Ford and talk
 11 about the refining business.
 12 And during one of those meetings,
 13 Ford made this statement. And one of my
 14 colleagues, business unit leader, actually, at
 15 Grangemouth, he said -- I can't remember exactly
 16 how Ford phrased it; but my colleague said, "Was
 17 that a directive or was it an aspiration, this
 18 25 percent?"
 19 And Ford said, "It's a directive."
 20 Q. And the reason they wanted to know this
 21 was because it's -- I take it, it was not something
 22 that was going to be easy to do, was it?
 23 MR. PATTERSON: Objection, form.
 24 A. I from I -- from personally, no, it was
 25 not something that was easy to do.

Page 99

1 Q. (BY MR. COON) Was there an explanation
 2 as to why this request was being made of all of the
 3 refineries?
 4 A. I honestly can't recall.
 5 Q. Was there any questioning by the various
 6 BULs as to concerns associated with such
 7 significant reductions in the budget?
 8 A. I'm -- I don't -- I don't recall specific
 9 words or conversations in that meeting, but I'm --
 10 I would be pretty sure there was some discussion,
 11 you know, concerns raised on the --
 12 Q. What would be the -- I'm sorry.
 13 A. So I was going to say on a personal -- I
 14 can talk about personal. I -- so the guy who was
 15 running refining at the time was Al Kozinski, and
 16 so he was my direct -- direct boss. And I said, "I
 17 am unable to do that at Coryton."
 18 Q. And what was that?
 19 A. And I refused to do it.
 20 Because I did not think it was a
 21 sensible, safe thing to do.
 22 Q. And why is that?
 23 A. Because at the Coryton refinery, the --
 24 well, the refining industry had gone through pretty
 25 poor financials for a number of years. So there

Page 100

1 had been a lot of attention within Mobil of
 2 reducing costs.
 3 So Coryton had tried to reduce
 4 costs over a number of years. And then to --
 5 someone to say take another 25 percent of costs out
 6 without actually decide -- or understanding where
 7 you have come from, you know, is -- was just to me
 8 a nonsensical thing.
 9 You know, if you've taken out --
 10 you know, just, for example, this is not true, if
 11 you have taken out 50 percent out of your costs the
 12 year before, and you say, "Well, take another
 13 25 percent out," it's clearly ridiculous.
 14 Q. Okay. You just don't have anything else
 15 to take out, do you?
 16 A. Well, that -- that's right. So --
 17 Q. And --
 18 A. -- my view was I -- I would be willing to
 19 do what I could to try to reduce costs; but to
 20 commit to 25 percent, I was unwilling to do that.
 21 Q. Were there other business unit leaders
 22 that expressed the same concern; that is, first as
 23 safety concerns as resulted in the same thing you
 24 just explained that you had?
 25 A. I was unaware of how they expressed their

Page 101

1 concerns to Kozinski.
 2 Q. Were you aware of the BP/Amoco facility
 3 in Texas City, circa 1999, and how it had addressed
 4 its own past budgetary issues and any cost cutting?
 5 A. Only by hearsay. I didn't see any
 6 information, but only by hearsay.
 7 Q. Okay. Were you -- were you ever made
 8 aware that BP Texas City had already had the same
 9 kind of issues; and as a result of the down cycle
 10 in the petrochemical industry, had already done a
 11 lot of belt tightening for a number of years before
 12 the merger in 1999?
 13 MR. PATTERSON: Objection, form.
 14 A. That would be the sort of hearsay that I
 15 had heard, that they had already reduced costs; but
 16 to what extent and what areas, I -- I do not know.
 17 Q. (BY MR. COON) And assuming that is true,
 18 they would have, more or less, been in the same
 19 shoes you were at Coryton, which is that as a
 20 result of the economic conditions preceding that
 21 mandate, those adjustments, to the extent they
 22 could be made, had already been made; that is, cut
 23 costs wherever you reasonably can and 25 percent
 24 more is just too deep a cut?
 25 MR. PATTERSON: Objection, form.

Page 102

1 A. I am unable to answer Texas City.
 2 THE VIDEOGRAPHER: Mr. Coon, we
 3 have about five minutes.
 4 Q. (BY MR. COON) How old was the Coryton
 5 plant?
 6 A. How old was it?
 7 Q. Yes, sir.
 8 A. It -- the Coryton refinery was started up
 9 in 1953. As you are probably aware, you generally
 10 modify, replace process units over the years. So
 11 it's -- it's not straightforward to say how old
 12 it -- it was. And from terms of 1953, there was
 13 some units there that were -- still had 1953
 14 equipment in -- in there, but a lot of it had been
 15 replaced.
 16 Q. And I think you said that you were
 17 familiar with the existence of a blowdown drum at
 18 that facility?
 19 A. Yes.
 20 Q. Do you know when that blowdown drum had
 21 been installed?
 22 A. I do not -- I do not know precisely. It
 23 would have been in the 19 -- 19 -- right at 1990, I
 24 don't -- you know, plus or minus, you know, five --
 25 five years at that facility.

Page 103

1 Q. Okay. Do you know why a blowdown drum
 2 would have been installed in that plant in that
 3 time period instead of a flare?
 4 A. Because that was the nature of the
 5 material that was going in to upload that drum,
 6 that would have -- you know, it would have been fit
 7 for purpose for that.
 8 Q. Do you know what type of material it was?
 9 A. It was furfural.
 10 Q. I'm sorry?
 11 A. It was furfural, f-u-r-f-u-r-a-l.
 12 Q. What is that, sir?
 13 A. It's a -- it's a solvent that's used on a
 14 lube process.
 15 So Coryton refinery makes
 16 lubricating oils. That's what they do. It makes
 17 lubricating oils. And so you have a solvent
 18 extraction process that basically allows you to
 19 start separating -- start purifying the oil that is
 20 used to make oil, start purifying it. And there's
 21 a solvent that's used, and the solvent is furfural.
 22 And it was a blowdown drum to a
 23 route at what was an atmospheric relief valve.
 24 From what I recall, it was routed into this
 25 blowdown drum where there was -- water sprays to

Page 104

1 suppress it in that blowdown drum.
 2 Q. It had a quench system?
 3 A. Yeah.
 4 Q. Have you ever been made aware of any
 5 prior occurrences during your employment at Mobil
 6 or BP of a vent stack emitting vapors at such
 7 levels that it formed a vapor cloud at ground
 8 level?
 9 A. No, I have not -- not been made aware of
 10 it or come across that.
 11 Q. Have you ever been made aware of a
 12 blowdown drum system emanating liquids or what is
 13 described as "puking"? Have you ever --
 14 A. From a blowdown drum?
 15 Q. Yes, sir.
 16 A. The only blowdown drum I -- I've known is
 17 that one I've mentioned at Coryton. I'm not
 18 familiar with any other ones. And so I'm -- I'm
 19 not -- I have not been made aware of anything prior
 20 to the Texas City incident related to puking, as
 21 you called it, of blowdown drums.
 22 Q. Had you ever heard that term used --
 23 A. Yeah.
 24 Q. -- "puke" or "puking"?
 25 A. Yeah.

Page 105

1 Q. Where had you heard that term before?
 2 A. Flare systems.
 3 Q. Okay. You had been made aware that
 4 flares from time to time puke?
 5 A. Yes.
 6 Q. And that is where the liquids, as a
 7 result of an upset, go through the unit into the
 8 flare and out the top of the flare and throw up the
 9 liquid, so to speak?
 10 A. That's correct.
 11 Q. And then you don't really have the
 12 controlled burn off of vapors that you have that
 13 people typically see with a flare. Instead you
 14 have fire rolling down the tower and around the
 15 ground where the flare is located?
 16 A. That can be the case, yes.
 17 Q. And you are aware of that having happened
 18 in the past?
 19 A. Yes, I've seen that.
 20 Q. And you know enough about the technology
 21 that's utilized in making products to understand
 22 that there's no reason why that same thing could
 23 not happen at a blowdown drum?
 24 A. That's correct.
 25 Q. Do you recall any specifics as to when

<p style="text-align: right;">Page 106</p> <p>1 you had heard about flares occasionally puking? 2 A. Specifics? I know how it -- how they 3 occur -- why they -- or how they can occur. Is 4 that what you mean? 5 Q. Yes, sir. 6 A. Sorry. 7 Q. Either one. 8 A. Sorry. Rephrase your question again. 9 Q. Okay. You're -- you are aware that 10 flares puke? 11 A. That's correct. 12 Q. And the question I then had was: Do you 13 recall any specific instances where you had 14 personal knowledge of an occurrence, a specific 15 occurrence? 16 A. Yes, I have. And I guess you want me to 17 try to relate -- relate that to you. 18 I don't recall what the actual 19 incident was or what caused it, but the incident -- 20 what happened in this case was liquid was in the 21 flare. So I can't -- that's what I can't recall 22 was what caused it. 23 But on a flare system, you have a 24 knockout drum or drums; and the purpose of these 25 drums is to give residence time to allow any liquid</p>	<p style="text-align: right;">Page 108</p> <p>1 of occasions where at least flares had puked and 2 you were telling us about that. 3 And one of the questions that I 4 had for you on that, sir, was: Do you remember 5 where this flare was that had puked or were there 6 multiple times that it happened or what? 7 A. I remember where it was, yes. 8 Q. Where was it? Was it at Coryton? 9 A. It was at Coryton, yes. 10 Q. Okay. So this was something you were 11 aware of while you were working out there? 12 A. Yes. 13 Q. Do you know what year that was? 14 A. No, I do not. 15 Q. Did anybody get hurt? 16 A. No. 17 Q. You didn't have any trailers down at the 18 base -- 19 A. No. 20 Q. -- of that flare -- 21 A. No. 22 Q. -- did you? 23 A. No, no, no. 24 Q. And why would that be, from a safety 25 issue?</p>
<p style="text-align: right;">Page 107</p> <p>1 that might be entrained or is part of -- in the 2 flare system, which should be a vapor system, you 3 have these drums that gives you time to settle out 4 any liquid such that what you then have going to 5 the flare stock and is burned, as you said, is just 6 gas, just vapor. That's what's burnt. 7 And the -- the knockout drum has a 8 pump on it or pumps to pump the liquid away to a 9 safe place for further processing, further 10 treatment. 11 THE VIDEOGRAPHER: We've got about 12 30 seconds left. 13 MR. COON: Okay. We'll quit 14 there. 15 THE VIDEOGRAPHER: Off the record 16 at 11:20. 17 (Recess taken.) 18 THE VIDEOGRAPHER: Back on the 19 record at 11:36. 20 Q. (BY MR. COON) Mr. Maslin, when we left 21 off yesterday talking to you about these flares -- 22 it seems like yesterday. 23 But anyway, we were talking about 24 these -- this system with the flares versus the 25 blowdown drums and the prior knowledge that you had</p>	<p style="text-align: right;">Page 109</p> <p>1 A. Because you know -- because flares can 2 puke, you don't do any activity at the base of the 3 flares. 4 Q. Okay. It would be a pretty dumb move to 5 put people in trailers at the base of a flare, 6 knowing that they can puke and emit a ball of flame 7 that rolls down to the base, right? 8 MR. PATTERSON: Objection, form. 9 A. It's not -- it's not the design that you 10 would have. You wouldn't design -- you know, 11 there's two things, I guess. One, you -- flares 12 are not designed to do that. You design a flare 13 system to avoid liquid -- liquid going up the 14 flare. 15 But you can get failures where 16 instrumentation, whatever, doesn't work and you 17 will get liquid carrying over to the flare or the 18 system isn't designed to handle the amount of 19 liquid that somebody gets into the flare system. 20 So these things do happen. So -- 21 Q. Sure. 22 A. -- it is a good practice not to have 23 people based at the bottom of flare stacks. 24 Q. Well, and that's part of what your job 25 is, is to understand and identify things that can</p>

<p style="text-align: right;">Page 110</p> <p>1 happen within the system that are not part of 2 normal procedures, right? 3 A. It's not quite my job. It's the role of 4 my team to try to identify those things or to 5 collect information, extract information from 6 others -- 7 Q. Sure. 8 A. -- to identify those best practices. 9 Q. And as part of how units work, we 10 understand if they're working right and there's no 11 mechanical functions or there's no operator error 12 or some -- something else comes up, you usually 13 don't have any upsets in the system? 14 MR. PATTERSON: Objection, form. 15 Q. (BY MR. COON) If it's doing what it's 16 supposed to do and the people are doing what 17 they're supposed to do? 18 MR. PATTERSON: Objection, form. 19 A. As a general statement, that would be 20 true; but there will be instances where because of 21 the nature of material that you are processing, 22 that could lead to corrosion or something like 23 that, which then might cause a problem, which has 24 nothing to do with, you know, people or 25 instrumentation. That would be just due to, you</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Sure. 2 And that's an example where 3 corrosion has eaten through the piping or from a 4 valve somewhere and you have leaks? 5 A. That's correct. 6 Q. And leaks are something that's very 7 well-known in the petrochemical industry and you 8 have to try to deal with that, right? 9 A. That's right. 10 Q. And other examples are if you have 11 malfunctions of electrical interpretation, such as 12 in your control room, if something malfunctions, 13 correct? 14 A. That's correct. 15 Q. It doesn't have anything to do with the 16 infrastructure, but it has to do with what the 17 infrastructure is relying back to the board 18 operators or what the -- the board gauges are 19 showing if they're malfunctioning. That's another 20 example where things could go wrong -- 21 A. That's correct. 22 Q. -- correct? 23 You can have a board operator that 24 just isn't paying attention or doing what he's 25 supposed to do, correct?</p>
<p style="text-align: right;">Page 111</p> <p>1 know, wear and tear. 2 Q. (BY MR. COON) Right. 3 And part of -- the reality is that 4 you have wear and tear and that's why you have 5 turnarounds and that's why you have maintenance and 6 that's why you have inspections, is to note those 7 things and to keep the units in a good state of 8 repair? 9 A. That's correct. 10 Q. So then assuming that you are doing what 11 you are supposed to do with respect to inspecting 12 your units and making sure that they're in good -- 13 the integrity of the infrastructure is solid and 14 that the people are properly trained in how to run 15 the equipment, everything should go smoothly, 16 correct? 17 A. Yes. 18 Q. You also recognize that sometimes because 19 you -- you miss some inspections and there is 20 corrosion that's not identified, there can be 21 liquids emanating or vapors coming out of the 22 system that are not supposed to. That's something 23 that can happen, right? 24 A. It could be for various reasons. That 25 type of thing could happen, yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. That's correct. 2 Q. You can have people that are working in 3 the field that are supposed to be doing things that 4 they don't do their job right and there's another 5 potential exposure at the refinery level of some 6 kind of upset in the system? 7 A. Yes. 8 Q. And process safety management recognizes 9 that you can't have mechanical malfunctions, you 10 can't have ongoing wear and tear on the units, and 11 you can't have operator error or other maintenance 12 issues that result in the potential for 13 abnormalities or atypical activities? 14 A. Yes. 15 Q. And process safety management involves 16 understanding those issues and trying to identify 17 them and trying to deal with them in a reasonable 18 and prudent manner, correct? 19 A. Yes. 20 Q. And with flares, part of what the deal is 21 there, is if you do have any kind of upset within 22 the system and there's too much pressure in the 23 system and you have to let the pressure out so a 24 vessel or pipe doesn't blow, you want to at least 25 try to control the damage that results from that</p>

<p style="text-align: right;">Page 114</p> <p>1 upset, right?</p> <p>2 A. Try to avoid or minimize any damage, yes.</p> <p>3 Q. Sure.</p> <p>4 And one of the ways that it</p> <p>5 happens with a flare is that becomes a relief point</p> <p>6 for the -- for vapors or liquids to go to so that</p> <p>7 it doesn't create a worse problem within the system</p> <p>8 itself, being overpressurization, resulting in a</p> <p>9 rupture somewhere in the system and blowing the</p> <p>10 vapors or liquids out in an uncontrolled manner?</p> <p>11 A. Well, the flare is designed for -- for</p> <p>12 vapor, not for liquid.</p> <p>13 Q. But -- and the concept there is that the</p> <p>14 vapors -- as a result of too much pressure, the</p> <p>15 vapors and some liquids can go to a knockout drum.</p> <p>16 You want the knockout drum to be able to hold the</p> <p>17 liquids and let the vapors emanate and dissipate.</p> <p>18 And then you pump the knockout drum out later,</p> <p>19 right?</p> <p>20 A. Yeah, you can get a liquid and be</p> <p>21 entrained -- entrained with the -- the vapor. That's</p> <p>22 why liquids -- otherwise you try to avoid having</p> <p>23 liquids in the flare systems.</p> <p>24 Q. And because these vapors can settle at</p> <p>25 ground level -- they can come out the top of a</p>	<p style="text-align: right;">Page 116</p> <p>1 A. That's correct.</p> <p>2 Q. And you saw such an occasion to happen at</p> <p>3 the Coryton plant where you worked?</p> <p>4 A. That's correct.</p> <p>5 Q. What year was that; do you remember?</p> <p>6 A. No, I don't.</p> <p>7 Q. And when that did happen, was that like</p> <p>8 in the Nineties?</p> <p>9 MR. PATTERSON: Objection, form.</p> <p>10 A. I don't -- I don't recall when it was.</p> <p>11 It -- it would have been -- I don't know. Prior --</p> <p>12 I don't know. I just really don't know.</p> <p>13 Q. (BY MR. COON) But it's something that</p> <p>14 was recognized within the industry that could</p> <p>15 happen with the flare; that is, that liquids could</p> <p>16 actually run through it because the knockout drum,</p> <p>17 or whatever other containment system, could not</p> <p>18 hold all of the overflow liquid and it would blow</p> <p>19 on out the top of the stack and catch on fire and,</p> <p>20 in theory, go all the way to the ground and have a</p> <p>21 big fire at the base of the flare, as well?</p> <p>22 A. It can be possible for -- for probably a</p> <p>23 number of reasons, but -- but two that come to mind</p> <p>24 is either -- because the pump -- the liquid pump</p> <p>25 disposal is -- is not working for some reason.</p>
<p style="text-align: right;">Page 115</p> <p>1 flare and they can come back to -- to ground level,</p> <p>2 they would still pose an explosion risk even if</p> <p>3 they just came out a pipe somewhere else, unless it</p> <p>4 burned off?</p> <p>5 A. Yeah, for -- for heavier hydrocarbons,</p> <p>6 that would be the case; but light hydrocarbons</p> <p>7 would disseminate into the -- the atmosphere. They</p> <p>8 weren't burned. The purpose of having the flame</p> <p>9 there is to avoid any hydrocarbons causing an</p> <p>10 explosive mixture at some point.</p> <p>11 Q. Sure.</p> <p>12 And so what you have at the top of</p> <p>13 the flares, you have an ability to burn off any of</p> <p>14 the vapors that do float out the top of the stack</p> <p>15 so that they don't create a health hazard and also</p> <p>16 so that they don't create a potential explosion</p> <p>17 hazard?</p> <p>18 A. That's correct.</p> <p>19 Q. And you also recognize that sometimes the</p> <p>20 upsets are so severe that a knockout drum or</p> <p>21 whatever containment system you have for excess</p> <p>22 liquids that come through the unit can also go all</p> <p>23 the way through the flare and come out the top of</p> <p>24 the flare where the flame is, and that's called</p> <p>25 "puking"?</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. So if you're not pumping the liquid out</p> <p>2 of the knockout drum back into some sewer system or</p> <p>3 other containment system, that's one way the</p> <p>4 knockout drum can overflow and then --</p> <p>5 A. Yes.</p> <p>6 Q. -- it forces that liquid to go on out</p> <p>7 through the flare stack?</p> <p>8 A. Through the -- through the vapor to</p> <p>9 the -- to the flare stack. And the other one could</p> <p>10 be if you've got more liquid going in for some</p> <p>11 reason than you can dispose of, then you can't get</p> <p>12 it out quick enough. So that would be the two</p> <p>13 immediate reasons coming to mind.</p> <p>14 Q. And that's what happened at Texas City on</p> <p>15 March 23rd, wasn't?</p> <p>16 MR. PATTERSON: Objection, form.</p> <p>17 A. The -- well, that was with a blowdown</p> <p>18 stack. That's what the report said was that --</p> <p>19 Q. (BY MR. COON) But the same concept, you</p> <p>20 had more liquid going in than was going out. And</p> <p>21 it pushed it all the way through the system to the</p> <p>22 open release, which was, in this case, the blowdown</p> <p>23 drum instead of a flare?</p> <p>24 A. Yes.</p> <p>25 Q. It went through the blowdown drum, filled</p>

<p style="text-align: right;">Page 118</p> <p>1 it up --</p> <p>2 A. It went up through the blowdown drum,</p> <p>3 filled --</p> <p>4 Q. Through the vent stack.</p> <p>5 A. -- filled it up. I think the -- the</p> <p>6 cause of that is somewhat -- somewhat different.</p> <p>7 That was the only thing I was hesitating on there,</p> <p>8 the actual causes of the liquid getting into the</p> <p>9 blowdown drum and that was...</p> <p>10 Q. But you understood there was an overflow</p> <p>11 or an overfill --</p> <p>12 A. Yes.</p> <p>13 Q. -- in the system?</p> <p>14 And as a result, the unit itself</p> <p>15 couldn't hold anymore of the product. So it pushed</p> <p>16 it out into this bypass system. And the bypass</p> <p>17 system was a blowdown drum that had a vent stack</p> <p>18 attached to it?</p> <p>19 A. My understanding was that the -- the</p> <p>20 liquids got into the blowdown drum through the</p> <p>21 relief valves. The relief valves lifted, and that</p> <p>22 they went into the blowdown drum. That's what I</p> <p>23 believe was the -- how they got into the blowdown</p> <p>24 drum, not --</p> <p>25 Q. That's right.</p>	<p style="text-align: right;">Page 120</p> <p>1 They're not there designed to relieve liquid.</p> <p>2 Q. (BY MR. COON) Okay. But due to the fact</p> <p>3 that you've seen flares puke, the industry</p> <p>4 understands that any time you have a place for</p> <p>5 overflows to go, that they can run through a relief</p> <p>6 valve into and through a flare or into and through</p> <p>7 a blowdown drum? The same principles apply?</p> <p>8 MR. PATTERSON: Objection, form.</p> <p>9 A. As a -- as a general statement, that will</p> <p>10 be true. There would be -- if I thought about it,</p> <p>11 I could probably think of cases that that wouldn't</p> <p>12 be the case; but I think generally that would be</p> <p>13 true, yes.</p> <p>14 Q. (BY MR. COON) And ways of safeguarding</p> <p>15 against this is, like with a flare, you put the</p> <p>16 flare in an area away from the unit, under ideal</p> <p>17 circumstances, so that if you do have an overfill</p> <p>18 and you have vapors or puking, the -- the risk of a</p> <p>19 vapor cloud forming or liquids catching on fire</p> <p>20 through the puke don't drop right back down in the</p> <p>21 middle of the unit and damage the unit and maybe</p> <p>22 cause a major explosion or even hurt people?</p> <p>23 MR. PATTERSON: Objection, form.</p> <p>24 A. That's correct.</p> <p>25 Q. (BY MR. COON) And so a best practice</p>
<p style="text-align: right;">Page 119</p> <p>1 A. -- not through a bypass.</p> <p>2 Q. But you had relief valves set up so that</p> <p>3 if -- if too much product is going into the system,</p> <p>4 you want these relief valves to open so that it</p> <p>5 doesn't overpressure the system and blow out the</p> <p>6 unit. You don't want the tower to rupture, for</p> <p>7 instance?</p> <p>8 A. As a general principle, yes, that's</p> <p>9 correct. Yes.</p> <p>10 Q. And so you set up the relief valve so</p> <p>11 that if you get too much pressure in the system</p> <p>12 because you're still pumping too much product in</p> <p>13 and not enough is coming out and you're building</p> <p>14 too much pressure up in your system -- as an</p> <p>15 example, you want your relief valves to open so</p> <p>16 that -- that pressure can be relieved and vapors</p> <p>17 and liquids can go into another containment system</p> <p>18 and reduce that pressure?</p> <p>19 MR. PATTERSON: Objection, form.</p> <p>20 A. No, I wouldn't phrase it that way. If</p> <p>21 we're talking about generically, then relief valves</p> <p>22 there are to relieve overpressure, vapor</p> <p>23 overpressure. So if something has caused the</p> <p>24 overpressure to occur, something has caused that</p> <p>25 and the relief valve is to relieve that pressure.</p>	<p style="text-align: right;">Page 121</p> <p>1 would be to have a containment system set up where</p> <p>2 if a unit does overflow, that all the overflow goes</p> <p>3 somewhere else away from the unit and burns off or</p> <p>4 goes into some kind of collection system away from</p> <p>5 the unit and away from people?</p> <p>6 MR. PATTERSON: Objection, form.</p> <p>7 A. Yes.</p> <p>8 Q. (BY MR. COON) And it's a common practice</p> <p>9 these days, for instance, to have a flare attached</p> <p>10 to a unit where if there is an overfill, it goes</p> <p>11 over pipes, into a flare and out the top of a flare</p> <p>12 and it can burn off and burn out around the base of</p> <p>13 the flare in what's called a "flare yard" or an</p> <p>14 area removed from the unit?</p> <p>15 MR. PATTERSON: Objection, form.</p> <p>16 A. If that was to occur, that's what you</p> <p>17 would want to happen; but you wouldn't -- you</p> <p>18 obviously wouldn't design the system for that. But</p> <p>19 that is a best practice, you would put a flare</p> <p>20 away -- away from, you know, doing damage to</p> <p>21 anything or anybody.</p> <p>22 Q. (BY MR. COON) Sure.</p> <p>23 And that's because there is a</p> <p>24 recognition within the industry that there are</p> <p>25 circumstances that occur, as a result of human</p>

<p style="text-align: right;">Page 122</p> <p>1 error or mechanical malfunction or something else, 2 where liquids and vapor overflow out of the unit 3 and go through the flare and spill on the ground? 4 A. That's correct. 5 Q. And you don't want that spill occurring 6 right there in the unit where it can catch on fire 7 and burn a unit up or -- or hurt people? 8 A. That's correct. 9 Q. And, for instance, you saw that happen at 10 Coryton and nobody got hurt because the big fire 11 ball was in an area removed from the unit? 12 A. What I saw at Coryton in terms of puking 13 of a flare and liquid coming down and burning and 14 burning on the ground, I wouldn't call that a 15 fireball; but, yes, I saw that at Coryton, but not 16 a fireball. 17 Q. Okay. What you saw was liquids coming 18 out the top of a flare; and at the top of the 19 flare, you had a flame that would burn off vapors, 20 right? 21 A. That's right. 22 Q. And so when the liquids came through 23 where you had this controlled flame to burn off 24 vapors, it ignited the liquids, correct? 25 A. That's correct.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Yes. 2 Q. That's just something that just comes 3 with the territory when you're working in refining 4 and chemical industry, is that this is something 5 that has been known to happen from time to time and 6 that's why it's a good idea to have a flare in a 7 flare yard away from a unit? 8 MR. PATTERSON: Objection, form. 9 A. Yeah, I think you are aware if you have a 10 system where you can get liquid into it and if ways 11 to get a liquid out fail, then you're going to have 12 that liquid carry over into the vapor system. So I 13 think people are aware of that and you're aware of 14 how important it is that those pumps on that -- on 15 such a system need to be working, need to be 16 reliable. 17 Q. (BY MR. COON) Mr. Maslin, have you had 18 any personal experience in investigating fatalities 19 that happened out at refineries or other serious or 20 major events? 21 A. Yes, I have. 22 Q. Have you ever worked anywhere where a 23 fatality occurred, while you were working there? 24 A. No, I haven't. 25 Q. Were you aware of any history of</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. And all those liquids that are continuing 2 to be pushed through the tower are now falling back 3 to the ground because they're heavier than air? 4 A. That's correct. 5 Q. And so all those liquids that are running 6 through fall down to the base of the tower and burn 7 the ground and burn off there around the base of 8 the tower? 9 A. That's correct. 10 Q. Until you can shut the unit off or shut 11 the source of the overflow in and control it? 12 A. That's -- well, yeah, whatever might be 13 causing the liquid to go there. So it might be -- 14 if the pump's tripped, you get the pump working 15 again or whatever it might be or it might be 16 something back to the unit, yes. 17 Q. Do you recall what it was that caused 18 that specific overflow? 19 A. At Coryton? 20 Q. Yes, sir. 21 A. No, I don't. 22 Q. Now, from your position and experience in 23 the industry, were you aware of even the concept 24 that that could happen before you observed it that 25 day?</p>	<p style="text-align: right;">Page 125</p> <p>1 fatalities at Coryton while you were the BUL there? 2 A. I was aware of a fatality that had 3 occurred there, I think, two, not -- one was when I 4 was there, and one when I wasn't there. 5 Q. Do you recall which fatality occurred 6 when you were the BUL there? 7 A. Not -- not when I was the BUL, no, sir. 8 Q. Okay. It was in one of your earlier 9 trips out there? 10 A. Yes. 11 Q. When it was Mobil? 12 A. Yes. It was actually a suicide was 13 that -- that was a suicide one, that was the 14 fatality. 15 And the other instance was someone 16 fell -- I don't think I was there at the time. 17 Someone fell off of a road tanker. While they were 18 loading bitumen, they fell off and hit their head 19 on the ground and died from that. Those are the 20 only -- only two I can -- I can recall. 21 Q. Do you recall any uncontrolled fires 22 occurring at Coryton while you were there? 23 A. Uncontrolled fires where fires occur, 24 yes. 25 Q. How often would you say that occurred at</p>

<p style="text-align: right;">Page 126</p> <p>1 Coryton?</p> <p>2 A. It's kind of difficult to answer that</p> <p>3 question because that's the sort of thing that is</p> <p>4 not -- it was not a regular -- it's not something</p> <p>5 you sort -- that happens all the time, but fires</p> <p>6 would occur, and various different sizes of fires,</p> <p>7 from very small ones caused -- related to some</p> <p>8 welding, where maybe someone was doing some welding</p> <p>9 and that might have sparked, you know, a piece of</p> <p>10 wood to get on fire or -- or something fairly minor</p> <p>11 to I've seen fires on -- in process units. I've</p> <p>12 seen a tank fire.</p> <p>13 I've seen various fires there. I</p> <p>14 find it difficult to say how often to try to put a</p> <p>15 number on that.</p> <p>16 Q. Were you ever charged with investigating</p> <p>17 any of those?</p> <p>18 A. Fires? Possibly. I -- nothing specific</p> <p>19 comes to mind. So I don't recall anything I can</p> <p>20 tell you about, but it could have been. It could</p> <p>21 have been, yes.</p> <p>22 Q. What type of training did you receive in</p> <p>23 investigations?</p> <p>24 A. I have done -- the most recent training</p> <p>25 I've done, I've done of BP's fatality investigation</p>	<p style="text-align: right;">Page 128</p> <p>1 "irresponsible conduct," things of that nature?</p> <p>2 MR. PATTERSON: Objection, form.</p> <p>3 A. No, I was not told not to use any</p> <p>4 language.</p> <p>5 Q. (BY MR. COON) Okay. Were you aware that</p> <p>6 Texas City investigators had, in the past, been</p> <p>7 advised not to utilize certain language that would</p> <p>8 indicate fault?</p> <p>9 A. I'm not a -- wouldn't -- I would not be</p> <p>10 aware of that. I am not aware of that.</p> <p>11 Q. Do you have a -- assuming that to be the</p> <p>12 case where a facility had received instructions not</p> <p>13 to utilize certain language that would intimate</p> <p>14 fault or responsibility of the company within the</p> <p>15 language of the report, would you have any</p> <p>16 criticism of that practice?</p> <p>17 A. My personal view would be that I would</p> <p>18 report things as I -- as I saw them as part of the</p> <p>19 investigation and trying to get to the facts and</p> <p>20 the root causes.</p> <p>21 Q. Well, that's part of what I wanted to go</p> <p>22 into next with you is root cause.</p> <p>23 It's important to understand, when</p> <p>24 you investigate one of these matters, what happened</p> <p>25 and what could be done to reduce the likelihood of</p>
<p style="text-align: right;">Page 127</p> <p>1 training.</p> <p>2 Q. Have you ever investigated a fatality?</p> <p>3 A. No, but -- but I'd like just to clarify</p> <p>4 that. I --</p> <p>5 Q. Yes, sir.</p> <p>6 A. -- know there was a serious incident at</p> <p>7 Coryton. And when was that? That would have been</p> <p>8 in, I want to say, April of 2005, where a</p> <p>9 scaffolder lost -- lost his leg. And that incident</p> <p>10 was treated as a fatality investigation because of</p> <p>11 the seriousness, and I led that investigation. So</p> <p>12 it wasn't a fatality, but it -- it used the</p> <p>13 techniques of the fatality investigation process.</p> <p>14 Q. Where did that occur?</p> <p>15 A. At Coryton refinery.</p> <p>16 Q. As part of that investigation, had you</p> <p>17 been advised not to utilize certain words or</p> <p>18 language in the report?</p> <p>19 A. No.</p> <p>20 Q. Were you ever told not to use the words</p> <p>21 that would indicate fault on behalf of BP such as</p> <p>22 "negligent conduct" or --</p> <p>23 A. No.</p> <p>24 MR. PATTERSON: Objection, form.</p> <p>25 Q. (BY MR. COON) -- "reckless conduct" or</p>	<p style="text-align: right;">Page 129</p> <p>1 it occurring again.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Fair statement?</p> <p>4 A. Yes.</p> <p>5 Q. And if a company were to investigate a</p> <p>6 serious matter and the investigators who were</p> <p>7 trained in that area felt that the company made</p> <p>8 mistakes, you would want that to be in the report</p> <p>9 and reflect it that they acknowledge those mistakes</p> <p>10 because they would be able to better learn from</p> <p>11 them, correct?</p> <p>12 MR. PATTERSON: Objection, form.</p> <p>13 A. Yeah, I would look to get -- I would</p> <p>14 expect to see the root causes covered in the</p> <p>15 report.</p> <p>16 Q. (BY MR. COON) Okay. And it's easy, with</p> <p>17 almost every incident, to just say the person that</p> <p>18 was hurt in the matter hurt himself.</p> <p>19 MR. PATTERSON: Objection, form.</p> <p>20 Q. (BY MR. COON) It was a matter of</p> <p>21 personal safety and responsibility. It's easy to</p> <p>22 just blame the person that -- that made the mistake</p> <p>23 or hurt himself, isn't it?</p> <p>24 MR. PATTERSON: Objection, form.</p> <p>25 A. I can imagine you could say that.</p>

Page 130

1 Q. (BY MR. COON) And the reality is,
 2 though, that proper investigation means that you
 3 look at what activities or conducts were engaged
 4 upon by the employee and to try to find out whether
 5 or not, for instance, that employee had been fully
 6 trained and whether or not there were other
 7 considerations that are part of the root cause?
 8 A. Yes, the root -- the root cause
 9 investigation should go as deep as it can to try to
 10 understand the -- the causes.
 11 Q. And --
 12 A. So --
 13 Q. -- that's because operator error and
 14 equipment failure are foreseeable issues and you
 15 have to look past those?
 16 MR. PATTERSON: Objection, form.
 17 A. You will consider other aspects of -- of
 18 the root causes. It could well be that what you
 19 have just said are the root causes. It could be
 20 there are other ones beyond that.
 21 Q. (BY MR. COON) And as part of the
 22 investigation, you want to look at what can be done
 23 to make things better and safer in the future?
 24 A. That's correct.
 25 Q. And that's a lesson that you can learn

Page 131

1 from any prior episodes or events?
 2 A. That's correct.
 3 Q. And not only do you want to understand
 4 what happened, you want to disseminate that
 5 information to others to, again, reduce the
 6 likelihood of those other persons making the same
 7 mistakes or having other similar equipment failures
 8 causing similar problems?
 9 A. That's correct.
 10 Q. And that's part of what you talked about
 11 earlier, which is the utilization of best practices
 12 and to disseminate that information to others so
 13 that they don't have to learn the hard way from
 14 their own mistakes, right?
 15 MR. PATTERSON: Objection, form.
 16 A. That's correct.
 17 Q. (BY MR. COON) Mr. Maslin, do you know
 18 anything about the Texas City facility from ever
 19 going out there, personal observations, being
 20 briefed on the history of the facility as to when
 21 it was built and things of that nature?
 22 A. Not -- not really, no. I only -- only
 23 thinking of -- I only recall going to Texas City
 24 twice.
 25 Q. What brought you to Texas City?

Page 132

1 A. The first time was when I was employed by
 2 Mobil and we were looking at putting in some
 3 technology at the Coryton refinery and a specific
 4 technology was installed at Texas City.
 5 So I came with a licensor of that
 6 technology to look at the process unit involved, to
 7 just get a feel for, you know, what it was like to
 8 operate, reliability, et cetera. And so that was
 9 pre -- pre-merger. That was in Mobil. And I don't
 10 expect anyone in Amoco probably -- it was Amoco
 11 then. I don't expect they probably knew or were
 12 familiar with me being there when I was back
 13 working there with the licensor.
 14 And the only other time that I can
 15 recall was Tony Meggs, who's the group vice
 16 president for technology -- he's one of the
 17 individuals I have a dotted line, a reporting line
 18 in to -- he has a meeting with all of the
 19 technology vice presidents in -- in the company
 20 approximately every quarter. And he arranged to
 21 have one meeting -- one of those meetings at -- at
 22 Texas City. And I can't recall exactly when that
 23 was.
 24 But Don Parus, I know, was the BUL
 25 there because Don, I know, gave a presentation of

Page 133

1 the 1000-day program that he had. And as part of
 2 that meeting that we had there, there was a trip
 3 ran around in the mini bus around the facility, you
 4 know, looking at the extent of the facilities
 5 there.
 6 So those are the two times I can
 7 recall going there. I'm sure there must have been
 8 another occasion, but I can't -- I can't recall it.
 9 But -- so you can see it's been very, very limited,
 10 based on the number of times I've been there.
 11 Q. When was it and how was it you found out
 12 about the explosion of March 23?
 13 A. I -- I believe one of the people working
 14 for me might have sent me a text message or
 15 something saying, you know, there has been an
 16 explosion at Texas City.
 17 Q. Any idea as to how soon you heard that
 18 after it had occurred?
 19 A. I think -- because the individual was
 20 seeing it on the news. So I would think it would
 21 be -- I -- I can't recall whether it was the same
 22 day of the fire or whether I picked up the text
 23 the -- the next day. So I -- I'd have to say it
 24 was probably within 12 hours. It might have been a
 25 lot less than that. I don't recall specifically,

<p style="text-align: right;">Page 134</p> <p>1 but I would have thought in less than 12 hours. 2 Q. Were you ever called upon to attend any 3 meetings and be briefed on the subject matter? 4 A. Not to any meetings to be briefed -- on 5 the subject matter of the incident as it occurred 6 or -- 7 Q. Yes, sir. 8 A. -- so I can be clear. 9 Q. The fact that it happened and what, if 10 anything, BP was going to do, at your level or 11 above, about it? 12 A. There was nothing in the immediate time 13 vicinity of this then -- of being called to a 14 brief. There were teleconferences that, I believe, 15 Manzoni held. Sometime after -- and I can't 16 remember now whether that was a week after or a 17 month after, but there was a briefing around what 18 had happened at Texas City. 19 Q. You understood that Mr. Manzoni was 20 taking some lead role in -- 21 A. Well, he, obviously, was making sure that 22 the investigation was -- was being carried out 23 there. He had, obviously, responsibility for 24 refining and marketing. So he had -- as a, you 25 know, figurehead for refining and marketing. He</p>	<p style="text-align: right;">Page 136</p> <p>1 recall exactly when that was or who sent -- sent it 2 to me. 3 Q. Do you recall any of the highlights of 4 the interim report? 5 A. I seem to recall the -- the underlying 6 causes that were mentioned in that report were 7 confirmed in the final report. 8 Q. Do you recall issues associated with the 9 utilization of an open vent system, such as a 10 blowdown drum or vent stack? 11 A. Yes, yes. I remember something around 12 procedures and management oversight of people 13 following procedures. I recall a blowdown drum, 14 you know, the sort of design of that, the siting of 15 the trailers. And -- yeah, I think those are 16 the -- I am trying to think of the others. Those 17 were the main things. 18 Q. Were you aware of any disciplinary 19 actions that were taken by BP Texas City? 20 A. There was a -- I think there was an 21 internal communique and also -- an internal 22 communique and -- I can't recall now; but that was 23 in the interim report, where there was some 24 operators and first-line supervisors who were 25 disciplined over it and -- of the order of four --</p>
<p style="text-align: right;">Page 135</p> <p>1 has a role to communicate stuff to the other 2 leadership people in R&M. 3 Q. Were you ever asked to review any of the 4 issues that were ongoing as part of the 5 investigation to see what, if anything, your 6 department would have to do from an oversight or 7 commentary position? 8 A. Not in terms of the investigation itself, 9 no. 10 Q. Were you ever provided a copy of the 11 interim report that came out a couple of months 12 later, I believe around May 12, this being -- 13 A. Let's see. 14 Q. -- Mr. Mogford's -- 15 A. John -- John Mogford, yes, I remember, 16 yeah. 17 Q. So you have seen not only the final 18 report of December of 2005, but were also provided 19 with a copy of the interim report of May? 20 A. Yes. 21 Q. And do you recall about when it was and 22 how it was you received the interim report? 23 A. I would think I received it by e-mail; 24 and I would think I received it, you know, more or 25 less, the time it had come out. I don't -- don't</p>	<p style="text-align: right;">Page 137</p> <p>1 four people, I think, four or five people. 2 Q. Did you ever have an understanding as to 3 why it was that these half a dozen or so people 4 were terminated? 5 A. I can recall that one of the -- I think, 6 I'm not 100 percent sure on that; but my belief is 7 that one of those gentlemen were terminated because 8 he was not at his position when the incident 9 occurred. He was off-site somewhere. I think 10 someone had left early to take care of a -- of a 11 child or something like that. 12 I remember there was -- and I'm -- 13 what I'm not clear of is whether these were related 14 to the individuals who were dismissed; but I know 15 there was -- in the report, there was -- someone 16 was watching TV, someone was off site, had to leave 17 work early. And then some others were disciplined, 18 I believe, for not following procedures, the 19 appropriate procedures that were there and had been 20 used in the past. 21 Q. Did you have any understanding as to what 22 it was that was volitive of any existing standard 23 operating procedure? 24 A. Could you say that again? 25 Q. Yeah. Volitive?</p>

Page 138

1 A. "Volitive," I don't know what that is.
 2 Q. That were violating --
 3 A. Oh, okay.
 4 Q. -- standard operating procedures?
 5 MR. PATTERSON: Objection, form.
 6 A. So can you phrase that question again?
 7 I'm sorry I interrupted you.
 8 Q. (BY MR. COON) That's okay.
 9 Were you ever made aware of what
 10 it was that BP felt anyone did that was
 11 inconsistent or against standard operating
 12 procedures?
 13 A. Well, I heard two things: One, they
 14 didn't -- they weren't following procedures; and
 15 secondly, there was no sign that people were --
 16 you're expected to sign-off when a step in the
 17 procedure has been undertaken. That was not being
 18 done. It was not being signed off. So there was
 19 no recollection as to where someone was in the
 20 procedure in terms of signing which step they were
 21 at.
 22 I think there was not a procedure
 23 that was to hand. It was left on the printer, I
 24 think. I remember hearing it was left on the
 25 printer. So they didn't have it in front of them

Page 139

1 when signing it off.
 2 What else? Those are the things
 3 that I would recall.
 4 Q. Had you heard anything about some culture
 5 problems that Texas City was having as it related
 6 to the management and the safety culture at the
 7 facility?
 8 A. Not prior to the incident, no. It really
 9 only became aware to me once I started hearing some
 10 feedback from the -- the Stanley report from the --
 11 some people who were involved with that.
 12 Q. What was your understanding about the
 13 safety culture problems that were pre-existing at
 14 Texas City?
 15 MR. PATTERSON: Objection, form.
 16 A. Pre-existing?
 17 Q. (BY MR. COON) Pre-existing the
 18 explosion?
 19 A. I didn't -- I wasn't aware of any safety
 20 problems.
 21 Q. Okay. You were not aware of any safety
 22 problems at Texas City before the explosion,
 23 correct?
 24 A. I was not aware of any safety culture
 25 behavior problems.

Page 140

1 Q. But you were made aware of them after the
 2 fact, after the explosion?
 3 A. I was aware of some of the comments that
 4 I heard about what -- what they saw there when they
 5 did the Stanley investigation.
 6 Q. And those comments involved the
 7 perception of the safety culture that pre-existed
 8 the explosion?
 9 A. Well, those comments related to what
 10 people found when they did the Stanley
 11 investigation. So that's what they saw when they
 12 went to do the investigation, which obviously was
 13 after the explosion.
 14 So I think it's an extrapolation
 15 to say that that also happened before, but it would
 16 seem like a logical extrapolation.
 17 Q. What was your understanding about issues
 18 associated with the trailers?
 19 MR. PATTERSON: Objection, form.
 20 A. The trailers were -- made the consequence
 21 of the fire and explosion a lot worse. Had the
 22 trailers not been there, then, you know, it would
 23 have been a totally different problem versus
 24 what -- what we're actually talking about today.
 25 Q. (BY MR. COON) What was the practice with

Page 141

1 respect to the utilization of temporary trailers at
 2 Coryton?
 3 MR. PATTERSON: Objection, form.
 4 A. Trailers, temporary trailers,
 5 Port-O-Cabins, as we tend to call them in the UK,
 6 were used particularly around turnarounds, shutdown
 7 times, to accommodate the extra labor force that
 8 comes in to help joint turnarounds. So they will
 9 be brought in for accommodating people during
 10 those -- those periods of time.
 11 Q. (BY MR. COON) And you had a number of
 12 those events occur while you were the BUL at
 13 Coryton?
 14 A. There were -- were some turnarounds that
 15 occurred, yes.
 16 Q. And what was involved with respect to
 17 identifying places the trailers could be located?
 18 Were there any regulations, requirements, policies?
 19 A. I was unaware of any policy or
 20 regulations that determined the siting of those
 21 trailers.
 22 Q. Do you know whether or not there was any
 23 distance requirements, for instance, in terms of a
 24 trailer cannot be located within so many feet of a
 25 flare or blowdown drum or an operating unit?

<p style="text-align: right;">Page 142</p> <p>1 A. That's correct, I was unaware of any 2 policy that stipulated that. 3 Q. Okay. Then absent knowing anything about 4 a policy, if you were just to, as a business unit 5 leader, go out and make a field inspection, see how 6 things were going out at the units, if you saw a 7 trailer located near a flare, would you have 8 initiated any kind of action? 9 MR. PATTERSON: Objection, form. 10 A. If there was a trailer in what I would 11 consider being, you know, a hazardous area near a 12 flare, then I'd ask appropriate people, safety 13 people, as to, you know, "Is that the right place, 14 what's -- you know, Can we confirm that is the 15 right place to put them there?" 16 And depending on whatever the 17 answer might be, then I -- you know, I'd take it 18 further or not. 19 Q. (BY MR. COON) Well, we've had other 20 testimony in the case from people -- management at 21 Texas City specifically -- where they had observed 22 a trailer located near the base of a flare and they 23 had instructed people to move it because they were 24 aware of this puking potential, as you've described 25 at Coryton.</p>	<p style="text-align: right;">Page 144</p> <p>1 the unit -- would you have made somebody move it to 2 a place that you felt safe? 3 MR. PATTERSON: Objection, form. 4 A. High -- very likely that that would be 5 the case, but there is a difference in the sense 6 that there is a -- there is a flare yard at Coryton 7 and the flare yard typically would be locked. And 8 so it wasn't a place that people, you know, 9 typically would go into. 10 Q. (BY MR. COON) Why was that area locked? 11 A. Because you wouldn't want people going in 12 there. 13 Q. And why not? 14 A. Because of the potential hazards of the 15 flare and also the radiation from the flame, as 16 well. 17 Q. So there was a recognition at Coryton 18 that because of the puking as you have described and 19 other hazards, the whole area was sealed off and 20 people couldn't just roam out there and put 21 themselves at risk? 22 A. That's right. 23 Q. Because even though it looks like 24 everything's controlled and you have the little 25 flame burning at the top, you never know when a</p>
<p style="text-align: right;">Page 143</p> <p>1 So would you assume if somebody 2 saw that, would it be responsible to say, "Hey, you 3 need to move that trailer because these flares can 4 puke and you don't want the trailer to" -- 5 MR. PATTERSON: Objection, form. 6 Q. (BY MR. COON) -- "have a bunch of liquid 7 on fire landing on top of the roof on it"? 8 A. If the flare was in operation, then 9 you -- you would be concerned how close any 10 trailers were to that -- that flare. So without, 11 you know, knowing exactly what the specific issue 12 was, then, you know, it depends on how close and 13 whether a flare was in operation. 14 Q. And I understand it's not your job at 15 Coryton to go out there and inspect all the 16 trailers. That's not part of your day-to-day 17 responsibilities, was it, sir? 18 A. That's correct. 19 Q. But assuming that you were out in the 20 field checking on a unit for whatever reason, if 21 you saw a trailer -- one of these temporary 22 trailers, mobile home kind of trailers -- located 23 underneath one of these flares and it was an 24 operating flare -- you could see the flame at the 25 top of it, you knew it was one that was in use with</p>	<p style="text-align: right;">Page 145</p> <p>1 puke may occur and a bunch of fire drops on the 2 ground and you don't want anybody around because of 3 that? 4 A. That's correct. 5 Q. And that's part of a best practices, 6 which is to take your flares and put them in an 7 area that's called a flare yard, away from the 8 units and away from people and put up gates to keep 9 people out so that they don't create a potential 10 for harming themselves or exposing themselves to 11 harm? 12 MR. PATTERSON: Objection, form. 13 A. That's right. 14 Q. (BY MR. COON) Now, even though you had a 15 flare yard and you had a perimeter around it to 16 keep people out, if you saw where somebody had made 17 a bad decision and had located a trailer underneath 18 one of those flares, would you have taken any 19 action? 20 MR. PATTERSON: Objection, form. 21 A. I would have taken some action to 22 understand, you know, who gave permission, why was 23 that there and challenge whether that was the 24 right -- appropriate to have it there. 25 Q. (BY MR. COON) Okay. Well, my</p>

<p style="text-align: right;">Page 146</p> <p>1 understanding of your testimony is that you've 2 already recognized that it's not the appropriate 3 place to put a trailer? 4 A. That's right. So I -- so someone -- 5 while I'm making the assumption that someone has 6 said it's okay to put that trailer there -- 7 Q. And you would -- 8 A. -- so I would then challenge as to why -- 9 you know, why -- why has that decision been made. 10 Q. Sure. 11 One is that you would, under most 12 sets of circumstances, try to get that trailer and 13 the people in it moved because of the potential for 14 the flare to puke, right? 15 MR. PATTERSON: Objection, form. 16 A. It wouldn't appear to be the right place 17 to have a trailer in my experience. 18 Q. (BY MR. COON) And so you would do two 19 things. One is you would want to make sure that 20 they move the trailer so that in the event that the 21 flare and the tower puked, the people in the 22 trailer at the bottom are not harmed. That's one 23 thing you would do, right? 24 A. That's one thing, yes. 25 Q. And the other thing you would do is you</p>	<p style="text-align: right;">Page 148</p> <p>1 A. I'm agreeing that that's what -- you 2 know, I'm agreeing that that's not the normal 3 practice I would expect, and I would want to find 4 out why someone had decided to do it differently 5 because there might -- for some reason there might 6 be something that was new to me. For some reason, 7 something might have changed; but I don't -- can't 8 think of what that would be. 9 Q. (BY MR. COON) Well, like trying 10 retardant flame clothing out or something or -- 11 MR. PATTERSON: Objection, form. 12 A. No. I don't know what it might be. It 13 wouldn't be testing out fire retardant clothing. 14 Q. (BY MR. COON) Can you envision any set 15 of circumstances right now that would justify 16 locating people in temporary trailers immediately 17 adjacent and underneath operating flares? 18 MR. PATTERSON: Objection, form. 19 A. No. 20 Q. (BY MR. COON) Did you ever talk to 21 anyone, after the interim fatal report came out, 22 about any of its preliminary findings? 23 A. Yes. I -- I'm pretty sure that I used 24 that material -- read the material and then briefed 25 all my -- my staff both in Sunbury and in</p>
<p style="text-align: right;">Page 147</p> <p>1 would want to go out and find out who made the bad 2 decision to put the trailer there in the first 3 place and put people at risk? 4 A. I would want to find out who made the 5 decision as to why they put the trailer there to 6 understand why they had done that. And then that 7 would then lead into a conversation that would 8 either, you know, change their behavior or whatever 9 it might be to understand what the basis was for 10 that decision. 11 Q. Sure. 12 And that's because you know what 13 the risk is and when you see the trailer there, you 14 would presume, "Well, somebody, obviously, doesn't 15 appreciate this risk. I need to go find out who it 16 was and make sure that they don't do that again?" 17 MR. PATTERSON: Objection, form. 18 A. Or there's some other reason that they 19 decided that it's appropriate to put it there. 20 Q. (BY MR. COON) But you're -- you're 21 already acknowledging, I assume, that there really 22 are no good mitigating circumstances to put people 23 in a trailer underneath an operating flare that at 24 any minute could puke and put the trailer on fire? 25 MR. PATTERSON: Objection, form.</p>	<p style="text-align: right;">Page 149</p> <p>1 Naperville, Chicago. I did that in a -- in a 2 meeting and also by telephone link into -- into the 3 US. 4 It was a -- you know, we called it 5 safe -- Texas City Safety Stand-down, where I made 6 people aware of the interim report findings and 7 talked about and make sure that if people had any 8 questions they wanted to understand about it that I 9 might be able to answer. 10 And we also used that as -- as a 11 vehicle to talk about, you know, what could we do 12 differently to avoid that incident occurring in -- 13 in refineries, what was our role as a -- as a 14 central group. 15 Q. And from a technology standpoint, there 16 are a number of things that could be done to reduce 17 the likelihood of another similar occurrence as 18 what happened on March 23rd. Fair statement? 19 MR. PATTERSON: Objection, form. 20 A. There will be some technology that you 21 could use to minimize the impact or avoid the 22 impact. 23 Q. (BY MR. COON) And, for instance, 24 Mr. Mogford himself acknowledged that flares are 25 inherently safer than vent stack blowdown systems.</p>

<p style="text-align: right;">Page 150</p> <p>1 Do you recall that?</p> <p>2 A. I don't actually recall that, but I am</p> <p>3 willing to accept that as his statement.</p> <p>4 Q. Okay. Would you agree that flares are</p> <p>5 inherently safer than blowdown drums with vent</p> <p>6 stacks?</p> <p>7 A. Flares are safer if correctly designed,</p> <p>8 which goes with saying, I guess, you need to design</p> <p>9 these facilities correctly and then they can be --</p> <p>10 they can be safer; but there are some risks, as we</p> <p>11 already talked about, with -- with flares.</p> <p>12 Q. And the same with a vent stack, even if</p> <p>13 you were utilizing a vent stack and blowdown drum,</p> <p>14 even if it was undersized, for any potential</p> <p>15 particular upset, you would still want, from a</p> <p>16 design standpoint, that blowdown drum to be located</p> <p>17 in an area away from the unit so that if there is</p> <p>18 an overflow, like a puke, it does not drop back in</p> <p>19 the laps of the people operating the unit. Agreed?</p> <p>20 A. You'd want to minimize any consequences</p> <p>21 of any liquid overflow or gaseous venting of</p> <p>22 material from a -- from a blowdown drum.</p> <p>23 Q. So from that standpoint -- from a design</p> <p>24 standpoint, if you are utilizing a blowdown drum,</p> <p>25 which is admittedly not the best technology, but if</p>	<p style="text-align: right;">Page 152</p> <p>1 into loop if it was being overfilled?</p> <p>2 MR. PATTERSON: Objection, form.</p> <p>3 A. I don't -- I'm not familiar with the</p> <p>4 whole design of the isomerization unit. So I can't</p> <p>5 categorically answer that.</p> <p>6 Q. (BY MR. COON) Okay. Did you ever</p> <p>7 inquire, as part of what happened out there, as to</p> <p>8 whether or not there were any kind of mechanical</p> <p>9 interlocks from a technology standpoint that would</p> <p>10 reduce the risk of an overflow?</p> <p>11 A. I'm -- what I am familiar with is there</p> <p>12 was no interlock on the blowdown part of the -- the</p> <p>13 unit. There might have been interlocks elsewhere;</p> <p>14 but there was nothing on the blowdown, as far as I</p> <p>15 am aware.</p> <p>16 Q. And from a technology standpoint, if a</p> <p>17 blowdown drum was to be used at that ISOM unit, you</p> <p>18 would have at least recommended the implementation</p> <p>19 of some sort of an interlock on the system to</p> <p>20 reduce the risk of an overflow in the blowdown</p> <p>21 drum?</p> <p>22 MR. PATTERSON: Objection, form.</p> <p>23 A. Not necessarily.</p> <p>24 Q. (BY MR. COON) Okay. Do you think the</p> <p>25 design, as it was, was a better design than one</p>
<p style="text-align: right;">Page 151</p> <p>1 you are utilizing it, it should at least be located</p> <p>2 in an area away from the unit and away from people,</p> <p>3 just as you locate the flares in a flare yard away</p> <p>4 from the unit and away from people?</p> <p>5 A. From where people are -- are regularly</p> <p>6 working or regularly based, it goes without saying</p> <p>7 that you would either expect operators to make --</p> <p>8 to make sure they do a check over the equipment to</p> <p>9 make sure it's -- it's working correctly on some</p> <p>10 routine basis.</p> <p>11 And, obviously, it would need</p> <p>12 maintenance, the equipment, as well. So that it</p> <p>13 will have some people interaction, some people</p> <p>14 attention to it; but that would be, you know,</p> <p>15 not -- not on a constant accident basis.</p> <p>16 Q. Now, with respect to fail-safes, you're</p> <p>17 familiar with fail-safes, aren't you?</p> <p>18 A. Yes.</p> <p>19 Q. There are mechanical interlocks that can</p> <p>20 be utilized in the design of systems such as this</p> <p>21 ISOM unit?</p> <p>22 A. Yes.</p> <p>23 Q. And you understood that this particular</p> <p>24 unit and the raffinate splitter did not have a</p> <p>25 mechanical interlock allowing everything to go back</p>	<p style="text-align: right;">Page 153</p> <p>1 that would have an interlock?</p> <p>2 A. No, I wouldn't say it was a -- better. I</p> <p>3 guess when I said "not necessarily," what was</p> <p>4 behind that is that there could be choices that you</p> <p>5 would want to make investments elsewhere. And</p> <p>6 perhaps the risk of the situation occurring on that</p> <p>7 blowdown drum was not felt to be significant to</p> <p>8 warrant putting in an interlock. That's what I</p> <p>9 meant by "not necessarily."</p> <p>10 If you just said, "Well, it -- it</p> <p>11 would have been a design be -- to have an interlock</p> <p>12 on that blowdown system," yes, it would be better;</p> <p>13 but would I recommend it, not necessarily.</p> <p>14 Q. Okay. Well, you would recommend it from</p> <p>15 a design standpoint as being better than what was</p> <p>16 there at the time, right?</p> <p>17 A. Yes.</p> <p>18 Q. You were just saying that if you didn't</p> <p>19 have so many dollars in your pocket, you might have</p> <p>20 to spend it somewhere else instead of there because</p> <p>21 you have something else going on that was</p> <p>22 identified as a greater risk that needed to be</p> <p>23 fixed quicker than that risk?</p> <p>24 MR. PATTERSON: Objection, form.</p> <p>25 A. That's correct.</p>

Page 154

1 Q. (BY MR. COON) Now, in addition to
 2 mechanical interlocks -- and let me back up.
 3 You would agree it costs less than
 4 a billion dollars to put an interlock on that
 5 blowdown drum, wouldn't you?
 6 MR. PATTERSON: Objection, form.
 7 A. I would expect it would cost less than a
 8 billion dollars, yes.
 9 Q. (BY MR. COON) So if that particular
 10 plant had made a billion dollars revenue profits in
 11 the year prior, you don't see a financial reason
 12 why they could not have put an interlock on that
 13 system, do you, sir?
 14 MR. PATTERSON: Objection, form.
 15 A. The -- I don't think it -- a billion
 16 dollars in profit, I don't think that...
 17 Q. (BY MR. COON) But you don't --
 18 A. I don't think that's a reason not to put
 19 the -- the interlock on.
 20 Q. You hadn't heard any rumors that BP is
 21 about to file bankruptcy or something and they're
 22 financially destitute, have you, sir?
 23 A. No, I haven't --
 24 MR. PATTERSON: Objection, form.
 25 A. No, I haven't heard that.

Page 155

1 Q. (BY MR. COON) In fact, the public
 2 statements we're aware of is quite the opposite, is
 3 that they are doing quite well from a revenue
 4 standpoint?
 5 A. BP is a big company. It does make a lot
 6 of money. It's -- it's about returns on the
 7 assets.
 8 Q. Okay. Let's talk about another type of
 9 interlock. Those are software or board interlocks.
 10 Are you familiar with those, sir?
 11 A. Yes.
 12 Q. Do you have an understanding as to the
 13 type of software system that was being utilized by
 14 the Texas City facility as it related to the ISOM
 15 unit?
 16 A. No.
 17 Q. Do you know anything about the different
 18 types of systems that are out there, like the
 19 Honeywell 3000? Do you know the difference between
 20 those and other types of systems?
 21 A. In terms of the DCS systems?
 22 Q. Yes, sir.
 23 A. Yes, I know there are different types of
 24 DCS systems.
 25 Q. I have seen some criticism associated to

Page 156

1 the lack of any safety or software interlocks on
 2 this particular unit. Do you know anything about
 3 that subject matter?
 4 A. I haven't seen any criticism of -- of
 5 that.
 6 Q. Do you not recall seeing any criticism of
 7 the lack of software interlocks on that control
 8 board?
 9 A. I don't recall that. I am aware that
 10 software -- you can put software interlocks in, but
 11 I'm not aware of any criticism of it -- it not
 12 having an -- it.
 13 Q. You don't recall anybody commenting to
 14 you that software interlocks should have been
 15 utilized on that particular system?
 16 A. I recall -- after the event, I had a
 17 conversation with my -- one of my advisors, another
 18 advisor, who was a DCS advisor; and we talked about
 19 what might -- what we could do in the future with
 20 DCS systems at Texas City. So we talked about
 21 that, and that starts getting into the use of
 22 software interlocks and how can you use the latest
 23 technology to improve things.
 24 Q. Was it a common practice in your European
 25 refineries, by last year, to have software

Page 157

1 interlocks on the boards?
 2 A. They would have software interlocks,
 3 safety instrumented systems, interlocks --
 4 hard-wired interlocks, as well.
 5 Q. And with respect to implementing your
 6 best practices, if BP is aware that from a best
 7 practices' standpoint, you should have software
 8 interlocks, would you not expect all of their
 9 refineries to make concerted efforts to utilize
 10 that best practices, best technology?
 11 MR. PATTERSON: Objection, form.
 12 A. That -- well, that -- I'd expect
 13 refineries to be aware of what the technology is
 14 out there. Really it's not -- it doesn't
 15 necessarily go that they're always going to
 16 implement the best -- best practices, the best
 17 technology.
 18 You know, as I mentioned earlier
 19 on is that once best technology, best practices can
 20 be identified, it is up to the individual business
 21 units to decide to what extent they want to
 22 implement that.
 23 Q. (BY MR. COON) And frankly, it's not
 24 cutting edge technology or rocket science
 25 technology to take an existing DCS system and plug

<p style="text-align: right;">Page 158</p> <p>1 in some forms of safety interlocks that can allow a 2 system to shut down in the event of an upset? 3 MR. PATTERSON: Objection, form. 4 A. It's not -- it's not rocket science. 5 Obviously, it needs engineering and investment to 6 do that. It can be done. 7 Q. (BY MR. COON) Mr. Maslin, I am going to 8 show you a couple of documents that are specific to 9 that subject matter. One was from you to Mr. Gower 10 and Mr. Maclean. 11 MR. COON: And we'll mark this as 12 595. 13 (Exhibit Number 595 marked for 14 identification.) 15 Q. (BY MR. COON) Do you recall sending out 16 that e-mail before, sir? 17 A. (Reviews document.) 18 I do now, yes. 19 Q. Okay. That was an e-mail to Mr. Gower 20 and Mr. Maclean, wasn't it? 21 A. Yes. 22 Q. Do you recall why you sent that out and 23 what it was about? 24 A. Yeah. 25 Q. Can you tell us about it, please, sir?</p>	<p style="text-align: right;">Page 160</p> <p>1 home about all of it. She was talking to me about 2 the Texas City incident. And what she couldn't 3 understand was, well, you know, why don't they have 4 shutdown systems on things like that?" 5 And so that was a conversation 6 that she had with me. And I said, "Well, it's, you 7 know, not necessarily the case that every facility 8 has shutdown." 9 But her expectation, she tends to 10 think of -- of oil companies as being the high 11 technology, up to date and all that and that's not 12 always -- always the case. So I remember that was 13 a conversation that she had with me at -- at home, 14 strangely; and then there was another conversation 15 with Rob Lewis. And that -- that led me to put 16 this note together. 17 What had already been decided 18 prior to -- prior to this incident at Texas City is 19 that we were going to upgrade some of our 20 DCS technology; and we wanted to do it in a -- in a 21 leveraging way, from a procurement point of way. 22 So rather than different refineries doing something 23 themselves, we decided to do it on a -- on a larger 24 scale to collect different refineries' intents 25 together.</p>
<p style="text-align: right;">Page 159</p> <p>1 A. Perhaps it goes -- so it goes back to a 2 couple of things. One was -- let me see. 3 I mentioned that after -- it must 4 have been after the interim report, I had the 5 briefing with my folk in refining technology. And 6 we talked about what are the things that we could 7 do to avoid this happening elsewhere. 8 And -- and one of the individuals, 9 Rob Lewis, who actually is mentioned on there, he 10 talked about there's instrumentation, safety 11 instrumentation that could be put in in Texas City 12 that they don't have today, don't have much at 13 this -- this point in time, much today. And so he 14 was talking about putting more instruments in, 15 safety instrumented technology. 16 So Rob Lewis made that aware in 17 this safety stand-down that we had. And I have a 18 list of all these different things that we could 19 do, and that was one of them. And so our 20 conversation with Rob -- you know, Rob, after 21 that -- after that safety stand-down, we talked 22 about it. And that led me to put that note 23 together. 24 And the other piece that I can't 25 ever recall, actually, was talking to my wife at</p>	<p style="text-align: right;">Page 161</p> <p>1 And so we had just previously -- 2 this was the GRL, the Global Refining Leadership, 3 the people who report to Hoffman. We had just 4 approved a project to go to a vendor to replace 5 some of our equipment in the US refineries with 6 this latest technology. 7 And part of the debate around that 8 was that a lot of our refineries -- a number of 9 them, not just in the US -- had 1980's vintage 10 technology on the DCS systems. And there have been 11 other generations, those being the 1990's vintage 12 and then the 2000's vintage. 13 And it's a bit like a computer, I 14 guess, in that sense, that computers get updated. 15 And after a period of time, you find you can't get 16 spares for your old system because the manufacturer 17 stopped making the old system because now they've 18 got this latest generation of technology. 19 And so eventually there comes a 20 time when your technology is out of date, you can't 21 get spares for it and you start cannibalizing maybe 22 some redundant equipment to get the spares. And 23 there comes a point in time where you have to 24 decide, "Well, we've got to move on to more 25 frequent technology."</p>

<p style="text-align: right;">Page 162</p> <p>1 And the decision around replacing 2 this DCS technology was do we want to go from 3 1980's technology to 1990's -- so not -- not 4 current -- or do we want to leap frog to 2000s 5 technology. That was the debate. 6 And it's easier both from a 7 technology changeover, personnel familiarization to 8 go, you know, sequentially. You'll go to one and 9 then you'll go to another at some later point in 10 time. 11 So the decision we made, we 12 actually wanted to leap frog the technology, go 13 from 1980's to 2000. And it was agreed that the US 14 refineries would do this. And it was Texas City, 15 Whiting and Carson, I believe were the three 16 refineries who were involved. 17 It wasn't a complete changeout. 18 It was just in certain process units. They would 19 move from this 1980's to 2000 technology. So that 20 had already been decided for just maintainability 21 reasons, that this equipment was getting old, we 22 needed to change it. So that had been decided 23 prior to the event. 24 And what this letter -- given this 25 discussion with Rob Lewis, and even the one with my</p>	<p style="text-align: right;">Page 164</p> <p>1 So there's a number of things that 2 you could do that would enhance the -- the whole 3 aspect of reliability and safety and -- at Texas 4 City. And that's what this was trying to promote, 5 was that discussion to do that. 6 MR. COON: Is this a good place to 7 quit? 8 MR. PATTERSON: Yes. 9 THE VIDEOGRAPHER: Off the record 10 at 12:38. 11 (Lunch recess taken.) 12 THE VIDEOGRAPHER: Back on the 13 record at 1:50. 14 Q. (BY MR. COON) Mr. Maslin, we took a 15 lunch break and we were talking about the 16 DCS systems and a particular document that we had 17 shown you, which is marked as Exhibit 595 to your 18 deposition. And I want to ask you a few questions 19 about some specific comments that you made. 20 First of all, you had said you had 21 made a list of some things to do for safety 22 considerations; and I don't know if you even 23 remember saying that. It's been like an hour or 24 two ago now. But do you recall what -- 25 A. Yes, I do.</p>
<p style="text-align: right;">Page 163</p> <p>1 wife -- was rather than just replacing like for 2 like, this DCS technology, so it was just change 3 out with -- what we've got today with new 4 technology that was basically the same, how can we 5 put more new technology and to actually go beyond 6 just like-for-like replacement. 7 And so what this note was to -- to 8 Pat and to Colin was trying to stimulate that 9 thought, that conversation that there's more we can 10 do with this technology that can enhance 11 availability, safety performance and commercial 12 optimization, from what I recall. 13 So the -- the technology change as 14 planned was more like a cost thing, reliability 15 thing for the equipment. And I was trying to say 16 we actually could do more than that. It's going to 17 be certainly more expensive, but there was some 18 advantages that you could do by doing this in -- in 19 a significant way. 20 You could put in interlocks, 21 safety instrumented systems, as you said, software 22 systems. You could put in training systems, 23 simulator training systems. You could go to a 24 central control room. I can't remember what else I 25 said on here.</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. -- you were talking about when you said 2 you had made a list? Was that a mental list or a 3 written list or what? 4 A. It was a written list that came out of 5 conversations that I had on the safety stand-down 6 related to Texas City. So it's all the things that 7 we felt we could -- we could do or needed to do 8 within my -- my group. 9 Q. Did you -- 10 A. It's a written list. 11 Q. Did you ever distribute that list of 12 consideration items? 13 A. Yeah. It was -- there was a request that 14 I believe originally came from CJ Warner asking the 15 whole of the R&M leadership to organize these 16 safety stand-downs. And she called it something 17 like a full circle -- full circle communication, 18 something like that, where the view that that would 19 get fed back to the R&M set, you know, what were 20 people saying and that was fed back. 21 And certainly from a refining 22 point of view, that -- that was done and those 23 comments were collected within refining, as well as 24 some of the feedback, some of the more significant 25 comments.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. So would it be fair to say this was a 2 running list, that there were some ideas you may 3 have put in and others and other people had 4 additional suggestions and they were just added to 5 the list? 6 A. There was a -- a composite list was put 7 together at that time on comments. 8 Q. Who was in charge of assimilating or 9 compiling all this information? 10 A. Linda Richie was the person that pulled 11 it together, comments from the business unit 12 leaders in refining. 13 Q. Did you ever see a final document that 14 reflected the various things that were to be 15 considered? 16 A. Well, yeah, just to be -- be clear, this 17 list was -- was any specific feedback that the 18 BULs, the business unit leaders in refining, all of 19 R&M, were asked to hold these stand-downs. So any 20 comments of what people said were sent in on this 21 list. 22 So it's not -- it's not 23 necessarily an improvement or anything like that. 24 It might have just been some comments that someone 25 had. You know, they were, I don't know, concerned</p>	<p style="text-align: right;">Page 168</p> <p>1 would you make an effort to find that document and 2 provide it to your counsel to forward to us? 3 A. To be -- that's my -- my list that -- my 4 list? 5 Q. Well, whichever list we -- I take it this 6 is something that you have not made an effort to 7 produce before, just from lack of appreciation that 8 it's something that we may want to look at? 9 A. It could well be in the file. What I 10 have not gone is -- is checked absolutely 11 whether -- you know, which file that would be in. 12 I have a pretty extensive electronic filing system. 13 So the chances are it could well 14 be included under my Texas City file. It might not 15 be, but it -- it probably is. But I will check -- 16 check it and forward it to my counsel. That's the 17 refining technology list? 18 Q. Yes, sir. 19 And when you talked about this, I 20 understood that you had your list of issues or 21 items? 22 A. That's the refining technology one I'm 23 referring to, yes. 24 Q. Okay. And then you also said something 25 about -- I understood that you were distinguishing</p>
<p style="text-align: right;">Page 167</p> <p>1 about something or some clarification of an item 2 related to Texas City. 3 So that -- that list was compiled, 4 and there was a final list. Whether it was 5 final-final, I don't know; but there was a final 6 composite list put together. And within refining 7 technology, we had a list of items that we -- we 8 still continue to look at and work. 9 And it's -- it's not directly, you 10 know, related to Texas City. It's general stuff to 11 make sure that, you know, we encourage the 12 behaviors, the -- you know, what we consider the 13 correct behaviors from my people and that type of 14 thing. 15 Q. Did this list have any kind of particular 16 name to reference it? 17 A. I don't -- I don't recall a particular 18 name on it. I know what triggered it was this full 19 circle communication from CJ Warner, that's what 20 triggered it. And refining then compiled their 21 list, and I've got a list that it's still -- still 22 current in my -- in my group. 23 Q. I was going to ask you if you still 24 retained a copy, and I take it the answer is "yes." 25 When you said -- when you go home,</p>	<p style="text-align: right;">Page 169</p> <p>1 that list from this other broader list that was the 2 full circle list? 3 A. That is correct, I am distinguishing 4 those two. 5 Q. Okay. Do you have a copy of that second 6 list, as well, which is the full circle list? 7 A. Yes. The one that was compiled for 8 refining, I would -- I'm sure I will have a copy of 9 that somewhere. 10 Q. Okay. We would make a particular request 11 for both of those documents. 12 A. Okay. 13 Q. Okay. And going back and looking 14 specifically at this e-mail of June of '05 -- and 15 you can look at -- this is the one you were looking 16 at before lunch. 17 A. Yep. I don't -- I don't recall. I have 18 not seen this before, until you showed it to me, 19 this top part of the e-mail, I haven't seen that. 20 Obviously the one from me is one that I -- I wrote, 21 so I recall it. The contents, I'd have to read 22 it -- 23 Q. Okay. Well -- 24 A. -- just to refresh myself. 25 Q. Sure. And I'll let you look at it.</p>

<p style="text-align: right;">Page 170</p> <p>1 This is what you had before. You 2 may not have noticed the comment at the top, but 3 that's -- 4 A. No, I saw the comment before; but as I 5 was saying, I hadn't since until you showed me 6 this -- this document. I had not seen those 7 comments. So just to distinguish in this 8 particular e-mail, I have not seen before. 9 Q. Okay. And just to clarify the record, 10 you've seen the e-mail that we're really discussing 11 because that is from you to other people; but 12 there's a comment above it, which is actually 13 another e-mail that's attached as part of the 14 string of communications, correct? 15 A. Right, I -- I am obviously familiar with 16 the e-mail that I wrote, but -- 17 Q. Okay. Well, we will talk about the one 18 that you wrote, which is, I think, dated, what, 19 June 10? 20 A. June 10, that's correct. 21 Q. So this was one that you remitted to 22 Mr. Gower? 23 A. I sent to Pat -- Pat Gower and Colin 24 Maclean, with a copy to Rob Lewis. 25 Q. And what triggered this e-mail?</p>	<p style="text-align: right;">Page 172</p> <p>1 automatic shutdowns, you know. She expected, in a 2 refining industry, to have state-of-the-art -- what 3 she regarded as state-of-the-art technology. So 4 she thought there would be shutdown systems on 5 this. And so that was a conversation I had at 6 home. 7 From those two thoughts then led 8 to this -- this note being put together, which was 9 really trying to stimulate a more extensive 10 replacement of the DCS system, the control system 11 at the refinery, rather than just a like-for-like 12 replacement, which was something that was being 13 contemplated at -- at Texas City. 14 Q. Is your wife a petroleum engineer? 15 A. No, she's not. 16 Q. Is she any kind of engineer? 17 A. No, she is not. 18 Q. Does she have any specific training and 19 education in DCS systems? 20 A. No, she does not. 21 Q. Did she have any prior training and 22 education on process safety management? 23 A. No, she has not. 24 Q. Did your wife obtain a college degree? 25 A. A what degree?</p>
<p style="text-align: right;">Page 171</p> <p>1 A. What triggered it were -- were two things 2 I think I mentioned just before lunch. One was 3 from this city -- Texas City safety stand-downs 4 that -- that I just referred to where we talked 5 about what were the things that we could do in 6 refining technology to avoid a repeat incident 7 elsewhere, what could we do. 8 One of the comments that came out 9 of that by Rob Lewis, who is my DCS advisor, was 10 the -- we had a conversation. He suggested we put 11 in more instrumentation, safety instrumented -- 12 instrumentation into our refineries. And that was 13 a comment that was on this list I just referred to. 14 Q. Was this a specific request by Mr. Gower 15 or other individuals from you or is this something 16 you took upon yourself to remit to the -- 17 A. This e-mail is my own particular 18 action -- action, my own initiative. It was not at 19 the request from anybody. So it was from -- and 20 then so Rob Lewis raised this point about safety 21 instrumented systems, we could do more 22 instrumentation. And so he and I had a 23 conversation about that, built that idea up. 24 And I also, in talking about Texas 25 City, my wife mentioned, you know, why wasn't there</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. A college degree? 2 A. Not exactly. She's a physiotherapist. 3 So she has qualifications in physiotherapy. 4 Q. Okay. So there is nothing unique about 5 your wife's past training and experience that would 6 elicit some special prior knowledge about the 7 refining industry to inquire as to why this 8 particular unit didn't have these shutdown systems? 9 A. Nothing specific, only she had been 10 around me for a long -- long number of years, I 11 guess. 12 Q. Hopefully not too many. 13 How long have y'all been married? 14 A. 28 years, something like that. I'd have 15 to work it out. 16 Q. Well, I won't ask you what your 17 anniversary date is. Okay? 18 A. I know what that is. I can answer that. 19 Q. Basically, the impression I'm left with 20 is your wife just applied some common sense to the 21 situation. It would seem reasonably prudent to her 22 that something like this could be avoided from 23 happening -- 24 MR. PATTERSON: Objection, form. 25 Q. (BY MR. COON) -- happening in the first</p>

<p style="text-align: right;">Page 174</p> <p>1 place by having some kind of fail-safe in the 2 system that would shut it down? 3 A. I -- 4 MR. PATTERSON: Objection, form. 5 A. I don't know what prompted her to make 6 that point. I could only speculate. 7 Q. (BY MR. COON) Well, I would assume that 8 DCS systems in the petrochemical industry and its 9 operations are not a routine part of the 10 conversation of a physical therapist, is it, sir? 11 MR. PATTERSON: Objection, form. 12 A. Not to my knowledge. 13 Q. (BY MR. COON) Okay. Let me ask you a 14 few questions here, if I may. 15 If we look at this document and we 16 follow through, this is sent June 10, 2005, from 17 you to Mr. Gower and Mr. Maclean? 18 A. That's correct. 19 Q. And was there any particular reason that 20 you chose to send this particular document to these 21 two gentlemen? 22 A. Yes, because Colin Maclean was the -- you 23 know, the newly appointed business unit leader at 24 Texas City after the incident. And Patrick Gower 25 was responsible as the refining vice president for</p>	<p style="text-align: right;">Page 176</p> <p>1 Hopefully it's got your attention." 2 And that would reference the 3 subject matter here? 4 A. Yes. 5 Q. Which is "DCS migration and how it can 6 improve safety, availability and commercial 7 performance"? 8 A. Yes. 9 Q. And your first paragraph comment here is, 10 "The ISOM incident at Texas City, stating the 11 obvious, has got everyone's attention, not the 12 least the technical folks." 13 I assume that was supposed to be 14 "folks"? 15 A. Oh, yes. Right. 16 Q. This is just a minor typo -- 17 A. Yes. 18 Q. -- right? 19 A. Yes. 20 Q. That's not British slang for something, 21 is it? 22 A. No, that's a typo. 23 Q. Okay. And in looking at this, I'm 24 presuming you were talking about the explosion at 25 Texas City from March, 2005?</p>
<p style="text-align: right;">Page 175</p> <p>1 the US region. So those are the two most pertinent 2 people who would be involved in making decisions 3 over investment at Texas City. 4 Q. And you cc'd Rob Lewis. What was the 5 reason for cc'ing Mr. Lewis? 6 A. Rob Lewis is my advisor. So he is my 7 technical specialist on DCS systems. 8 Q. And going to the actual document 9 itself -- 10 A. Sir, can you -- 11 Q. -- these are your words here, right? 12 A. Sorry, could you make it a bit -- 13 Q. Yes, sir. I'm going to open it -- 14 A. Okay. 15 Q. I'm going to widen it back out, but -- 16 A. Thank you. 17 Q. This was to these two gentlemen -- 18 A. Yes. 19 Q. -- and this is your language there, this 20 is what you're typing up -- 21 A. Yes. 22 Q. -- and sending it to them, right? 23 A. Yes. 24 Q. And you start out by saying, "I was 25 musing over how I should title this note.</p>	<p style="text-align: right;">Page 177</p> <p>1 A. That's correct. 2 Q. And the next paragraph talks about this 3 migration project. Let me back up. 4 What is a migration project? Is 5 this what you were talking about before about going 6 from 1980's vintage systems to a state-of-the-art 7 system? 8 A. That's -- 9 MR. PATTERSON: Objection, form. 10 A. That is correct. It was looking at a 11 decision that had just been made to -- what's the 12 word -- modernize the DCS -- pass the DCS systems 13 at Texas City, Whiting and Carson refineries. And 14 it was upgrading the technology from 1980's vintage 15 to 2000. And it was a leap frog of a technology, a 16 1990's technology. 17 And so that's what I was referring 18 to, migration project was this changing to the 19 technology. 20 Q. (BY MR. COON) Would it be fair to state 21 that not only in areas of computer software as it 22 relates to DCS systems, but our society as a whole 23 has moved exponentially forward with respect to 24 technology, in particular computer technology, in 25 the last few decades.</p>

Page 178

1 You would agree with that,
 2 wouldn't you?
 3 MR. PATTERSON: Objection, form.
 4 A. I would agree that the use of technology,
 5 computer technology has -- has enhanced a lot of
 6 things.
 7 Q. (BY MR. COON) And for instance, cell
 8 phones, 25 years ago, might weigh 10 pounds and
 9 come in a box and you had to crank them up to work
 10 them.
 11 You're familiar with those types,
 12 aren't you?
 13 A. I'm familiar with those, yes.
 14 Q. And it was rare for anybody to utilize
 15 those unless they had some specialized vocational
 16 need for them, right?
 17 They were cumbersome, you couldn't
 18 put them in your pocket, they --
 19 A. They were -- they were cumbersome, right.
 20 Q. And now, just about everyone has them,
 21 don't they?
 22 A. A lot of people have mobile phones, yes.
 23 Q. And that's because over the last
 24 25 years, technology has accelerated so rapidly in
 25 that area that they've made these great big boxes

Page 179

1 that were satellite phones, something that
 2 everybody can affordably acquire and put in their
 3 pocket, they're so small and have so many
 4 capabilities?
 5 MR. PATTERSON: Object to form.
 6 Object to sidebar.
 7 Q. (BY MR. COON) Correct?
 8 A. Yeah. Although, as I found out in this
 9 building, they don't work all the time.
 10 Q. Well, this -- this may be a special
 11 building for some reason. You'll have to ask
 12 your -- your counsel about why electronics don't
 13 work here.
 14 But that aside, we're -- we're all
 15 aware -- the jury is aware, but we're all aware
 16 that there's a lot of new and better things out in
 17 the market now than there were 25 years ago --
 18 MR. PATTERSON: Object to form.
 19 Object to sidebar.
 20 Q. (BY MR. COON) -- as it relates to
 21 computers and technology?
 22 A. There's different technology. Some --
 23 there will be people -- some people who say that
 24 the technology is -- is not better, in fact, it
 25 might have made our lives worse. So it depends how

Page 180

1 you want to define "better."
 2 Q. Well, it gives us a lot more capabilities
 3 than we had in the past. Would you agree with
 4 that?
 5 A. It gives a lot of capability, extra
 6 capability, yes, I would agree.
 7 Q. And the computers as they relate to
 8 DCS systems and the operation of plants is really
 9 no different; that is, that something that's
 10 25 years old is pretty antiquated as it relates to
 11 computer technology and the petrochemical industry?
 12 A. I wouldn't phrase it that way, yeah.
 13 I'd -- I would agree that the technology had moved
 14 on, the technology is able to do more things for
 15 you, has greater capability; but the technology of
 16 the 1980's is still fit for purpose.
 17 Q. It can still do what it was originally
 18 designed to do?
 19 A. That's correct. So the issue in -- in
 20 this case and the migration project was looking at
 21 the difficulty of getting spares and the cost of
 22 maintaining equipment. Obviously, as it gets
 23 older, it gets more expensive and more difficult
 24 to -- to maintain.
 25 Q. And the reason it was hard to get the

Page 181

1 part is because these systems were basically
 2 obsolete and weren't being made any more and you
 3 could not readily acquire the replacement parts?
 4 MR. PATTERSON: Objection, form.
 5 A. I don't know whether they were not being
 6 made. I don't know categorically whether they
 7 being made or not. But directionally, equipment
 8 that is 20 years old, at some point in time, it
 9 would -- you know, spare parts were not being made
 10 for it. And I don't know whether that's absolutely
 11 the case in this instance here.
 12 Q. (BY MR. COON) And admittedly,
 13 DCS systems that were installed in the BP system or
 14 even elsewhere in the Eighties would be an old
 15 system by technology standards?
 16 MR. PATTERSON: Objection, form.
 17 A. People would describe it as old
 18 technology compared with what you would buy today.
 19 Q. (BY MR. COON) And, in fact, you even
 20 comment on that in the next paragraph that I've
 21 underlined here, which is, "When you talk about the
 22 DCS migration project as it stands now, it is very
 23 much a procurement replacement project."
 24 And then you note this, "How can
 25 we cost effectively replace some of our aging

<p style="text-align: right;">Page 182</p> <p>1 control systems?"</p> <p>2 And by reference here, you're</p> <p>3 talking about Texas City and the ISOM unit. And</p> <p>4 you're talking about aging control systems, and I'm</p> <p>5 inferring that you're including the ISOM unit as</p> <p>6 one of those that did have what you describe as an</p> <p>7 "aging control system"?</p> <p>8 MR. PATTERSON: Objection, form.</p> <p>9 A. No, I'm not -- I'm not specifically</p> <p>10 drawing that -- that link there.</p> <p>11 And the other thing that is not --</p> <p>12 not a question. You sort of read it as a question.</p> <p>13 It is not a question, "how can we." That's more of</p> <p>14 a statement, i.e., the replacement procurement</p> <p>15 project was about cost effectively replacing some</p> <p>16 of our aging control systems, and "aging control</p> <p>17 systems" meaning stuff that's -- that's old.</p> <p>18 So what that was about was looking</p> <p>19 at how do we replace old equipment. It wasn't</p> <p>20 specifically related to the -- to the ISOM, per se,</p> <p>21 no.</p> <p>22 Q. (BY MR. COON) Okay. Does it relate to</p> <p>23 the ISOM, based on what you know about it?</p> <p>24 A. I don't know, actually. I do not know.</p> <p>25 Q. Well, if it's 1980's DCS system, which</p>	<p style="text-align: right;">Page 184</p> <p>1 significant technical or organizational upsides."</p> <p>2 What did you mean by that?</p> <p>3 A. I'm referring to the migration project as</p> <p>4 being a like-for-like replacement. So what that</p> <p>5 wouldn't necessarily do would give some of -- allow</p> <p>6 some of the other opportunities that you have with</p> <p>7 a more up-to-date, state-of-the-art technology,</p> <p>8 more of those other opportunities to be</p> <p>9 implemented, it wouldn't allow that.</p> <p>10 In terms of "organizational," that</p> <p>11 was thinking along the lines of simulator training,</p> <p>12 one central control room for everybody. That was</p> <p>13 the organizational type of point I was trying to</p> <p>14 make with that comment.</p> <p>15 Q. Why would you have the consideration to</p> <p>16 simulator training?</p> <p>17 A. It's a --</p> <p>18 Q. Is it beneficial?</p> <p>19 A. Simulator training is -- can be</p> <p>20 beneficial, certainly. The simulator training --</p> <p>21 so if you look at what an objective is of any</p> <p>22 refining or probably any company, you're looking</p> <p>23 for reliability. You're looking to achieve long</p> <p>24 periods of time between incidents occurring.</p> <p>25 And a way then -- what could</p>
<p style="text-align: right;">Page 183</p> <p>1 the type described in your correspondence says,</p> <p>2 "The type of technology that needed to be</p> <p>3 leap-frogged or consider leap-frogging to</p> <p>4 contemporary technology. Would you agree?"</p> <p>5 MR. PATTERSON: Objection, form.</p> <p>6 A. Well, I am making a general statement on</p> <p>7 the note saying that Texas City is going to replace</p> <p>8 some DCS equipment and rather than just replacing</p> <p>9 that DCS equipment whenever they choose to replace</p> <p>10 it -- and I don't know which units. It's not the</p> <p>11 whole refinery. It's only some of the units</p> <p>12 they're going to use the -- this migrate --</p> <p>13 migration project will cover.</p> <p>14 So I'm saying rather than bid that</p> <p>15 beyond a like-for-like basis, it would be</p> <p>16 appropriate to see how we could use the latest</p> <p>17 technology to delivery some of these other benefits</p> <p>18 I'm talking about.</p> <p>19 So it's not aimed specifically at</p> <p>20 the ISOM. I don't know whether the ISOM was in</p> <p>21 scope of that migration project. I guess at the</p> <p>22 minute it probably isn't, given...</p> <p>23 Q. Okay. Let's go on to the next question</p> <p>24 or the next statement made.</p> <p>25 It says, "It does not incorporate</p>	<p style="text-align: right;">Page 185</p> <p>1 happen in that situation is that the -- the</p> <p>2 operators, the board operators, outside operators,</p> <p>3 get less familiar with operating upsets of how they</p> <p>4 can make interventions. So the way that you combat</p> <p>5 that is to put in training programs, either</p> <p>6 on-the-job training or simulators to -- to keep</p> <p>7 their operating skills tuned.</p> <p>8 And so simulators is one mechanism</p> <p>9 to do that. So it offers you some opportunities to</p> <p>10 provide training for board operators.</p> <p>11 Q. We will read the next page, the first</p> <p>12 paragraph.</p> <p>13 Would you read that one for us,</p> <p>14 please, sir?</p> <p>15 A. "The investigations have indicated a</p> <p>16 number of areas for improvement: Organizational,</p> <p>17 cultural, behavioral, as well as safety and</p> <p>18 operational. What I have not heard yet is the</p> <p>19 opportunity for technology to play in to these,</p> <p>20 beyond removal of some blowdown drums, in a</p> <p>21 powerful way."</p> <p>22 Q. Let me ask you a few questions about</p> <p>23 that. One, this is something you said last summer,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

Page 186

1 Q. Is that something you still agree with?
 2 A. Certainly in terms of the organizational,
 3 cultural, behavioral, safety, operational.
 4 Technology -- technology is playing -- technology
 5 is playing a wider role, I would think, since that
 6 time.
 7 Q. And this paragraph, when you're talking
 8 about the investigations, you're referencing back
 9 the ones associated to the explosion?
 10 A. Yes. This would have been the -- so this
 11 was June. This would have been the interim Mogford
 12 report.
 13 Q. And you comment, specifically in that
 14 paragraph, about technology issues related to the
 15 removal of blowdown drums, correct?
 16 A. Yes.
 17 Q. And I take it that you were aware that a
 18 technology consideration that was coming into play
 19 was removal of the blowdown drums and running
 20 everything to a flare?
 21 MR. PATTERSON: Objection, form.
 22 A. That was relating to the removal of
 23 blowdown drums. Now, whether it was all blowdown
 24 drums, I don't know whether it was ever said all
 25 blowdown drums; but certainly BP has made a

Page 187

1 commitment to remove -- get all the blowdown drums
 2 that are servicing light hydrocarbons heavier than
 3 air. That commitment was made, and we are working
 4 to achieve that.
 5 Q. (BY MR. COON) Were you aware of a
 6 process safety standard that had existed back to
 7 the old Amoco days in the Seventies related to the
 8 replacement of blowdown systems with flares?
 9 A. I was not aware of that prior to this
 10 incident. I -- I have a recollection that's what's
 11 been referenced in one of the investigation
 12 reports. Whether it's one of the Mogford reports
 13 or the Stanley one, I don't know.
 14 But I -- I have some -- seen some
 15 references to that, either stating it's in
 16 absolutely or references some standard or some
 17 guidelines or something, but I have not seen that
 18 standard.
 19 Q. Do you have an understanding that the
 20 standard applies to and relates to the discontinued
 21 use of blowdown drums and new systems because of
 22 the inherently safer nature of flares?
 23 A. I've only seen reference to that standard
 24 in, say, one of these reports. So whatever the
 25 content was contained in that report. I have not

Page 188

1 seen any other reference or seen that document.
 2 Q. But you did have an understanding that as
 3 it related to Process Safety Standard Number 6, if
 4 there was a recognition going back to the Seventies
 5 that it would be a good idea to phase out the
 6 continued use of blowdown drums by replacing them
 7 with flares for new construction whenever there was
 8 a major overhaul?
 9 A. I've seen that --
 10 MR. PATTERSON: Objection, form.
 11 A. I've seen that referenced in -- in a --
 12 one of these reports, I'm sure. But beyond that,
 13 not.
 14 Q. (BY MR. COON) Assuming that's what that
 15 process safety statement does, in fact, say, you
 16 wouldn't take issue with it, would you, sir?
 17 A. As a -- as a general comment, then
 18 shifting away from blowdown drums would seem a
 19 sensible thing to do; but it depends on what the
 20 system they are in, what system they are serving,
 21 had a design, what are the operating practices
 22 around it, et cetera, et cetera.
 23 So making it -- asking me to agree
 24 to a statement like that, I'm not sure I'm able to
 25 categorically agree to it. In general principle,

Page 189

1 it would seem the right thing to do; but would it
 2 be necessary to do that in all circumstances, I
 3 will say, no, not.
 4 Q. Okay. And you talk not only about
 5 discontinuing the use of blowdown drums, but also
 6 just the locations of the blowdown drums; and that
 7 is, that you have talked about these flares being
 8 located in -- in areas away from the unit in these
 9 flare yards.
 10 A good design philosophy would be
 11 to take blowdown drums, to the extent you're still
 12 using them at any units, and at least have those
 13 run from a unit to a blowdown drum that is off the
 14 unit site and in a blowdown drum yard or by the
 15 flares in a flare yard.
 16 MR. PATTERSON: Object to form.
 17 Q. (BY MR. COON) That would be a good
 18 design philosophy, wouldn't it?
 19 MR. PATTERSON: Sorry. Objection,
 20 form.
 21 A. It -- it might be a good design
 22 philosophy in -- in a number of circumstances. It
 23 wouldn't necessarily be pertinent in all cases. It
 24 would depend on what the blowdown drum was serving,
 25 what service it was serving, where there will be

<p style="text-align: right;">Page 190</p> <p>1 little benefit to move it remotely. 2 Q. (BY MR. COON) Okay. You would agree 3 that the Number 1 rule of process safety management 4 is to keep the hydrocarbons contained, wouldn't 5 you? 6 A. Yes, I would. 7 Q. Because we know a lot of bad things can 8 happen if the hydrocarbons are not contained, 9 including what happened on March 23rd? 10 A. That's correct. 11 Q. And so to the extent that Rule Number 1 12 is violated and the hydrocarbons are not contained, 13 you want them to go to a flare system, as opposed 14 to a blowdown drum, when it's practical and 15 feasible, correct? 16 A. That would be the generic trend that it 17 would want you to achieve. 18 Q. And also in keeping with Rule Number 1, 19 common sense would dictate that if you have an open 20 containment system where vapors can form at ground 21 level or you can have a fire, you do not want those 22 vapors forming at ground level or having a fire in 23 an area immediately adjacent to where people are 24 working or in the unit where the equipment and the 25 unit itself can be damaged?</p>	<p style="text-align: right;">Page 192</p> <p>1 drum stack? Yes. 2 How much, how extensive? I would 3 not expect it to be extensive if the facility is 4 operated correctly and the procedures are followed 5 and the appropriate instrumentation is 6 well-maintained and is reliable. 7 So I would not expect to see 8 extensive vapors. 9 Q. What if it was not well-maintained? 10 A. Well, if it's not well-maintained, 11 then -- let's take an extreme case. If it's not 12 well-maintained, then you can have a situation 13 where the protective aspects of the blowdown drum 14 are not there. They're just not -- they just won't 15 provide the protection that you would like to have 16 by design. 17 Q. Let's go to the next paragraph there, 18 sir. 19 The next comment, I think, this is 20 yours and your opinion? 21 A. Uh-huh. 22 Q. Could you read that out loud, please, 23 sir? 24 A. "I think we have recognized that in 25 general we have not kept our facilities in tip-top,</p>
<p style="text-align: right;">Page 191</p> <p>1 A. If it was demonstrated that vapors could 2 accumulate in certain areas, you would want to do 3 something to avoid that. 4 Q. Are you aware of blowdown drums ever 5 having caught fire before? 6 A. I personally am not aware of that. 7 Q. Are you aware that even at this ISOM unit 8 that exploded on March 23rd, that there had been 9 fires on that blowdown drum before? 10 MR. PATTERSON: Objection, form. 11 A. I was not aware of any fires until I had 12 seen the investigation reports that made references 13 to people saying there had been some issues like 14 that. 15 Q. (BY MR. COON) Are you aware of the 16 history of prior vapor clouds emanating from the 17 blowdown drum, posing vapor cloud explosion risk? 18 MR. PATTERSON: Objection, form. 19 A. Only having read some of these 20 investigation reports. 21 Q. (BY MR. COON) Okay. It's not something 22 that would surprise you, though, in your years of 23 experience in this field, is it, sir? 24 A. That is a difficult one to answer. So 25 would I expect some vapors to come from a blowdown</p>	<p style="text-align: right;">Page 193</p> <p>1 state-of-the-art condition, which is why we are 2 looking to leap frog our DCS technology from 1980's 3 to 2000 vintage in one step. There is much, much 4 more that can go with that, which can help shape 5 the -- the culture and behaviors, while improving 6 operational costs and reliability." 7 Q. Who do you mean when you're saying "we"? 8 A. Generic "we" of -- of BP Refining. 9 Q. So when you say, "I think we recognize 10 that in general we have not kept our facilities in 11 tip-top, state-of-the-art condition," you're 12 referencing BP? 13 A. BP Refining, yes. 14 Q. Okay. I'd like to next go to this report 15 that starts -- and highlighted again, right there 16 at the top. 17 A. "In general"? 18 Q. Yes, sir. 19 A. Uh-huh. 20 Q. Can you read that paragraph? 21 A. Yes. 22 "In general, the US is behind the 23 Europeans in their approach to safety instrumented 24 systems. Try explaining to friends why there 25 wasn't a shutdown system that avoided the blowdown</p>

Page 194

1 drum overfilling.
 2 "Some work will need to be
 3 incorporated as we look to eliminate the blowdown
 4 drums, but we can go beyond that. What help can we
 5 offer the board operators to make their job not
 6 only easier, but also to improve their competency?
 7 What about the use of smart instrumentation to
 8 fault diagnose and self-repair?
 9 "Finally, there is the question of
 10 one central controller for the whole site, which
 11 would offer advantages of integration, greater
 12 oversight, teamwork and cost reduction. I accept
 13 there are counter arguments to this; but given the
 14 complexity to the site, I believe the benefits
 15 would overplay the downsides."
 16 Q. Thank you, sir.
 17 A. Uh-huh.
 18 Q. I'd like to go back to the first sentence
 19 you read there.
 20 A. Uh-huh.
 21 Q. You say, "In general, the US" -- are you
 22 talking about the United States?
 23 A. That's correct.
 24 Q. -- "is behind the Europeans..."
 25 Does that include UK?

Page 195

1 A. Yes.
 2 Q. -- "and their approach to safety
 3 instrumented systems."
 4 Again, we're talking about the
 5 control systems that are used to operate the units,
 6 correct?
 7 A. Interlocks, shutdown systems in
 8 particular.
 9 Q. And then you make another comment that
 10 was striking to me.
 11 A. Uh-huh.
 12 Q. It says, quote: Try explaining to
 13 friends why there wasn't a shutdown system that
 14 avoided the blowdown drum overfilling --
 15 A. Uh-huh.
 16 Q. -- end quote. I want to talk about that
 17 sentence.
 18 Those are your words, aren't they?
 19 A. That's correct.
 20 Q. What did you mean by that?
 21 A. That comment actually relates to what I
 22 said earlier about the conversation that I had with
 23 my wife. So her expectation tends to think of
 24 refineries as, you know, lots of investment in
 25 assets and hardware, tends to think of them as, you

Page 196

1 know, complex machinery where there's a lot of
 2 instrumentation and technology in place.
 3 So her belief was we would have
 4 shutdown systems to avoid things overfilling. And
 5 so that -- that conversation was really what
 6 prompted that because if you try to have that --
 7 the expectation of a lot of people on the street
 8 is, well, you know, you have automatic shutdown
 9 systems. That's what a lot of people on the street
 10 would expect, and that's what was behind that.
 11 So then you try to say, well, why
 12 wouldn't you have that? And it's then back into,
 13 so what's -- what's the risk of problems with the
 14 system? Do you need to have a safety instrumented
 15 system or something if there haven't been lots of
 16 issues of overfilling? If you have an instrument
 17 on it to -- for alarms, if you have procedures, if
 18 you have flow indication and level indication, then
 19 do you really need to have a safety shutdown
 20 system?
 21 So you're trying to explain that
 22 to the first person in the street, and they might
 23 not understand that. But that's the reality as you
 24 try to make those business decisions of what risks
 25 you have and where you need to make investment.

Page 197

1 So that -- that can be a fairly
 2 complicated conversation to have with friends who
 3 don't actually understand the business. And that
 4 was part of the conversation that I had with my
 5 wife because her natural thing was, well, just what
 6 you do, have shutdown systems. In reality, you
 7 don't.
 8 You know, refiners are not like
 9 that. They're not necessarily highly automated,
 10 because being highly automated can create problems
 11 of themselves. You're relying on instrumentation,
 12 and perhaps the instrumentation doesn't work.
 13 You've got to make sure the instrumentation you put
 14 in has been installed properly, it's maintained
 15 properly.
 16 So it was just trying to explain
 17 that conversation, just having what people think
 18 might be the natural answer, just automate the
 19 shutdown system isn't necessarily the right answer.
 20 Q. But in this case, it is a pretty good
 21 question to ask because the reality is the
 22 technology provided for software systems that
 23 allowed for shutdown in the event of a unit upset,
 24 correct?
 25 MR. PATTERSON: Objection, form.

<p style="text-align: right;">Page 198</p> <p>1 A. You could put a safety instrumented 2 system on the raffinate splitter tower on the 3 blowdown, you could put something in there, yes, 4 you could. 5 Would -- do you need to? I think 6 that's another question, which is all about how 7 well you operate the system, how well you maintain 8 it, what sort of problems you've had in the past to 9 decide whether you need to -- to go that far. 10 Q. (BY MR. COON) Okay. Well, if you've had 11 problems in the past that included liquid overfills 12 of the vent systems and you're aware of the 13 possibility -- in fact, the past history of liquid 14 overfills in your systems, prudence would seem to 15 dictate that you do something about it from a 16 fail-safe standpoint -- 17 MR. PATTERSON: Objection, form. 18 Q. (BY MR. COON) -- wouldn't it? 19 A. You -- you'd have to see what caused 20 those liquid overfills and whether there were some 21 more basic things that needed to take care of, 22 rather than necessarily jumping to an automated 23 safety system. As I said, an automated safety 24 system isn't necessarily a better answer. You're 25 still going to rely on human intervention.</p>	<p style="text-align: right;">Page 200</p> <p>1 BP infrastructure, there is a recognition that that 2 technology exists? 3 A. I would expect -- 4 MR. PATTERSON: Objection, form. 5 A. I would expect there to be recognition in 6 certain parts of the structure. 7 Q. (BY MR. COON) And, in fact, not only is 8 there recognition by the company, BP, by people 9 that work there that this technology exists, but it 10 has, in fact, been utilized -- that is, 11 installed -- in a number of units around the world? 12 A. I do not know how extensive it has been 13 used; but it has been used in refineries across the 14 world, certainly in BP, and I'm sure outside of BP. 15 Q. Did you know that those various same 16 systems with these automated safety systems with 17 the automatic shutdowns were being utilized at 18 Texas City on other units? 19 A. No, I do not -- 20 MR. PATTERSON: Objection, form. 21 A. I do not know the extent of those -- that 22 technology is being used elsewhere in Texas City. 23 Q. (BY MR. COON) It wouldn't surprise you, 24 though, would it? 25 MR. PATTERSON: Objection, form.</p>
<p style="text-align: right;">Page 199</p> <p>1 When you're starting up and 2 shutting down process units, you're going to have 3 to make some decisions around overriding safety 4 instrumented systems. So in overriding those 5 safety instrumented systems, you're then going to 6 be, you know, running manually again anyway. 7 Q. But the reality is that technology is 8 such that people that design this equipment are 9 aware that upsets occur and they have been asked to 10 design out of the factors and ability to shut a 11 unit down automatically in the event of an upset, 12 and that software has been available for some time. 13 And, in fact, BP has utilized that 14 software technology in a number of their units 15 worldwide? 16 MR. PATTERSON: Objection, form. 17 A. You can use the technology to do exactly 18 that, yes, that is possible. 19 Q. (BY MR. COON) And BP recognizes that 20 technology, does it not? 21 MR. PATTERSON: Objection, form. 22 A. BP will -- some people at BP will -- will 23 recognize that, yes. I don't know whether BP -- 24 everybody does, but some people would. 25 Q. (BY MR. COON) But within the</p>	<p style="text-align: right;">Page 201</p> <p>1 A. I would expect some of it to be involved 2 in some areas. Because as I've said -- said in 3 here, I think the US generally is behind the 4 Europeans in the use of that technology. 5 Q. (BY MR. COON) Well, that brings up 6 another question. 7 We talked about best practices; 8 and you told us earlier today that best practices 9 meant recognizing what's best and sharing that 10 information, correct? 11 A. That's correct. 12 Q. So assuming that you are recognizing best 13 practices and you're sharing that information, 14 there would at least be a hope or expectation that 15 that information, once shared, would be taken into 16 account and utilized by those other facilities, 17 wouldn't you? 18 A. I would hope that any best practice that 19 is made available, that people consider whether 20 it's applicable to use it at their refinery. 21 Q. What do you believe to be the driving 22 factors as to why your US facilities as a whole 23 were trailing behind what was accepted practice in 24 your European counterparts? Was it regulatory 25 considerations or culture or what?</p>

<p style="text-align: right;">Page 202</p> <p>1 MR. PATTERSON: Objection, form. 2 A. I would have to speculate; and I 3 speculate it's due to legislative pressure, 4 legislative reasons. I think that probably stems 5 from some of the things like Seveso, the Seveso 6 directive. 7 Q. (BY MR. COON) I'm sorry. What was that 8 directive? 9 A. Seveso directive. There was a -- 10 Q. What was that? 11 A. There was a safety incident in -- in 12 Italy in Seveso, S-e-v -- Seveso -- S-e-v-e-s-o. 13 And, actually, there was a -- and there was some 14 safety directives that came out of that. 15 So I would speculate that it could 16 be legislation that might have emanated from that. 17 And there's things like Bhopal, as well, which 18 is -- 19 Q. What's Bhopal? 20 A. Bhopal, which is in India, the big 21 chemical -- 22 Q. Oh, Bhopal? 23 A. Yeah, chemical -- 24 Q. Bhopal. 25 A. -- explosion, yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 reliable, safe refinery." 2 Q. This was your statement last summer? 3 A. Yes. 4 Q. Do you still agree with it? 5 A. Yes. 6 Q. Okay. So you have kind of given a 7 summary. You've talked about leap-frogging the 8 technology from the old 1980's to contemporary 9 vintage. You've talked about safety instrumented 10 systems and their availability. And then you wrap 11 it up with this comment, "What does it mean?" 12 And your summary is "Big bucks," 13 and what do you mean by that? 14 A. Several hundred million dollars to -- to 15 do that at Texas City. Probably 250, 300 million 16 is an -- is an estimate to do that. 17 Q. Okay. So your wrap-up of this is that 18 this is what's available, this is what we can do, 19 the downside or negative is it's going to be very 20 expensive to implement? 21 A. Well, I was making them aware it's going 22 to be -- it's not going to be a cheap answer. It's 23 going to be, you know, several hundreds of millions 24 of dollars to do. 25 Q. But in the end, it would result in a very</p>
<p style="text-align: right;">Page 203</p> <p>1 So it's those sorts of things, I 2 think, that put more legislation into Europe that 3 the US hasn't -- doesn't appear to have adopted. 4 Q. Would you agree that it's -- it should be 5 the practice of a company to do things that they 6 recognize improve safety and reduce risk of 7 catastrophic events and significant risk of loss of 8 lives, that that should be acted upon without a 9 government agency forcing them to? 10 MR. PATTERSON: Objection, form. 11 A. I think that's a pretty reasonable 12 approach, and we have actually done quite a bit of 13 that in -- in refining. So... 14 Q. (BY MR. COON) Okay. Let's talk about 15 what was one of the real driving considerations in 16 upgrading this technology, that's your next 17 paragraph. 18 A. "So what does this mean?" 19 Q. Yes, sir. 20 Would you read that paragraph to 21 us, please, sir? 22 A. "So what does this all mean? Big bucks, 23 but in the end, our most complex refinery would 24 have an appropriate, reliable, state-of-the-art 25 control system contributing to a very profitable,</p>	<p style="text-align: right;">Page 205</p> <p>1 profitable, reliable and safe refinery? 2 A. It would result in a -- in a better 3 refinery in those areas, yes. 4 Q. And so your opinion was if the company 5 would spend that money, make that investment, that 6 what they would end up getting out of it is not 7 just a safer refinery -- one that would, for 8 instance, shutdown in the event of an upset -- but 9 that it would also have a level of profitability 10 that would make up for the cost? 11 MR. PATTERSON: Objection, form. 12 A. Yeah. What -- what, obviously, it relies 13 on is the -- the market environment to be -- to be 14 profitable. So what that is -- is indicating is 15 that if you have the -- the right control 16 technology in place, it enables you to do, if you 17 like, the right things -- and clarify that -- but 18 to do the right things. Then you can make the most 19 of whatever the market opportunities might be. 20 So just putting in the -- a modern 21 DCS system doesn't necessarily mean that you make 22 lots of money. It depends on the environment of 23 the market you're in, but it would enhance your 24 chances of capturing value. 25 Q. (BY MR. COON) And then you actually give</p>

<p style="text-align: right;">Page 206</p> <p>1 a punch list of the types of things to implement as 2 part of this big overhaul of the control rooms? 3 A. Yes. 4 Q. And I want to talk to you specifically 5 about the third one, sir. 6 A. Yes. 7 Q. And this is the list, right -- 8 A. Yes. 9 Q. -- right here? Let's talk about this one 10 right here (indicating). 11 All right. This is one of the 12 things you're recommending, correct? 13 A. Yes. 14 Q. For Texas City, correct? 15 A. Yes. 16 Q. Read that one out loud for us, please, 17 sir, and then tell us what that is. 18 MR. PATTERSON: Objection, form. 19 The document speaks for itself. 20 A. "Safety instrumented systems, 21 state-of-the-art Triconex systems rather than no 22 protection today or use of older relay shutdown 23 systems." 24 Q. (BY MR. COON) Okay. You seem to make a 25 particular point about "no protection today"?</p>	<p style="text-align: right;">Page 208</p> <p>1 A. Yes. 2 Q. And the second one here on this page, 3 "use of operator support facilities such as 4 simulators," you would still agree with that, 5 right? 6 A. Yes. Yes. 7 Q. And then you talk about "decision support 8 techniques." What are those? 9 A. Those types bullet -- whole bullet point 10 there is talking about the possible things that the 11 technology allows you to do. So one thing that -- 12 that you can have, you can effectively put some 13 controls in place that stop you progressing to a 14 next step of a shutdown or a startup procedure 15 until certain conditions have been satisfied. 16 So, giving an example, if you're 17 starting a unit up, it might say that when -- when 18 the level in a vessel reaches such and such a 19 percentage, start up the pump to pump something 20 out. That could be done. You could have that 21 either -- you can either have that done 22 automatically, so the level automatically stops the 23 pump, or you could actually have them put a trigger 24 in that would stop you going to whatever the next 25 step was after that until you had started the pump.</p>
<p style="text-align: right;">Page 207</p> <p>1 A. Uh-huh. 2 Q. There was a recognition that the unit 3 that was being utilized did not have any protection 4 of consequence, correct? 5 MR. PATTERSON: Objection, form. 6 A. This was not specific at any particular 7 unit. This was a general statement that I made. 8 And I was aware that some -- some items of 9 equipment had no shutdown protection system on it. 10 Q. (BY MR. COON) And you understood that 11 this ISOM unit had no such safety integration 12 systems, did it? 13 A. And I wouldn't -- wouldn't say that. 14 I've -- having read the reports, then I was aware 15 that there was no shutdown interlock system on the 16 blowdown -- on the raffinate tower and the blowdown 17 drum. I can't say that for the rest of the 18 ISOM unit. I'm not familiar with the ISOM unit to 19 make that statement. 20 Q. All right. And just to make sure the 21 list is complete, if we go to the third page, this 22 is a continuation of the rest of the 23 recommendations -- 24 A. Okay. 25 Q. -- correct?</p>	<p style="text-align: right;">Page 209</p> <p>1 So you can actually auto -- not 2 exactly automate, but you can put some controls 3 into the plant that will allow you to move on until 4 certain conditions of satisfaction have -- have 5 been achieved. Until they've been achieved, you 6 can't move on. That is what that "decision 7 support" is. 8 Q. Do you know where all that stands now? 9 MR. PATTERSON: Objection, form. 10 A. I have an -- an approximate idea where -- 11 where it is. I don't know for certain. But they 12 are still -- they've been developing the scope of 13 the project, looking at different options to do 14 what was proposed in that -- in my note there. So 15 that's still being work -- options are still being 16 prepared. 17 They've got cost estimates. There 18 is money in the -- in the refinery, the refinery 19 budget to put in these DCS systems that I'm talking 20 about. 21 They haven't finalized exactly 22 what that is yet; but there is -- I am fairly 23 confident that they will put in, you know, some of 24 it. How much, I don't know; but they will put in 25 some aspects of what I've talked about.</p>

Page 210

1 Q. (BY MR. COON) Mr. Maslin, did you ever
 2 talk to Lord Browne about any of the issues
 3 associated with this explosion?
 4 A. No. I have not talked to Lord Browne,
 5 no.
 6 Q. Have you ever talked to Mr. Pillari?
 7 A. I have not talked to Mr. Pillari.
 8 Q. Have you talked to Mr. Mogford?
 9 A. I have talked to Mr. Mogford. And he --
 10 he came to one of the -- he came to a meeting where
 11 he talked about his findings, his report findings.
 12 So I have heard him talk about it, and he was open
 13 for questions on it.
 14 But not on a one-to-one basis, I
 15 haven't talked to him about it.
 16 Q. Okay. Part of his report includes some
 17 critical commentary about the trailer siting in
 18 this particular case, didn't it?
 19 A. That was indicated as one of the
 20 underlying causes.
 21 Q. And you had an understanding that these
 22 trailers were placed relatively close to the ISOM
 23 unit, and several of them were pretty much
 24 completely destroyed in the explosion?
 25 A. That's correct.

Page 211

1 Q. And you were made aware, from a review of
 2 the Mogford report, that those trailers had never
 3 been approved or commissioned for occupancy.
 4 Do you recall that?
 5 A. I'm -- that was one part of the report I
 6 found actually confusing, I will admit. So I --
 7 I'm not sure I can categorically agree with that
 8 statement.
 9 Q. Okay. Were you ever made aware of the
 10 fact that those trailers had never been
 11 commissioned by BP for occupancy?
 12 MR. PATTERSON: Objection, form.
 13 A. I said I found the -- the report
 14 confusing when I -- I read that about whether they
 15 had been risk assessed and what approval had been
 16 given. I found that confusing.
 17 Q. (BY MR. COON) I am going to show you
 18 another document I wanted to ask you a few
 19 questions about.
 20 (Exhibit Number 596 marked for
 21 identification.)
 22 Q. (BY MR. COON) This one is Exhibit 596;
 23 and it's, again, another string of e-mails. And I
 24 want to call your attention particularly to the
 25 third page of it.

Page 212

1 Were you a part of any GBPO
 2 refining leadership group?
 3 A. Yes.
 4 Q. What does that stand for?
 5 A. It's the business unit leaders, so the
 6 refinery business unit leaders. That
 7 distributes -- so just e-mail distribution list
 8 that you're referring to, I assume? Could I --
 9 Q. Okay. You would be --
 10 A. Could I see the --
 11 Q. Yes, sir.
 12 You would be on that list?
 13 A. Yes, I would be included in that -- in
 14 that distribution list.
 15 Q. Okay. That's about four pages of
 16 e-mails, and they look to be responding to an
 17 original e-mail. And as each person comments, the
 18 string of prior e-mails is attached.
 19 And in looking at it, I wanted to
 20 call your attention to the third page, which
 21 specifically was something that commented about you
 22 by name.
 23 A. Yes.
 24 Q. Do you see that there? I highlighted it
 25 for you.

Page 213

1 A. Yes.
 2 Q. Why don't you read it and then we'll put
 3 it on the Elmo here and I'll ask you some
 4 questions.
 5 MR. PATTERSON: Objection, form.
 6 A. Well, it says, it's Bullet Point 2,
 7 Number 2, "Temporary Building Policy. Paul Maslin
 8 will identify a SPA resource to work on a policy,
 9 an action plan, for temporary buildings. This work
 10 will include assessing output from Action 1,
 11 collating standard survey to be used at each site
 12 and investigating policy going forward."
 13 Q. (BY MR. COON) Let's put that up here.
 14 And just to lay some groundwork,
 15 this is to the members of the BPO refining
 16 leadership, correct?
 17 A. Yes.
 18 Q. Who would that be?
 19 A. That's the refining business unit
 20 leaders.
 21 Q. And who is included in that group?
 22 A. By name or --
 23 Q. Yes, sir.
 24 Is it a long list or short list?
 25 A. It will be a list of about 15 -- 15 or so

<p style="text-align: right;">Page 214</p> <p>1 people. 2 Q. Well, is it like just all of the -- the 3 BULs and -- 4 A. So -- 5 Q. -- some others? I don't need the names 6 individually -- 7 A. Yeah, it -- 8 Q. -- but the groups. 9 A. It's the business unit leaders or the 10 BULs, the RVPs, the refining vice presidents. 11 Hoffman's in there. The -- I believe the EAs -- 12 I'm not a hundred percent sure about that -- 13 executive assistants for the -- I think Linda 14 Ritchie is sending it there. I think she might -- 15 might be included in that distribution. I'm not a 16 hundred percent sure. 17 And there is -- Hugh Parsons is 18 included in there as -- who works for me. He's 19 included in there, as well. So it's basically 20 business unit leaders and Hoffman's direct reports. 21 Q. And this e-mail that went to all of you 22 dated April 7th was from Linda Ritchie? 23 A. Yes. 24 Q. Who is she? 25 A. She is Mike's executive assistant.</p>	<p style="text-align: right;">Page 216</p> <p>1 teleconference are three root cause areas to 2 further discuss and each of those are enumerated 3 here, 1, 2 and 3? 4 A. (No response.) 5 Q. Those would be the three it's referencing 6 here that were discussed at this teleconference? 7 A. Those are the three actions, that's 8 right. 9 Q. All right. One of them was to collate 10 all temporary buildings, surveys completed. 11 What are they talking about there? 12 A. Well, recognizing that the temporary 13 buildings at Texas City had a -- you know, 14 magnified the -- the incident at Texas City, then 15 all the refineries were asked to identify what 16 temporary buildings they have to locate. 17 Q. So one of the first things that was done 18 is to try to identify when and where temporary 19 buildings were being utilized at other refineries 20 within the BP system? 21 A. That's correct. 22 Q. So within two weeks after the incident, 23 that has been identified -- that is, the BULs, 24 either themselves or assigned someone to report 25 back as to the present use of any temporary</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. Mike Hoffman? 2 A. Mike Hoffman's. 3 Q. And it references a refinery leadership 4 teleconference. This would have been a 5 teleconference occurring April 7, 2005? 6 A. I would assume from that, yes. 7 Q. And it's kind of self-explanatory here; 8 but it says, "Please find attached a few notes from 9 today's telecom." 10 It goes on to list several items, 11 does it not? 12 A. Yes. 13 Q. It talks about the Texas City update, 14 "Root cause investigation ongoing. Data collection 15 and interviews carried out. Estimate one week to 16 complete root cause investigation." 17 Facts -- the next one here, "From 18 the facts known about the root cause so far, three 19 key actions are emerging that need to be addressed 20 with immediate effect," and then it lists three 21 areas, does -- 22 A. Yes. 23 Q. -- it not? 24 A. Yes. 25 Q. So what it's talking about here from this</p>	<p style="text-align: right;">Page 217</p> <p>1 buildings on their facilities? 2 A. That's correct. 3 Q. And so at this juncture, two weeks later, 4 that information has now been assimilated? 5 A. Yes. I don't know whether it was 6 completed at that stage -- 7 Q. They -- it says it was completed here? 8 A. Well, I think it says, "collate all 9 surveys completed." So it doesn't necessarily mean 10 that they're all complete. It just says -- 11 Q. I've got you. 12 A. -- collate what has been completed, yeah. 13 Q. The second one says, "Temporary building 14 policy." And this is where your name is 15 specifically identified. 16 This is you here, is it not? 17 A. Yes. 18 Q. Okay. It says, "Paul Maslin will be 19 identifying an SPA resource to work on the policy 20 and action plan for temporary buildings. This work 21 will include ceasing output from Action 1" -- which 22 is talking about this? 23 A. Yes. 24 Q. -- "collating standard survey to be used 25 at each site, an investigating policy going</p>

<p style="text-align: right;">Page 218</p> <p>1 forward."</p> <p>2 Did you, in fact, subsequently</p> <p>3 identify an SPA resource to work on a policy and</p> <p>4 action plan?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Who was that?</p> <p>7 A. A gentleman who -- who works in my -- who</p> <p>8 worked in my organization, Paul Kaufman.</p> <p>9 THE VIDEOGRAPHER: You have about</p> <p>10 five minutes, Mr. Coon.</p> <p>11 Q. (BY MR. COON) Is that K-a-u-f?</p> <p>12 A. K-a-u-f-m-a-n.</p> <p>13 Q. And Mr. Kaufman's title was?</p> <p>14 A. HSE network convener. So you will recall</p> <p>15 earlier on, I mentioned Rob Shaw, who -- who</p> <p>16 convenes the process, got reported to Kim Bucek.</p> <p>17 Kim Bucek took over from Paul Kaufman.</p> <p>18 Q. Did you ever recall Mr. Kaufman</p> <p>19 identifying himself as one of the persons that was</p> <p>20 interviewed by the Telos Group as part of the Texas</p> <p>21 City survey before the explosion?</p> <p>22 A. No, I don't know that.</p> <p>23 Q. Did you ever obtain knowledge as to which</p> <p>24 persons specifically were interviewed as part of</p> <p>25 the Telos Group survey?</p>	<p style="text-align: right;">Page 220</p> <p>1 conclusions were or recommendations were on</p> <p>2 Mr. Kaufman's work?</p> <p>3 A. In general, it -- it was moving more</p> <p>4 towards a consequence based siting of temporary</p> <p>5 buildings rather than risk based. Risk based is</p> <p>6 for siting the temporary buildings.</p> <p>7 Q. Let's discuss that real briefly.</p> <p>8 You're talking about recognition</p> <p>9 of low-risk, high-consequence activities?</p> <p>10 A. Yeah.</p> <p>11 Q. That is, something that's not likely to</p> <p>12 happen. It's not a high risk. It's a foreseeable</p> <p>13 risk, but it's not a high risk?</p> <p>14 MR. PATTERSON: Objection, form.</p> <p>15 Q. (BY MR. COON) Right?</p> <p>16 A. What isn't? Sorry.</p> <p>17 Q. You're talking about going from risk</p> <p>18 based to consequence based?</p> <p>19 A. Yes.</p> <p>20 Q. You have different kinds of risk levels,</p> <p>21 low, medium and high --</p> <p>22 A. Correct.</p> <p>23 Q. -- which means not very likely to highly</p> <p>24 likely, correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 219</p> <p>1 MR. PATTERSON: Objection, form.</p> <p>2 A. No, I do not. I've never -- I've never</p> <p>3 seen the contents of the Telos survey.</p> <p>4 Q. (BY MR. COON) Mr. Kaufman was in London,</p> <p>5 wasn't he, or near London?</p> <p>6 A. He was based in Sunbury.</p> <p>7 Q. And what did Mr. Kaufman do as a result</p> <p>8 of this assignment?</p> <p>9 MR. PATTERSON: Objection, form.</p> <p>10 A. What I saw him doing -- I don't know what</p> <p>11 he did in entirety, but what I saw him doing was he</p> <p>12 talked or -- or gathered information from the</p> <p>13 HSE network.</p> <p>14 The HSE network is comprised of</p> <p>15 HSE managers in each of the business units,</p> <p>16 refining business units; and Paul Kaufman pulled</p> <p>17 together a draft policy around siting the temporary</p> <p>18 buildings.</p> <p>19 I do not know to what extent that</p> <p>20 was his own individual work or to what extent that</p> <p>21 was people from the network giving him information</p> <p>22 and him pulling that together, but I know that he</p> <p>23 did have a draft document, which he shared and</p> <p>24 consorted with the HSE network.</p> <p>25 Q. (BY MR. COON) Do you recall what the</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. And then you also have consequences,</p> <p>2 which are low, medium and high consequences?</p> <p>3 A. Correct.</p> <p>4 Q. So you can have a low-risk issue, such as</p> <p>5 an overfill, but it has the potential for high</p> <p>6 consequence; that is, if you get a liquid overfill</p> <p>7 and it dumps back into the unit, pukes back in the</p> <p>8 unit, you can blow the whole unit up and everybody</p> <p>9 in it, right?</p> <p>10 A. Okay.</p> <p>11 MR. PATTERSON: Objection, form.</p> <p>12 A. Yeah.</p> <p>13 Q. (BY MR. COON) By the same tone, you can</p> <p>14 have very high-risk episodes -- something that is</p> <p>15 fairly likely to happen or happens all the time --</p> <p>16 but it if does happen, the consequences are</p> <p>17 relatively nominal; that is, if something is not</p> <p>18 supposed to happen, but it can happen all the time,</p> <p>19 but nobody ever gets hurt or very rarely gets hurt,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. An example would be if you have a vapor</p> <p>23 release that goes to a flare, that happens all the</p> <p>24 time. You'll see the flares burning all the time,</p> <p>25 right? That's very common?</p>

<p style="text-align: right;">Page 222</p> <p>1 A. Well, excuse me. The flares have a pilot 2 flame burning all the time. So if you look at the 3 flare, there will always be a light there. And 4 that's because there's a pilot light to make sure 5 that any gases that are relieved there are ignited. 6 So just because there's a flame at 7 a flare doesn't mean that there's material being 8 relieved there. It's just there's a flame there 9 all the time in case there's an -- 10 Q. Well, that's basically keeping the pilot 11 lit, that's -- 12 A. That's correct. 13 Q. But when -- 14 A. That's correct. 15 Q. -- you see, really, flames coming up, 16 that's when vapors or something are being run 17 through it, either on purpose as part of a shutdown 18 or startup or by an accidental upset in the system 19 somewhere? 20 MR. PATTERSON: Objection, form. 21 A. That's correct. 22 Q. (BY MR. COON) And that does happen with 23 some degree of regularity in the refinery sector, 24 doesn't it? 25 MR. PATTERSON: Objection, form.</p>	<p style="text-align: right;">Page 224</p> <p>1 you're allowed to include in terms of temporary 2 buildings. 3 So one of those terms are "red 4 zone," where there should be no temporary 5 buildings. And there is an orange and yellow 6 zones, where you can have temporary buildings if 7 they are designed to withstand the overpressure 8 that you could find in those zones. 9 MR. COON: We will take a break 10 here. 11 THE VIDEOGRAPHER: Off the record 12 at 2:53. 13 (Recess taken.) 14 THE VIDEOGRAPHER: Back on the 15 record at 3:04. 16 Q. (BY MR. COON) Mr. Maslin, we're talking 17 about this temporary building policy. 18 Did that ever come up with a name? 19 Is there a formal title to it? 20 A. Yes, there is a formal title to it. 21 Q. Do you recall it? 22 A. Not -- not that I'd like to put on the 23 record because I'd probably get it wrong. But it's 24 got a name. It's also got a number GP4-80 or 25 something like that.</p>
<p style="text-align: right;">Page 223</p> <p>1 A. It would happen with some frequency. 2 Q. (BY MR. COON) And the risk of something 3 bad happening from that is relatively small because 4 it's happening at an isolated area on a tower 5 that's burning off, the vapors are? 6 A. That's -- that would be my hope, yes. 7 Q. The third thing here -- well, let me ask 8 you this here. 9 Do you recall what they ended up 10 doing with respect to the temporary building policy 11 as it related to leaving buildings at facilities or 12 removing them from facilities or certain distances 13 from known hazard areas? 14 MR. PATTERSON: Objection, form. 15 A. The -- the work that Paul Kaufman started 16 ended up as becoming -- led to an R&M policy for 17 the whole of the R&M. So there's a policy that was 18 then issued to everybody. And that's a policy that 19 talks about certain zones within the refinery; and 20 those zones are defined by overpressure, blast 21 overpressure by thermal radiation from flares from 22 toxic gas emissions. 23 What else? Actually, there's some 24 other things. So that defines these zones. And in 25 those zones, there's different degrees of what</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Do you have a copy? 2 A. I have a close-to-final draft, I know, on 3 my computer. I did not have -- I don't believe I 4 have the final document. 5 Q. Is there a final document? 6 A. There is a final document, yes. 7 MR. COON: We would also ask for 8 supplementation on the record for that particular 9 document. 10 Q. (BY MR. COON) Do you know what happened 11 with trailers at Texas City, if anything, after 12 this incident? 13 MR. PATTERSON: Objection, form. 14 Q. (BY MR. COON) I'm not talking about the 15 ones that were destroyed, but what they had as a 16 trailer policy, if anything, after the incident? 17 MR. PATTERSON: Same objection. 18 A. My belief is that they all were moved 19 further away from the process units, but that's -- 20 that's a belief or an understanding. I can't 21 categorically say that. 22 Q. (BY MR. COON) Number 3, you had survey 23 of relief systems? 24 A. Yes. 25 Q. And again your name. Let me back up.</p>

Page 226

1 On this temporary building policy,
 2 that doesn't really have anything to do with
 3 technology, does it?
 4 A. Well, only to the extent that -- where I
 5 mentioned there are some zones that are defined and
 6 what you are allowed to do with portable buildings
 7 in certain of those zones. And the definition of
 8 those relates to blast overpressure of thermal
 9 radiation, which is getting into a technical -- you
 10 know, technological justification for those zones.
 11 Q. Okay. Fair enough.
 12 So part of the reason that you
 13 would be assigned to temporary building policy
 14 issues, in terms of following up, would be because
 15 as head of technology, you have to consider unit
 16 operations and the safety of any temporary
 17 structures because of the familiarity with vapor
 18 cloud explosions and blast analysis and things like
 19 that?
 20 A. Well, I think it's a bit wider than that.
 21 My -- my group supports refining on -- in a broad
 22 church of areas. And so I have a central resource
 23 of people that's able to look at these sorts of
 24 things. So it's -- it's having a resource of
 25 people, as well as some of the technological input;

Page 227

1 but some of the technology input is not, you know,
 2 deeply technological.
 3 Q. Fair enough. Let's talk about this third
 4 one, "Survey of relief systems."
 5 "Paul Maslin will be identifying
 6 an SPA resource to compile a standard survey
 7 template that can be used at all sites (in order to
 8 gather the correct level of detail on exiting
 9 systems)."
 10 Did I read that correctly?
 11 A. Yes.
 12 Q. What are we talking about here on the
 13 survey relief systems? Are we talking about
 14 blowdown drums, vent stacks?
 15 A. It was looking at atmospheric relief
 16 systems and blowdown systems and starting to look
 17 at what was -- do we have a generic policy or
 18 guideline document for BP Refining.
 19 So if you recognize BP Refining is
 20 composed of a number of heritage companies linking
 21 together. And this was looking at what was the
 22 design criteria for relief systems for those
 23 heritage companies in specific relation to blowdown
 24 drum and atmospheric relief systems.
 25 Q. And was there some hand-in-hand decisions

Page 228

1 with respect to the temporary building policy and
 2 what would derive from a review of those practices
 3 and policies in conjunction with a survey of the
 4 relief systems?
 5 A. I saw them as separate things. So one
 6 was looking at temporary buildings, where should we
 7 locate those. And then looking at relief systems,
 8 what was our design criteria around relief systems.
 9 Those are two separate pieces of
 10 work. They weren't related to each other, no.
 11 Q. Was there any consideration of these same
 12 things you mentioned that were a factor with the
 13 temporary building policies as it related to
 14 evaluating risk and consequence?
 15 A. No. No.
 16 Q. Would it be fair to state that the
 17 temporary building considerations as it related to
 18 risk and consequences, that there was a recognition
 19 that an overflow of a blowdown drum was a low risk;
 20 but in light of what happened, if you do have a
 21 liquid upset or major vapor cloud upset resulting
 22 in an explosion, that the consequence could be very
 23 high?
 24 A. You're asking me whether that was part of
 25 the considerations of the -- of the temporary

Page 229

1 building policy?
 2 Q. Yes, sir.
 3 A. I do not know if that was the case.
 4 Q. What came of this third punch list, an
 5 SPA resource, 1, was somebody identified?
 6 A. Yes.
 7 Q. Who?
 8 A. Larry Sault.
 9 Q. Can you spell the last name?
 10 A. S-a-u-l-t.
 11 Q. His title?
 12 A. Alkylation advisor.
 13 Q. Where is he located?
 14 A. In Naperville, Illinois.
 15 Q. Did he complete any project as a result
 16 of that assignment?
 17 A. He -- he produced some proposals in what
 18 we would call the appraised stage of looking at
 19 this. So it was going through, looking at the --
 20 the options around some proposals. And one of
 21 those was the elimination of blowdown drums that
 22 were servicing heavier than air light hydrocarbons.
 23 (Exhibit Number 597 marked for
 24 identification.)
 25 Q. (BY MR. COON) Okay. I have what's

Page 230

1 marked Exhibit 597. This is from a Lawrence Sault.
 2 Is that the same man?
 3 A. Yes, I would say that is.
 4 Q. And it's to a number of people. And I'll
 5 let you look at it. You can probably tell us,
 6 without identifying each one with particularly,
 7 generally who they are.
 8 But it's called "The Status of
 9 Atmospheric Relief Study Project." Is that the
 10 study that he was assigned by you as a result of
 11 this teleconference?
 12 A. That's correct.
 13 Q. Let me show you briefly this particular
 14 document.
 15 A. Thank you.
 16 Q. Have you seen that before?
 17 A. I'm copied on the document. So I would
 18 have read it at the time. I don't -- you know, I'd
 19 have to read the context to recall what -- what's
 20 in it.
 21 Q. Can you summarize for us what was going
 22 on there?
 23 A. So I would have read -- read it and read
 24 each item, is that what you want me to do or...
 25 Q. I didn't know if just looking at it

Page 231

1 refreshed your memory about it since it was
 2 something that you were in the loop on at the time.
 3 A. Not particularly. I see I'm copied on
 4 it. So I would have read it; but I don't -- you
 5 know, without reading it again, I don't recall it
 6 specifically. (Reviews document.)
 7 I've read it.
 8 Q. Okay. What's it talking about there?
 9 A. So -- so the team that Larry Sault was
 10 leading was -- as I mentioned, was trying to gather
 11 information on relief systems, atmospheric relief
 12 systems in refining. And so he had a number of
 13 gathered contacts at each of the refineries. And
 14 they had compiled some data requests, I think, for
 15 each of the refineries to complete.
 16 And based on the information that
 17 they had been able to gather, they were looking to
 18 see in particular what -- what number of blowdown
 19 systems were in operation in the refineries. And
 20 based on the information, trying to make a judgment
 21 as to which ones of those represented a risk
 22 similar to that at Texas City, the Texas City
 23 incident.
 24 And from their work to date that
 25 this was written, it would appear that they

Page 232

1 identified 31 blowdown systems, which included
 2 quench drums for hot heavy oil. Their belief was
 3 14 of them required modification or replacement,
 4 10 of those at Texas City, two at Whiting and two
 5 at Grangemouth.
 6 They said that the other 17, they
 7 don't have enough information yet as to whether
 8 they needed to make any modifications or
 9 replacements for those. It could be -- it says
 10 here that at least some of them are okay or may
 11 need minor changes.
 12 And then there is a statement in
 13 here where Mike Hoffman was asking for a statement
 14 that could be used on what refining should be able
 15 to commit to right now on blowdown systems. And
 16 there was a couple of options on wording. The
 17 intent of the wording, to me, seems to be pretty --
 18 pretty similar. And it talks about eliminating
 19 blowdown systems that are in service of light
 20 hydrocarbons heavier than air.
 21 Q. And why would that be?
 22 A. The statement was having -- they having a
 23 statement that was clear that BP Refining could
 24 commit to as to what they would resolve to do as a
 25 consequence of blowdown systems, resulting from the

Page 233

1 Texas City incident.
 2 Q. And do you have an understanding as to
 3 what, if anything, has been done at Texas City as a
 4 result of that survey or their independent review
 5 of what happened out there as it relates to
 6 blowdown drums?
 7 A. To my knowledge -- it says here ten --
 8 ten blowdown drums in here. I think that is about
 9 right.
 10 To my knowledge, I believe that
 11 none of -- I'm hesitating whether there's one that
 12 remains in service on heavy oil systems, but all
 13 the others are either not in service or have been
 14 replaced.
 15 Q. Did you have an understanding that there
 16 was going to be a concerted effort to remove the
 17 majority of the blowdown drums at Texas City as
 18 part of the overhaul of that refinery?
 19 A. No. My -- my understanding is what
 20 BP Refining has committed to is removing blowdown
 21 drums that are in light hydrocarbons heavier than
 22 air service.
 23 Q. And, first of all, do you know about how
 24 many blowdown drums were still being utilized at
 25 that facility at the time of the explosion?

Page 234

1 A. At the time of the explosion? I will try
 2 to recall at the time of the explosion. It -- I
 3 would think it's -- I would think it's of the order
 4 of that ten still.
 5 Q. And do you have a recollection that about
 6 ten of the blowdown drums that were still being
 7 utilized at Texas City were earmarked for removal
 8 as a result of being designated as "red zone
 9 atmospheric vent systems"?
 10 A. No. I think the ten -- what it says in
 11 here -- I think this is still true -- ten are in
 12 light hydrocarbon heavier than air services and
 13 those are the ones that are going to be removed. I
 14 think they're all either not in service or one has
 15 been replaced. And I've got a feeling that one is
 16 in -- one blowdown drum remains in heavier than oil
 17 service.
 18 So it's not clear -- it's not
 19 clear from my memory as to how many blowdown drums
 20 there were prior to the ISOM incident. It possibly
 21 is more than the ten that is mentioned here, but I
 22 don't recall.
 23 Q. But you did get an understanding that
 24 almost all of the blowdown drums at Texas City were
 25 going to be removed?

Page 235

1 MR. PATTERSON: Objection, form.
 2 A. My understanding is that only the light
 3 hydrocarbon heavier than air blowdown drums are the
 4 ones that were going to be removed. That's what
 5 refining has committed to.
 6 Q. (BY MR. COON) And do you know what
 7 percentage of the blowdown drums at Texas City fell
 8 in that category?
 9 MR. PATTERSON: Objection, form.
 10 A. Categorically, I don't. I would -- I
 11 don't. I would have to guesstimate.
 12 Q. (BY MR. COON) Do you know that almost
 13 all of them fell into that category?
 14 MR. PATTERSON: Objection, form.
 15 A. I'd have to guesstimate how many that is.
 16 So I think that it's -- at this stage it's now -- I
 17 think it's -- of this order of ten is the right
 18 number, and I think there might be one or two more
 19 that would be in heavy -- heavy oil service.
 20 So it certainly is a percentage.
 21 The majority would be in the light hydrocarbon
 22 heavier than air service.
 23 Q. (BY MR. COON) And that is that, as you
 24 understand, about ten of the 12 or so that were out
 25 at Texas City were to be replaced with a flare

Page 236

1 system because they were light hydrocarbon heavier
 2 than air, which pose a potential VCE?
 3 MR. PATTERSON: Objection, form.
 4 A. Of the ten that were in light hydrocarbon
 5 heavier than air, then they would either be
 6 replaced or removed.
 7 Not -- and my understanding is not
 8 necessarily categorically they would be replaced
 9 with a flare system. Not categorically, that could
 10 be the consequence, but some of the study work is
 11 still going on to my understanding.
 12 Q. (BY MR. COON) But they are being
 13 replaced or removed as a result of the recognition
 14 that they pose high-consequence events?
 15 MR. PATTERSON: Objection, form.
 16 A. In light hydrocarbon heavier than air
 17 service, yes.
 18 Q. (BY MR. COON) Which is all ten of those
 19 that were identified?
 20 A. If ten is the right number, yes.
 21 Q. Now, did you also understand there has
 22 been a commitment to Texas City to spend about a
 23 billion dollars to fix it up?
 24 MR. PATTERSON: Objection, form.
 25 A. I think it's a fairly complicated story

Page 237

1 around -- around that because of the events that
 2 happened in the last 15, 18 months -- 15 months, I
 3 guess.
 4 Q. (BY MR. COON) Did you understand or
 5 recall that there was a commitment from BP, after
 6 the explosion and well before the hurricane that
 7 also shut the system for some period of time, that
 8 BP pledged a commitment of capital in the nature of
 9 a billion dollars to get the refinery back where it
 10 needed to be?
 11 MR. PATTERSON: Objection, form.
 12 A. I do recall there was a number that was
 13 mentioned of that sort of order of magnitude. I
 14 didn't hear it as a pledge or a commitment, but I
 15 heard that sort of number mentioned.
 16 Q. (BY MR. COON) Did you understand that
 17 that was because of BP's recognition that there had
 18 been a long history of underinvestment in that
 19 particular plant?
 20 MR. PATTERSON: Objection, form.
 21 A. I didn't believe -- I didn't see it
 22 directly linked to that.
 23 Q. (BY MR. COON) Did you have an
 24 understanding, from your experiences working at BP,
 25 that the Texas City refinery had suffered from a

Page 238

1 long period of underinvestment?
 2 MR. PATTERSON: Objection, form.
 3 A. I recall there was some work done by
 4 A.T. Kearney that looked at investments in Texas
 5 City. And that indicated prior to the Amoco
 6 merger, investment had been declining in Texas
 7 City; but since that time, since the merger,
 8 investment had been increasing again under BP.
 9 MR. COON: I'll object to the
 10 responsiveness.
 11 Q. (BY MR. COON) You brought up the issue
 12 of the Kearney study.
 13 Are you familiar with what was
 14 called the Veba study, good practices sharing
 15 assessment that came out in August of 2002?
 16 A. I'm -- I'm familiar that some of the work
 17 that was done as part of the -- the Veba merger,
 18 some of that process methodology that they used --
 19 A.T. Kearney used that Don Parus asked A.T. Kearney
 20 to do the same study for -- for Texas City. I
 21 don't -- didn't recall it was August, 2002; but I
 22 know that work was done.
 23 Q. Had you had any experience with the
 24 Kearney Group?
 25 A. Yes, I have.

Page 239

1 Q. Pretty well-known international company
 2 in surveying facilities, are they not?
 3 A. Yes.
 4 Q. Well respected?
 5 A. Yes.
 6 Q. And they had done work at the Veba
 7 facility and had come to some significant and
 8 rather strong conclusions that BP followed up on,
 9 did they not?
 10 A. They came to some conclusions. I did not
 11 100 percent support their conclusions and the way
 12 that those conclusions were made.
 13 Q. And irrespective, BP retained Kearney
 14 again to go to Texas City in 2002 in light of the
 15 recognition of a number of failings that existed at
 16 the facility with respect to its culture and safety
 17 practices?
 18 MR. PATTERSON: Objection, form.
 19 A. I do not know that's the reason why they
 20 were there, why there were asked to go there.
 21 Q. (BY MR. COON) Do you recall any findings
 22 from the Good Practice Sharing Assessment at the
 23 BP South Houston complex, circa August, 2002?
 24 A. No.
 25 Q. Are you aware that one of the findings

Page 240

1 was a level of alarm associated with the excessive
 2 number of uncontrolled fires emanating from that
 3 facility in the years prior?
 4 A. I do not recall that.
 5 Q. Do you have any understanding that there
 6 were reported in the nature of 50 to 100 such fires
 7 a year at that facility in the years prior to their
 8 study of 2002?
 9 A. No, I do not --
 10 MR. PATTERSON: Objection, form.
 11 A. No, I do not recall that.
 12 Q. (BY MR. COON) Were you made aware of a
 13 call that one of their conclusions that was due to
 14 the prohibitively large number of uncontrolled
 15 fires at that facility, that there was a likelihood
 16 of a potential major event as a result of all these
 17 hydrocarbon leaks?
 18 MR. PATTERSON: Objection, form.
 19 A. No, I am not familiar with it.
 20 Q. (BY MR. COON) Do you know that BP was
 21 advised in this Good Practice Sharing Assessment
 22 that there had been many years of underinvestment
 23 in the infrastructure of that facility going back
 24 to at least the mid Nineties?
 25 MR. PATTERSON: Objection, form.

Page 241

1 A. I -- I recall seeing a slide, a
 2 PowerPoint slide that showed that investment had
 3 declined -- been declining at Texas City, but then
 4 there was an increase in spending since the -- just
 5 after the Mobil -- the BP merger with Amoco.
 6 Q. (BY MR. COON) A significant amount of
 7 the increased spending that occurred prior to this
 8 explosion was associated with required capital
 9 investments to reach environmental compliance that
 10 the EPA had actually found that there were a number
 11 of significant environmental violations that were
 12 mandating tens of millions of dollars in capital
 13 improvements to get back into compliance with them.
 14 Were you aware of that?
 15 MR. PATTERSON: Objection, form.
 16 A. I am familiar there was agreement made --
 17 that BP made with the environmental agency, I think
 18 it was regarding emissions, where we were being
 19 asked to make some improvements to our -- our
 20 emissions in the US refineries.
 21 Q. (BY MR. COON) I want to show you another
 22 document on the subject of the capital investments
 23 and underinvestment of this facility over time.
 24 (Exhibit Number 598 marked for
 25 identification.)

Page 242

1 Q. (BY MR. COON) And this one's marked
 2 Exhibit 598. Again, it's a string of e-mails.
 3 So I'll refer you -- I'll show
 4 them all to you and I'll refer you to the last
 5 page first, and we'll go back and talk about some
 6 of the other ones. But the last page is the first
 7 in the string of e-mails dated October 10, 2003.
 8 (Tenders documents.)
 9 A. Thank you.
 10 Q. Do you recall seeing those communications
 11 before?
 12 A. I don't recall -- I don't recall seeing
 13 this e-mail. (Reviews documents.)
 14 I don't recall this at all. I see
 15 on the top e-mail my -- on my copy list, but I
 16 don't recall it at all.
 17 Q. Well, I take it you've received a lot of
 18 e-mails over the years, haven't you?
 19 A. Yes, I did.
 20 Q. Okay. Well, let's talk about that last
 21 one --
 22 A. Yes.
 23 Q. -- first. And there's going to be a
 24 couple of others I'll probably want to talk to you
 25 about.

Page 243

1 A. Yeah.
 2 Q. Okay. And this is from Terry Bale,
 3 B-a-l-e.
 4 A. Yes.
 5 Q. Who is Mr. or Mrs. Bale?
 6 A. Terry -- Terry Bale, he -- he was in my
 7 organization in Sunbury. He is a refining Solomon
 8 coordinator.
 9 Solomon Associates is an
 10 organization that conducts benchmarking for the
 11 refining industry. And it's whereby you -- they do
 12 a benchmark survey every two years, and they
 13 provide a lot of information of -- a set format of
 14 forms to fill out.
 15 A lot of information is supplied
 16 to Solomon Associates. You pay a fee to be a
 17 part -- participant in this survey. And they take
 18 the data, analyze it, normalize it and make it
 19 available to the participants in the survey on a --
 20 on a confidential basis.
 21 So you see your results and you
 22 see where you -- where you are in quartiles in
 23 different geographic regions. So you don't know
 24 where the competitors are. You don't know where a
 25 Shell refinery is or an Exxon, a Chevron refinery

Page 244

1 is; but you see your data and where you compare
 2 with the industry data.
 3 Q. They don't name names, but you get an
 4 idea of where you stand on a myriad of different
 5 issues as compared to the rest of the industry?
 6 A. That's correct, in your geographical area
 7 that you're in.
 8 Q. And they can -- they can compare staffing
 9 issues, salary issues, total overhead,
 10 productivity, efficiency, a lot of different
 11 barometers can be compared under the Solomon
 12 indices?
 13 A. They have a lot of -- a lot of metrics
 14 that you can look at. You have to be a little bit
 15 cautious on how you interpret those metrics.
 16 Q. That's because there's a lot of
 17 subjective variables, are there not?
 18 A. You're relying on individuals absolutely
 19 following -- you know, interpreting the guidelines
 20 in the same way and you're relying on people being
 21 honest in terms of how they submit the information.
 22 So some companies I'm aware of use
 23 this information to motivate people. And so, you
 24 know, there can be incentives for some companies to
 25 use -- to provide, you know, the data and the

Page 245

1 certain format that suits them.
 2 Q. And you are familiar with the practice
 3 where some companies may want their own management
 4 to feel that they rank lower than they really do in
 5 order to get them motivated to try to strive to --
 6 to achieve a higher level of efficiency or
 7 competency or cost savings?
 8 A. When you say "lower," you mean lower in
 9 the sense of worse?
 10 Q. Yes, sir.
 11 A. Okay. No, I'm actually not familiar with
 12 that.
 13 Q. Okay.
 14 A. I -- I actually say it the other way
 15 around, if anything, you want to look good in the
 16 survey.
 17 Q. So they -- they also have the tendency to
 18 inflate their position --
 19 A. Well, to --
 20 Q. -- to --
 21 A. -- to improve their -- their position.
 22 Q. Okay. Overstate their position?
 23 A. They can do it, yes. So it depends
 24 what -- what you want to do.
 25 Q. And then what you have under those

<p style="text-align: right;">Page 246</p> <p>1 circumstances, if you have individuals overstating 2 at any degree of regular basis, if you compare 3 yourself to them, it's hard to reach their level of 4 competitiveness because they're misrepresenting the 5 truth about where they stand? 6 A. Yeah, I -- 7 MR. PATTERSON: Objection, form. 8 A. I think in either case it is possible 9 because it's -- there are -- it is possible to 10 falsify the information because you are submitting 11 data to an independent body. Solomon Associates 12 have a lot of checks and balances they put in place 13 to try to make sure that the data is all 14 consistent, but I think it is -- still can be open 15 to -- to abuse. 16 So my -- what I saw is on Solomon, 17 when you look at it, is don't use it as an absolute 18 indication. You look at it as -- as indicative of 19 where you are relatively versus others, and then 20 you use that as judgment as to what you might want 21 to do about your relative position. But don't take 22 any number in there as absolutely something you 23 should achieve. 24 Q. (BY MR. COON) Fair enough. 25 I want to talk to you briefly</p>	<p style="text-align: right;">Page 248</p> <p>1 could be that if you look at what is mentioned 2 later on, that the industry has actually -- in 3 terms of the profitability of the industry, has 4 been in decline through to the early 2000s. And so 5 if you are investing a lot of capital into a 6 business that's basically in decline, that could be 7 a bad investment of your money. 8 So actually investing less than 9 average could be seen as a good thing, as long as 10 you are investing it in the right things. So 11 actually being below average is not necessarily 12 bad. It's where you're investing that money. 13 And one thing that certainly we 14 did in BP was we tried to make certain investments 15 lower than the rest of the industry, and that was 16 in the area of clean fuels. 17 So what we saw was changing in 18 product specifications right across the world, 19 where cleaner products were being required by 20 engine manufacturers, by politicians for emission 21 reasons. And while they're spending lots of money 22 to put new units in place, what BP did, we tried to 23 enhance, improve the existing facilities we had to 24 make those cleaner products a lot cheaper. 25 So our investment for cleaner</p>
<p style="text-align: right;">Page 247</p> <p>1 about this finding in the second paragraph. This 2 is dated October 10, 2003. This is regarding Texas 3 City. 4 The second paragraph says, "I have 5 some fascinating pictures which show considerably 6 below average investment for the period since 7 1991." 8 And what Mr. Bale is talking about 9 here is information that he has acquired from a 10 historical perspective that tells him that the 11 Texas City facility has been considerably below 12 average investment for the last decade plus, right? 13 MR. PATTERSON: Objection, form. 14 A. That -- that's what that sentence there 15 implies. 16 Q. (BY MR. COON) And it's really not good 17 to be in a category where you are considerably 18 below average investment for a decade or longer, is 19 it, sir? 20 MR. PATTERSON: Objection, form. 21 A. It could be. It could well be. I 22 wouldn't -- it's not necessarily true to say that's 23 a bad position to be in. 24 So if that's average investment, 25 that covers a whole host of investments. And it</p>	<p style="text-align: right;">Page 249</p> <p>1 products was lower than the industry. And we 2 deliberately did that because we did not see that 3 we would recoup -- recoup the investment for those 4 products in the marketplace as cleaner products. 5 Because the customer is basically going to pay the 6 same amount for his gasoline whether it's clean or, 7 some say, not so clean. 8 And so if you're putting a lot of 9 investment into making cleaner gasoline, if you're 10 not going to recuperate any income on it, then you 11 want to minimize that investment from it. 12 Q. (BY MR. COON) Did you derive any 13 understanding from the context of those communiques 14 that under this set of circumstances, it had been 15 good that Texas City had been investing at less 16 than half the average level over that 12-year time 17 frame? 18 MR. PATTERSON: Objection, form. 19 A. I haven't had a chance to read that -- 20 that paper. So I don't know what it -- what it 21 says apart from that sentence you -- you 22 highlighted. And the second comment was that 23 sentence you highlighted says "below industry 24 averages," it doesn't say it's half of industry 25 averages, which I think --</p>

<p style="text-align: right;">Page 250</p> <p>1 Q. (BY MR. COON) All right. 2 A. -- is what you said. 3 Q. I think the next sentence it said that. 4 A. I haven't read that. Sorry. 5 (Witness reading to self.) 6 Q. It was right here, level -- 7 THE VIDEOGRAPHER: You just hit 8 the black and white button. There you go. 9 MR. COON: There we go. 10 Q. (BY MR. COON) I think what we have right 11 here, it says, "Broadly, investment has been at 12 half any average level." 13 A. Okay. I haven't read that before you 14 pointed that out. 15 Q. Do you know why this review had taken 16 place? 17 MR. PATTERSON: Objection, form. 18 A. I don't recall that string of e-mails 19 there. So I don't recall what it was in 20 conjunction with. 21 Q. (BY MR. COON) After that -- this is 22 October of 2003 -- there apparently was a broader 23 study done called "The Aggregate HRO Survey 24 Results, June of 2004" by the MCase Consulting 25 Company.</p>	<p style="text-align: right;">Page 252</p> <p>1 Can I just clarify? What I'm not 2 sure is what that actual page is an aggregate of. 3 I don't know what that specific page is. So just 4 so you're aware. 5 Q. Fair enough. 6 The next page, called "HRO Survey 7 Pre-Read Protocol" and "Owners, Paul Maslin," what 8 does that tell us? 9 MR. PATTERSON: Objection, form. 10 A. What -- what I think this is, is this is 11 a general format that we use in the GRL meetings. 12 And it says on -- the purpose on the pre-read, to 13 inform the GRL. So GRL is the Global Refining 14 Leadership. 15 And this is the protocol we use to 16 summarize what the presentation is going to be. So 17 this would have been an agenda item at a GRL 18 meeting. And so the "owner" means who's the person 19 who's going to own that topic at the GRL meeting 20 where it was on the agenda. And that was me, 21 according to that. 22 Q. (BY MR. COON) Mr. Parus talks a lot 23 about HROs, high reliability organizations, and 24 also just cultures. 25 Are you familiar with the concept</p>
<p style="text-align: right;">Page 251</p> <p>1 Did you have an opportunity to 2 review the findings of that study? 3 A. I -- yes and -- yes and no. 4 So I was leading this electronic 5 survey. So I did this across all the refineries. 6 In terms of the detailed results for Texas City, 7 no, I don't recall the detail results for Texas 8 City; but in terms of the general survey, yes, I 9 recall that. 10 Q. I want to show you some of the findings 11 that they had. This apparently was a review of a 12 lot of the business units of BP? 13 A. It was done for the refining units. 14 Q. Okay. 15 A. For the refining units. 16 Q. I'm marking it as 599. 17 (Exhibit Number 599 marked for 18 identification.) 19 Q. (BY MR. COON) And that's the title, 20 correct? 21 A. Yes. Okay. 22 Q. And "HROs," are we talking about an 23 acronym for something? 24 A. "HRO" stands for "High Reliability 25 Organization."</p>	<p style="text-align: right;">Page 253</p> <p>1 of "just cultures"? 2 A. Yes. 3 Q. And that's one where part of the root 4 cause analysis is to go back and find out what 5 causes people to do the things they do as opposed 6 to just blaming them for doing them, doesn't it? 7 MR. PATTERSON: Objection, form. 8 A. That's not how I would interpret it. 9 That might be how others, but that's not how I do. 10 Q. (BY MR. COON) Well, under that concept, 11 is blame encouraged or discouraged? 12 A. The just culture that I'm familiar with 13 is that after -- if an incident has occurred and an 14 investigation is carried out, then you ask the 15 question, "What would a reasonable person have done 16 in those circumstances?" 17 And then there -- that basis on 18 how you answer that, that takes you down different 19 trees to decide what appropriate, if any, 20 discipline action would be taken. That's the idea 21 of this just culture. So rather than just blaming 22 someone, you say, "Well, what would a reasonable 23 person do?" 24 Q. That is what I had thought I said -- 25 A. Okay.</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. -- paraphrased maybe, but just stated 2 poorly. 3 A. Okay. 4 Q. I think we agree. 5 A. All right. Fine. 6 MR. PATTERSON: Object to form. 7 Object to sidebar. 8 Q. (BY MR. COON) This page here, this is 9 page 8, and there was a summary of the findings. 10 First, before we get to the 11 summary, what was the MCase Consulting Company 12 doing for you that resulted in this report? 13 A. It's a long story. 14 Q. If we could make it a short one? 15 A. So HRO was a culture that we decided we 16 want to have in refining. And a way to decide 17 whether you are achieving an HRO culture is to look 18 at output metrics from the business. 19 We had established five value 20 statements in refining called "The Five Stands," 21 and they cover the safety, availability -- safety, 22 environmental, availability, financial and people. 23 And so you can look at the output 24 metrics of those and decide whether you are moving 25 in the right direction that would have you moving</p>	<p style="text-align: right;">Page 256</p> <p>1 results that I made to the GRL. And I -- so this 2 is a high-level summary, I think, of all those 3 survey results. 4 Q. And was this a review of all the business 5 units within the BP system or just those in the 6 United States? 7 A. This was in the refining system 8 worldwide. It was all the refineries worldwide. 9 Q. The summaries from the study were listed 10 under "Strengths and Weaknesses"? 11 A. Yes. 12 Q. And under "Strengths" where it says, "In 13 general, across all BUs" -- we're talking about all 14 the business units in the refining site, correct? 15 A. Correct. 16 Q. And there's a list of six or so -- six or 17 eight bullets. It talks about the -- the things 18 that are strengths from the consulting company's 19 standpoint, that the teams at least agree about key 20 risk, had the potential to be effective and create 21 problem solvers, things like that. 22 Those are all listed here? 23 A. Yes, they're listed there. 24 Q. "We treat near misses as useful 25 information."</p>
<p style="text-align: right;">Page 255</p> <p>1 towards a higher reliability organization. So 2 those are outputs what take some time to work 3 through the system. 4 And what I wanted to do -- I was 5 an HRO champion at this time -- was to see whether 6 we had the right input behaviors that would lead to 7 the right output metrics occurring. So this survey 8 was an attempt to measure input behaviors in the 9 refinery to see where we were on adopting those 10 appropriate behaviors. 11 The basis for the questionnaire 12 was from a book that was written by a gentleman 13 called Karl Weick, who's -- I think he's a 14 professor or something like that, called 15 Managing The Unexpected. 16 And MCase Consulting helped me as 17 a resource to compile this questionnaire. So they 18 did a lot of the -- the donkey work in compiling -- 19 helping me compile the questionnaire. And we 20 compiled the questionnaire and they helped me 21 administrate that questionnaire to each of the 22 refineries and also analyze the results. 23 And what this is -- just looking 24 at this slide you're putting up, the document that 25 you're putting up is a summary of all those survey</p>	<p style="text-align: right;">Page 257</p> <p>1 That would be, again, going about 2 learning from mistakes, right? 3 A. Yes. Well, mistakes or I -- things that 4 have occurred and you can address those in some 5 way. So, yes. 6 Q. And that's part of what they are talking 7 about here. 8 "When the unexpected things 9 occur," we're talking generally about negative 10 things, right? 11 A. Yes. 12 Q. If you have an upset, if you have a major 13 event, something like that, something unexpected, 14 you question and challenge how you do things and 15 make efforts to revise your standard operating 16 procedures to take those into account and reduce 17 the likelihood of it occurring again? 18 A. This is correct. 19 Q. It's part of what's called "lessons 20 learned"? 21 A. Yes, yes. And that's the feedback from 22 what the individuals in the refineries who were 23 surveyed said. 24 Q. And then if we look at the weaknesses 25 within the business units, "1," there's a big topic</p>

Page 258

1 called "Working conditions are not optimal"; and
 2 then there's a punch list of several items
 3 specifically addressing it.
 4 "1" is "Mistakes may be held
 5 against people." That, again, goes back to some
 6 recognition of just cause deficiencies, correct?
 7 A. Yes.
 8 Q. Did you know that those existed at Texas
 9 City?
 10 MR. PATTERSON: Objection, form.
 11 Q. (BY MR. COON) The lack of a just
 12 culture?
 13 MR. PATTERSON: Objection, form.
 14 A. No, I don't -- I don't recall whether
 15 they have a just culture at Texas City or -- or
 16 not.
 17 Q. (BY MR. COON) The second one, "We work
 18 under pressures that can cause us to miss or ignore
 19 problems."
 20 Do you recall that being a topic
 21 of discussion?
 22 A. Well, it's reported here.
 23 Q. Did you tend to agree with that?
 24 A. I would agree that generally we tend to
 25 work under pressures. With all the things going

Page 259

1 on, that can lead to items being missed or ignored.
 2 Just like I didn't recollect the
 3 Terry Bale note that I was copied on, you know. So
 4 it -- why is that? Well, probably because there
 5 were other things that were on my mind at the time
 6 I recollecting it. So I think that's probably true
 7 of most people, lots of things go on.
 8 Q. The third one under "Lack of optimal
 9 working conditions" was "Key tasks aren't always
 10 covered when positions are vacant."
 11 A. Uh-huh.
 12 Q. Did that indicate some potential lack of
 13 full compliments in staffing?
 14 MR. PATTERSON: Objection, form.
 15 A. I think people could interpret that in
 16 different ways. So it -- I don't know whether
 17 that's related to on the basic crewing that there
 18 were vacancies, I -- I would think not; but, you
 19 know, I would have to speculate how people answer
 20 that question.
 21 Q. (BY MR. COON) Were you aware of all
 22 three of these complaints with respect to "working
 23 conditions" were of the type existing at Texas City
 24 prior to the explosion of March, 2005?
 25 A. I don't recall the weaknesses that were

Page 260

1 listed against Texas City. I do not recall how
 2 they -- how they showed up, the weaknesses.
 3 Q. Okay. The next general category, "Many
 4 believe that training is insufficient."
 5 Do you recall a discussion of that
 6 topic?
 7 A. Not specifically, no.
 8 Q. Were you made aware that there were broad
 9 complaints of lack of training or insufficient
 10 training at the BP Texas City facility prior to
 11 March, 2005?
 12 MR. PATTERSON: Objection, form.
 13 A. No, I don't.
 14 Q. (BY MR. COON) Do you recall seeing any
 15 commentary in the Mogford report -- that is, the
 16 fatal report -- or any other reports regarding lack
 17 of qualified and adequate training at BP Texas
 18 City?
 19 A. Yes, that was mentioned in the Mogford
 20 report.
 21 Q. Let's go to the next one.
 22 "Our work processes aren't
 23 documented and up-to-date." Do you recall that
 24 being a topic of discussion?
 25 A. So I need to clarify what you mean by

Page 261

1 "topic of discussion," where and when. I don't
 2 quite understand what you mean.
 3 So this is obviously listed here
 4 as a general summary of all the businesses. I do
 5 not recall, against the 12 or however many
 6 refineries -- 12, 14 refineries, whether a survey
 7 was done. I do not recall each of their list of
 8 weaknesses at all.
 9 So I don't -- I don't recall any
 10 specific site as to what was listed on their
 11 weaknesses. So when you say do I recall it being
 12 discussed, I don't know what you mean, in what
 13 forum.
 14 Q. I'm just asking if you recall
 15 specifically discussing or there being a discussion
 16 of that topic as a result of these conclusions?
 17 A. Well, all those items would have been,
 18 I'm sure, mentioned in the GRL meeting and probably
 19 discussed to some extent or other. I don't recall
 20 how extensive a discussion would have gone on on
 21 the areas.
 22 Q. Do you recall anything in the
 23 investigations noting that there were issues
 24 associated to lack of up-to-date information in the
 25 work processes from the startup of the raffinate

<p style="text-align: right;">Page 262</p> <p>1 splitter on March 23, 2005? 2 A. Lack of information in the startup 3 processes? 4 Q. That they were not up-to-date? 5 A. I recall -- I think there was -- I recall 6 something that said something along the lines that 7 the procedure was not up-to-date, but there's no 8 reason why the procedure as it was would not have 9 worked if followed. 10 MR. COON: Okay. I will -- I'll 11 object as nonresponsive and just reask. 12 Q. (BY MR. COON) Do you recall any 13 investigation comments that the operating 14 procedures for the startup of the raffinate 15 splitter were not up-to-date on March 23, 2005? 16 MR. PATTERSON: Objection, form. 17 A. I believe I recollect that there was a 18 reference in the Mogford report that said their 19 procedures were not up-to-date. 20 Q. (BY MR. COON) The next one, "We can be 21 slow to implement solutions and frequently don't 22 clearly assign accountabilities." 23 Any specific recollection of a 24 discussion amongst the business unit leaders on 25 that topic?</p>	<p style="text-align: right;">Page 264</p> <p>1 speculate as to why that might have been. 2 Q. Did you ever hear anything in 3 headquarters in the London area or where you were 4 at as to the problems associated with Mr. Carter 5 and his attitudes that resulted in his transfer? 6 MR. PATTERSON: Objection, form. 7 A. I can -- I don't know where I would have 8 heard it; but I recollect there was concern that 9 George, Mr. Carter, sort of restricted 10 conversations or was very -- quite controlling in 11 his approach to some areas. 12 Q. (BY MR. COON) A lot of comments that he 13 was a controlling individual and he didn't like 14 dissenting opinions or criticism of his opinions. 15 Fair statement? 16 MR. PATTERSON: Objection, form. 17 A. I don't know if you -- if you're 18 asking -- if you're asking have I got that opinion 19 of him? Possibly. I don't know what others felt. 20 Q. (BY MR. COON) Do you recall Mr. Hoffman 21 and people associated with human resources at the 22 international level having to deal with Mr. Carter 23 specifically to address his behavioral issues? 24 A. No. 25 MR. PATTERSON: Objection, form.</p>
<p style="text-align: right;">Page 263</p> <p>1 A. Nothing versus the others. I'm -- again, 2 I'm sure there was some discussion around 3 accountability as a sign -- accountability and 4 being clear on that. I think I do recollect that. 5 Whether that was a consequence of this discussion 6 that we are referring to here or something else, I 7 don't know; but accountability has been discussed 8 in the GRL. 9 Q. The next one, "Many don't believe we show 10 respect for dissenting opinions." 11 Do you recall a discussion about 12 that topic? 13 A. No. 14 Q. Do you recall reading or understanding 15 that there were complaints of that nature existing 16 at BP Texas City prior to the March 23rd, 2005 17 incident? 18 A. No, I am not aware of anything. 19 Q. Did you know anything about Mr. Parus' 20 predecessors at BP Texas, being Mr. Scruggs and 21 Mr. Carter? Did you know him? 22 A. I know Mr. Scruggs and Mr. Carter, yes. 23 Q. Did you know anything about Mr. Carter's 24 transfer out of BP Texas City? 25 A. He was transferred out, but I'd have to</p>	<p style="text-align: right;">Page 265</p> <p>1 A. No, I would not be aware of that. 2 Q. (BY MR. COON) Were you ever made aware 3 of any allegations by those of minority origin or 4 feminine gender as to specific problems associated 5 with Mr. Carter? 6 MR. PATTERSON: Objection, form. 7 A. No, I am not aware of anything along that 8 line. 9 Q. (BY MR. COON) The next topic, "We don't 10 use cross department or cross section discussions 11 effectively to resolve emerging problems." 12 Mr. Parus talked about what he 13 categorized as "silo mentality." Are you familiar 14 with that concept? 15 A. Say -- say again, please. 16 Q. Silo. 17 A. Silo. Okay. 18 Q. Are you familiar with that concept? 19 A. Yes. Yes. 20 Q. Would that have any analogies here with 21 respect to that point? 22 A. Yeah, I would think that's the same 23 thing. 24 Q. And that is, it's hard to -- that the 25 criticism was or the weaknesses that were</p>

<p style="text-align: right;">Page 266</p> <p>1 identified is that there was not a good utilization 2 or enough discussion, cross departments or 3 cross-section, regarding issues. There wasn't a 4 good exchange of information. There wasn't good 5 communication. 6 A. Again, the general statement for the 7 refining SPU, that's what that is implying. 8 Q. Did you have an understanding that those 9 were the types of problems specific to Texas City 10 that were frequent complaints pre-existing the 11 March 23, 2005 explosion? 12 A. Again, I believe there is some reference 13 in the Mogford report to communication and contact 14 setting. 15 Q. Do you know what, if any, specific 16 actions were initiated as a result of these 17 weaknesses that were noted in this particular 18 survey? 19 A. What the survey was looking for was 20 high-level issues of an SPU, so refining SPU 21 nature, that could be addressed across the SPU. 22 And we had a meeting in July of 23 whatever year that was, 2004, to discuss those 24 findings. This was with site SPAs for the survey, 25 to try and come up with any items that we thought</p>	<p style="text-align: right;">Page 268</p> <p>1 A. Again, this -- well, I would have to 2 read -- read this to see what it's all about; but 3 generally it's pretty similar. We didn't talk 4 about my group. 5 My group provides support on, like 6 I said, on a broad church of things to refining; 7 and we are the central resource to coordinate 8 various activities. So in -- in my group, I have 9 a -- somebody who convened the turnaround COP. So 10 we talked about COPs earlier on. There was a 11 turnaround COPs. 12 And like most of these COPs, they 13 identified best practice; and there is a best 14 practice around how turnarounds are -- turnarounds 15 are prepared. And so sharing lessons learned and 16 best practice is one thing the turnaround COP does. 17 And one thing that was -- one 18 thing that was shared -- I haven't -- I haven't 19 read this yet; but one thing that we shared was 20 around preparations for turnaround, milestones, 21 hitting the milestones at the right time, and 22 trying to encourage sites to do that, to meet those 23 milestones as a best practice. 24 Q. And one of the comments down there, which 25 is why I wanted to bring it to your attention, is</p>
<p style="text-align: right;">Page 267</p> <p>1 of a significant nature to address across the SPU. 2 I think we highlighted three items. 3 Q. Do you recall which ones? 4 A. I knew you were going to ask me that, and 5 I can't think what they were. 6 One, I think, was around 7 prioritization and I believe another one was around 8 resource; but I wonder whether -- I don't know 9 whether they were included in any of the documents 10 you've got, whether -- 11 Q. We will look around at one of the breaks 12 and maybe find them. 13 I have another document marked 14 Number 600, sir. 15 (Exhibit Number 600 marked for 16 identification.) 17 Q. (BY MR. COON) This one is also the 18 summer of 2004. It's to Mr. Hoffman from you, and 19 this one is regarding "turnaround preparation 20 milestones." 21 And, first, I'd like to ask a 22 couple back -- background questions, Number 1 23 being: Why would it be that you were in the loop, 24 so to speak, with respect to monitoring or tracking 25 turnaround schedules and projections?</p>	<p style="text-align: right;">Page 269</p> <p>1 in the -- 2 A. Can I use -- 3 Q. -- first paragraph -- 4 A. Can I use -- 5 Q. Yeah, I'll just look at it and then I'll 6 ask you a couple of questions. 7 THE VIDEOGRAPHER: I have about 8 five minutes, Mr. Coon. 9 A. (Reviews document.) 10 Yeah. So what -- what sort of 11 triggered this was in 2002, I believe it was -- no, 12 it been -- I think it might be 2000, actually. 13 2000 to 2001, we had about three 14 turnarounds that were -- were late and over budget. 15 They took longer than planned. They were over 16 budget. 17 And I initiated in -- in the 18 role -- the job I had as general manager, 19 reliability, a turnaround action team to identify 20 what we needed to do to deliver turnarounds on time 21 and on budget. And part of that was getting a 22 greater focus on turnarounds, and that was tracking 23 milestones. 24 So I had this gentleman here, Tony 25 Grassi would collect that information; and I would</p>

<p style="text-align: right;">Page 270</p> <p>1 share it with the business unit leaders as to where 2 we were, how we were making progress against these 3 milestones in each of the refineries as they 4 prepared -- prepared for their turnarounds. 5 And so I would send that note out. 6 And it would appear that Mike Hoffman was 7 indicating to the business unit leaders that they 8 needed to improve their performance because we were 9 going backwards on our performance. 10 We had made some improvements and 11 progress on improving our performance on 12 turnarounds during, I guess, 2003; and that was 13 indicating we were going backwards on the 14 performance. 15 Q. (BY MR. COON) Well, if we look at the 16 specific comments, this is to you from Mr. Hoffman 17 in the summer of '04, July, correct? 18 A. Well, yeah. And can I just clarify what 19 that is? He's responding -- you can see from the 20 e-mail on the subject line, he's got "Re." So 21 he's -- he's responded to the e-mail below it that 22 I sent out. 23 So I sent that out to the -- as we 24 mentioned earlier on, GBPO refining leadership is 25 the business unit leaders. So what Hoffman has</p>	<p style="text-align: right;">Page 272</p> <p>1 that's why it's gone to all those. 2 But his comments there are very 3 much the business unit leaders because they are the 4 ones who are responsible and tangible for 5 delivering turnaround performance. I can only 6 provide advice, guidance, best practice sharing. I 7 don't actually deliver a performance. 8 Q. And the comments that Mr. Hoffman had are 9 couched in this paragraph right here back to the 10 business unit leaders? 11 A. Yes, that's correct. 12 Q. And his comments are, "It is very 13 important that we get back on track in improving 14 our turnaround performance. The first-half 15 performance was very disappointing. We 16 deteriorated in every area, including safety. We 17 need to continue to improve our execution of our 18 turnaround process. I notice that after more than 19 two years, we are still not conforming to the 20 turnaround process, which is not a good signal for 21 the second half. I expect improvement in this 22 area." 23 Did I read that correctly? 24 A. Yes. 25 Q. Do you know what specific issues</p>
<p style="text-align: right;">Page 271</p> <p>1 done, he's responded to that. And in responding to 2 that, that would automatically put me to the "To" 3 list because I'm -- I was the initial -- the 4 initial writer of the document; but he's actually 5 sending it, really, to the business unit leaders. 6 Q. Sure. 7 And what you had done is 8 circulated to various people, within the BPO 9 refining leadership, a status of your turnaround 10 preparation milestones; and these were his comments 11 back to you? 12 A. Back to the refining leadership. My 13 belief is that his note is aimed at the refining 14 leadership, not to me. 15 Q. Okay. So even though he notes you 16 specifically here, it also comments that this 17 circulates back to the other people in the refining 18 leadership? 19 A. Well, I think by the very nature that 20 he's respond -- replied -- "Reply All," I would 21 think, on his note. If he had just done "Reply," 22 it would go to me only. 23 So he has done a "Reply All," 24 which means it goes to who I sent to, and also me 25 as the author, the original author. So it's a --</p>	<p style="text-align: right;">Page 273</p> <p>1 associated to safety are referenced when he says, 2 "We deteriorated in every area, including safety?" 3 A. Yes, it -- 4 MR. PATTERSON: Object to form. 5 Object to sidebar. 6 A. Yes, I do know what that refers to. 7 Q. (BY MR. COON) Could you elaborate for 8 us, please, sir? 9 A. As part of the -- that document on there, 10 the milestones, there is also some metrics around 11 RIF and days away from work. And so what he's 12 saying is that those two metrics, RIF and days away 13 from work, the frequency, have deteriorated on 14 those two measures. 15 Q. Meaning that you were having an 16 increasing number of injuries or lost time 17 associated to injury trackings? 18 A. On a -- on a frequency basis, it's saying 19 that there would have been more recordable injuries 20 or days away from work injuries on a frequency 21 basis, not necessarily on an absolute number basis. 22 MR. COON: We will take a break 23 here. 24 THE VIDEOGRAPHER: Off the record 25 at 4:05.</p>

<p style="text-align: right;">Page 274</p> <p>1 (Recess taken.) 2 (Exhibit Number 601 marked for 3 identification.) 4 THE VIDEOGRAPHER: Back on the 5 record at 4:10. 6 Q. (BY MR. COON) Mr. Maslin, I have what's 7 marked as Exhibit 601. This was an e-mail from 8 Ms. Lucas to Mr. Gower about four days before the 9 explosion. And it's talking about inspection 10 minimum expectations. 11 And I'll let you read the little 12 paragraph that's a comment, but the reason I wanted 13 to ask you specifically about it is because it's 14 part of a string of e-mails that reference you by 15 name on the last page. So if you'll look at 16 that -- 17 A. Okay. Thank you. 18 Q. -- last e-mail and then the cover one so 19 you can get a better understanding of the chain of 20 communications. 21 A. (Reviews documents.) 22 All right. Okay. Do I need to 23 look at the other ones ahead of it? 24 Q. I don't think so. 25 A. Okay.</p>	<p style="text-align: right;">Page 276</p> <p>1 bad." I believe it's supposed to be "bad." 2 And it's referencing, again, a 3 string of e-mails that go back to March 6th and 4 it's one from a Mr. Godfrey to a group of people 5 and it's talking about the inspection minimum 6 expectations. 7 It says right here "Paul Maslin." 8 This is you, correct? 9 A. That's correct. 10 Q. It says "in," I assume that they meant to 11 say "is." 12 "Paul Maslin is presenting the 13 attached presentation on inspection minimum 14 expectation - implementation during the GRL during 15 their March, 2005 meeting." 16 Did I read that correctly? 17 A. Yes. 18 Q. Okay. What is this "inspection minimum 19 expectations" as discussed here? 20 A. We had sort of -- the refining BULs had 21 identified inspection as a key instrument in -- 22 around performance, something we should do well, a 23 key part to enhance availability, reliability in 24 our plants. So they identified that as a key area 25 of focus. And we wanted to establish some basic</p>
<p style="text-align: right;">Page 275</p> <p>1 Q. I'm just going to ask you about the 2 first -- 3 A. Okay. 4 Q. -- one and the last one. 5 A. Okay. 6 Q. Okay. This is Exhibit 601. The last 7 e-mail in this chain is from Kathleen Lucas to Pat 8 Gower, dated March 19, 2005. 9 And the commentary is as follows, 10 this is from Mr. Gower to Ms. Lucas: "I guess my 11 challenge is this looks like something Texas City 12 should have been doing all the time and, therefore, 13 should be covered by the expense budget increases 14 we gave Texas City several years ago. 14 million 15 seems like a lot of manhours to fix inspection 16 programs. I would like to review this program at 17 the next QPR." 18 What's "QPR"? 19 MR. PATTERSON: Objection, form. 20 Object to sidebar. 21 A. "QPR" stands for "quarterly performance 22 review." 23 Q. (BY MR. COON) And it goes on to say, "If 24 you looked at the charts, you can see that Texas 25 City stands out. I never thought we were that</p>	<p style="text-align: right;">Page 277</p> <p>1 requirements that all sites should adopt, should 2 have in order to have reasonable fulfillment, not 3 necessarily stunning, but reasonable performance 4 around inspection. 5 And we've used minimum 6 expectations as a -- as a category in a number of 7 areas. And so "minimum expectation" is a minimum 8 requirement that we would expect all our refineries 9 to have, to adopt. 10 It can be a process. It can be 11 hardware. It can be people. And so inspection was 12 an area we focused on. 13 And what this was about, I set up 14 a small team looking at what were these minimum 15 requirements that we should have in the inspection 16 area. And they produced a document that contained, 17 if I remember correctly, 84 minimum requirements 18 within this minimum expectation. 19 And the process we have is that we 20 draft what these minimum expectations are, what the 21 requirements are inside it. And the GRL agrees or 22 not to those minimum requirements. If they agree 23 to it, it then goes out to the -- each refinery and 24 they then have 90 days to identify when -- how do 25 they compare with these minimum requirements, do</p>

Page 278

1 they have some areas that they don't meet those
 2 minimum requirements, and what would be the cost of
 3 achieving that minimum requirement.
 4 And so what this is referring to
 5 is that all the sites had indicated what it would
 6 cost for them to reach the minimum requirements
 7 that were contained in these -- these 84 points and
 8 what the time frame is to get compliant with the
 9 minimum requirements.
 10 And so that's what this is
 11 referring to. It's referring to the cost of
 12 getting to the minimum requirements and how long it
 13 will take to get there.
 14 Q. Did you keep a copy of whatever this
 15 presentation was?
 16 A. It's highly likely that I have a copy.
 17 Q. Okay. We would also ask for a copy of
 18 that particular presentation, sir.
 19 A. This particular one? Okay.
 20 Q. I take it that if we were to look at it
 21 today, the ratings for Texas City were poor as
 22 compared to the others?
 23 MR. PATTERSON: Objection, form.
 24 A. In my -- in my opinion, then I wouldn't
 25 say necessarily poor. I think the -- the cost of

Page 279

1 Texas City was higher than the other business
 2 units, and some of that is due -- due to the size
 3 of Texas City.
 4 So it was an absolute -- it's an
 5 absolute measure in terms of the cost. Then you
 6 would expect Texas City probably to be higher than
 7 the other refineries, but it was -- my
 8 recollection, it was high.
 9 Q. (BY MR. COON) Did you have a
 10 recollection as to what had happened to the
 11 inspection program at Texas City over the years to
 12 be so far behind with respect to inspections?
 13 MR. PATTERSON: Objection, form.
 14 A. Yeah, I would have no idea not having
 15 worked at Texas City. I would have no idea.
 16 Q. (BY MR. COON) Were you ever made aware
 17 that the inspections department and people that
 18 worked in there were major casualties of the budget
 19 cuts implemented by Mr. Carter and Mr. Scruggs,
 20 circa 1999 to 2001, as part of the command
 21 from London circa 1999, the 25 percent budget cut?
 22 MR. PATTERSON: Objection, form.
 23 A. No, I would not -- I'm not familiar with
 24 any consequences of that.
 25 Q. (BY MR. COON) I take it that when that

Page 280

1 command came from London in 1999, 2000, when you
 2 were the BUL at Coryton, you did not gut your
 3 inspection department, did you, sir?
 4 MR. PATTERSON: Objection, form.
 5 A. I did not gut my inspection department in
 6 1999, 2000.
 7 Q. (BY MR. COON) As a matter of fact, as I
 8 understand from your testimony earlier today, you
 9 made no effort to gut any of your programs?
 10 A. I didn't actually use those words. I
 11 think what I said is that I resisted reducing my
 12 costs at Coryton by 25 percent, but I undertook to
 13 make whatever reasonable savings I was able to
 14 make. But I -- I didn't -- I didn't use the word
 15 "gut."
 16 Q. In fact, you recognized at the time that
 17 the request came out to cut your budget 25 percent
 18 that it was an unrealistic expectation.
 19 I think your words were
 20 "nonsensical," is that correct?
 21 A. I recall that my words were -- were that,
 22 yes.
 23 Q. I have another document here I just need
 24 you to explain to me. I did not understand how the
 25 numbers worked very well.

Page 281

1 (Exhibit Number 602 marked for
 2 identification.)
 3 Q. (BY MR. COON) It's 602. It's an older
 4 e-mail, but it's also regarding the turnaround
 5 budgets. This one is dated 2002.
 6 And you were involved in sending
 7 at least some of them. Again, it's a string.
 8 A. Thank you.
 9 (Reviews documents.)
 10 Q. Are you ready?
 11 A. Yes.
 12 Q. Can you tell me basically what the
 13 genesis of this e-mail is and what those numbers
 14 mean?
 15 MR. PATTERSON: Objection, form.
 16 A. I guess the piece that's not -- you know,
 17 what's not on here in any way is any context. So
 18 I'd have to speculate what was going on because
 19 I -- specifically, I don't recall absolutely what
 20 was going on; but I could speculate on what this
 21 was about.
 22 Q. (BY MR. COON) If you could enlighten us
 23 the best you can because I was having trouble
 24 making heads or tails out of it myself.
 25 MR. PATTERSON: Objection, form.

<p style="text-align: right;">Page 282</p> <p>1 A. What I -- just looking at this, I -- what 2 I would expect is that the refining SPU was -- this 3 was 2002. 4 It would appear that the 5 CapEx forecast spend for 2003 was higher than we 6 had money for, I would suspect. So this is a note 7 in October, 2002 referencing 2003 turnaround CapEx. 8 So I would think that there was a request from 9 someone to reduce the CapEx turnaround spend. 10 And a team of commercial managers, 11 it would appear, to have been given a challenge to 12 look at the turnaround program and budgets in their 13 refineries and decide what potential CapEx they 14 could reduce, what spend could they reduce. 15 Q. (BY MR. COON) Okay. It was not uncommon 16 over the years that you've worked at BP, 17 particularly the last few years since you were at 18 least, say, from a business unit leader at Coryton, 19 to turn in your budgets or budget projections 20 for -- for a year, six months to a year, early? 21 A. Could you say the last, please? 22 Q. Yes, sir. 23 You -- you would turn your budget 24 in, for, say -- 25 A. Oh, I see.</p>	<p style="text-align: right;">Page 284</p> <p>1 spend in that budget year? 2 A. You know, I wouldn't phrase it quite like 3 that. I think when the business units would put 4 their plans in, so each business unit would do 5 their plans individually, and then they would then 6 get submitted to refining centrally. 7 And once you then roll out those 8 plans, you said, "Well, okay. This is going to 9 cost a lot more than we had thought we were going 10 to budget, you know. 11 Because you -- you're -- not only 12 do you put your plans in for next year, but you 13 actually have already put in five-year plans 14 anyway. So you have a five-year plan for 15 investment. And then what you do is you firm up 16 the first year of your plan. 17 And then you say, "Well, actually, 18 what we thought we did in our five-year plan was 19 spend a hundred. Now, once we get our actual 20 submissions in, it's not 100 that people are saying 21 they wanted. It's 200, say." 22 So we have actually got a problem. 23 We've put money aside for a hundred, but it's 24 actually 200 people someone want. So we're going 25 to have to make some adjustments somewhere because</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. -- 2002, you would turn it in in maybe 2 the spring or summer of 2001. 3 A. Yes. In -- in the planning process, then 4 you'd start to firm up your budget and plans for 5 the coming year. You would start sort of in the 6 summertime, July, August. And that would perhaps 7 get firmed up. So by about September, you'd have 8 to submit your budget and plans for the forthcoming 9 year. 10 Q. And we have understood that turnarounds 11 were one of those things that were particularly 12 itemized for budgets for the following year as to 13 which turnarounds would take place and an estimate 14 of what the costs would be associated with that 15 turnaround? 16 A. That would be one of the items that we 17 looked at, yes. 18 Q. And at some level, each of the business 19 units that turned in those projections on the 20 turnarounds and the costs would receive feedback 21 from London with respect to whether or not they 22 would approve those as planned or make a 23 recommendation to reduce the CapEx or the 24 expenditure associated with one of those 25 turnarounds because it was more than they wanted to</p>	<p style="text-align: right;">Page 285</p> <p>1 we haven't budgeted, you know, enough money in this 2 category -- 3 Q. When -- 4 A. -- and this is what this is addressing. 5 Q. When the moneys came in and you added 6 them up as a request for the budget for the 7 turnarounds for the following year in the various 8 business units, would it be typical to go back to 9 the business units as a group and say, "Reduce your 10 turnaround budgets a certain percent" or did you 11 look at each business unit and their needs 12 individually? 13 A. So I don't know specifically what 14 happened here, but generally it would be a request 15 for business units to go back and see what could be 16 reduced. So it wouldn't be -- it wouldn't be like 17 the 25 percent cut you mentioned earlier on. 18 They would say, "Go back. You 19 know, we've got -- we've got more turnarounds 20 budgeted. So our plan that we budgeted for, can 21 you go back and look at what can be reduced?" 22 So each side would then go and 23 look at what they could be -- what could be done, 24 either some costs reduced for some reason or 25 turnarounds moved to another year. So it would be</p>

<p style="text-align: right;">Page 286</p> <p>1 done on an individual site basis. 2 Q. Thank you, sir. 3 Mr. Maslin, you were the BUL at 4 Coryton at the time of the Grangemouth incident? 5 A. The 2000 incident? 6 Q. Yes, sir. 7 A. Yes, I was. 8 Q. And that was pretty well-known within the 9 BP system because it was a major event, correct? 10 A. Yes. 11 MR. PATTERSON: Objection, form. 12 A. It -- it was well-known within refining. 13 I don't know about the whole BP system. 14 Q. (BY MR. COON) And my recollection was 15 that there wasn't just one major event. There were 16 like a series of two or three events, some sort of 17 chain reaction or something that occurred out there 18 over a day or two; is that correct? 19 A. Not quite. There were three significant 20 issues that occurred at Grangemouth. I would think 21 it was -- it was over a number of months. So I 22 don't recall when the first one was, but I would 23 think it was four or five months. 24 And I wouldn't categorize it as a 25 chain reaction, either. They were three separate,</p>	<p style="text-align: right;">Page 288</p> <p>1 facility? 2 A. I have gone through media training. 3 Q. What's involved in media training? 4 A. It's -- it's a bit like being in this 5 room in a way, where you have a camera on you. You 6 have someone who is an interviewer or pretends to 7 be a TV, you know, media reporter. 8 And the individual will say, "Hey, 9 a situation has occurred, a fictitious has occurred 10 and you imagine that's happened at your site. And 11 I'm going to ask you some questions on it." 12 So they will go through and 13 pressurize you with questions. And before you've 14 answered one question, you've got another question 15 coming. And they try to get you to make 16 statements, obviously, to -- to embarrass you, to 17 say things that, perhaps, you later regret. 18 So it puts you in a lot of 19 pressure. It talks about, you know, how you try to 20 handle those questions. That's what generally 21 media training is, something like that. 22 Q. And do all the BULs go through that type 23 of a training? 24 MR. PATTERSON: Objection, form. 25 A. I'm unable to say whether they all go</p>
<p style="text-align: right;">Page 287</p> <p>1 unrelated events in terms of their specific causes. 2 Q. And this, again, is an older e-mail dated 3 2000. It seems to be circulated the same year the 4 Grangemouth incident had occurred. I just want to 5 ask you a few questions. 6 (Exhibit Number 603 marked for 7 identification.) 8 Q. (BY MR. COON) First, you were one of the 9 identified parties that received that 10 communication, correct? 11 A. Yes. I'm on the addressee list, yeah. 12 Q. That particular e-mail discusses what I'm 13 going to call "damage control." 14 Are you familiar with the concept 15 of "damage control"? 16 MR. PATTERSON: Objection, form. 17 Q. (BY MR. COON) As it relates to media? 18 MR. PATTERSON: Objection, form. 19 A. I would have an interpretation of what 20 that means. 21 Q. (BY MR. COON) Did you have any 22 understanding, as the BUL at Coryton, as to how to 23 handle the media in the event of a negative news 24 story, such as an upset or a major event or 25 fatality or serious injury that occurred at your</p>	<p style="text-align: right;">Page 289</p> <p>1 through it. 2 Q. (BY MR. COON) Are you aware of other 3 BULs going through that type of training? 4 A. I'm aware that some people I know have 5 gone through media training. 6 Q. Are some of those people that you know 7 that have gone through the media training BULs at 8 other facilities? 9 A. I know of no BULs that have gone through 10 media training that I can say -- you know, list 11 their name. 12 Q. Did you obtain -- did you obtain your 13 media training as a BUL at Coryton? 14 A. I -- I've done media training twice. The 15 last time was when I was the BUL at -- at Coryton. 16 The previous time, I would -- I 17 think I was at Coryton. I don't know -- recall 18 what position I had; but I was at Coryton when I 19 received that, I am fairly sure. So once was with 20 Mobil. I think the second time was at BP. 21 Q. If you were to have a major event at 22 Coryton, what was it that you were supposed to do 23 first as a BUL at Coryton? 24 MR. PATTERSON: Objection, form. 25 A. The procedure is you contact -- it would</p>

Page 290

1 be Hoffman, you know, so my JVP refining.
 2 And there was also a requirement
 3 for the chief executive of R&M, so Manzoni now
 4 would be informed. I'm not sure what the current
 5 procedure is, whether that was -- Hoffman would
 6 inform him or I would have to as a business unit
 7 leader inform him. Basically Hoffman and the chief
 8 executive of the downstream would be informed.
 9 Q. (BY MR. COON) Did you have a media
 10 liaison associated with the Coryton facility?
 11 A. There was a -- I had a lady who was my
 12 public affairs advisor.
 13 Q. Would you be requested to get into
 14 immediate or near immediate contact with the media
 15 relations personnel in anticipation of inquiries by
 16 the press and others?
 17 A. Say the question again.
 18 Q. Yes, sir.
 19 Is part of having the media
 20 relations department there something that is made
 21 available in the event of a catastrophic event or a
 22 fatality to consult with them and find out what, if
 23 anything, needs to be communicated to the media?
 24 A. Almost, yes. What we have was a standard
 25 protocol was that if there was a -- you know, a

Page 291

1 significant event, then my public affairs relations
 2 lady would prepare a press statement. She would
 3 prepare something of her own volition, and she
 4 would bring it to me if -- you know, if I was
 5 around, she would bring it to me to okay it, to
 6 approve it, anything else to add.
 7 So it would -- we would prepare a
 8 holding statement in the event we had any press
 9 inquiries.
 10 Q. From the standpoint of your media
 11 training and prior experiences, how would you
 12 generally summarize the concept of damage control
 13 as it relates to negative media?
 14 MR. PATTERSON: Objection, form.
 15 A. I think what you -- what I would try to
 16 do in any press interview was to make sure I -- I
 17 tried to represent either my feelings or the --
 18 what occurred on the incident in -- in a fair way,
 19 without trying to be pressured or tricked by the
 20 media into saying something that I'd regret. So if
 21 that's what you mean by damage limitation, then
 22 that's one way of interpreting it.
 23 Q. (BY MR. COON) Was there any
 24 encouragement through your media training or from
 25 your public relations or just your role through

Page 292

1 other people to try to keep negative press as
 2 localized as possible?
 3 MR. PATTERSON: Objection, form.
 4 A. Not -- no, not at all. So we didn't have
 5 any control on where any press inquiries came from.
 6 So if there was an incident, then we would handle
 7 the press as -- you know, as we -- as we could
 8 through press statements, through any interviews
 9 that they might require. But it wasn't necessarily
 10 try to keep it local in any way.
 11 Q. (BY MR. COON) Were you ever made aware
 12 of any discussion or decision-making at BP where if
 13 there was something that's negative happened, that
 14 one of the things that would be done from a
 15 positive PR standpoint would be to actually
 16 generate positive publicity, such as after an
 17 event, try to reinstate goodwill by giving money
 18 to the local college or putting newspaper articles
 19 in the paper that you buy that say we give money to
 20 charities, things like that?
 21 MR. PATTERSON: Objection, form.
 22 A. Not -- not directly related to any
 23 incident. Obviously, you know, a refinery is a
 24 significant employer in the local area. And so
 25 part of being a significant employer, you have

Page 293

1 community responsibilities. So we would make
 2 contributions to charities or community events in
 3 some way as being part of a -- you know, a major
 4 industry in -- in the community. That's part of
 5 being a responsible person in the community.
 6 So we would do that, but it
 7 wouldn't be necessary in relation to any particular
 8 event.
 9 Q. Okay. So as I understand from your
 10 testimony, even though you were a BUL at a refinery
 11 and have a position of high authority at BP now,
 12 you would not anticipate a response by BP in the
 13 circumstances of a major negative event to all of a
 14 sudden escalate charitable contributions or
 15 educational contributions or other things that
 16 would elicit the perception of public goodwill?
 17 MR. PATTERSON: Objection, form.
 18 A. Not in terms of directly, unless it was
 19 something that the incident had caused damage or
 20 something to the community. So if there was a need
 21 to repair, you know, something that had been
 22 damaged or destroyed as a consequence, then --
 23 Q. (BY MR. COON) So you're talk --
 24 A. -- then that --
 25 Q. You're talking tangible, like if you blew

<p style="text-align: right;">Page 294</p> <p>1 up the school, you would build a new one --</p> <p>2 A. Yeah.</p> <p>3 Q. -- but otherwise --</p> <p>4 A. Right. Or, you know, something like</p> <p>5 that. Or if there was a park that had been damaged</p> <p>6 you know, from -- something had been spilled in a</p> <p>7 park or something, then you'd make that good; but</p> <p>8 you wouldn't -- I wouldn't do it to -- just to try</p> <p>9 and create a good image.</p> <p>10 Q. Okay. Well, the reason I ask is that we</p> <p>11 looked at part of what the comment was here -- and</p> <p>12 again, this is 2000. You are one of the persons</p> <p>13 that's in this loop. It's titled, "Urgent,</p> <p>14 Grangemouth communicates task force findings."</p> <p>15 And it goes on to state -- this is</p> <p>16 signed by Ken Richardson. Did you know</p> <p>17 Mr. Richardson?</p> <p>18 A. The name is familiar. I'm not sure I've</p> <p>19 ever met Ken Richardson.</p> <p>20 Q. Okay. The comment that was made early on</p> <p>21 in this was this quote right here I want to call</p> <p>22 your attention to: "Our aim is to keep this as</p> <p>23 local to the site as possible."</p> <p>24 A. "This" being -- being what?</p> <p>25 MR. PATTERSON: Perhaps it's best</p>	<p style="text-align: right;">Page 296</p> <p>1 site as possible, meaning to try to keep it out of</p> <p>2 the regional or national media. That's what that</p> <p>3 means, doesn't it?</p> <p>4 MR. PATTERSON: Object to sidebar.</p> <p>5 Object to form.</p> <p>6 A. Well, okay. So looking at it there, it</p> <p>7 implies that the main findings, we're going to keep</p> <p>8 those local to the site. That's all I can gather</p> <p>9 from that, but that doesn't say the reason why.</p> <p>10 Q. (BY MR. COON) Would you have any reason</p> <p>11 as to understand why they would want to make a</p> <p>12 concerted effort to keep this, as they say, as</p> <p>13 local to the site as possible?</p> <p>14 MR. PATTERSON: Object to form.</p> <p>15 A. I'd only be able to speculate.</p> <p>16 MR. COON: Let's go off record</p> <p>17 just a minute.</p> <p>18 THE VIDEOGRAPHER: Off the record</p> <p>19 at 4:39.</p> <p>20 (Recess taken.)</p> <p>21 THE VIDEOGRAPHER: Back on the</p> <p>22 record at 4:42.</p> <p>23 Q. (BY MR. COON) Mr. Maslin, we've covered</p> <p>24 a lot of ground today; and you've been very</p> <p>25 attentive.</p>
<p style="text-align: right;">Page 295</p> <p>1 to wait for a question.</p> <p>2 THE WITNESS: Sorry.</p> <p>3 Q. (BY MR. COON) Well, I'm sorry. I</p> <p>4 thought you read this.</p> <p>5 It talks about this being the task</p> <p>6 force findings associated with the problems that</p> <p>7 they had out there that year, the three explosions</p> <p>8 or whatever you want to call them. And it says</p> <p>9 right here they're communicating those findings to</p> <p>10 the employees and the local community.</p> <p>11 And it goes on to say, "We know</p> <p>12 that there is media interest within Scotland,"</p> <p>13 right? That's where the Grangemouth facility is,</p> <p>14 in Scotland?</p> <p>15 A. That's correct.</p> <p>16 MR. PATTERSON: Object to sidebar.</p> <p>17 Object to form.</p> <p>18 Q. (BY MR. COON) And the next comment is,</p> <p>19 "Our aim is to keep this as local to the site as</p> <p>20 possible."</p> <p>21 And the inference there being that</p> <p>22 from a public relations standpoint, there was a</p> <p>23 conscious effort made by the media relations</p> <p>24 personnel associated with BP to keep the</p> <p>25 information associated with this as local to the</p>	<p style="text-align: right;">Page 297</p> <p>1 And I want to ask you in wrapping</p> <p>2 up: Are there things that you discussed with us</p> <p>3 today that after thinking about it and having a</p> <p>4 lunch break and other things that you say, "You</p> <p>5 know, I said that backwards. I need to go back and</p> <p>6 rephrase that in a manner consistent with my</p> <p>7 personal memory," or anything like that?</p> <p>8 A. There is nothing I can recall now from</p> <p>9 today.</p> <p>10 Q. Okay. And one other thing, you intimated</p> <p>11 at some point that your media relations training</p> <p>12 was kind of like being in a deposition today. And</p> <p>13 then you -- you said some things about the media</p> <p>14 training, that the media was -- you were trained to</p> <p>15 be aware that they were going to try to trip you up</p> <p>16 and make you say things under pressure or that</p> <p>17 weren't true and get you to agree to things that</p> <p>18 weren't true.</p> <p>19 Do you feel that's occurred today?</p> <p>20 Have you had time to answer the questions?</p> <p>21 A. I feel --</p> <p>22 MR. PATTERSON: Objection, form.</p> <p>23 A. I have had time today to answer the</p> <p>24 questions.</p> <p>25 Q. (BY MR. COON) Okay. And again, based on</p>

<p style="text-align: right;">Page 298</p> <p>1 that, there is nothing here today -- you're not 2 going to come back at trial and say, "Well, I said 3 that because I was under intense, grueling 4 cross-examination with the lawyers and that's not 5 what I meant." 6 We won't expect that to be an 7 answer at anything at trial to explain something 8 different than you had today, is it, sir? 9 A. I don't think that will be the case. 10 MR. COON: Okay. Thank you. 11 * * * 12 EXAMINATION 13 Q. (BY MR. WERNER) Mr. Maslin, my name is 14 John Werner. I'm an attorney in Beaumont, Texas; 15 and I represent the mother and the estate of Ryan 16 Rodriguez, who was one of the young men killed in 17 the explosion. 18 Do you understand that? 19 A. Okay. 20 Q. I missed, of course, the first few 21 minutes of your deposition because of the timing 22 change. And I apologize if I'm going over some 23 things that you already answered. 24 But the impression I get is that 25 you have had a lot of experience within the</p>	<p style="text-align: right;">Page 300</p> <p>1 of BP North America, Inc., for instance, your 2 e-mail in 2005, where you suggest -- you're giving 3 your input on the transition of the DCS system; is 4 that correct? 5 A. I characterize it more as my organization 6 shares best practices on a worldwide basis to the 7 BP refineries. My involvement in that is much more 8 limited in terms of personally sharing best 9 practices. 10 Q. And that's a good answer. 11 What I was getting at is, as I 12 understand it, your organization, I think you said 13 it well, provides worldwide support or sharing of 14 best practices with BP refineries, whether they be 15 in Britain, North America, or wherever else, 16 correct? 17 A. That's correct. 18 Q. And if you can, what are the other sort 19 of geographic areas? We've got, obviously, the 20 British refineries. We've got American refineries. 21 Where else are these worldwide 22 operations? 23 A. So today, as of today, we have two 24 refineries in Australia, one in Spain, one in 25 Holland, two in Germany, and then five in the</p>
<p style="text-align: right;">Page 299</p> <p>1 BP organization; is that correct? 2 A. I had a lot of experience within the 3 refinery industry. I've been with BP since April 4 of '97. 5 Q. Okay. And we know that you served as a 6 BUL for the Coryton refinery, which is a -- in 7 Britain, correct? 8 A. That's correct. 9 Q. And as such, who were you employed by? 10 BP PLC? 11 A. No, I was employed by BP International -- 12 today I'm employed by BP International. 13 Q. And what is BP International? 14 A. Well, it's a subsidiary of -- of BP PLC. 15 Q. Is it, as you understand it, a 16 first-level subsidiary on the same level as 17 BP Products North America, Inc.? 18 A. I've never studied that, but I would 19 imagine it is. 20 Q. Have you ever worked for or been an 21 employee of BP Products North America, Inc.? 22 A. No, sir. 23 Q. Okay. But as I understand it, as part of 24 your job for BP International, you often share 25 ideas about best practices with units that are part</p>	<p style="text-align: right;">Page 301</p> <p>1 United States -- oh, and one in the UK. One in the 2 UK. That's 12. 3 Q. And tell me if I'm wrong; but as I 4 understand it, there are some instances in which 5 either your group or BP PLC has the authority to 6 actually issue directives to all of these different 7 refineries, whether they be in Holland or Britain 8 or the United States; is that correct? 9 A. I am not able to issue directives to the 10 refinery without having a meeting. 11 Q. Okay. How would that come about? 12 If you were tasked by the central 13 authority to come up with a recommendation and 14 you-all thought that this was absolutely imperative 15 and you made the presentation to the worldwide 16 leadership team and they agreed, how -- what's your 17 understanding about how that would be turned into a 18 directive which would be applicable to these 19 different refineries all around the world? 20 MR. PATTERSON: Objection, form. 21 A. The -- in terms of giving directives to 22 the refineries, then that would come through what I 23 would call the line organization. So that would -- 24 in refining, it would come through -- into the US, 25 it would come through Hoffman, Gower to the</p>

<p style="text-align: right;">Page 302</p> <p>1 business unit leaders. That would be the -- the 2 line organization would be responsible for 3 directing or implementing anything. 4 Q. (BY MR. WERNER) And ultimately, that 5 would have been either Don Parus before the 6 explosion or shortly after the explosion at Texas 7 City, now Colin Maclean, correct? 8 A. For Texas City, yeah. 9 Q. Right. 10 And similarly, when Colin Maclean 11 was in charge of Grangemouth, he presumably would 12 have, from time to time, received the same sort of 13 directive, except this time through the line that 14 led to Grangemouth, Scotland? 15 MR. PATTERSON: Objection, form. 16 A. Yes. 17 Q. (BY MR. WERNER) Okay. But you also 18 commented, if I recall correctly, that there were 19 some times, though, that individual refinery BULs 20 had basically the discretion to decide whether or 21 not they wanted to follow a best practice that had 22 been developed and recommended by your group; is 23 that correct? 24 A. That's -- 25 MR. PATTERSON: Objection, form.</p>	<p style="text-align: right;">Page 304</p> <p>1 best way of solving it?" 2 And so then the COP would provide 3 this is -- you know, this is what we have found is 4 the best solution to this. So if the refinery 5 wanted to solve the problem, then here was a 6 solution that was being offered to help solve it. 7 And so depending on what that was, 8 you know, how significant, that might be something 9 eventually that might get my attention; but the 10 chances are, that will get solved lower down in the 11 organization. I wouldn't even know it was going on 12 as a business unit leader. 13 Q. Depending on how important it was and 14 whether it got to you? 15 A. That's correct. 16 Q. Now, if the -- does the COP, though, in 17 the structure that BP has set up, have the 18 authority to allocate the funds or to budget 19 additional funds to implement or does the COP just 20 simply say, "Here's how you would do it if you want 21 to do it"? 22 A. The COP would say, "This is what you 23 would need to do, how you would do it." They have 24 no -- they have no funds. They have no authority 25 to allocate funds at all.</p>
<p style="text-align: right;">Page 303</p> <p>1 A. That's correct. 2 Q. (BY MR. WERNER) How does that -- how 3 does that process work? 4 I mean, it's easy to understand 5 when they're told that they have to implement 6 something; but how does the process work, as you 7 understand it, where the BUL gets to decide whether 8 or not they want to follow a best practice? 9 A. I think you'd have to ask that question 10 to the BUL as to how they do it in -- in their 11 refinery. 12 Q. Okay. Well, at one time you had that 13 position, correct? 14 A. Yes. 15 Q. What was your understanding? How did you 16 go about deciding -- and maybe not you personally, 17 but deciding whether or not to adhere to a 18 particular recommended best practice that was being 19 told to you at the time you were the BUL? 20 A. Well, a best practice would probably 21 evolve through a COP, community of practice. And 22 then if -- if a refinery had an issue, something 23 they wanted to address, then they could seek advice 24 from the COP, community of practice, and say, you 25 know, "We want -- we've got this issue. What's the</p>	<p style="text-align: right;">Page 305</p> <p>1 Q. Okay. Does the COP ordinarily help with 2 the budgeting process -- in other words, how much 3 will it cost for you to do it -- or are they just 4 saying, "This is what you need to -- this is what 5 you could do if you chose to"? 6 A. It's more of this is what you could do. 7 So it would be up to each refinery, then, to decide 8 what the cost of that would be. They'd have to -- 9 you know, it would depend on what it was. 10 If it was some hardware that 11 needed to be installed, then the refinery would 12 have to estimate what the cost was and go through 13 their own budgeting plans. It would be purely a 14 business unit decision as to what, when, how. 15 Q. How -- from your experience, how did you 16 as a BUL make the decision about whether to spend 17 the money on a particular best practice, a 18 particular improvement, now versus in the future? 19 A. It's a judgment. You're trying to make a 20 judgement. It would depend, obviously, on what it 21 is. If it's something that's deficit, so if it's 22 something where you can save some energy, so you 23 want to put some investment in to reduce energy 24 usage, then you're doing that on an economic pay 25 out. So what's the benefit -- you know, cost</p>

<p style="text-align: right;">Page 306</p> <p>1 benefit of making that investment? 2 So that's how you make one 3 decision, you say, "Well, yes, this ranks higher 4 than all these other opportunities. So this is 5 something that I would like to do now." 6 If it was something where you are 7 trying to make a judgment on replacing an existing 8 piece of equipment, you are making a judgment on 9 its remaining life. So it's a bit like if you are 10 changing your car, you make a decision, "Well, when 11 do I want to change my car." So you're making that 12 judgement decision. 13 Q. How do you quantify safety, though, 14 when -- 15 MR. PATTERSON: Objection, form. 16 Q. (BY MR. WERNER) -- there is a safety 17 component? 18 MR. PATTERSON: Objection, form. 19 A. If you are making a judgment over safety, 20 then the only judgment on that would be -- the 21 risk and what's the risk reduction you are trying 22 to make. Often safety is if there is a need for 23 investment in safety, the investment will be made. 24 Q. (BY MR. WERNER) Well, but how -- I mean, 25 when you say "often," obviously to me the corollary</p>	<p style="text-align: right;">Page 308</p> <p>1 Q. It certainly ought to make things more 2 safe, that's part of what the improvement is about, 3 right? 4 A. That's what I said in that note, yes. 5 Q. That's right. 6 Maybe not exclusively, but 7 certainly a part of it, correct? 8 A. Yes. 9 Q. And we've seen in Texas City how 10 potentially a DC -- a different or upgraded DCS 11 could have completely prevented this explosion and 12 saved over a dozen lives, hundreds of injuries, 13 correct? 14 MR. PATTERSON: Objection, form. 15 A. That is one conclusion you could draw, 16 but that's not the only conclusion or way to avoid 17 those loss of -- losses of life and injury. 18 Q. (BY MR. WERNER) That's one way that it 19 could have been avoided, correct? 20 A. It could be possible, but I wouldn't 21 necessarily say that was -- that's not necessarily 22 true, but it is possible. 23 Q. Well, let me ask you: The new DCS system 24 that you're going to put in, do you think that -- 25 forgetting about the fact that there's not going to</p>
<p style="text-align: right;">Page 307</p> <p>1 is not "always," though, correct? 2 MR. PATTERSON: Objection, form. 3 A. I think you have to look at what the 4 specific, you know, example would be. It depends 5 on, obviously, what it is. If you've got -- well, 6 it just depends on the different cases. 7 Q. (BY MR. WERNER) Well, but certainly -- I 8 mean, you've spoken plainly today. I think you 9 recognize that safety is not necessarily, at BP, 10 always the absolute Number 1 driver regardless of 11 cost, when you're deciding whether to implement a 12 particular improvement. 13 MR. PATTERSON: Objection, form. 14 Q. (BY MR. WERNER) Agreed? 15 A. No, I don't agree. 16 Q. Okay. Well, let's just talk about the -- 17 the DCS upgrade, correct? 18 A. Correct. 19 Q. You have testified and you've agreed that 20 there is a safety component to the DCS upgrade -- 21 A. You can -- 22 Q. -- correct? 23 A. -- have a safety component to it, yes -- 24 Q. All right. 25 A. -- benefit, safety benefit, yes.</p>	<p style="text-align: right;">Page 309</p> <p>1 be an F-20 blowdown drum anymore, but the new DCS 2 system would have stopped this incident from 3 occurring, correct? 4 MR. PATTERSON: Objection, form. 5 A. It could -- it could have assisted it. 6 It's not absolutely clear to me that that would 7 have, looking at what else was going on at Texas 8 City. 9 Q. (BY MR. WERNER) One of the programming 10 things would have been that when the tower is about 11 to overflow or is overflowing and the relief valves 12 are lifting, to stop the inflow of product, right? 13 A. Yes, I would agree with that. And I 14 think I can see where you're trying to get to. 15 And it's also the case that things 16 were not followed and done properly at Texas City. 17 So I could also extrapolate that even had there 18 been a DCS system in place, that it could not have 19 worked. I could also speculate; but I understand 20 from a design point of view, you design to -- as 21 a -- as a safeguard. 22 Q. Right. 23 It -- it improves safety, correct? 24 A. That would be the whole intent -- 25 Q. Right.</p>

Page 310

1 A. -- and the purpose of it.
 2 Q. And it increases the likelihood that
 3 nobody is injured and decreases the likelihood that
 4 people are injured, correct?
 5 MR. PATTERSON: Objection, form.
 6 A. As long as it's operated and maintained
 7 as designed.
 8 Q. (BY MR. WERNER) No such thing as
 9 metaphysical certainty, but it makes it better and
 10 you are looking forward to it being in place,
 11 correct?
 12 MR. PATTERSON: Objection to
 13 sidebar. Object to form.
 14 A. I think that would be -- you know, my
 15 note there was trying to make some --
 16 Q. (BY MR. WERNER) Sure.
 17 A. -- recommendations to it.
 18 Q. And that's the -- the common sense
 19 observation that your wife made, which is, you
 20 know, we will never know for certain that it would
 21 have stopped it; but it certainly would have made
 22 it more likely that the tragedy would have been
 23 stopped, correct?
 24 MR. PATTERSON: Object to sidebar.
 25 Object to form.

Page 311

1 A. It could have increased the likelihood.
 2 Had it been in place and maintained and operated
 3 properly, it would have increased the likelihood
 4 avoiding the incident.
 5 Q. (BY MR. WERNER) Lives would have been
 6 saved, injuries would have been prevented, right?
 7 MR. PATTERSON: Object to sidebar.
 8 Object to form again.
 9 A. It could have been, that's right.
 10 Q. (BY MR. WERNER) But you testified also,
 11 if I remember correctly, that even that project to
 12 upgrade the DCS system before the explosion was
 13 being -- you were trying to leverage it from a
 14 procurement standpoint, which is -- I think is a
 15 very nice way of saying that y'all were trying to
 16 save some money by buying in bulk, correct?
 17 MR. PATTERSON: Object to form.
 18 A. It -- it -- yes, that would be the
 19 intent, looking at how you leverage the scale of
 20 what you are trying to purchase to get better
 21 economic returns for it.
 22 Q. (BY MR. WERNER) And isn't that an
 23 example of a calculation on the part of the people
 24 making the decisions, that we know we have a safety
 25 improvement in part, not completely a safety

Page 312

1 improvement, and we know that we can get it now;
 2 but we are going to be able to save some money if
 3 we wait a little bit. So we're going to
 4 consciously make the decision, let's wait a little
 5 bit so we can leverage our procurement and get it
 6 at a lower price --
 7 MR. PATTERSON: Object to form.
 8 Q. (BY MR. WERNER) -- correct?
 9 A. I never -- I never saw it that way. I
 10 saw it as what we were trying to do was decide how
 11 much we wanted to change out, what was the volume
 12 of equipment involved. So that was how I saw it as
 13 a procurement opportunity.
 14 Q. Well, Mr. Maslin, I mean, you could have
 15 bought some of it right away while you were
 16 deciding how much you wanted to buy, correct?
 17 A. That's --
 18 MR. PATTERSON: Objection, form.
 19 A. That's correct.
 20 Q. (BY MR. WERNER) Okay. And yet the
 21 decision was made -- and I can totally understand
 22 the decision when it comes to feedstock, that,
 23 well, we could buy it now in increments. It would
 24 cost us more than if we wait a little bit and make
 25 a big order.

Page 313

1 I assume that you do that when it
 2 comes to feedstock all the time, correct?
 3 MR. PATTERSON: Object to sidebar
 4 and to form.
 5 A. In a simplistic way, yes.
 6 Q. (BY MR. WERNER) Sure.
 7 But wouldn't you agree that you
 8 shouldn't -- a corporation shouldn't be acting that
 9 way when it comes to safety components.
 10 MR. PATTERSON: Object to --
 11 Q. (BY MR. WERNER) It's not the same as
 12 aggregating your feedstock purchases?
 13 MR. PATTERSON: Object to form.
 14 A. The -- the DCS migration project that was
 15 referred to earlier on, that was seen as a
 16 like-for-like replacement. So it was trying to
 17 address the issue that the DCS equipment installed
 18 at Texas City was becoming obsolete and was
 19 becoming -- or will become more difficult to
 20 maintain, sourcing spares and that type of thing.
 21 And so it was trying to address a changeout on a
 22 like-for-like basis.
 23 MR. WERNER: I think I need to
 24 object as nonresponsive, but that's okay.
 25 Q. (BY MR. WERNER) Let's talk about the

<p style="text-align: right;">Page 314</p> <p>1 25 percent challenge when you were the BUL at 2 Coryton. How did you first hear about that? 3 A. In the peer group meeting. 4 Q. And who was -- who was letting you-all 5 know about that? 6 A. The attendees at the peer group meeting 7 were the business unit leaders, the refinery 8 business unit leaders, and the downstream executive 9 committee. 10 Q. Worldwide? 11 A. Yes. 12 Q. Or pretty much so? 13 A. Yes. 14 Q. Did you at that point have any sort of 15 comment or -- or say anything, either collectively 16 in front of the group or separately, about sort of 17 your thoughts that that was not a safe, sensible 18 thing to do? 19 A. My recollection is not detailed of -- of 20 that particular meeting. So I'd only try to, you 21 know, recall vaguely or speculate what -- what 22 might have been said in the meeting. I would think 23 there would have been some discussion about that, 24 about the implications. 25 I do not honestly recall whether</p>	<p style="text-align: right;">Page 316</p> <p>1 Al Kozinski. 2 Q. Okay. And to put it short, you 3 essentially stood up to Mr. Kozinski correct? 4 MR. PATTERSON: Objection, form. 5 A. I made the point that I didn't think it 6 was realistic to achieve 25 percent cost reduction 7 at Coryton. I don't think that he appreciated that 8 comment to him. 9 Q. (BY MR. WERNER) Did you ever hear from 10 either Mr. Kozinski or anybody else to sort of 11 follow-up on that; in other words, any more 12 feedback from levels above? 13 A. Not -- not really. Not directly. 14 Q. What about indirectly? 15 A. I think there was some tension, I'd say, 16 that was created between him -- Kozinski and myself 17 because of that. 18 Q. I just -- can you elaborate? 19 I mean, I've looked up some 20 things. I saw when you had to go get on your hands 21 and knees, they say, to -- to get those two people 22 who were blocking the front gate. Do you remember 23 that -- 24 A. Uh-huh. 25 Q. -- incident?</p>
<p style="text-align: right;">Page 315</p> <p>1 there was any reference to safety in the actual 2 meeting with the executive when that cost reduction 3 directive was made. 4 Q. Well, how did you -- let me ask you. 5 Did you ever communicate back up 6 to anybody specifically, "I cannot, will not, 7 choose not to comply with this 25 percent 8 directive" or did you simply just not comply with 9 it and sort of hope that nobody came back at you? 10 A. I -- 11 Q. Which one was it? 12 A. I made the point to my line manager, Al 13 Kozinski, that that was an unrealistic directive 14 for Coryton and I was not going to be able to 15 achieve it. 16 Q. And what was his response? 17 A. I don't recall exactly. I don't recall. 18 Q. Well, generally, did he say, "Well, Paul, 19 I understand" or did he get angry? Did he say, "I 20 need to go talk to somebody above me"? 21 MR. PATTERSON: Objection, form. 22 Q. (BY MR. WERNER) In a general sense, what 23 was his response? 24 A. I don't recall any of those. It did not 25 do anything to build a relationship between me and</p>	<p style="text-align: right;">Page 317</p> <p>1 A. Yeah, yeah. 2 Q. I mean, you're willing to go out there 3 and do what it takes, even if it means trying to 4 talk those two people out of blocking the front 5 gate. 6 How did this -- this friction work 7 out with you and Mr. Kozinski? 8 MR. PATTERSON: Object to sidebar. 9 Object to form. 10 A. I don't think it really worked out. 11 Q. (BY MR. WERNER) Okay. What 12 ultimately -- well, what happened? I take it one 13 of you two moved on from that relationship? 14 A. Yeah, it -- he was -- he made some 15 organizational changes in the three refineries that 16 are around the North Sea. So those three 17 refineries, Grangemouth, Coryton and the Revco. 18 And he decided to put those three 19 refineries under the management of one business 20 unit leader. And that individual was a colleague 21 of mine, a peer -- peer of mine. And so it was 22 effectively a demotion of me, although it wasn't a 23 demotion in rank. It was in terms of status 24 because I was then rather running Coryton myself, I 25 was actually running on behalf of someone else.</p>

Page 318

1 Q. Okay.

2 A. And shortly after those changes were

3 made, I left Coryton and went to Sunbury as the

4 general manager of reliability.

5 Q. In terms of actually -- the actual sort

6 of budgeting cut process, though, were you able to

7 maintain your position that a 25 percent cut was

8 not a safe, sensible thing to do at Coryton?

9 MR. PATTERSON: Objection, form.

10 A. Yes, that's true.

11 Q. (BY MR. WERNER) Do you know of any

12 other -- you may not know for certain, but have you

13 heard of any other managers who also sort of

14 resisted and said -- other BULs who said, "Look,

15 this 25 percent directive is not realistic for this

16 particular refinery"?

17 A. I'm not aware of any other BULs standing

18 up and saying that.

19 Q. There has been reference to -- actually,

20 Mr. Maclean was said to have, quote, known how to

21 play the game at BP and avoid actually making these

22 25 percent directives.

23 Do you happen to know anything

24 about that, either directly or through the

25 grapevine, so to speak?

Page 319

1 MR. PATTERSON: Object to sidebar

2 and to form.

3 A. No, I don't.

4 Q. (BY MR. WERNER) Looking back on it, do

5 you think you -- I mean, do you still feel that you

6 were correct in taking the position that the

7 25 percent cut at Coryton was not a safe, sensible

8 thing to do?

9 A. Most certainly.

10 Q. And I take it then -- and I commend you

11 for it -- you don't regret the fact that basically

12 you got demoted because you would not tow the line

13 on this 25 percent objective?

14 MR. PATTERSON: Objection, sidebar

15 and form.

16 A. I wasn't actually demoted in --

17 Q. (BY MR. WERNER) Well --

18 A. -- in grade or position; but I -- my

19 reporting line was changed, which would -- would

20 seem that to have happened. I don't particularly

21 regret that. It was not easy for a while, but I

22 don't -- didn't regret it.

23 Q. In your opinion, is it the obligation of

24 a BUL to resist pressure from upper management when

25 that measure is something that would call for

Page 320

1 potentially compromising the safety and integrity

2 of the plant --

3 MR. PATTERSON: Objection, form.

4 Q. (BY MR. WERNER) -- that they are

5 entrusted with?

6 A. I think it's the responsibility of a

7 business unit leader to make any concerns known to

8 the individual supervisor. If he has concerns

9 about compromising availability, safety, in

10 particular, then that should be known. He

11 shouldn't just, you know, follow the directive as a

12 responsibility to his people.

13 Q. I want to start out by predicating this

14 with a sidebar comment.

15 I was up at my nephew's baptism

16 about three months ago and my brother-in-law, who

17 is British, and his parents, who are also from

18 Britain, were coming in. So we had to have -- we

19 had many long talks about lots of things. I

20 finally understand how Parliament works and NPs and

21 all of that.

22 I will tell you, though, that they

23 shared with me a similar perspective that I thought

24 I heard from you, which that there is a belief that

25 industrial safety in European factories,

Page 321

1 petrochemical, whatever it might be, is superior to

2 that of the United States.

3 Is it your belief that that --

4 that that is a commonly held European perspective?

5 MR. PATTERSON: Object to form and

6 to sidebar.

7 A. I wouldn't go right to that -- that

8 extreme. I think that there will be good

9 facilities, I'm sure, in America that are

10 completely safe and well run, et cetera, just as

11 there are in -- in other countries of the world.

12 So I wouldn't generalize that like that in terms of

13 yes and no.

14 I think there is more legislation,

15 I believe, in the -- in Europe around safety,

16 safety instrumented systems, which is, you know,

17 predicated by our legislation.

18 Q. (BY MR. WERNER) And certainly in 2003,

19 2004, BP, the mother company, was making enormous

20 profits and had the money to afford safety

21 upgrades.

22 MR. PATTERSON: Object --

23 Q. (BY MR. WERNER) Agreed?

24 MR. PATTERSON: Object to form.

25 A. It -- it had large profits. They could

<p style="text-align: right;">Page 322</p> <p>1 use those for investments in -- in different ways. 2 Q. (BY MR. WERNER) It could use them for 3 dividends, it could use them for stock growth, all 4 different things, correct? 5 A. All different things. 6 Q. Did you ever -- were there ever any 7 discussions in Europe about the need to basically 8 give the North American refineries more spending 9 money to be able to catch up and to meet the 10 European standards on sort of these systems, these 11 safety systems? 12 A. No. 13 Q. What -- what's your understanding of how 14 BP North America gets to decide, if it gets to 15 decide at all, how much revenue is granted in terms 16 of budget authority to, for instance, Texas City 17 refinery for a given year? 18 MR. PATTERSON: Object to form. 19 A. If the -- I mentioned earlier on, each 20 refinery gets to look at what it needs to make 21 investments in and the business unit leader would 22 make decisions on -- on the extent of that and that 23 will be his proposal that would go into central 24 refining. And then based on that roll up, you then 25 see whether -- you know, how much was much -- how</p>	<p style="text-align: right;">Page 324</p> <p>1 A. -- as to how the capital is looked at. 2 And some of those categories are -- the funds are, 3 you know, just about given without any debate, 4 safety, compliance, sustaining capital. So there's 5 some -- if you like, the first order of requests 6 are -- are given. 7 And then the final category of -- 8 of requests relate to what we call "commercial 9 capital." Commercial is where the -- the profit 10 opportunities. So those are the last ones that we 11 allocate funds to. 12 So the first thing you allocate 13 funds to, safety, environmental, compliance, and 14 regulatory. And if you have a -- like I said 15 earlier on, if you have a project that could reduce 16 energy, that's a commercial opportunity. Those 17 would be the last ones in the pecking order and 18 those are the ones that get dropped off. 19 And refining have -- lots of 20 projects have been identified for this commercial 21 category, and we don't have enough funds to do all 22 of those. So those are projects that get stopped. 23 And the ones that get funded are these regulatory, 24 safety compliance projects. So that's how the 25 capital gets allocated.</p>
<p style="text-align: right;">Page 323</p> <p>1 much that was in total and whether that was 2 budgeted in the five-year plan and whether any 3 adjustments might need to be made -- you know, 4 there's too much requested. So the amount of 5 capital is allocated to -- to refining. 6 Q. (BY MR. WERNER) And central refining, as 7 I understand it, that proposal or request would 8 be -- it would end up in central refining whether 9 it came from a BUL in Texas City, USA, or a BUL at 10 Coryton, Essex, United Kingdom, correct? 11 MR. PATTERSON: Objection, form. 12 A. That's correct. 13 Q. (BY MR. WERNER) And what is your 14 understanding, having participated, I guess, as a 15 BUL in Coryton, about the negotiations or the 16 process by which it's decided at central refining, 17 you know, whether a particular BUL's request should 18 be granted or granted in part or even given more, 19 you know, capital than they had requested? 20 MR. PATTERSON: Object to form. 21 A. There are certain categories of how the 22 capital is looked at and -- 23 Q. (BY MR. WERNER) Certain what? 24 A. There are certain categories -- 25 Q. Oh, okay.</p>	<p style="text-align: right;">Page 325</p> <p>1 In terms of the commercial ones, 2 that's done on a priority based on a return 3 evaluation. And that will be done across 4 worldwide. So the best projects with the best 5 return, we do those first. 6 THE VIDEOGRAPHER: Mr. Werner, we 7 have got about five minutes. 8 MR. WERNER: Left on the 9 videotape? 10 THE VIDEOGRAPHER: Yes. 11 Q. (BY MR. WERNER) And that, as you've 12 explained it to me, is, I guess, the theory of how 13 it is supposed to work. In other words, the safety 14 environmental issues are supposed to be funded 15 first and then efficiency -- or what's the word 16 that you used? 17 A. Commercial. 18 Q. Commercial -- 19 A. Yes. 20 Q. -- would be at the -- would be second; is 21 that correct? 22 A. Would be the last category, yes. 23 Q. All right. So you would not expect, for 24 instance, to find, in the Texas City refinery, that 25 there were projects with safety and environmental</p>

<p style="text-align: right;">Page 326</p> <p>1 aspects that were being shelved for lack of funding 2 while there were other commercial projects being 3 going on. That would -- if that were true, that 4 would be counter to how it's supposed to work, 5 correct? 6 MR. PATTERSON: Objection, form. 7 A. I don't know how the business unit leader 8 would have made those choices at -- at Texas City. 9 Q. (BY MR. WERNER) But your understanding 10 is the business unit leader makes a choice that 11 either he or she is going to ask for those funds or 12 they are not going to pick up the phone, so to 13 speak, and ask for those funds, correct? 14 MR. PATTERSON: Objection, form. 15 A. That is correct. 16 Q. (BY MR. WERNER) Now, tell me if I'm 17 wrong; but speaking plainly, a business unit 18 leader, though, might have an incentive not to ask 19 for funds if the thought was that by not asking for 20 funds, you could increase the net profitability or 21 the net financial outcome of the business unit and, 22 therefore, fulfill your contract with the 23 leadership, correct? 24 MR. PATTERSON: Objection, form. 25 A. That -- that could -- could be it -- part</p>	<p style="text-align: right;">Page 328</p> <p>1 MR. PATTERSON: Objection, form. 2 A. That's possible. 3 Q. (BY MR. WERNER) And certainly each BUL, 4 including the Texas City BUL, at least in the last 5 three, four, five years, has their performance 6 contract which involves, as a major component of 7 it, the profitability of the refinery, correct? 8 MR. PATTERSON: Objection, form. 9 A. I'm not -- I'm not sure that's true, 10 actually, as a major portion of their performance 11 contract. 12 Q. (BY MR. WERNER) Well, it's a portion of 13 it, correct? 14 A. It is a portion -- 15 MR. PATTERSON: Objection, form. 16 A. It is a portion of it. 17 Q. (BY MR. WERNER) And you know from your 18 personal experience that whatever your performance 19 contract might say, sometimes financial spending or 20 not spending can make a difference to the very 21 highest levels of corporate management, correct? 22 MR. PATTERSON: Objection, form. 23 A. Spending or not spending will have an 24 impact on your bottom line results, correct. 25 Q. (BY MR. WERNER) Okay. And it can lead</p>
<p style="text-align: right;">Page 327</p> <p>1 of the decision. The other decision to bear in 2 mind is the capability to spend any money, any 3 funding and the resources -- people capability to 4 do it. So you are bouncing what can I do with the 5 people resources I've got, as well as looking at 6 other issues. 7 Q. (BY MR. WERNER) I understand that. 8 But you spoke before, again 9 candidly, about how some companies -- at least 10 there's the -- the temptation for companies to give 11 inaccurate information for the Solomon benchmarks 12 for different reasons, correct? 13 MR. PATTERSON: Objection, form. 14 A. Some companies could do that. 15 Q. (BY MR. WERNER) Sure. 16 A. I don't know categorically that they do, 17 but that is always something you're -- on your 18 mind. 19 Q. To gain the system, so to speak? 20 A. Yeah. 21 Q. For an alternative motive, which is 22 either to skew your competitor's results or to 23 maybe make your own people look -- your own 24 operations look better or worse than they do, 25 correct?</p>	<p style="text-align: right;">Page 329</p> <p>1 to serious sort of personal consequences, such as 2 the restructuring that you described of the three 3 North Sea refineries, where you went from being one 4 among equals to -- a subordinate to another one 5 that was made first among equals, correct? 6 MR. PATTERSON: Objection, form. 7 A. I'm not sure the question there; but, 8 yes, that restructuring did take place. 9 Q. (BY MR. WERNER) All right. Have you 10 ever heard that Texas City was literally years 11 behind performing certain relief valve studies and 12 other process safety studies that were -- it was 13 required to under OSHA in the United States? 14 MR. PATTERSON: Objection, form. 15 A. I believe I recall reading a process 16 safety management report that had some reference in 17 there to relief valve testing or something like 18 that. 19 Q. (BY MR. WERNER) This was before the 20 explosion? 21 A. The -- the process safety audit was done 22 prior to the explosion, but I read the document 23 sometime after the explosion. 24 Q. And I assume you would agree that a 25 process safety audit that shows willful</p>

<p style="text-align: right;">Page 330</p> <p>1 noncompliance with OSHA process safety regulations 2 is something that ought to be addressed very 3 quickly, correct? 4 MR. PATTERSON: Objection, form. 5 A. Sorry. What I don't know is what the 6 OSHA regulations are in relation to relief valves 7 or the specifics of testing. I don't know -- I'm 8 not familiar with that. 9 THE VIDEOGRAPHER: We've got about 10 25 seconds. 11 MR. WERNER: Okay. Let's just 12 switch it then. We'll get that last five minutes 13 in. 14 THE VIDEOGRAPHER: Off the record 15 at 5:17. 16 MR. PATTERSON: How much time is 17 left? 18 THE REPORTER: Four minutes. 19 MR. PATTERSON: You've got four 20 minutes. 21 Let us know when the four minutes 22 is up. 23 (Recess taken.) 24 THE VIDEOGRAPHER: Back on the 25 record at 5:18.</p>	<p style="text-align: right;">Page 332</p> <p>1 I guess. And on the Baker panel, there were three 2 individuals and the paralegal type person, if I 3 remember rightly. 4 Q. Was anybody recording it, like the court 5 reporter? 6 A. No. The two, what I call, paralegals -- 7 I'm not sure that's the right expression. The two 8 paralegals were making notes, but I don't -- I 9 haven't seen any transcription from it or anything 10 or like that. And I don't recall it -- there 11 certainly wasn't a stenographer, no. 12 Q. As best you could judge from the nature 13 of the questions, what sort of subjects were they 14 interested in? Remember this is not the 15 disciplinary panel. This is the Baker panel. 16 A. Yeah. They were interested in how BP 17 managed, you know, what was the management 18 structure, how were decisions made, what was my 19 role, did I have a role in, you know, telling the 20 refineries what to do. They were interested in how 21 process safety was managed. They were interested 22 in HRO and understanding what HRO was. 23 So it was more a case of 24 understanding how BP was organized in some of the 25 areas around process safety and HRO.</p>
<p style="text-align: right;">Page 331</p> <p>1 Q. (BY MR. WERNER) How was it decided, if 2 it was decided while you were there, to lock out 3 the flare yard at Coryton? 4 A. I think that was a practice that 5 preceded, you know, me. I don't know where -- when 6 it started or -- I know that was the case, but I 7 think it had been a practice for a number of years. 8 Q. And it was -- who had the key, so to 9 speak? 10 A. The shift supervisor. 11 Q. So it was essentially a lockout, at least 12 in some degrees, similar to a lockout of a 13 particular mechanical device where anyone, to get 14 in, would have had to go to the shift supervisor 15 and get permission? 16 A. Yes. I recall it was less formal than 17 the lockout of equipment, but yes. 18 Q. You said that you were interviewed by 19 the -- or somehow in connection with the Baker 20 panel? 21 A. Yes. 22 Q. Can you describe it for me? Was that one 23 person, ten people, was there a court reporter? 24 What was the nature of that -- 25 A. There was a BP attorney with a paralegal,</p>	<p style="text-align: right;">Page 333</p> <p>1 Q. You mentioned you're not specifically 2 familiar with OSHA, but I presume you are 3 specifically familiar with the -- what's the 4 British organization? 5 A. The Health and Safety Executive. 6 Q. The HSE. And I presume that HSE has 7 certain regulations that you're bound to follow -- 8 or were bound to follow up in Coryton? 9 A. Yes. In some regards, yeah. 10 Q. Had there been a situation where you knew 11 that a particular unit was not running in 12 compliance with the HSE regulations, would you have 13 continued to run it or caused it to be shut down 14 with as much dispatch as safely could be done? 15 MR. PATTERSON: Object to form. 16 A. That requires me to -- to speculate on 17 what I might have done under the circumstances. So 18 that -- I can speculate if you wish. 19 Q. (BY MR. WERNER) Well, let me ask the 20 converse. 21 Are you testifying -- this is a 22 sort of a workshop question for the different BULs 23 that I've talked to -- that there would be 24 situations in which you would knowingly operate a 25 unit or allow a unit to be operated in violation of</p>

Page 334

1 the HSE laws?
 2 A. I --
 3 MR. PATTERSON: Object to form.
 4 A. I could envision a situation where I
 5 might make a judgment that that would be the case,
 6 depending on the circumstances, how long it might
 7 be, you know, what was the situation. And it
 8 might -- it might require me to tell the Health and
 9 Safety Executive I was doing that.
 10 So it depends on exactly what it
 11 was, how significant the risk was, et cetera,
 12 et cetera. So I could envisage. I, not knowingly,
 13 have never done that; but I could envisage that
 14 situation.
 15 Because it -- if the consequence
 16 was to shut a unit down, that could be inherently
 17 more dangerous than keeping something running. So
 18 it depends what exactly the situation was.
 19 Q. (BY MR. WERNER) Do you think it's ever
 20 acceptable to start a unit -- to restart a unit
 21 when you know that there are HSE or, the American
 22 counterpart, OSHA safety deficiencies?
 23 MR. PATTERSON: Object to form.
 24 A. No, that wouldn't be acceptable.
 25 Q. (BY MR. WERNER) And again, that

Page 335

1 decision, as you understand it, is made essentially
 2 by the BUL in their judgment, whether it be in
 3 Coryton, Texas City, Grangemouth, what have you?
 4 A. That will be a local decision, yes.
 5 Q. And I take it you would not approve if
 6 the evidence were to show that the Texas City BUL
 7 and Texas City site leadership team had restarted
 8 this -- or allowed the ISOM to be restarted at
 9 least once and probably twice in the past
 10 without -- while they knew they were in violation
 11 of OSHA safety standards?
 12 MR. PATTERSON: Object to form.
 13 A. If -- without knowing any other
 14 circumstances that were going on at the time, as I
 15 just said, then if -- if there were no certain
 16 mitigating circumstances, then I'm -- would be
 17 surprised if they -- to hear that they did that.
 18 Q. (BY MR. WERNER) Like the trailer next to
 19 the flare, you'd say anything -- maybe there is a
 20 good explanation, but certainly the burden of the
 21 explanation would be, "Why are you starting this
 22 up," correct?
 23 MR. PATTERSON: Object to form.
 24 A. I think that would be the question to
 25 ask.

Page 336

1 MR. WERNER: Thank you, sir.
 2 That's all the questions I have.
 3 MR. PATTERSON: We'll save ours
 4 until trial.
 5 THE VIDEOGRAPHER: Off the record
 6 at 5:24.
 7 (Deposition concluded.)
 8
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Page 337

1 EXAMINATION
 2 CHANGES AND SIGNATURE
 3 PAGE LINE CHANGE REASON
 4 _____
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 24 _____
 25 PAUL MASLIN

Page 338

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

 5 PAUL MASLIN
 6

7 THE STATE OF _____)
 8
 9 COUNTY OF _____)

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

Page 339

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 PAUL MASLIN
 22 JULY 13, 2006

23 I, Stephanie Barringer, Certified Shorthand
 24 Reporter in and for the State of Texas, hereby
 25 certify to the following:

1 That the witness, PAUL MASLIN, was duly sworn
 2 and that the transcript of the deposition is a true
 3 record of the testimony given by the witness;
 4

5 That the deposition transcript was duly
 6 submitted on _____ to the witness or to the
 7 attorney for the witness for examination, signature,
 8 and return to me by _____.

9 That the following is the computer-calculated
 10 amount of time used by each party at the time of the
 11 deposition:
 12 Mr. Coon (5 hours, 22 minutes)
 13 Mr. Werner (38 minutes)
 14 Attorneys for Plaintiffs

Page 340

1
 2 That pursuant to information given to the
 3 deposition officer at the time said testimony was
 4 taken, the following includes the parties at the
 5 deposition:
 6
 7 FOR PLAINTIFFS JAIME ANDREADE, ET AL.:
 8
 9 Mr. Brent Coon
 10 Mr. Eric Newell
 11 Brent Coon & Associates
 12 3550 Fannin
 13 Beaumont, Texas 77701
 14 Fax: 409-833-4483
 15 Telephone: 409-835-2666

16 FOR PLAINTIFFS RHONDA DARLENE HEICKMAN,
 17 INDIVIDUALLY AND AS DEPENDENT
 18 ADMINISTRATOR OF THE ESTATE OF RYAN
 19 RENE RODRIGUEZ:
 20
 21 Mr. John Werner
 22 Reaud, Morgan & Quinn
 23 801 Laurel Street
 24 Beaumont, Texas 77720-6005
 25 Fax: 409-833-8236
 Telephone: 409-838-1000

FOR PLAINTIFFS NATHANIEL EARL GRIMES,
 EVA HENDERSON, LEONARD BOURGEOIS,
 ROBBIE BOURGEOIS:
 Mr. Lewis Chandler
 Ms. Sherry Scott Chandler
 The Chandler Law Firm, LLP
 Park Laureate
 10000 Memorial Drive, Suite 320
 Houston, Texas 77024
 Fax: 713-682-9911
 Telephone: 713-222-7285

Page 341

1 APPEARANCES
 2 (Continued)
 3
 4 FOR PLAINTIFFS, ET AL.:
 5 Mr. Jeff Burke
 6 The Buzbee Law Firm
 7 1910 Ice & Cold Storage Building
 8 104 Moody
 9 Galveston, TX 77550
 10 Fax: 409-762-0538
 11 Telephone: 409-762-5393

12 FOR PLAINTIFFS CHARLES CONNER, ET AL.:
 13 Mr. Tad Rice
 14 Simon & Luke
 15 America Tower, 42nd Floor
 16 2929 Allen Parkway
 17 Houston, Texas 77019
 18 Fax: 713-335-4949
 19 Telephone: 713-335-4900

20 FOR DEFENDANT JE MERIT:
 21 Ms. Joshua Anderson
 22 Ebanks, Smith & Carlson
 23 2500 Five Houston Center
 24 1401 McKinney
 25 Houston, Texas 77010
 Fax: 713-333-4600
 Telephone: 713-333-4500

1 APPEARANCES
(Continued)

2
3
4 FOR DEFENDANT BP PRODUCTS NORTH AMERICA, INC.:
5 Mr. Edward J. Patterson, III
6 Mr. Kim Tyson
7 Fulbright & Jaworski
8 1301 McKinney, Suite 5100
9 Houston, Texas 77010-3095
10 Fax: 713-651-5246
11 Telephone: 713-651-5151

12 That a copy of this certificate was served on
13 all parties shown herein on _____ and
14 filed with the Clerk.

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

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

23 Certified to by me on this _____ day of
24 _____, _____.

25

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

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2
3 The original deposition was/was not returned to
4 the deposition officer on _____.

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

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

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

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

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

19
20

Stephanie Barringer, CSR
Texas CSR 6198
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