

CAUSE NO. 05CV0337

MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
RAMON, DAVID G. CROW and)
JUANITA G. CROW, et al.)
))
VS.) 212TH JUDICIAL DISTRICT
))
BP PRODUCTS NORTH AMERICA)
INC., B.P. CORPORATION)
NORTH AMERICA INC., DON)
PARUS, AND JE MERIT)
CONSTRUCTORS, INC.) GALVESTON COUNTY, TEXAS

CAUSE NO. 05CV0337-A

IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
MARCH 23, 2005)
COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
PROCEEDINGS)
) GALVESTON COUNTY, TEXAS

ORAL VIDEOTAPED DEPOSITION OF

JOHN MOGFORD

MARCH 29, 2006

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<p>1 ORAL VIDEOTAPED DEPOSITION OF JOHN MOGFORD, 2 produced as a witness at the instance of the 3 Plaintiffs and duly sworn, was taken in the 4 above-styled and numbered cause on March 29, 2006, 5 from 9:03 a.m. to 4:54 p.m., before Stephanie 6 Barringer, Certified Shorthand Reporter in and for 7 the State of Texas, reported by stenographic means at 8 the offices of Fulbright & Jaworski, 1301 McKinney, 9 Suite 5100, Houston, Texas, pursuant to the Texas 10 Rules of Civil Procedure and the provisions stated on 11 the record or attached hereto. 12 Since this deposition has been realtimed and you 13 may be in possession of a rough draft form, please be 14 aware that there may be a discrepancy regarding page 15 and line numbers when comparing the realtime draft 16 and the final transcript. Also, please be aware that 17 the realtime screen and the unedited, uncertified 18 rough draft transcript may contain untranslated 19 steno, a misspelled proper name and/or nonsensical 20 English word combinations. All such entries are 21 corrected in the final certified transcript. There 22 also may be persons receiving the realtimed feed 23 outside of the deposition room, but the reporter has 24 given this access only to known attorneys of record 25 and/or their experts.</p>	<p>1 APPEARANCES (Continued) 2 3 4 FOR PLAINTIFFS NATHANIEL EARL GRIMES, EVA HENDERSON, LEONARD BOURGEOIS, 5 ROBBIE BOURGEOIS: 6 Ms. Sherry Scott Chandler The Chandler Law Firm, LLP 7 Park Laureate 10000 Memorial Drive, Suite 320 8 Houston, Texas 77024 Fax: 713-682-9911 Telephone: 713-222-7285 9 10 11 FOR PLAINTIFF DAWN PRATER: 12 Mr. Ron Vercher Klitsas & Vercher, P.C. 13 550 Westcott, Suite 570 Houston, Texas 77007 Fax: 713-862-1465 Telephone: 713-862-1365 14 15 16 FOR PLAINTIFFS CARLOS GALAN, LESLIE GALAN, 17 JOSE VILLARREAL, HECTOR RODRIGUEZ, ELEAZAR CANTU, MARCO FIGUEROA, 18 LUIS LOPEZ, ELOY RODRIGUEZ, ERNESTO VALENCIA, LANIEL VALLANEUVA, JOSEPH MOISE, 19 JESUS LOPEZ, GABRIEL JAIMEZ, EVA RAMIREZ, VERONICA RAMIREZ, JOHN RANGEL, JOSE VILLANEUVA: 20 Mr. Randy Sorrels 21 Mr. Benny Agosto, Jr. Abraham, Watkins, Nichols, 22 Sorrels, Matthews & Friend 800 Commerce Houston, Texas 77002 Fax: 713-225-0827 Telephone: 713-222-7211 23 24 25</p>
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<p>1 THE VIDEOGRAPHER: On the record 2 March 29th, 2006 at 9:03 a.m., beginning Tape 1.</p> <p>3</p> <p>4 JOHN MOGFORD, 5 having been first duly sworn, testified as follows:</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 Q. (BY MR. WILLIAMS) Good morning, sir. 9 Would you state your name, please?</p> <p>10 A. John Mogford.</p> <p>11 Q. Mr. Mogford, I introduced myself earlier. 12 I am John Eddie Williams. I am on the opposite 13 side of this lawsuit from your employer. 14 Who is your employer, by the way?</p> <p>15 A. BP.</p> <p>16 Q. Now, do -- you work for which entity of 17 BP?</p> <p>18 A. I work for BP PLC.</p> <p>19 Q. And is that the London company --</p> <p>20 A. That's correct.</p> <p>21 Q. -- London based?</p> <p>22 A. That's correct.</p> <p>23 Q. Now, the Texas City refinery, is it part 24 of that company?</p> <p>25 A. It's part of BP Products North America,</p>	<p>1 refinery and you work for BP and there is different 2 legal entities; but as far as you can tell, it's 3 part of the BP empire, so to speak?</p> <p>4 MR. DENNY: Objection, form.</p> <p>5 A. As I said, it's part of BP North America.</p> <p>6 Q. (BY MR. WILLIAMS) Which is part of BP 7 PLC? Is that what it's called?</p> <p>8 A. I -- I don't -- I don't know the linkage.</p> <p>9 Q. Okay. What's your title?</p> <p>10 A. I am senior group vice president for 11 safety and operations.</p> <p>12 Q. And what does a senior group vice 13 president -- what -- how many levels of vice 14 presidents are there?</p> <p>15 A. There is -- as many of them as I know, 16 there are four.</p> <p>17 Q. And what are they, please?</p> <p>18 A. Executive vice president, senior group 19 vice president, group vice president, and then vice 20 president.</p> <p>21 Q. So of the four levels of vice presidents, 22 are you at the second level of vice presidents?</p> <p>23 A. In hierarchy in the organization, yes.</p> <p>24 Q. And how many vice presidents are there?</p> <p>25 A. I -- I don't know.</p>

4 (Pages 10 to 13)

<p style="text-align: right;">Page 14</p> <p>1 Q. Is there a hundred or twelve -- 2 A. Vice president -- 3 Q. -- or six? 4 A. Vice president is a title which is used 5 in lots of our business units for different jobs. 6 So -- so -- and there could be -- in one business 7 unit in North America, there could be 10 or 20 vice 8 presidents. 9 I just -- I just don't know. 10 Q. Okay. Let me go at it a different way. 11 At the level of vice -- the -- 12 executive vice president, the level above you, how 13 many executive vice presidents are there? 14 A. Somewhere between six and ten. I don't 15 know the exact number. So in that order. 16 Q. And at the level of vice president where 17 you are, the second level vice presidents, how many 18 of y'all are there? 19 A. I am the only senior group vice 20 president. 21 Q. Okay. And who is the president? 22 A. There is no president of BP PLC. 23 Q. Okay. Can you explain that structure to 24 me? 25 A. Just there is not a -- there is not a</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. We won't get into that. 2 A. I don't -- I don't have one. So I am not 3 sure what level. 4 MR. DENNY: You know he is an old 5 singer. 6 Q. (BY MR. WILLIAMS) Who do you report to 7 in your company? 8 A. At present I report to Lord Browne. 9 Q. You are one step, then, below Lord Browne 10 in the hierarchy? 11 A. Yes. 12 Q. You don't report to any of the executive 13 vice presidents. You report directly to the chief 14 executive officer, Lord Browne? 15 A. I do. I report to Lord Browne, and I 16 have a relationship with one of the executive vice 17 presidents for the way we administer the function 18 so it's consistent with everything else. 19 Q. What do you do in your job? 20 A. My current job? 21 Q. Yes, sir. 22 A. My current job is to look at the 23 standards for safety in operations, to look at the 24 processes for how we improve performance in 25 operations, to look at the way we train and develop</p>
<p style="text-align: right;">Page 15</p> <p>1 president of the company. 2 Q. Okay. Who runs the company? 3 A. Which company? The PLC? 4 Q. Yes, sir. 5 A. It's run by a board and then below that, 6 there is a -- a chief executive and executive vice 7 presidents. 8 Q. And who is the chief executive? 9 A. Lord Browne. 10 Q. Okay. And you are an Englishman? 11 A. I am. 12 Q. And what does it mean, the title Lord 13 Browne? How do you -- do you inherit that title? 14 Is that bestowed upon you by the queen, or how 15 did -- how did Lord Browne come upon his title? 16 A. It is bestowed -- it is a combination 17 between the government and the queen in recognition 18 of people for outstanding contributions to British 19 society. So some businessmen, some sports people, 20 some politicians. 21 Q. I saw that Tom Jones was knighted the 22 other day and knighthood is a level above lordship, 23 I take it? 24 A. No, I think he -- I think Tom Jones would 25 be a lord; but I am not -- I am not...</p>	<p style="text-align: right;">Page 17</p> <p>1 our people in operations and to -- from the middle 2 of the year, to host a -- an audit function. 3 Q. Tell me your exact title one more time, 4 if you would. 5 A. Senior group vice president of safety and 6 operations. 7 Q. Now, as senior group vice president of 8 both safety and operations, that implies to me that 9 you are over the operations part and the safety 10 part of the plant; is that true? 11 A. That's not correct. 12 Q. Okay. 13 A. The -- the plants are run by our line 14 organizations. 15 Q. So what does it -- so as far as actually 16 running the plant, that's not within your area 17 of -- 18 A. No, it's not within my -- 19 Q. -- responsibility? 20 A. No. 21 Q. So what does it mean -- is safety within 22 your area of responsibility? 23 A. No. Safety can only be within the line 24 accountability for people who run the plant. 25 Q. Okay. So someone else is in charge of</p>

5 (Pages 14 to 17)

<p style="text-align: right;">Page 18</p> <p>1 safety and someone else is in charge of operations 2 at BP other than you, right? 3 A. Within the plants, yes. 4 Q. So what is it that the senior group VP of 5 safety and operations does if someone else is in 6 charge of safety and someone else is in charge of 7 operations? 8 A. My team sets the standards that people 9 have to meet and will, in future, make sure that 10 the standards are being met. 11 Q. Okay. When did you -- when were you 12 given this job of senior group VP of safety and 13 operations? 14 A. I was appointed in May, and the job 15 actually started in October. 16 Q. Of what year? 17 A. 2005. 18 Q. Who had been senior group VP of safety 19 and operations before you, leading up to the time 20 you took the job in October of 2005? 21 A. There wasn't one. We had a group vice 22 president of health, safety, security and 23 environment. 24 Q. And who was that? 25 A. That was Greg Coleman.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Is he still VP of HSSE? 2 A. No. He is group vice president now of 3 security, health and environmental policy. 4 Q. Safety as been taken out of his realm of 5 responsibility? 6 A. Yes, correct. 7 Q. And when was safety taken out of Greg 8 Coleman, the group VP of HSSE's -- when was it 9 taken out of his area of responsibility? 10 A. In October when my new function took -- 11 took up his position. 12 Q. October, '05? 13 A. October, '05. 14 Q. And why was that done? 15 A. Because of what we learned -- some of the 16 things we learned from Texas City, from the 17 incident, for some of the things that we felt that 18 we needed to -- to change the construction, that 19 some of the environmental issues, especially, did 20 not fit in with the new organization. 21 Q. At the time of the fire and explosion, 22 was Greg Coleman in charge of the same area of 23 safety that you are in charge of today? 24 A. I -- the difference was that Greg did not 25 have any accountability for operations management,</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Can you spell the last name? 2 A. C-o-l-e-m-a-n. 3 Q. Now, I recall -- and I apologize. I 4 can't remember her name -- there was a woman that 5 was -- someone has told me was a vice president of 6 HSSE, or something. 7 Does that ring a bell? 8 A. The vice president of safety and 9 industrial hygiene is maybe the person you are 10 talking about. I have a lady who works for me in 11 that role. 12 Q. Who is that? 13 A. Deb Grubbe. 14 Q. That's who I was thinking of. 15 Deb Grubbe reports to you? 16 A. Yes. 17 Q. Back in March of 2005, who did she report 18 to? 19 A. To Greg Coleman. 20 Q. And is Greg Coleman still in his 21 position as -- and his exact title is group VP of 22 what? 23 A. Health, safety, security and environment. 24 Q. H -- what y'all refer to as HSSE? 25 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 for setting the operations standards. He was in 2 safety. 3 Q. Now, what do you mean -- are you 4 responsible for -- for operational standards? 5 A. For integrity management, inspection, for 6 things like that, which previously were in our 7 technology and engineering group. They now report 8 through me to operations. 9 Q. Integrity management, are we talking 10 about basically maintenance and keeping the plant 11 safe, keeping -- keeping the bad things inside the 12 vessels and pipes and keeping everything safe and 13 running? 14 A. That's one part of it. 15 Q. Okay. 16 A. Maintenance, keeping the plant running. 17 Q. What's your budget? 18 A. It's as much as I need. The budget that 19 I -- I spend is quite small because the -- most of 20 the money that's spent is spent within the 21 businesses by the line managers who have 22 accountability for the plant. 23 So if we set a standard, it may 24 cost -- I don't know pick a number -- a million 25 dollars to write the standard because that's what</p>

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<p style="text-align: right;">Page 22</p> <p>1 it takes to write it and develop it; but it may 2 cost hundreds of millions of dollars to implement 3 it in the businesses. And those budgets are with 4 the line managers, so with the people -- the 5 refinery managers, with the exploration, production 6 business unit leaders or with people like that. 7 So my budget is \$60 million for my 8 central group. If I wanted more, I could have 9 more. 10 MR. WILLIAMS: Objection, 11 nonresponsive. 12 Q. (BY MR. WILLIAMS) But focusing just on 13 what your budget is right now, it's \$60 million 14 annually; is that right? 15 A. It's between 55 and \$60 million. 16 Q. And how many people does that cover? 17 A. Oh, we -- we are still hiring people at 18 the moment. So sixty to, you know, eighty people 19 probably. 20 Q. Okay. So y'all make close to a million 21 dollars each? I am kidding. 22 Tell me your background in safety. 23 A. My background in safety? I will tell you 24 my background in the -- in the oil and gas industry 25 and what I've done specifically in safety.</p>	<p style="text-align: right;">Page 24</p> <p>1 UK government in safety and the Metro inquiries. 2 Q. So in your 32 years in the oil business, 3 you have been involved in safety -- a vast majority 4 of it as some component of your job? 5 A. I have been involved in safety from 6 32 years, from Day 1. 7 Q. But is it fair to say for the first 8 majority of your tenure at BP you were running 9 drilling operations? 10 A. Correct. 11 Q. And you did the drilling operations and 12 ran the drilling operations in Alaska, Egypt? 13 A. I didn't run -- I was in charge of one 14 rig in Alaska. I was in charge of two rigs in 15 Egypt. I was in charge of, then, 12 rigs in the 16 North Sea; and I was responsible for 80 rigs around 17 the world. 18 Q. How many? 19 A. Eighty. 20 Q. Was that the entire exploration -- 21 A. Yeah. 22 Q. -- for BP? 23 A. Yeah. 24 Q. And BP, when y'all go for oil, y'all go 25 for the -- y'all are referred to by some people as</p>
<p style="text-align: right;">Page 23</p> <p>1 I started in the oil and gas 2 business in 1974 as an engineer -- a mechanical 3 engineer. I worked in upstream oil and gas with 4 responsibility for up to and including global 5 drilling operations, which included a very heavy 6 safety component, managing many contractors. 7 I worked in Alaska, in the Arctic, 8 and in the deserts of Egypt. I then ran a large 9 part of our exploration and production, the North 10 Sea's oil and gas; and in that time I was 11 responsible for our work on the safety case, so had 12 safety engineering working for me and operational 13 safety, MOC. 14 I then moved to London, and I had 15 the responsibility for global safety and operations 16 for exploration and production for four years. And 17 in that time, I taught courses on investigation 18 techniques, on safety cultural leadership. 19 I then was group vice president 20 for health and safety and the environment for two 21 years, and then I went back to running businesses 22 where I had line responsibility for -- for safety. 23 So formal training in risk 24 assessment and -- and hazard analysis and many 25 external roles in working with, for instance, the</p>	<p style="text-align: right;">Page 25</p> <p>1 elephant hunters. Y'all -- a company your size, 2 you don't go for small fields. It has to be 3 something -- a huge field, quite frankly, for your 4 company to find it interesting? 5 A. Yeah, I think that's -- that's clearly 6 part of our business strategy. 7 Q. Okay. Do y'all do anything in Russia 8 now? 9 A. We have a joint venture in Russia. 10 Q. Now, back in college, did you have any 11 formal training in safety? 12 A. No. 13 Q. Did you -- have you taken -- do you hold 14 any certificates or designations as a safety 15 expert? 16 A. I have many certificates from training 17 course -- I have been to many safety course. I 18 couldn't find certificates, but I have attended 19 many courses on safe systems of work. 20 Q. Are you certified in any -- by any 21 governmental entity or by any safety organization 22 as being certified in any specialty -- speciality 23 area of safety? 24 A. I am -- I am a fellow of the Institute of 25 Mechanical Engineers, which is the top mechanical</p>

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<p style="text-align: right;">Page 26</p> <p>1 engineering; and I think there is about a hundred 2 fellows in the UK in terms of engineering. 3 Q. But going back to specifically to safety, 4 do you hold any certifications by any 5 professional -- 6 A. No. 7 Q. -- or governmental entity, professional 8 society, in the area of safety? 9 A. No. 10 Q. Has -- do you, as senior group VP of 11 safety and operations, compare your company's 12 safety records with its competitors? 13 A. Yes. 14 Q. And who would your competitors be? 15 A. The major oil and gas companies, 16 ExxonMobil, Shell, Chevron, Texaco, Total, Conoco 17 Phillips, DuPont in the petrochemical industry. 18 Q. And where does your company rank when we 19 look at deaths, fatalities, say, over the past 10 20 or 15 years? 21 A. From 2000 to 2003 or to 2004, we were 22 close to the top with ExxonMobil. 23 MR. WILLIAMS: Objection, 24 nonresponsive. 25 Q. (BY MR. WILLIAMS) I am trying to look at</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I don't know details, site by site data. 2 Most of the -- the group level 3 where I work with, it's the aggregate data. So you 4 are asking me about the company. 5 Q. Okay. Let me ask you, then: When did 6 you first learn that there was a safety problem at 7 the Texas City refinery? 8 A. I would have to say March the 23rd, 2005. 9 Q. And on that date, your job title was 10 what? 11 A. Group vice president for exploration and 12 production. 13 Q. Okay. Had you ever been to the Texas 14 City refinery as of March of '05? 15 A. I went for a one-day visit in -- I think 16 it was 2000 or 2001. 17 Q. For what purpose? 18 A. Mainly to meet the HSE people, to -- to 19 understand some of the things that Amoco did 20 shortly after the merger. So I think it was 2000. 21 And I visited four of the 22 refineries and four of the E and P assets to try to 23 understand the differences between the companies. 24 Q. And that was during the time that you 25 held what title?</p>
<p style="text-align: right;">Page 27</p> <p>1 over the decade -- let's be specific. 2 In the decade before this fire and 3 explosion in 2000 -- March of 2005, going back to 4 March of 1995, where did your company stand in that 5 decade with regard to deaths from its operations? 6 A. So not -- difficult to analyze the data 7 because everybody comes from different companies. 8 So BP is Amoco BP, Veba, Castrol. 9 So the data since -- the data that 10 we actively look at is from 1999 when the new BP 11 was formed. So -- so the data that we have that's 12 accurate is only from 1999. That's why I talk 13 about 1999 to 2004. 14 And in those five years we went 15 from a fatality or an average of 25 to 30 a year to 16 12 in 2004, which was at the top of the industry 17 along with ExxonMobil. 18 MR. WILLIAMS: Well, objection. 19 Again, that's nonresponsive. 20 Q. (BY MR. WILLIAMS) But let me ask you, 21 then: Do you know of any plant -- let's take a 22 specific plant, the Texas City refinery. 23 Do you know of any refinery that 24 has had more deaths in the ten years before 25 March 23, 2005, than the Texas City refinery?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Group vice president in health, safety 2 and the environment. 3 Q. And so how many years did that cover that 4 you had that title? 5 A. About two years. 6 Q. So is it fair to say during the two years 7 that you were vice president of health, safety, 8 security and the environment that you only visited 9 the Texas City refinery on one occasion? 10 A. Yeah, that's correct. 11 Q. And that was for basically one day? 12 A. That's correct. 13 Q. Did the people there reveal to you that 14 they had a safety problem, a cultural safety 15 problem at their plant? 16 A. No. 17 Q. Now, did the safety problems that you 18 found out about -- on the date of the fire and 19 explosion, had those problems existed before the 20 fire and explosion for some time? 21 A. I -- I don't know if they had existed in 22 the same level for some time. I think they had 23 been -- as I said and as we said in the report, I 24 think they had been many years in the making; but I 25 don't -- I don't know whether the issues had gotten</p>

8 (Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 worse substantively in the one year before or the 2 two years before. I don't -- I don't know. 3 Q. Well, that's my question. 4 So the jury understands, you were 5 the person handpicked by the top guy at the company 6 to go and investigate this fire and explosion. 7 A. That's -- 8 Q. Lord Browne picked you, right? 9 A. No. I -- Ross Pillari requested help, 10 and I was offered as help for -- for Ross Pillari. 11 Q. Ross Pillari is the top guy in America -- 12 the Americas, right? 13 A. He was the regional -- regional 14 president -- president of BP Products North America 15 at once -- at the time, yes. 16 Q. Okay. And I assume he reports directly 17 to Lord Browne. 18 A. No. 19 Q. Who would he report to? 20 A. I believe he reports to David Allen, who 21 is an executive vice president. 22 Q. Okay. 23 A. But I am not -- I am not a hundred 24 percent certain about that, but I believe that is 25 it.</p>	<p style="text-align: right;">Page 32</p> <p>1 and asked whether I could come over to Houston to 2 lead the investigation and to work for Ross. 3 Q. And who was that? 4 A. That was Vivienne Cox. 5 Q. And what is her title? 6 A. She is an executive vice president for 7 gas power and renewables and integrated supply and 8 trading. 9 Q. Is that a London vice president -- 10 executive vice president? 11 A. Yeah. 12 Q. Is she above you? 13 A. She is an executive vice president. I am 14 not. I don't work for her. 15 Q. Okay. Did you ever discuss with 16 Lord Browne your role in coming over here to 17 investigate this? 18 A. No, never. 19 Q. And what did the executive vice president 20 tell you when she said, "I want you to go over and 21 help"? Or what -- what were her words? 22 A. "Can you go over to Houston as soon as 23 possible and lead the investigation?" 24 Q. That's it? That's the whole 25 conversation?</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. So Ross Pillari, the head of North 2 American Operations for BP, requested that you come 3 and lead this investigation of the March, '05 fire 4 and explosion, true? 5 A. I don't know the exact conversation that 6 happened. 7 I know that Ross asked for an 8 experienced senior operations leader and that at 9 the end of the day, I think that Ross agreed that I 10 was -- I have known Ross for a long time -- that 11 Ross agreed that I would be a good person to lead 12 it. 13 Q. With whom did he agree -- who made this 14 decision to put you in charge of this 15 investigation? 16 A. I -- I don't know whether -- the exact 17 conversations that happened. I wasn't privy to 18 them. 19 Q. Well, who told -- who -- how did you find 20 out that you had been appointed to this 21 investigation leadership -- 22 A. I got -- 23 Q. -- position? 24 A. -- a telephone call from the head of the 25 crisis center, who were dealing with the response,</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I knew about the -- I had seen the 2 incident on TV. I had been to the crisis center 3 the night before to see whether I could help. I 4 just -- that's the way companies work. 5 You have decision-making 6 processes, a phone call comes, and that's the 7 request. The request is to do something, not to 8 debate about it. 9 Q. Do you have a crisis center that -- BP 10 runs a crisis center in the -- London? 11 A. We have a -- we have a meeting room 12 similar to this with telecommunications where if 13 anything significant happens anywhere in the world 14 that might have an impact on anything at all, we 15 man a crisis center. 16 In this case it was mainly looking 17 at supporting supply because the refinery was down, 18 for instance, because the incident command was 19 still on the ground. 20 Q. Repeat what -- it was mainly looking at 21 what, sir? The crisis was mainly looking at what? 22 A. The -- the incident response was handled 23 from Texas City. The crisis team looked to global 24 support mainly through our -- our supply 25 organization to keep gasoline supplies basically</p>

<p style="text-align: right;">Page 34</p> <p>1 into the U.S. 2 Q. So that was your main -- your main focus 3 in London, keep the gasoline supply going so that 4 we can continue to sell gasoline? 5 MR. DENNY: Objection, form. 6 A. It was many things, but it was -- that 7 was the team that met in London. Many other people 8 met. 9 Q. (BY MR. WILLIAMS) I understand, but what 10 you are talking about was that the team met for the 11 purpose, in London in the crisis center, of keeping 12 the -- keeping the business going where you could 13 continue to sell gasoline in spite of this fire and 14 explosion in this plant? 15 A. No, not only that; but it -- it was 16 not -- the team in London met to look at what 17 global support needed to be done for the site. 18 It was not the crisis -- you used 19 "crisis." It was not incident crisis support. 20 Q. Well, what was it that y'all were looking 21 at in the crisis center other than how do we keep 22 things running where we can sell gasoline? 23 A. Looking at responding to press inquiries. 24 Q. Okay. Selling gasoline is one of the 25 things you looked into, right?</p>	<p style="text-align: right;">Page 36</p> <p>1 Are you saying we did? 2 A. No. I am saying our guys stopped it from 3 happening. 4 Q. Pardon me? 5 A. I am saying that our guys stopped it from 6 happening. 7 Q. And that was what was -- the crisis 8 center was looking at, is making sure there was 9 enough gasoline to sell in Texas? 10 A. One of -- 11 MR. DENNY: Objection, form. 12 A. One of the things. One of many things. 13 Q. (BY MR. WILLIAMS) Okay. And another one 14 of the things, in addition to making sure you had 15 enough gasoline to sell in Texas, was that you 16 handled the press? 17 A. The London press. The London press. 18 Q. Okay. Now, when did you arrive in 19 Texas City? 20 A. I arrived on the -- Friday the 25th. 21 Q. And how did you get here? 22 A. Flew. 23 Q. Did you bring one of the corporate 24 planes? 25 A. No. I came on the British Airways</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Not selling gasoline. Supplying 2 gasoline. 3 Q. Well, do you supply it for free? 4 A. No, but the issue -- 5 Q. Do you sell it? 6 A. But the issue was -- 7 Q. Do you sell it, sir? 8 A. Let me speak. 9 Q. Do you sell it? 10 MR. DENNY: Let him answer the 11 question, John. 12 Q. (BY MR. WILLIAMS) I'm -- I'm -- it 13 didn't hurt if you sell it. 14 Did you -- do you sell it? 15 A. I never said any -- yes, of course we 16 sell it. 17 Q. Okay. 18 A. But the -- the issue was about continuing 19 to supply into the Texas area. 20 The Texas City refinery is a key 21 part of the supply chain, and Texas would have run 22 out of gasoline without alternative supplies. 23 Q. Well, wait a minute. I live here in 24 Texas, and we didn't run out of gasoline when -- 25 after y'all blew up that plant.</p>	<p style="text-align: right;">Page 37</p> <p>1 flight. 2 Q. Now, how would you describe your level of 3 investigation that resulted in your final report? 4 A. Complete, I believe; open; and consensus 5 of the team. 6 Q. So you think that it was complete, that 7 everything was disclosed to you? 8 A. That everything was disclosed to us? 9 I am sorry. I didn't catch the 10 end of what you said. That everything was 11 disclosed to us on the site? 12 I believe we did everything 13 reasonable to find out and validate everything that 14 was told to us, yes. 15 Q. So my question is: Did you find that 16 there was a cultural safety problem at the Texas 17 City refinery on the day of the explosion? 18 A. Yes. 19 Q. Did you find there was a cultural safety 20 problem at the Texas City refinery before the fire 21 and explosion of March 23? 22 A. What -- what we found was -- so the 23 investigation that we did, we started with the ISOM 24 incident and worked away from the ISOM incident and 25 we found that there were, as we said in the report,</p>

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1 many cultural issues which we believe contributed
 2 to the incident.
 3 Q. And how long had those cultural safety
 4 issues existed at that plant?
 5 A. I think it's difficult to say exactly.
 6 I think some of them had been
 7 taking shape for some years. I think the degree
 8 that they came together for the incident, it's
 9 difficult to say how it -- how it was; but I -- but
 10 I think that we said that some of these issues had
 11 been some years in the making.
 12 Q. Were you shocked by the gaps in the
 13 safety culture and the problems that you found at
 14 the Texas City refinery?
 15 A. I was surprised.
 16 Q. But the local leadership, the people
 17 actually running the plant, did they act surprised
 18 about these things that you found, these cultural
 19 safety problems?
 20 A. They were surprised, I believe, of the
 21 depth of them, yes.
 22 Q. They -- who was surprised of the depth of
 23 these? I would like to know.
 24 A. I think most of the leadership team.
 25 Q. Names, if you would supply those for us?

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1 A. Don Parus, Kathleen Lucas, Willie Willis.
 2 Q. Summing it up, if I am correct, it's your
 3 understanding that Don Parus, Kathleen Lucas and
 4 Willie Willis were, quote, surprised at the depth
 5 of the cultural gaps and safety issues that you
 6 found at their plant. That's your understanding?
 7 A. Yes, I think that I would say that I
 8 think that they knew that there were issues. I
 9 don't think they realized how deep they were.
 10 Q. So what was your reaction, sir, when you
 11 reviewed, and your team reviewed, the survey that
 12 had been done at the report -- at the plant called
 13 the Telos Report?
 14 A. We didn't review it. We made a decision
 15 as a team not to review the Telos Report.
 16 Q. So your investigation -- well, just let
 17 us know why the Telos Report was not important
 18 enough to be reviewed.
 19 A. Because its opinions and assertions on
 20 the survey -- and we actually believed that we
 21 should use facts and that we would draw our own
 22 conclusions on the facts rather than take
 23 somebody's else's interpretation.
 24 Q. Okay. Well, I want to question you about
 25 some of the things you found and then -- did you --

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1 and did you personally speak with Don Parus,
 2 Kathleen Lucas and Willie Willis?
 3 A. I did none of the interviews, but I did
 4 speak to them.
 5 Q. Okay. Did you find -- and I am quoting
 6 from -- I have got Exhibit 21 there for you.
 7 That is your final report on the
 8 fire and explosion; is that correct, sir?
 9 A. It looks like it, yes.
 10 Q. And if we look at the second page of
 11 that, that's two little "I," we find your
 12 statement.
 13 It says, "Over the years the
 14 working environment had eroded to one characterized
 15 by resistance to change and lacking of trust,
 16 motivation and a sense of purpose."
 17 Your words, sir, or your teams'
 18 words, consensus view.
 19 A. Yes.
 20 Q. And is that a safe environment to be
 21 operating in a petrochemical refinery --
 22 A. No.
 23 Q. -- or plant refinery?
 24 My question to you, then, is --
 25 well, let me go on.

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1 You also found on that same page
 2 there that rules were not consistently followed; is
 3 that correct?
 4 A. Yes.
 5 Q. And that there was a poor level of hazard
 6 awareness and understanding of process safety on
 7 the site, resulting in people accepting levels of
 8 risk that are considerably higher than comparable
 9 installation.
 10 That was your consensus finding?
 11 A. It was.
 12 Q. Were those things shocking to senior
 13 management there, Mr. Parus, Ms. Lucas and
 14 Mr. Willis?
 15 A. Again, I think that I would characterize
 16 it as they were surprised of the depth. They were
 17 working on many things. They were working on many
 18 things, but -- but I don't think that they really
 19 understood how deep-rooted the problems were.
 20 (Discussion off the record.)
 21 Q. (BY MR. WILLIAMS) Sir, if you will look
 22 at Exhibit 19, that is the Telos Report, which you
 23 had decided -- your -- y'all decided never to -- or
 24 y'all did not look at, correct?
 25 A. That's correct. I haven't -- I

<p style="text-align: right;">Page 42</p> <p>1 haven't -- I haven't seen this already before. 2 Q. Now, this report was in the hands at 3 least of the -- of Parus, Lucas and Willis before 4 the fire and explosion, right? 5 A. If you -- I -- I don't know. 6 Q. Well, I am going to represent to you that 7 that's the testimony in this case, that it was in 8 their hands beforehand. 9 And we see things in here such 10 as -- let's just look at where it says, "Employees 11 often feel pressure to bend the safety rules." 12 A. What is -- which page is this, please? 13 Q. Just -- page 20 is what I think I asked 14 you to look at. Or you can look at it on the 15 screen. 16 A. I can't -- I can't read that. 17 Q. I understand. 18 A. Even if I had my glasses on. I left my 19 glasses in London, I am afraid. So reading the 20 screen is... 21 MR. DENNY: Do you want mine? 22 MR. WILLIAMS: He has a warp -- he 23 has -- he sees the world through a warped view, 24 doesn't he? 25 MR. DENNY: I could make several</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Do you think it was -- 2 A. But it was not because -- in the -- in 3 the ISOM incident, it was not because they were 4 driven for production. This plant could have 5 stayed down for another two or three days without 6 any commercial loss at all. 7 Q. Okay. But -- that may be reality, but 8 what's the perception at Texas City refinery about 9 production being the -- how important production 10 is? 11 MR. DENNY: Objection, form. 12 Q. (BY MR. WILLIAMS) What's the perception 13 at that plant? 14 MR. DENNY: Objection, form. 15 A. My -- my perception is founded from the 16 ISOM incident, which there was no production 17 pressure. 18 Q. (BY MR. WILLIAMS) Okay. So did the 19 senior leaders share with you the fact that on 20 page -- if you will look at that same document, 21 page 3, little "i." 22 A. Is that at the front or the back? 23 Q. It's at the front, sir. 24 A. All right. 25 Q. It's the one with the chart.</p>
<p style="text-align: right;">Page 43</p> <p>1 comments, John Eddie; but I am not going to do 2 that. 3 THE WITNESS: Are you typing all 4 this down? 5 Q. (BY MR. WILLIAMS) Do you see where it 6 says, "Employees often feel pressured to bend the 7 safety rules, but often it's just the consequences 8 of how we push production"? 9 That was apparently known, had 10 been -- that information had been given to senior 11 management before the fire and explosion, right? 12 A. And you -- you say it is. 13 Q. Exactly. 14 So that's pretty much -- that 15 finding from the Telos Report that was before the 16 fire and explosion, does -- is that similar to what 17 you found after the fire and explosion? 18 A. Well, I can only talk about what happened 19 in the ISOM incident. And in the ISOM incident, 20 there was no push for production. There was no 21 reason to bring the plant up quickly, and the 22 people still bent the rules. 23 Q. But why did people bend the rules? 24 A. I do not know; and people, when we 25 interviewed them, could not tell us.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes. 2 Q. (Continuing) -- that when they 3 interviewed people -- they said that the people -- 4 when they interviewed the people -- and this is 5 before the explosion -- the Number 1 priority at 6 the plant was what? 7 A. (No verbal response.) 8 Q. Making money? 9 A. That's what it says. 10 Q. And so it was -- I mean, are you -- do 11 you have any way of disputing the fact that this 12 survey of hundreds of people at the plant, that the 13 people at the plant itself had said the Number 1 14 priority was making money? 15 A. I can see it on this table, but I can't 16 see what question was asked. So I don't know what 17 the definition was, without going through the 18 report. 19 Q. That's right. 20 But senior management had this 21 information before the fire and explosion, and what 22 did they do about it, is my question? 23 A. I think they were doing many things in 24 the plant. 25 They -- they had worked. They had</p>

<p style="text-align: right;">Page 46</p> <p>1 put in additional levels of management very 2 recently, spent a lot of money on -- on replacing 3 corroded pipe work, improving the condition of the 4 plant; and, in fact, most people we talked to said 5 that the plant was getting better. 6 I -- I come back to my original 7 statement. I don't think people realized how 8 deep-rooted the problems were. 9 Q. Okay. I want to -- that's the point I 10 want to challenge you on, is people didn't know how 11 deep the problems were. 12 Who are the people that you are 13 saying that did not know that they had deep-rooted 14 safety problems? Who are those people, sir? 15 A. I think that they thought that they 16 had -- 17 MR. WILLIAMS: No, sir. 18 Objection, nonresponsive. 19 Q. (BY MR. WILLIAMS) Who were those people? 20 The question is: Who? 21 It requires a name. 22 A. The leadership team of -- of Kathleen, of 23 Willie, of Don Parus, they knew that there were 24 problems to solve. 25 Q. You are here today under oath trying to</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. But -- 2 A. I haven't -- I haven't read the report. 3 But I -- I am just looking at this 4 table of the nine rankings that you asked me to 5 look at. 6 Q. Okay. Do you think that this table, when 7 making money is ranked Number 1, gives them any 8 notice that they have a cultural safety problem at 9 their plant? 10 A. I think it gives -- it gives an issue of 11 what people think in the plant. 12 Q. My question is: Does it give senior 13 management -- this ranking, making money first, 14 does it give them any notice that there is a 15 cultural issue that making money is the Number 1 16 thing at the plant? 17 A. And all I am saying is that with this 18 limited amount of looking at the data, I don't see 19 that directly safety as a priority was asked in the 20 question. If it was asked in the question, I would 21 answer that. 22 Q. Okay. So you don't -- you think this 23 is a -- is this as a manager -- as a senior group 24 vice president for the -- worldwide for BP, this 25 doesn't give you any cause to see that the</p>
<p style="text-align: right;">Page 47</p> <p>1 persuade this jury to believe you that the 2 leadership team of Parus, Lucas and Willis did not 3 understand the depth of their safety issue problem. 4 Is that a fact? 5 MR. DENNY: Objection, form. 6 A. I said that's what I think. 7 Q. (BY MR. WILLIAMS) Okay. So assume with 8 me that before this fire and explosion they had 9 this information in their hand, that the Number 1 10 ranking at the plant of priority was making money. 11 Is that a proper way to have -- is 12 that a proper safety culture to have at -- at a 13 plant? 14 A. I think it -- it -- Number 1 priority 15 should be safety, but I don't see safety on this 16 list anywhere. 17 Q. Huh. 18 A. It doesn't look like it was a question 19 that was asked. So I don't know without 20 understanding the detail of the survey. 21 Q. Huh. Okay. 22 So you don't think that this gives 23 them any notice that they had a safety cultural 24 issue at the plant? 25 A. That's not what I said.</p>	<p style="text-align: right;">Page 49</p> <p>1 employees think making money is the Number 1 goal 2 of the plant? 3 MR. DENNY: Objection, form. 4 A. If I had done the survey, I would have 5 asked different questions. I can't comment on the 6 way -- without reading the methodology, the way the 7 questions were asked. 8 What I would like to see as the 9 Number 1 priority is the safety of the people in 10 the plant. 11 MR. WILLIAMS: Objection, 12 nonresponsive. 13 A. Safety is not on the list. 14 Q. (BY MR. WILLIAMS) Okay. Well, let's see 15 what the Number 2 priority is. 16 It's cost and budget, right? And 17 Number 3 is production, right? 18 A. Yes. 19 Q. And where does people rank? 20 A. People says Number 9. I don't know what 21 the definition of "people" is. 22 Q. You are right. 23 None of this would cause you -- or 24 would any of this -- this ranking cause you any 25 pause -- as a senior manager at BP, if you took the</p>

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 time to see what your employees at this site were 2 thinking, would this cause you any alarm? 3 A. I would -- I would ask the local line 4 management what they had asked in the survey, what 5 they were doing as a result of it, and what they -- 6 what was in place, what actions were in place. 7 Q. Did it -- would -- my -- 8 MR. WILLIAMS: Objection, 9 nonresponsive. 10 Q. (BY MR. WILLIAMS) Did any of this 11 cause -- would any of this knowledge cause you to 12 do anything different at the highest level of BP if 13 you had seen this chart? 14 MR. DENNY: Objection, form. 15 A. I -- in my role I would not see this; but 16 if I was the local line manager, I would 17 interrogate why and what we were doing, what were 18 the actions that were in place. 19 Q. (BY MR. WILLIAMS) And one of the options 20 that you always have is to stop the plant to bring 21 it up to the appropriate safety standards, true? 22 A. If you believe -- if you believe that 23 the -- that the risk is too high, yes. Always. 24 Q. Okay. Now, you found that rules were not 25 consistently followed, right?</p>	<p style="text-align: right;">Page 52</p> <p>1 management before the fire and explosion. They 2 knew it -- if you read this -- 3 A. When exactly was it given to the line 4 management? 5 Q. See, that's -- my question is why would 6 you not have looked at this and why would you have 7 not seen this? 8 A. Because we were -- we were examining the 9 cause of the incident. We were not ascribing 10 blame. We were investigating what happened, why it 11 happened, and how to stop it from happening again. 12 Q. Okay. And part of the thing is that your 13 management team is -- was -- you found, was 14 allowing -- tolerating, in your words -- a higher 15 level of risk than other facilities, right? 16 A. Yes. 17 Q. Why were they tolerating a higher level 18 of risk, sir? 19 A. With -- 20 Q. Why would somebody do that? 21 A. I think the standards had dropped very 22 slowly over a long time and people have not seen -- 23 like the wallpaper getting dirty in your house. 24 Q. And why -- is that the way BP runs 25 things?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. Now, was that something that was -- 3 appeared to be surprising to the leadership team at 4 Texas City refinery? 5 (Discussion off the record.) 6 A. I -- I -- what do I say? 7 I think the degree, again, was -- 8 was surprising. I think that -- I think that the 9 site had tolerated noncompliance with the rules -- 10 some rules which were visible, but I am -- I am not 11 sure that anybody knew how deep it was in the 12 process parts of the plant. 13 Q. (BY MR. WILLIAMS) So let's look at it. 14 Before the fire and explosion -- 15 again looking at the Telos Report on page 36 -- it 16 says in there, "I do not know if practices are 17 normalized, but I know our tolerance for variation 18 is normalized." 19 Is that appropriate, tolerance for 20 variation becoming normal? 21 A. I think it's -- in our report we talked 22 about the inability to see risk. I think it's the 23 same statement. 24 Q. Well, this was -- but this -- the 25 difference is this was information given to senior</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No. We rely very much on our local site 2 management to maintain standards and to keep levels 3 high. 4 Q. Well, my point is senior management had 5 been told that deviations -- there was a 6 tolerance -- 7 A. Senior -- senior management being the 8 people on the site? 9 Q. Yes, sir. Being Parus, Lucas and -- 10 A. Okay. That's -- 11 Q. Yes, sir. 12 A. I just wanted to be clear on "senior." 13 Q. Yeah. 14 Why did you not investigate how 15 much they knew? 16 A. We did. We interviewed -- we interviewed 17 Kathleen; we interviewed Willie Willis; and we 18 interviewed Don Parus. 19 Q. And did any of them tell you that there 20 had been a tolerance for variation, it had become 21 normalized at their site? 22 A. Without going through the transcript -- I 23 don't think they did; but without going through the 24 transcripts, I don't think I can tell you. 25 Q. You don't think they shared that with</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 you.</p> <p>2 Now, let's look on page 49 of that</p> <p>3 same report where it says, "There are senior</p> <p>4 managers here who have allowed the site to accept a</p> <p>5 completely inappropriate amount of level of risk,</p> <p>6 who have allowed criminal levels of noncompliance."</p> <p>7 Did -- when you interviewed these</p> <p>8 senior managers, did they share with you that that</p> <p>9 had been reported to them in writing before this</p> <p>10 fire and explosion?</p> <p>11 A. No.</p> <p>12 Q. Is that surprising to you?</p> <p>13 A. No, because the way that this -- if I</p> <p>14 understand it right, if this is a -- people use</p> <p>15 "criminal" in many ways when you go and ask them</p> <p>16 what's wrong. I -- so I don't know who said this,</p> <p>17 who made this judgment.</p> <p>18 I don't believe that anybody on</p> <p>19 the site thought that they were criminally</p> <p>20 non-compliant, anybody on the leadership team.</p> <p>21 Q. You think --</p> <p>22 A. Anybody on the leadership team.</p> <p>23 Q. Do you think that this is made up?</p> <p>24 A. No, that's not what I said.</p> <p>25 Q. Do you think this is a lie?</p>	<p style="text-align: right;">Page 56</p> <p>1 if somebody had told you there is criminal levels</p> <p>2 of noncompliance in Texas City?</p> <p>3 A. I would have taken all of this report and</p> <p>4 read it and put in place an action plan.</p> <p>5 Q. But you didn't, did you?</p> <p>6 A. Because I wasn't there.</p> <p>7 Q. Well, who above -- now, this report is</p> <p>8 criticizing at a criminal level senior management.</p> <p>9 MR. DENNY: Objection, form.</p> <p>10 Q. (BY MR. WILLIAMS) Did senior management,</p> <p>11 then, ship this up the line and say, "We have got a</p> <p>12 problem here"?</p> <p>13 A. I don't know.</p> <p>14 Q. What amount does it take to get up to the</p> <p>15 level where somebody above does something?</p> <p>16 A. As I say, at the time I was in</p> <p>17 exploration and production. There was no way that</p> <p>18 I would have known about it or even known what was</p> <p>19 happening in Texas City. BP is a big company.</p> <p>20 Q. That's my whole point.</p> <p>21 How many deaths were there at that</p> <p>22 refinery in the year before this fire and</p> <p>23 explosion?</p> <p>24 A. I believe there were two.</p> <p>25 Q. Well, your investigation is wrong in</p>
<p style="text-align: right;">Page 55</p> <p>1 A. That's not what I said.</p> <p>2 Q. Are you saying that this is fabricated?</p> <p>3 A. That's not what I said at all.</p> <p>4 Q. Well, here it is in writing that was</p> <p>5 given that says that they accepted completely</p> <p>6 inappropriate amount and level of risk and have</p> <p>7 allowed a criminal level of noncompliance.</p> <p>8 And you are trying -- are you</p> <p>9 trying to explain that away, sir?</p> <p>10 A. No. I am trying -- I am trying to</p> <p>11 understand whether that's what one person wrote,</p> <p>12 whether this was substantiated by a fact, whether</p> <p>13 it was gathered in a throwaway remark in an</p> <p>14 interview.</p> <p>15 I don't know without understanding</p> <p>16 how this interview -- how the interviews were</p> <p>17 captured.</p> <p>18 Q. Well, did they tell you in your</p> <p>19 interviews that they had been put on notice that</p> <p>20 there were criminal levels of noncompliance in the</p> <p>21 views of some of the people at the plant?</p> <p>22 A. No.</p> <p>23 Q. Would that be something that -- would</p> <p>24 that -- if you had seen that, would you have been</p> <p>25 surprised and done something before the explosion</p>	<p style="text-align: right;">Page 57</p> <p>1 that -- or that's what your investigation found,</p> <p>2 was two?</p> <p>3 A. In the year before, yes.</p> <p>4 Q. Okay. Did y'all forget somebody maybe?</p> <p>5 A. In the 12 months before?</p> <p>6 Q. Yes, sir.</p> <p>7 A. There was one previous to the 12 months;</p> <p>8 but in the 12 months before, I believe there was</p> <p>9 only two.</p> <p>10 Q. That's the level of investigation that</p> <p>11 you did?</p> <p>12 A. No, this was a year -- this was a year</p> <p>13 ago, that I haven't been back and read my report.</p> <p>14 I have been in a different job for the last nine</p> <p>15 months.</p> <p>16 Q. Did they share with you, when you</p> <p>17 interviewed senior management, that people reported</p> <p>18 before the fire and explosion that the potential</p> <p>19 for major hazards is unacceptably high?</p> <p>20 A. Which page is that?</p> <p>21 Q. Page 43.</p> <p>22 A. Whereabouts? I found the page.</p> <p>23 Q. Fourth paragraph -- fifth paragraph.</p> <p>24 A. I am sorry. What was your question</p> <p>25 again? I'm sorry, John.</p>

15 (Pages 54 to 57)

<p style="text-align: right;">Page 58</p> <p>1 Q. Did -- did they reveal to you, the senior 2 management when you interviewed them, that they had 3 been put on notice before the fire and explosion 4 that the potential for major hazards is 5 unacceptably high in this plant? 6 A. They -- they told us that they were 7 concerned about the -- some of the pipe work, which 8 was being worked on, and some of the -- some of the 9 pieces of the plant where -- that they were behind 10 on maintenance. 11 Q. My point to you is you found the risk 12 tolerance in this plant to be unacceptably high, 13 didn't you? 14 A. I found that the -- I don't think it was 15 tolerance actually. I think it was the awareness, 16 the ability to be aware of risk. 17 Tolerance -- tolerance, to me, 18 is -- is if you under -- if you know it and 19 understand it. 20 I don't think that the leadership 21 really deeply understood it. 22 Q. They failed to understand the severity of 23 the risk -- the potential risks that were involved, 24 right? 25 A. Correct.</p>	<p style="text-align: right;">Page 60</p> <p>1 play a role -- a role in that? 2 A. Again, all levels. Management and 3 supervision. 4 Q. Okay. "All levels" meaning all the way 5 to the top to Lord Browne? 6 A. No. All levels on the plant. 7 Q. All the way to the senior leadership at 8 the plant? 9 A. Yes. 10 Q. Does it go up to your friend in Chicago, 11 Ross Pillari? Does he play a role? 12 A. No. No, Ross is not -- no, Ross isn't 13 involved with the day-to-day operation of the 14 refinery. 15 Q. So he has no -- if -- if the refinery 16 has -- the working environment in that refinery has 17 eroded to where there is no longer any trust or 18 motivation and the management in that refinery 19 is -- has a poor level of hazard awareness, then 20 Ross Pillari has no responsibility in that. 21 The responsibility, from as I 22 understand what you are saying, stopped with Don 23 Parus; and that's it? 24 A. The responsibility for the organization 25 and the plant, the people, the verification</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And that is similar to what had been 2 reported in this report before the fire and 3 explosion, that the potential for major hazards is 4 unacceptably high. 5 Do you see that correlation 6 between what you found and what was reported before 7 the fire and explosion? 8 A. Yes. 9 MR. WILLIAMS: We need to change 10 the tape. So we have got to take a quick break 11 here. 12 MR. DENNY: Okay. 13 THE VIDEOGRAPHER: Off the record 14 at 10:03 a.m., ending Tape 1. 15 (Recess taken.) 16 THE VIDEOGRAPHER: On the record 17 10:11 a.m., beginning Tape 2. 18 Q. (BY MR. WILLIAMS) Your finding that over 19 the years the working environment had eroded to one 20 characterized by resistance to change and lacking 21 of trust, motivation and a sense of purpose, does 22 management play a role in that? 23 A. Absolutely. All levels. 24 Q. And the fact that there was a poor level 25 of hazard awareness at the plant, does management</p>	<p style="text-align: right;">Page 61</p> <p>1 processes of the procedures is with the plant 2 leadership, yes. 3 MR. WILLIAMS: Objection, 4 nonresponsive. 5 Q. (BY MR. WILLIAMS) Focus, if you would, 6 on when a plant, as the Texas City refinery was, 7 where there was -- it was characterized in the 8 working environment as a lack of trust and 9 motivation and that there was a poor level of 10 hazard awareness. And you have said, I believe, 11 that it was -- everybody in the plant had a 12 responsibility for that. 13 Are you saying, then, that nobody 14 above that -- Don Parus at the plant level bore any 15 responsibility for that? 16 A. I think that it can only be delivered by 17 the people at the plant. It can only be delivered 18 by the people at the plant. 19 Q. And so anybody above the plant level 20 has -- anybody above Don Parus' level has no 21 responsibility whatsoever for the fact that there 22 had been this erosion where there was a lack of 23 trust and people were accepting a high level of 24 hazard -- a high level of risk and had a poor level 25 of hazard awareness?</p>

16 (Pages 58 to 61)

Page 62	Page 64
<p>1 MR. DENNY: Objection, form. 2 A. The only way that we can deliver process 3 and procedures is at the site level. That is the 4 only way that it can be done, and the line 5 management has to be done locally. 6 Q. (BY MR. WILLIAMS) So what if the local 7 management is responsible for the fact that the 8 working environment had eroded and there was a poor 9 level of hazard awareness? Do you think they are 10 going to fire themselves? Do you think they are 11 going to say, "Hey, I am going to replace myself"? 12 A. No, they -- 13 MR. DENNY: Objection, form. 14 A. They work for a line manager. 15 Q. (BY MR. WILLIAMS) Who? 16 A. I think in this case it was Pat Gower at 17 the time. 18 Q. So does Pat Gower have a responsibility, 19 if the senior management at the plant has allowed 20 the plant to -- the working environment to erode 21 and where the managers there are accepted -- have a 22 poor level of hazard awareness, does he bear some 23 responsibility? 24 A. The regional -- the regional vice 25 president who he works for should -- should</p>	<p>1 marketing. 2 Q. He is in London? 3 A. Yes. 4 Q. And Mike Hoffman, where is he located? 5 A. In London. 6 Q. And so they all bypass Ross Pillari? 7 A. The exact structure of Ross' role, but 8 Ross is not line manager for the refinery. 9 Q. I am trying to find out: When there are 10 problems in the plant, as you have written that the 11 working environment had eroded, no longer -- they 12 were lacking of trust and motivation and there was 13 a poor level of hazard awareness in the plant, who 14 is responsible if -- for that particular area, 15 going up your corporate structure? 16 And if I, as I understand it, 17 going from the plant manager, Don -- 18 A. Parus. 19 Q. -- Parus, it would go up to Pat Gower -- 20 A. Yes. 21 Q. -- here in the U.S., I take it? 22 A. Yes. 23 Q. And then from there it would go directly 24 up to Mike Hoffman, group VP for global refining in 25 London; and from there up to John Manzoni,</p>
Page 63	Page 65
<p>1 understand the major issues at the plant. 2 Q. Who is that? 3 A. That's Pat Gower. 4 Q. So is the answer to my question, yes, Pat 5 Gower has some responsibility to know what the 6 safety issues are at that plant? 7 A. Yes. 8 Q. And how about Pat Gower's boss, Ross 9 Pillari? 10 A. I don't think that Ross Pillari is Pat 11 Gower's boss. 12 Q. Who is Pat Gower's boss? 13 A. I believe it's Mike Hoffman. 14 Q. Spell his last name. 15 A. H-o-f-f-m-a-n. 16 Q. What is Mike Hoffman's job? 17 A. He is group vice president for global 18 refining. 19 Q. And who does he report to? 20 A. He reports to John Manzoni. 21 Q. Spell his last name. 22 A. M-a-n-z-o-n-i -- or z-o-n-i, I guess is 23 proper. 24 Q. His title? 25 A. Executive vice president for refining and</p>	<p>1 executive BP for refining and marketing worldwide, 2 also in London. And then -- correct? 3 A. Correct. 4 Q. And then from there it would go, I guess, 5 directly up to Lord Browne? 6 A. Yes. 7 Q. Okay. So how big a problem do you have 8 to have at a plant before it makes its way up the 9 leadership chain to Mr. Hoffman, Mr. Manzoni and 10 Lord Browne? 11 MR. DENNY: Objection, form. 12 A. All of our group vice presidents have 13 different -- different spreads of control. 14 So in this case, I don't know how 15 much had been talked about. I wasn't privy to the 16 conversations. 17 Q. (BY MR. WILLIAMS) So that I have this 18 corporate structure right, I am going to draw it. 19 (Exhibit Number 249 marked for 20 identification.) 21 Q. (BY MR. WILLIAMS) I am going to clean it 22 up and type it for the jury later; but I, in my 23 horrible handwriting, have written Exhibit 249, the 24 corporate structure for safety issues at TCR. 25 We started down here with Don</p>

17 (Pages 62 to 65)

<p style="text-align: right;">Page 66</p> <p>1 Parus; and then he would report to Pat Gower, who 2 would report to Mike Hoffman, who was group VP for 3 global refining and in London, right? 4 A. Yeah. 5 Q. And he would report to John Manzoni -- 6 A. Manzoni. 7 Q. -- Manzoni, executive VP refining -- 8 A. And marketing. 9 Q. -- and marketing in London. 10 And he would report to Lord 11 Browne? 12 A. Yes. 13 Q. Okay. So those are the levels of 14 command, as you appreciate it, with regard to the 15 safety issues at the Texas City plant. Once they 16 get to Don Parus, that's the way it would go up 17 the -- the chain of command? 18 A. Yes. 19 Q. Okay. 20 A. Not just for safety issues, but for 21 management. 22 Q. Right. 23 So in your complete investigation, 24 did you find that Don Parus had reported these 25 safety issues that you found to any of the people</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes. 2 Q. Pardon me? 3 A. Yes. And Parus does not work for me. 4 Q. Has he been fired? 5 A. I don't know. 6 Q. Should he have been fired? 7 A. It's not to me to judge. 8 Q. Well, I am asking you to give your 9 judgment. 10 Based on what you found, should he 11 have been fired? 12 MR. DENNY: Objection, form. 13 A. We deliberately not -- as I said -- said 14 to you earlier, we did not apportion blame. We 15 found evidence of facts and what had happened. 16 Q. (BY MR. WILLIAMS) Okay. You found for a 17 fact that the -- that over the years, the working 18 environment had gotten to the point that it was 19 lacking of trust and motivation. 20 That was a fact. And did Don 21 Parus play a role in that? 22 A. Don Parus was the leader of the site. 23 Q. What's the answer to my question? Did he 24 play a role in that? 25 A. Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 up the chain of command? 2 A. We -- I -- we spoke to Don. Don had -- 3 Don had talked about some of the issues with -- 4 with Gower and, I believe, Hoffman; but I can't -- 5 I think it was Hoffman. And I -- and Don had an 6 action plan to put things in place. 7 Q. Well, which safety issues did he discuss 8 with Gower and Hoffman? 9 A. The need for more line management. That 10 spreads the control over too great, that there were 11 conversations about changing the organization to 12 improve the accountabilities; and also, I know 13 there had been long discussions regarding spending 14 money on some of the plant. 15 Q. Now, what's Parus' job today? 16 A. I don't know. 17 Q. You honestly have no idea of what he is 18 doing today? 19 A. I don't know what his job is, no. 20 Q. Well, what's he doing? 21 A. I don't know. 22 Q. Is he at the plant? 23 A. No. 24 Q. Well, I thought you were the VP of safety 25 standards for the -- worldwide.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Did he play -- did Don Parus play a role 2 in the fact that there was a poor level of hazard 3 awareness at the plant? 4 A. Yes. 5 Q. Did he play -- did Don Parus play a role 6 in the fact that this poor level hazard awareness 7 resulted in people accepting levels of risk 8 considerably higher than other plants? 9 A. Yes. He was the leader at the site. So 10 he did play a role. 11 Q. Did he deserve to be fired? 12 A. That was not my purpose to judge, and I 13 wouldn't wish to judge it. 14 I -- the plant was getting better 15 and Don was doing a lot of good things. And how 16 deep and how long the problems had been at Texas 17 City, I don't know. People had different views at 18 the time. 19 MR. WILLIAMS: Objection, 20 nonresponsive. 21 Q. (BY MR. WILLIAMS) So your report 22 completely avoided asking this question, how -- 23 which is: How long had these safety problems 24 existed at the Texas City refinery? 25 A. People had different views. People had</p>

<p style="text-align: right;">Page 70</p> <p>1 views that some things had been okay, that some 2 parts of the plants were better than others. 3 This -- my belief was clearly -- from the report 4 and that of the team and this included six people 5 from the site that it had been a slow erosion 6 over -- over many years which had -- in the opinion 7 of the people from the site on our team, had been 8 getting better. 9 Q. The fact that there had been this erosion 10 of the safety culture over the years, is that a 11 responsibility of management? 12 A. Yes. 13 Q. Is it a responsibility of Don Parus, Pat 14 Gower, Hoffman, Manzoni and Browne? 15 MR. DENNY: Objection, form. 16 A. No. The site is run by the local site 17 manager. The site manager is the only person who 18 can control it. 19 Q. (BY MR. WILLIAMS) And to the BP way of 20 thinking, if the site manager is allowing the 21 erosion of the workplace environment to the point 22 that you are accepting these high risks, then what 23 do you do about that? 24 A. I think that -- I think that Mr. Parus 25 was improving the plant. He was in action.</p>	<p style="text-align: right;">Page 72</p> <p>1 driven by their understanding. 2 Q. Do you -- in America we had a president 3 at one time that put a sign on his desk and it 4 says, "The buck stops here." The responsibility 5 stops with me. I am the top guy. 6 Do you understand that concept, 7 that the buck stops here? 8 A. Yes. 9 Q. Okay. It translates into British 10 culture? I mean, you understand that? 11 A. Yes. But the president didn't last very 12 long, did he? 13 Q. Oh, I think he did. 14 A. Did he? 15 Q. Franklin Delano Roosevelt. 16 A. Was it? I thought... 17 MR. DENNY: So, John Eddie, I hate 18 to tell you; but you are absolutely wrong. 19 MR. WILLIAMS: Who was it? 20 MR. DENNY: It was Harry Truman. 21 THE WITNESS: Yes. 22 MR. DENNY: So that says a lot 23 about the questions Mr. Williams is going to be 24 asking you. 25 THE WITNESS: Okay.</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. WILLIAMS: Objection, 2 nonresponsive. 3 Q. (BY MR. WILLIAMS) Are you trying to tell 4 me, sir, that the plant was safe on the day of the 5 fire and explosion? 6 A. Clearly it wasn't. There was a major 7 incident. 8 Q. And did you find that many of the 9 programs that Don Parus was attempting to put in 10 place to improve things were by and large 11 ineffective? Did your team find that? 12 A. I think it was too little and too late. 13 Q. Okay. Now -- and who is responsible for 14 the fact that the programs to try and improve 15 safety were too little and too late? Is that 16 management? 17 A. Yes. 18 Q. Is that Don Parus' fault? 19 Responsibility? 20 A. Yes. 21 Q. And would it also be Pat Gower's and the 22 people above him? 23 A. I think the conversations would be very 24 much based on the site view of the pace that they 25 needed to do the programs at. So it would be</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. DENNY: But that's okay. 2 MR. ALVAREZ: Are we going to have 3 a civics lesson? 4 THE WITNESS: That was my memory 5 of it, but I thought I might be mistaken. 6 Q. (BY MR. WILLIAMS) Well, that culture of 7 the buck stops here, the -- what I am trying to get 8 at is where does the buck stop in the BP culture 9 for the fact that the plant had -- the safety 10 issues at the plant had eroded and they were 11 accepting unacceptable levels of risk? 12 Where does the buck stop? 13 A. I think it stops at the site management. 14 Q. And so in the BP view of the world, the 15 buck doesn't pass on up to the people managing Don 16 Parus. Those people above him have no 17 responsibility if Don Parus is failing to do what 18 he should do to take care of the problems of that 19 plant? 20 A. I think it depends on the scope. 21 So if, for instance, at 22 Mr. Hoffman's level he has -- had, at this point, I 23 think 19 global refineries. This -- on a 24 day-to-day issue in terms of how this was revealed, 25 I don't know the level of conversation, without</p>

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 being involved and sitting around a table between 2 Mr. Parus and Mr. Gower, on what was said. 3 Q. Okay. So if I am correct then, 4 Mr. Hoffman had 19 refineries to look after? 5 A. I think he has got slightly less now, but 6 I think it was about -- somewhere in that order. 7 Q. Okay. At the time of the fire and 8 explosion about 19? 9 A. I think so. 10 Q. Okay. So if safety is Priority 1, then 11 if you have a safety problem at one of those 19 12 plants, explain to me what a responsible manager 13 should do. 14 A. At which level? Everybody has different 15 responsibilities at each level. 16 Q. Okay. Well, let's say that -- let's say 17 the problem is at the senior leadership level here 18 where it's Don Parus, Kathleen Lucas and Willie 19 Willis. That's the leadership, and that plant has 20 a problem. 21 Would a responsible manager, 22 Mr. Gower, have some need to take action? 23 A. Yes, it would be action in rebuilding the 24 leadership team and -- and helping -- if he 25 believed that Parus was the right person to be the</p>	<p style="text-align: right;">Page 76</p> <p>1 Hoffman is look over 19 refineries, how many is 2 John Manzoni looking over? 3 A. A similar number of chemical plants, 4 28,000 retail stations, pipelines, terminals, a few 5 ships. 6 Q. And -- but how many refineries or 7 chemical plants total? 8 A. Hoffman has all the refineries. 9 Q. Okay. And Manzoni would have refineries 10 plus chemical plants? 11 A. Yes, just retail. 12 Q. Okay. 13 A. Plus Castrol Oil, plus Veba gasoline 14 stations, plus ARCO am/pm gas stations, plus all 15 the gas stations around the world. 16 Q. In your final report -- I want to talk 17 about procedures for a moment -- did you find that 18 many steps in the procedure -- we are talking about 19 the startup procedure at this ISOM unit -- were not 20 followed and the fact that the procedures were not 21 updated indicates they were not seen as important 22 documents? 23 A. Without looking back and seeing the exact 24 words in the report, no. 25 Q. Page 81.</p>
<p style="text-align: right;">Page 75</p> <p>1 refinery manager, he would be helping and 2 supporting him but challenging to -- to put in 3 them. So Kathleen Lucas, I think, had only been at 4 the plant for a few weeks. 5 Q. Well, explain to me did -- who is the 6 plant manager today at Texas City refinery? 7 A. Colin Maclean. 8 Q. Well, what happened to Don Parus? 9 A. I don't know. Colin Maclean was put in 10 place as the refinery manager. 11 Q. So does that in any way imply to you, 12 sir, that Don Parus wasn't doing the job, wasn't 13 getting it done? 14 A. It implies that somebody else made that 15 decision that he wasn't doing it, yes. 16 Q. Okay. Now, the e-mail that I saw 17 relieving Don Parus came from -- did it come from 18 Pat Gower or Mike Hoffman or Manzoni or Browne? 19 A. I don't know. 20 Q. Okay. It came from Pat Gower, as I 21 understand it. It was just an e-mail saying, "You 22 are relieved." 23 Were you aware of that? 24 A. No. 25 Q. How many refineries is Lord -- if Mike</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Certainly tonally that's what we said, 2 but I don't know if that's the exact words without 3 referring to -- 4 Q. I hope I wrote it down correctly. 5 A. Yeah. I am not -- I am not arguing with 6 you. I just can't confirm it without reading it. 7 It sounds very similar to what we said. 8 MR. DENNY: What page? 9 THE WITNESS: 81. 10 MR. WILLIAMS: Page 81. 11 Q. (BY MR. WILLIAMS) Fourth -- third full 12 paragraph under 5.10.12. 13 Do you see where it says on the 14 second line "many steps in the procedure" -- I will 15 show it to the jury. 16 A. "Were not followed and the fact that the 17 procedures were not updated indicates that they 18 were not seen as important documents," yes. 19 Q. And that was your finding? 20 A. Yes. 21 Q. Now, had that been a finding that had 22 been reported to senior management before this fire 23 and explosion? 24 A. I am -- I can't remember, to be honest, 25 whether that's the previous audit findings.</p>

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1 Q. Well, let's look at the Telos Report.
 2 MR. DENNY: 19, isn't it? Is 19
 3 the Telos Report?
 4 THE WITNESS: Yeah.
 5 (Discussion off the record.)
 6 Q. (BY MR. WILLIAMS) Let's look at the
 7 Telos Report where it says, "There are senior
 8 managers here who have allowed the site to accept
 9 completely inappropriate amount level of risk and
 10 who have allowed criminal levels of noncompliance."
 11 A. Which -- which page is that?
 12 Q. That's going to be page 49.
 13 Do you see any relationship to
 14 that with your finding where -- about missed
 15 procedures?
 16 A. It's a very similar statement to what we
 17 said in our report.
 18 Q. Okay. And then if we look on page 20 of
 19 the Telos Report, we are still on this subject of
 20 procedures, it says, "With regard to procedures you
 21 teach" -- and I will highlight it right here.
 22 It says: You teach us -- starting
 23 right here -- that our supervisors will tell us,
 24 quote, forget everything you heard in training
 25 because the trainers don't live in the real world.

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1 Training thus becomes a legality check to protect
 2 the company in the event of an incident.
 3 Is that an appropriate mindset or
 4 way to do things at a plant?
 5 A. No.
 6 Q. Now, this was reported to senior
 7 leadership before the fire and explosion. And does
 8 that, in your mind, relate to your finding that you
 9 made as one of the causes of the fire and explosion
 10 was that there are -- many steps in the procedures
 11 were not followed and the fact that they weren't
 12 updated indicates they were seen at not important?
 13 MR. DENNY: Objection, form.
 14 A. I think this -- this talks about
 15 training.
 16 Q. (BY MR. WILLIAMS) Right.
 17 A. And not about following procedures.
 18 Q. But doesn't it say in training they were
 19 taught not to follow our training? And aren't
 20 you -- and doesn't that relate to procedures? Do
 21 you see that -- does that make any sense to you?
 22 A. I think you could probably make a link.
 23 I would struggle to make a link between these two
 24 things.
 25 Q. Well, is it appropriate, then, when

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1 people are trained to not follow their training?
 2 A. No.
 3 Q. And then what you found, though, was that
 4 procedures weren't followed and because procedures
 5 weren't updated, they were considered unimportant
 6 documents, right?
 7 A. Yes. I think it was cause and effect.
 8 Q. And did management play a role in that?
 9 A. Supervisors, operators, everybody plays a
 10 role in updating procedures.
 11 Q. So while we are on the subject of
 12 training, did you find in your report that
 13 operators -- that their theoretical knowledge was
 14 not complete and rarely witnessed?
 15 A. I don't know.
 16 Did we say that in -- we said that
 17 in our report? You said we made comments on
 18 training in terms of improvements.
 19 Q. Yes, sir. If you will look at page 90,
 20 I'm just ask -- I think it says, "Operators'
 21 theoretical knowledge was not complete and rarely
 22 witnessed," the second from the last line of the
 23 last line.
 24 A. Yes.
 25 Q. That was your conclusion?

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1 A. Yeah, we stand behind --
 2 Q. You stand behind it?
 3 A. The team stands behind what we say in the
 4 report.
 5 Q. And if we look back at the Telos Report
 6 before the fire and explosion you see there it was
 7 told to the senior leaders, "You teach us. Then
 8 our supervisors will tell us, 'Forget everything
 9 you heard in training because the trainers don't
 10 live in the real world.'"
 11 I mean, doesn't that raise a red
 12 flag for management? Shouldn't it?
 13 A. Yes.
 14 Q. Should the people up the chain of command
 15 accept that type of conduct, Mr. Gower,
 16 Mr. Hoffman, Manzoni and Browne?
 17 A. As I say, I don't know the exact
 18 conversations that went on between Mr. Parus and
 19 Mr. Gower in this Telos Report.
 20 Q. My question is: Should they accept it,
 21 that level of conduct?
 22 A. They shouldn't knowingly accept it, no.
 23 Q. There were problems with training before
 24 the fire and explosion, weren't there?
 25 A. I think the training problems were like a

<p style="text-align: right;">Page 82</p> <p>1 lot of the problems that we said had been building 2 for a long time. 3 Q. And if you look at the Telos Report, 4 again on page 55 -- on page 55 it was reported 5 before the fire and explosion -- George Carter. 6 Who was George Carter? 7 A. I believe he was the operations manager 8 at the plant until around about 2002. 9 Q. And he said with -- 10 A. I can't -- that's -- I am not sure about 11 that, but I think that was his title then. 12 Q. George Carter said -- it is reported here 13 that George Carter cut training and said, "Until 14 you tell me I could go to jail, I won't change 15 anything as long as the paper covers us." 16 That seems like -- does that seem 17 like an appropriate management attitude toward 18 training? 19 A. No. 20 Q. Does that let you know, then, that -- put 21 you on notice that there was a training problem -- 22 a -- management had the wrong attitude toward 23 training? 24 A. Well, it tells me that somebody 25 anonymously says that George Carter said that three</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. And that comment, basically if we 2 summarize it, was that it was ineffective? 3 A. I can't remember -- I wouldn't like to 4 summarize it now, but we made some quite specific 5 comments on the VTA training, I remember. 6 Q. So tell me, without having to look it 7 up -- or you can if you want -- did you find the 8 V -- VTA training to be effective? 9 A. We -- I think we said that we found that 10 there was too much reliance on VTA training. 11 Q. And we are talking about the depth of the 12 problem, what you found, if we look there -- 13 reported back in the Telos Report, "The quality and 14 adequacy of operator and maintenance training here 15 is really poor. The virtual training assistant" -- 16 VTA, you talked about -- "training concept has not 17 worked at this site for many reasons." 18 And you would agree that it was 19 not working at that site? 20 A. I think what we said was there was too 21 much reliance on VTA. 22 I can't remember the exact words 23 that we used, but we certainly made comments about 24 training. We -- 25 Q. But -- excuse me.</p>
<p style="text-align: right;">Page 83</p> <p>1 or four years ago. 2 Q. Pretty shocking, isn't it? 3 A. That someone would say anonymously? 4 Q. Well, I don't know -- 5 A. I don't know whether it's true. 6 Q. The fact that they say it, though, should 7 create a flag in and of itself, shouldn't it? 8 A. The fact they say it, should. 9 Q. Okay. Let's look at page 54 of the Telos 10 Report where it says, "Training here is not 11 effective and really nonexistent." 12 You found big gaps in the 13 training, too, didn't you? 14 A. We did, yes. 15 Q. And if we look on that same page, do you 16 see the VTA -- that's their training, right -- is 17 not designed to create learning. It is a record 18 that a documentation has been opened -- a document 19 has been opened and closed and records the test 20 score. 21 Is that -- is that appropriate for 22 training in that plant? 23 A. I think we made a comment about the VTA 24 training, if I recall, in the -- in the report that 25 I would stand behind.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I mean, we made many comments and many 2 recommendations in our report that we stand behind. 3 Q. And my point is that you found that there 4 were problems with training after the explosion; 5 yet, it had been reported to management that there 6 were problems with this exact VTA system before the 7 explosion, true? 8 A. About two months before the explosion, I 9 believe. 10 Q. What was two months before the explosion? 11 A. The Telos Report. 12 Q. Who told you that? 13 A. I saw the date on it. 14 Q. So -- 15 A. It says -- 16 Q. Is today the first time you have seen the 17 Telos Report? 18 A. Yes. 19 Q. Do you think that people at the plant had 20 not complained about this VTA up until two months 21 before the fire and explosion? Is that what you 22 are claiming? 23 A. I think one thing that we said in our 24 report was that people had stopped complaining. 25 Q. They had stopped complaining why?</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 A. A variety of reasons. I think some 2 people -- 3 Q. Is one of them that management had a deaf 4 ear? 5 A. Some -- some use that -- some use that as 6 a reason. Others, I believe, just stopped. 7 Q. Did you find in your final report that 8 the relief valves -- the last full ISOM unit relief 9 valve study was completed in 1986? 10 A. Again, I can't -- I have no reason to 11 dispute that if it is in the report. Without going 12 to the report, I -- if it's in the report, I don't 13 dispute it -- 14 Q. Okay. 15 A. -- without going and reading the report. 16 Q. It's on page 63 if you want to go to it. 17 Page 63, the last full ISOM unit 18 relief valve study was completed in 1986. Agree? 19 A. Yes. 20 Q. Now, people had -- before this fire and 21 explosion in the Telos Report had complained about 22 the fact that there hadn't been a relief valve 23 study up-to-date, right? 24 In fact, if we look on page 43, it 25 says, "The relief valve studies, they keep cutting</p>	<p style="text-align: right;">Page 88</p> <p>1 Truman, and I'm a Brit. 2 MR. DENNY: It may be I am one of 3 the few guys in here old enough to know it was 4 Truman. 5 MR. WILLIAMS: Well, there you go. 6 MR. DENNY: That's my problem. 7 Q. (BY MR. WILLIAMS) The subject is relief 8 valves. 9 A. Yeah. 10 Q. You found relief valves -- the last full 11 relief valve study in the ISOM unit was 1986, 12 right? Correct? 13 A. Yes. 14 Q. And in the Telos Report, people had 15 complained that relief valve studies -- they kept 16 cutting the money for these studies, right? 17 A. That's what it says. 18 Q. Now, is that appropriate, to cut the 19 money for the studies for relief valves? Are they 20 critical safety equipment? 21 MR. DENNY: Objection, form. 22 A. Relief valves are safety critical 23 equipment. 24 Q. (BY MR. WILLIAMS) And is it appropriate 25 to cut the -- the money for those studies?</p>
<p style="text-align: right;">Page 87</p> <p>1 the money for these studies," right? 2 A. Page 43? 3 Q. Yes, sir. I have highlighted it here on 4 the board. 5 A. I can see where the yellow is. I can't 6 read it. 7 Q. Accept -- if you would, accept that I am 8 reading it correctly. 9 A. Yeah, okay. 10 Q. The three lawyers here -- or four lawyers 11 here that are with you will correct me if I am 12 wrong, okay? 13 MR. DENNY: It's the same guy that 14 had the wrong president saying that. 15 THE WITNESS: I know. 16 MR. WILLIAMS: Hey, we don't know 17 if you are telling the truth on it. 18 MR. ALVAREZ: I will vouch -- 19 THE WITNESS: I know it was 20 Truman. 21 MR. ALVAREZ: -- that he is right. 22 THE WITNESS: I know it was 23 Truman. 24 MR. ALVAREZ: He is right. 25 THE WITNESS: I knew it was</p>	<p style="text-align: right;">Page 89</p> <p>1 A. It's appropriate to do the right level of 2 studies that you need to do. 3 Q. Well, why -- 4 A. It depends on how many modifications you 5 are doing to the plant, on -- on how much money you 6 need to spend. 7 Q. Why had they not done any since 1986 8 other than to save money? What reason was there? 9 A. I think some of it was a thought -- that 10 people thought there had been no major change and 11 they didn't need to. So it was incremental. They 12 had done HAZOPs, and they did small changes. 13 Even when they did the major -- 14 not a major, but the downgrade on the -- on the 15 pressure rating, they did a HAZOP and looked at it. 16 And one of the things that we talked about in our 17 recommendations was the need to -- not to use 18 HAZOPs as much as was done at the site. 19 Q. My point is, though -- 20 A. Not necessarily driven by money, was my 21 point. My point was that it was driven by use -- 22 sometimes using incorrect processes. 23 Q. Were they -- was -- can we agree that the 24 relief valve study should have been updated since 25 1986?</p>

23 (Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 A. Yes, we said that. 2 Q. Okay. And so it was -- your -- your 3 position is rather than saving money where Telos 4 people reported they had cut the cost, your 5 position is that it was just management didn't get 6 it -- they got it wrong. They didn't get it right? 7 A. I think it -- it -- I found no evidence 8 that it was driven by money in the investigation. 9 Q. So how much did you investigate whether 10 it was driven by money? 11 A. We -- we asked a lot of people; we looked 12 at budgets; and we talked -- we talked about it. 13 I think clearly there had been 14 some people, as I said earlier, and which you said 15 back to me, you know, stopped asking because they 16 thought management were not listening. 17 Q. So people quit complaining at that plant 18 in some regards because they thought management 19 just failed to do anything or take any action when 20 they did bring up safety issues? 21 MR. DENNY: Objection, form. 22 A. I don't think people quit. Some people 23 did. Some people stopped. 24 Q. (BY MR. WILLIAMS) Is that a problem 25 that -- when people get -- I guess, lose their lack</p>	<p style="text-align: right;">Page 92</p> <p>1 although it was supposed to be tested every week. 2 And without going back to the 3 specifics on the alarms in the -- in the report -- 4 Q. Did you ever interview the fire chief, 5 John McLleland about -- or was it McLemore? 6 A. McLemore. 7 Q. (Continuing) -- John McLemore about -- 8 A. I believe -- 9 Q. -- the alarm system? 10 A. I believe he was interviewed by parts of 11 the team. 12 Q. Okay. Did it come in your -- what you 13 quote as the -- consider a complete investigation, 14 did it come to light that he had for years been 15 requesting a newer, updated system that was 16 reliable and would reach the totality of the plant? 17 A. I don't know without going back through 18 his transcripts. 19 Q. Assume with me, if you would, that he 20 testified that he had been requesting a newer, 21 updated alarm system that was reliable and reached 22 the entire plant and that he had been refused 23 because it kept being postponed for budgetary 24 reasons. 25 Is that the right way to run a</p>
<p style="text-align: right;">Page 91</p> <p>1 of motivation and the working environment, as you 2 said, gets to where there is an erosion in trust, 3 does that breed safety gaps at that plant? 4 A. It can if people don't do what they have 5 to do. 6 Q. And who is responsible for that? Does 7 management play a role in that responsibility? 8 A. Absolutely. 9 Q. And all the way up to Don Parus and 10 above? 11 A. Up to Don Parus, yes. 12 Q. Now let's talk about warnings. 13 Did you find that there were any 14 alarms sounded prior to this fire and explosion? 15 A. Evacuation alarms, do you mean? 16 Q. Correct. 17 A. No. We found that there were none. 18 Q. Did you find how long the evacuation 19 alarms, the alarms in that plant, had been outdated 20 and -- and that they didn't even cover the entire 21 plant? 22 A. We found that there were many problems 23 with the alarms, with -- with -- that they weren't 24 tested. People didn't know -- people -- people 25 didn't -- didn't sound them as a matter of routine,</p>	<p style="text-align: right;">Page 93</p> <p>1 plant, sir? 2 A. I can -- 3 MR. DENNY: Objection, form. 4 A. I can only talk about the ISOM incident. 5 The alarm -- the alarms on that unit, if they had 6 been sounded, people would have heard it and would 7 have left. 8 Q. (BY MR. WILLIAMS) How do you know they 9 would have worked? 10 A. I don't. 11 Q. Did you know the history of the -- of the 12 alarms having a -- being out of date and 13 unreliable? Did you investigate that? 14 A. We investigated. We have no reason to 15 believe that they weren't working on the day of the 16 incident. 17 Q. How long had there been requests to 18 update that system to make it reliable? 19 A. I don't know -- 20 Q. Do you have -- 21 A. -- without going back. 22 Q. Do you have any evidence that it would 23 have worked on the day of the fire and explosion? 24 A. I can't remember without -- without going 25 back through the full report and through the</p>

<p style="text-align: right;">Page 94</p> <p>1 transcripts. 2 Q. Why would -- why would it not be -- why 3 would -- new question. 4 Why would the alarm system not 5 have been triggered on the day of the fire and 6 explosion before the fire occurred? 7 A. Because nobody sounded the alarms. 8 Nobody hit the button. 9 Q. Why? 10 A. To this day, from the transcripts -- and 11 as I said, I didn't do any of the interviews -- 12 from the transcripts, the people who were involved 13 cannot say why. 14 Q. Was it perhaps because seeing chemicals 15 spew like a geyser out of vessels had become 16 something that they accepted that risk? 17 A. I have -- again, we asked the control 18 room operator and the outside operators directly, 19 "Why did you not sound the evacuation alarm?" 20 "We don't know." 21 Q. Does that indicate to you there was some 22 lack of training in that area or effective 23 training? 24 A. It implied to me that holistically there 25 was a lack of knowledge on the right behaviors to</p>	<p style="text-align: right;">Page 96</p> <p>1 accountability is for -- is for the site 2 leadership. 3 Q. (BY MR. WILLIAMS) And for the fact that 4 that plant had become -- had had the worst safety 5 gaps of any of the plants in your worldwide system, 6 would it also not only be -- would the 7 responsibility also go up to Pat Gower? Would he 8 bear some responsibility? 9 A. Pat should -- Gower should be aware of it 10 and should be in conversations with Parus with a 11 plan to fix it. 12 Q. And how about Mike Hoffman, the fact that 13 this was the plant that had the worst safety gaps 14 of any worldwide -- of the worldwide plants? 15 Should he have been aware of that since he was 16 overseeing the 19 refineries? 17 A. I think it would depend on his view of 18 how serious they were and whether the action plan 19 was sufficient. He should be monitoring the plant. 20 Q. And should Mr. Manzoni, who is in charge 21 of both 19 refineries and a like number of chemical 22 plants at BP around the world, should he be aware 23 that one of those plants that he's in charge of has 24 the worst safety record -- or worst safety gaps of 25 any of the refineries and plants around the BP</p>
<p style="text-align: right;">Page 95</p> <p>1 sound the alarm. 2 Whether that was because of 3 training -- and we did -- we did make a very strong 4 recommendation about improving gun drills, about 5 sounding evacuation alarms. 6 I -- the combination of why it 7 happened, people -- people could not explain why. 8 Q. Let me ask you: In your review of this 9 plant, comparing it to other BP plants, would you 10 say that this plant had the normal amount of flaws 11 in the safety system or not? 12 A. No. I think it's substantially worse. 13 Q. Do you have plants that were worse than 14 the Texas City refinery with regard to safety 15 flaws? 16 A. I don't think so. 17 Q. So it's your opinion, as far as you know, 18 the Texas City refinery had the worst safety flaws 19 of any plant in your worldwide network? 20 A. Yes. 21 Q. And does management bear ultimate 22 responsibility -- and I mean senior management -- 23 for that flawed safety system? 24 MR. DENNY: Objection, form. 25 A. I think that I said it clear. The prime</p>	<p style="text-align: right;">Page 97</p> <p>1 empire? 2 A. In my view. In my view, I think it is 3 unlikely because of the spread of his 4 accountability. 5 Q. Okay. Pre-startup safety review is a 6 subject I would like to talk to you about. 7 Did you find in your investigation 8 that there -- that the pre-startup safety review 9 was not performed at the ISOM unit prior to the 10 startup on March 23? 11 A. Yes, I think we referred to it in the 12 report. 13 Q. And is a pre-startup safety review an 14 important layer of protection or layer of safety? 15 A. Yes. 16 Q. People die if you don't do those things 17 right sometimes? 18 A. That's an extreme version of it. 19 Q. Well, it -- 20 A. But it's an important part of the 21 control. 22 Q. And when the culture of the plant allows 23 you to start up your unit without doing a 24 pre-startup safety review, does management bear 25 responsibility for having that kind of culture that</p>

<p style="text-align: right;">Page 98</p> <p>1 would allow that to occur? 2 A. At every level: Operators, supervisors, 3 superintendents. 4 Q. And is it true, sir, that if you look in 5 the Telos Report, it had been reported -- 6 A. Which page are we on? I have not had a 7 chance to read it. 8 Q. We are on page 39, sir. 9 A. I left my glasses in London. So I can't 10 read any of that. 11 THE WITNESS: You don't need to 12 put any of that. 13 A. Yeah. 14 Q. (BY MR. WILLIAMS) I am sure Otway told 15 you to leave your glasses in London. 16 A. I did, and that means I can't rent a car 17 to get to where -- I would even be unsafe on 18 taxiways. 19 Q. You found there was no pre-startup safety 20 review done on March 23; and in the Telos Report, 21 we find that pre-startup safety reviews here are 22 nonexistent. It's a paper exercise. We are not 23 doing the right thing. 24 That complaint had been made in 25 this Telos Report before this fire and explosion,</p>	<p style="text-align: right;">Page 100</p> <p>1 training in risk assessment than is done. There's 2 not enough staff to get enough participation." 3 Does that ring a bell? I mean, is 4 it -- do you see the correlation that beforehand, 5 before the explosion, they are complaining about 6 lack of training on risk assessment and after the 7 explosion, you find and document, yep, there was a 8 lack of training and awareness on risk assessment? 9 A. It is the same issue in both reports. 10 Q. That's right. 11 And it was -- it existed before 12 the explosion and had been reported to senior 13 management in the Telos Report, right? 14 A. Yes. 15 Q. Did you find in your report that process 16 safety did not appear to be a priority? 17 A. I think not only did we find it, I think 18 we said it, didn't we? 19 Q. Uh-huh, correct. And that was on 20 page 142 of your report. Process safety did not 21 appear to be a priority, I quote. 22 And do you see a correlation, 23 then, to the fact that you said it wasn't a 24 priority -- you found it wasn't a priority and the 25 Telos Report finds that the Number 1 priority at</p>
<p style="text-align: right;">Page 99</p> <p>1 correct? 2 A. As you say, it's in -- it's in the 3 report. 4 Q. And it in many ways tells you that the 5 report -- the Telos Report -- have we seen today 6 examples where the Telos Report shows things 7 that -- before the fire and explosion and, in fact, 8 you found them to be true in your investigation 9 after the fire and explosion? Right? 10 A. Yes. 11 Q. I want to talk to you about the subject 12 of a HAZOP; and in your report -- in your report on 13 page 141, I quote, with regard to HAZOPs and 14 process risk, it says, "This was largely due to 15 poor hazard risk identification skills throughout 16 management and the workforce, exacerbated by a poor 17 understanding of process safety." 18 That was your -- in your team's 19 conclusion, right? 20 A. Yes. 21 Q. Now, if we go back to the Telos Report, 22 before the fire and explosion, that same problem 23 existed or was reported, where on page 53 it says, 24 "People are not adequately trained in HAZOPs. 25 HAZOP training should include a much more thorough</p>	<p style="text-align: right;">Page 101</p> <p>1 that plant was making money? Do you see a problem 2 there? 3 A. I don't see a direct correlation. 4 Q. Okay. Should safety be Priority 1, if 5 the plant is run well? 6 A. Absolutely. 7 Q. And you know as a fact that safety was 8 not Priority 1 at Texas City refinery before the 9 fire and explosion, right? 10 A. I think process safety -- the standards 11 had fallen in process safety and the people, 12 because they weren't aware of the risks they were 13 taking, didn't stop to do the right thing 14 sometimes. 15 Q. And who was responsible for the fact that 16 the standards in process safety had fallen at the 17 Texas City refinery? 18 A. It starts with leadership, but it's at 19 every level in the refinery. The blue collar 20 workers that had been part of it. The supervisors 21 had been part of it. The superintendents had been 22 part of it. 23 Q. But it starts with senior management, 24 doesn't it? 25 A. The leadership sets the tone.</p>

26 (Pages 98 to 101)

<p style="text-align: right;">Page 102</p> <p>1 Q. You bet. 2 And to change the tone, it takes 3 senior management to take action, right? 4 A. Yes. 5 Q. Can you explain for this jury why the 6 process safety manager, Bill Ralph, was not part of 7 the leadership team at that refinery? 8 A. No. 9 Q. Would you agree with me that process 10 safety -- the process safety manager should be part 11 of the leadership team at that refinery? 12 A. I think it can work in many different 13 ways in the organization. It depends on the -- on 14 the individual. The process -- the process safety 15 needs a senior seat at the table. 16 Doesn't necessarily need to be on 17 the leadership team for all the issues around HR, 18 commercial decisions, things like that. It needs 19 to be in the table -- it needs to be in the 20 leadership team for real live operational 21 conversations. 22 Q. So if I -- 23 A. It's not a reporting issue if it has been 24 in the right discussions and having the right 25 influence.</p>	<p style="text-align: right;">Page 104</p> <p>1 plant before the fire and explosion? 2 A. I think it was -- it was represented 3 through the HSE manager. 4 Q. Joe Barnes? 5 A. Through Joe Barnes. 6 Q. And did your investigation reveal to you, 7 what this jury now knows, that Joe Barnes had no 8 formal training in PSM and was not -- had no 9 expertise in PSM? 10 MR. DENNY: Objection, form. 11 A. I don't believe he had no -- the formal 12 experience -- Bill -- Sir Bill Ralph is one of the 13 company's leading process safety practitioners, and 14 Bill had a seat. It wasn't always on the 15 leadership team, and I don't think there was enough 16 priority. I said it in my report. 17 Q. (BY MR. WILLIAMS) Bill Ralph has 18 expertise in process safety, but have -- for 19 whatever reason was excluded from the -- the 20 highest level -- the operational levels of the 21 leadership team with regard to operations. And he 22 should have been included rather than excluded. 23 Would you agree with that? 24 MR. DENNY: Objection, form. 25 A. Process safety needed to be discussed by</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. So if I understand, what you are saying 2 is that process safety -- the manager for process 3 safety should have a seat at the senior level in a 4 plant? 5 A. For operational decisions and for 6 engineering decisions. 7 Q. Correct. And -- 8 A. It does not necessarily mean that they 9 have to be on the leadership team for everything. 10 Q. But the process safety manager, you and I 11 agree, to be -- run a safe plant should have a seat 12 at the senior level -- 13 A. But it may be -- 14 Q. -- with regard to -- excuse me -- with 15 regard to operational decisions? 16 A. But it may be -- process safety may be 17 represented by the HSE manager. 18 Q. Well, then I -- 19 A. It may be represented by the head of 20 engineering. It depends on the exact structure and 21 who the people are at the plant. 22 Q. So -- 23 A. It is not necessarily by title. 24 Q. So who represented process safety 25 management at the senior level at the Texas City</p>	<p style="text-align: right;">Page 105</p> <p>1 the right people. 2 Q. (BY MR. WILLIAMS) And that was a problem 3 at the Texas City plant because the -- the expert 4 was not -- he was not included in the highest level 5 decisions? 6 A. I don't believe that was the reason. 7 Q. I am sorry. I don't understand that. 8 A. I don't believe that that was the reason. 9 Q. The reason for what? 10 A. Why process safety was not a priority. 11 Q. Why was that not the reason? Why was 12 process safety not prioritized at that plant? 13 A. Not because Bill Ralph did not sit on the 14 leadership team. A lot of other reasons, but not 15 because Bill Ralph did not sit on the leadership 16 team. 17 Q. What were the other reasons? 18 A. I think that it had -- it had gone in the 19 priority of the way people felt about the way that 20 they should run the plant. 21 Q. And that means senior management, right? 22 A. It means senior management. It means the 23 superintendents. It means the supervisors. It 24 means the operators, everybody on the site; but it 25 was not merely due to the fact that Bill Ralph was</p>

<p style="text-align: right;">Page 106</p> <p>1 not on the leadership team. 2 Q. Was there anybody on the leadership team 3 at that plant that had expertise in process safety 4 management? 5 A. The operations managers had that 6 experience. 7 Q. Expertise or experience? 8 A. Experience. 9 Q. No, sir. 10 My question is -- 11 MR. WILLIAMS: And I object as 12 nonresponsive. 13 Q. (BY MR. WILLIAMS) Was there anybody on 14 the leadership team at Texas City refinery that had 15 expertise in process safety management? 16 A. And I would say that leadership teams 17 bring in expertise for specific issues when they 18 need them. There are many things that you have 19 expertise that -- that is not on the leadership 20 team of the plant. 21 I think it may be semantics, 22 but it -- but it's -- it's what is on the -- 23 process safety needs to be represented, but there 24 is no -- there is no reason why automatically the 25 process safety manager should always be on the</p>	<p style="text-align: right;">Page 108</p> <p>1 safety management, true? 2 MR. DENNY: Objection, form. 3 A. That's not a group standard, no. 4 MR. WILLIAMS: We need to change 5 the tape. 6 THE VIDEOGRAPHER: Off the record 7 at 11:14 a.m., ending Tape 2. 8 (Recess taken.) 9 THE VIDEOGRAPHER: On the record 10 11:29 a.m., beginning Tape 3. 11 Q. (BY MR. WILLIAMS) Did you find in your 12 report and so state that although leadership stated 13 safety first, this was not evidenced or believed by 14 many of the workforce? 15 And that's from page 165 of your 16 report. 17 A. Yeah. 18 Q. And sometimes in Texas we say, you know, 19 some people talk the talk but they don't walk the 20 walk. 21 Do you understand that saying? 22 A. (Nods head.) 23 Q. And, in fact, would you say that your -- 24 that you found that people talk the talk with 25 regard to safety at your plant but in many ways</p>
<p style="text-align: right;">Page 107</p> <p>1 leadership team. 2 That's what I am -- that's what I 3 am trying to portray, which I think is where you 4 are trying to go. 5 Q. So your -- the BP standard -- the 6 worldwide vice president for senior -- vice 7 president for safety standards has set the safety 8 standard now that -- that on the leadership team at 9 Texas City refinery there is no -- there is no need 10 to have a PSM expert on that leadership team, true? 11 MR. DENNY: Objection, form. 12 A. No, I haven't set that standard. 13 What I -- what I have said is that 14 I believe you need experience, you need access to 15 expertise when you need the expertise. And process 16 safety -- there are times when the process safety 17 manager and two or three other people in process 18 safety need to be sitting around the table with the 19 leadership team. It's not -- but it's not 20 automatic that it's -- the person is full-time on 21 the leadership team. 22 Q. (BY MR. WILLIAMS) To sum it up, you set 23 the standards worldwide in safety; and you are okay 24 at BP that the standard is the leadership team need 25 not have as one of its members an expert in process</p>	<p style="text-align: right;">Page 109</p> <p>1 failed to walk the walk? 2 A. I think that in a lot of cases the 3 translation between safety first and what it meant 4 was lacking. 5 Q. And, of course, in the Telos Report, on 6 page 20 of that report, we find that that complaint 7 had been made before the fire and explosion. 8 Do you see here it says, "The 9 biggest complaint is that people don't walk the 10 talk about safety"? 11 Does that correlate to what you 12 found after the report? 13 A. It's pretty close. 14 Q. Okay. So, again, we find something where 15 the Telos Report found findings before this fire 16 and explosion that your investigative team 17 documented to be true after the fire and explosion, 18 right? 19 A. Yes. 20 Q. What kind of grade would you give this 21 plant with regard to safety? You know, an A, a B, 22 a C, a D, an F? 23 A. I don't know. How far do you go? You 24 are asking me kind of -- we have all different 25 levels of grades.</p>

<p style="text-align: right;">Page 110</p> <p>1 I think that -- I think we were 2 clear in our -- in our report we thought it was 3 unacceptable. 4 Q. Would that be an F? 5 A. I don't know what number -- I mean, we 6 use -- we use for personnel evaluations. We only 7 go as far as C. In terms of our primary education, 8 we go down to H. 9 So where I'm saying it's 10 unacceptable, if you start at A and you go to F, I 11 would put it somewhere in E to F. 12 Q. Somewhere where? 13 A. E to F. 14 Q. Okay. How would you compare -- who was 15 in charge of comparing the safety culture at this 16 plant and the gaps before this explosion, comparing 17 it to the other plants in the BP empire? 18 A. I would say at the time that we -- there 19 was not a -- there was not a formal tool for 20 comparing safety culture across the group. 21 Q. Is there today? 22 A. We have -- we have started to build some 23 cultural assessment tools, which we will be 24 trialing starting the middle of the year. 25 Q. So from the date of the fire and</p>	<p style="text-align: right;">Page 112</p> <p>1 MR. WILLIAMS: Objection, 2 nonresponsive. 3 Q. (BY MR. WILLIAMS) If I understand you 4 correctly, you are saying that after the March, '05 5 fire and explosion, your company decided it made 6 sense to try and measure the safety culture at the 7 various worldwide BP plants and refineries, right? 8 A. More than just a safety culture. Safety 9 culture is just one -- one part. There is also 10 systems, the hardware, more than just safety 11 culture. 12 Q. And did you, before this fire and 13 explosion, have any system in place to monitor the 14 safety culture at your plants worldwide and 15 refineries worldwide? 16 A. No. 17 Q. Did -- have you, since this fire and 18 explosion, done a -- any -- do you -- are you aware 19 of any surveys of the employees at the plant or 20 surveys done by your group of the Texas City 21 refinery since the Telos survey? 22 A. No, I am not aware of any. They may have 23 done -- been done on a local basis, but I am not 24 aware of them. 25 Q. How many plants have you -- and</p>
<p style="text-align: right;">Page 111</p> <p>1 explosion, it will be approximately two years 2 before you do a -- use your tools to assess the 3 safety cultures at the various BP plants within 4 your empire? 5 A. No, no. We have -- I mean, since the -- 6 since the incident at Texas City, we have evaluated 7 all of our refineries in a deep operational way. 8 And what we have been trying to do 9 is learn about how we can build measures which work 10 a long way in advance to give you indication of the 11 culture that's building up in the plant and they 12 are -- they are being used in a group-wide basis in 13 October of this year but we have been to -- we have 14 evaluated, in the last year, most of our sites. 15 Q. Including Texas City? 16 A. Texas City has a work plan based on the 17 recommendations of the report, based on other 18 recommendations that are outstanding; and Colin 19 Maclean and the team have a big program that's 20 actually all of -- all of the recommendations in 21 the report. 22 So we have talked about going back 23 when -- probably later on this year to do a formal 24 assessment that the program is being tracked for 25 completion of all the recommendations.</p>	<p style="text-align: right;">Page 113</p> <p>1 refineries worldwide have you now investigated to 2 see what the safety culture is at other BP plants 3 and refineries? 4 A. I don't know the number. All of the 5 refineries, all of the chemical plants, and 6 probably maybe 40 percent of our large exploration 7 production sites. 8 Q. Focusing just on the chemical plants and 9 refineries, then, you have now surveyed a hundred 10 percent of them, except for Texas City, to check on 11 the status of the safety culture post the fire and 12 explosion of March, '05, correct? 13 A. Yes. 14 Q. What did you find? Did you find that 15 they were all the same, or did you find that there 16 were gaps in many of your -- or any of your plants 17 or refineries? 18 A. We found some -- you always find gaps 19 when you do an audit. That's why you do an audit. 20 So you never do an audit and find nothing. 21 What we did find was that none 22 of -- none of our plants had anywhere near the same 23 level of issues as Texas City. 24 Q. No question, is there, that of the plants 25 and refineries within the BP empire, some 38, that</p>

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1 Texas City was -- had the -- was at the bottom, had
 2 the largest number of gaps with regard to safety
 3 and safety culture?
 4 A. No.
 5 Q. You agree?
 6 A. I would agree, yeah.
 7 Q. Who was responsible for the fact that it
 8 had the lowest ranking safety culture and the
 9 largest number of gaps in safety of any of the BP
 10 plants?
 11 A. Primarily the site leadership.
 12 Q. You say "primarily," but would you also
 13 agree that the people above the site leadership
 14 bear some responsibility for the fact that it had
 15 eroded to the very bottom of the pack?
 16 A. I think that -- as I said earlier, what I
 17 would have expected was the conversation from Parus
 18 and an assessment of the work program and what was
 19 in place.
 20 But our motto is that we have BP
 21 standards, BP processes, and we expect site
 22 management to follow them.
 23 Q. Well, who is managing the site -- the
 24 site managers to see that they are following them?
 25 A. We have a high level audit program, which

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1 we -- which we did before, but that is -- reports
 2 into the local site and the local leadership.
 3 So we have actually changed that
 4 process as a result of -- of bringing more
 5 independence, but the accountability is clearly
 6 with the site manager working with the site
 7 managers, line manager, to put in place a work
 8 program, to fix it.
 9 Q. What safeguards did your company have in
 10 place before this fire and explosion that would
 11 have told your management team, "Hey, the senior
 12 management at Texas City refinery has let the
 13 safety culture erode to a point that it has the
 14 biggest number of safety gaps and the worst safety
 15 culture of any plant of our approximately
 16 38 refineries and chemical plants worldwide"?
 17 A. The process was audit by -- by the
 18 organizational unit, and it was primarily driven
 19 through the leadership complying with our own
 20 standards.
 21 Q. I am sorry. I don't understand that.
 22 I am asking for safeguards before
 23 this fire and explosion that would have told the
 24 management above the site management, "Hey, this is
 25 the worst site we've got. We've got a problem."

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1 What safeguard was in place, if
 2 any?
 3 A. Now, as I said, one thing we have
 4 identified is a gap; and we have set in place new
 5 audit processes, which are completely independent
 6 from the line to check, which we didn't have when
 7 this incident happened.
 8 Q. So you and I can agree that there was a
 9 gap in your management structure in that there was
 10 nothing -- no safeguard in place before the fire
 11 and explosion to tell the management above site
 12 management that the -- this was the site with the
 13 biggest safety problems of our whole empire; is
 14 that true?
 15 MR. DENNY: Objection, form.
 16 A. There was no secondary measure. The
 17 primary measure was through the line.
 18 Q. (BY MR. WILLIAMS) Through what?
 19 A. Through the line. Through the line
 20 leadership and local leadership.
 21 Q. Meaning the plant manager?
 22 A. Through to the next level reporting up.
 23 Q. To Pat Gower?
 24 A. Yes.
 25 Q. And what if -- do you expect -- is it

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1 human nature for the plant manager to raise his
 2 hand at the meeting and say, "Of all the plants
 3 worldwide at BP, I am running the one that has the
 4 biggest safety problem and the worst safety
 5 culture"?
 6 Is that human nature to do that?
 7 A. I think I do -- I think it is when you
 8 are honest about knowing your problems. And I
 9 think that Don Parus -- Don Parus understood that
 10 he had a lot of work to do.
 11 Q. And so if he -- he had, then, in your
 12 opinion, had actual conscious awareness, knowledge,
 13 that -- before the fire and explosion that he had
 14 the biggest safety gaps and the worst safety
 15 culture of all the BP plants worldwide and
 16 refineries worldwide?
 17 MR. DENNY: Objection, form.
 18 A. I don't -- I don't think -- did you
 19 finish the question?
 20 Q. (BY MR. WILLIAMS) Yes, sir.
 21 A. Oh, can you repeat it?
 22 And I am sorry. I didn't catch
 23 the end of the question.
 24 Q. Okay. So it's your understanding and
 25 your opinion, based on your investigation, that Don

<p style="text-align: right;">Page 118</p> <p>1 Parus had actual knowledge, awareness, consciously 2 was aware that his plant had the worst safety gaps 3 and the biggest problems with safety culture of all 4 the BP plants and refineries worldwide; is that 5 correct? 6 MR. DENNY: Objection, form. 7 A. I think he probably would not have known 8 whether he was the worst. He would have known 9 whether his risk was acceptable and what he should 10 be doing to fix it. 11 Q. (BY MR. WILLIAMS) Well, do you think he 12 thought his risk was acceptable? 13 A. I think from some of his actions, he was 14 working to reduce the risk. 15 Q. Because he knew it was unacceptable? 16 MR. DENNY: Objection, form. 17 A. Because he knew he had risk. Every site 18 is expected to have a risk reduction plan. 19 Q. (BY MR. WILLIAMS) So he had conscious 20 knowledge of the fact that he had safety -- 21 cultural safety problems and risk -- and 22 unacceptable risk at his plant before the fire and 23 explosion? 24 MR. DENNY: Object -- 25 A. No, I never said that.</p>	<p style="text-align: right;">Page 120</p> <p>1 from the outside to look at his plant and give 2 interview, and the second is the actual performance 3 on the outputs. 4 Q. (BY MR. WILLIAMS) So did anybody take 5 that information that you just described and tell 6 Don Parus, "This is where you stack up with the 7 other 37"? Are you Number 1 or are you Number 38, 8 did anybody do that, sir? 9 A. The comparative performance of the 10 refineries in terms of personal accident injuries, 11 recordables is published for all of it -- for all 12 of the managers. 13 Q. So where did Texas City stand? 14 A. I can't remember without going back to 15 the details. 16 Q. Was it at the top or the bottom? 17 A. On personal -- on recordable injuries, it 18 was showing great improvement. 19 Q. That's -- 20 MR. WILLIAMS: Object, 21 nonresponsive. 22 Q. (BY MR. WILLIAMS) That -- did you 23 understand the question? 24 A. I did, and I gave you an answer. 25 Q. I know, but it's evasive.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. (BY MR. WILLIAMS) Well, how would it -- 2 what safeguard method was there available to Don 3 Parus to compare his plant to the other BP plants 4 worldwide and refineries worldwide with regard 5 specifically to safety? 6 A. Don had had audits, process safety audits 7 with people from outside the plant who had come and 8 looked at it and had given -- had given him reports 9 on the plant. 10 Q. And what did those reports say? 11 A. And the reports said that there was -- 12 were things to do. 13 Q. There were gaps? 14 A. As every audit does. 15 Q. But let's find -- let's focus. 16 How -- was there anything in place 17 that allowed Don Parus, the plant manager, to 18 compare his plant to the other 37 refineries and 19 chemical plants around the world for BP, 20 specifically with regard to gaps in safety and gaps 21 in -- or problems with his safety culture? 22 Is there anything that allowed him 23 to do -- make that comparison? 24 MR. DENNY: Objection to form. 25 A. Two processes. One was to bring people</p>	<p style="text-align: right;">Page 121</p> <p>1 MR. DENNY: Objection, form. 2 Q. (BY MR. WILLIAMS) So here's my point: 3 You have 38 -- BP has 38 refineries and chemical 4 plants worldwide, correct? 5 A. It's in that order. 6 Q. Okay. And before this fire and explosion 7 with regard to gaps in the safety and with regard 8 to safety culture, where did this particular plant 9 rank? Was it the very best or the very worst? 10 A. I don't know. We didn't have -- as I 11 said earlier, we didn't have a comparative measure 12 before the incident. 13 Q. Did he have a way to compare his safety 14 culture and his number of safety gaps with other 15 companies or with other plants or refineries 16 outside of BP? 17 MR. DENNY: Objection to form. 18 A. Always. You can always do that. 19 Q. (BY MR. WILLIAMS) How? 20 A. Talk to them. 21 Q. So what was -- where did they rank? 22 A. That doesn't -- as I said, the measures 23 that we had mainly around recordable injuries 24 showed that Texas City was improving. 25 Q. I am not --</p>

<p style="text-align: right;">Page 122</p> <p>1 MR. WILLIAMS: Objection, 2 nonresponsive. 3 Q. (BY MR. WILLIAMS) I am not asking you if 4 they are improving. I sure as hell hope they are 5 improving. 6 I am asking where are they ranked. 7 MR. DENNY: Objection, form. 8 A. And I'll tell you: I can't do that -- I 9 can't tell you that without going back through the 10 records. 11 Q. (BY MR. WILLIAMS) What records would you 12 need? 13 A. I would need to go back to the safety 14 records, which were kept up until March of the 15 incident. 16 Q. Well, tell me -- that's -- I am not being 17 a smart aleck; but that's a little evasive. 18 What record or what specifically 19 would you look at? 20 A. I would look at the incident data that we 21 tracked. 22 Q. Did this plant have a culture of casual 23 compliance before the fire and explosion? 24 A. We observed -- as we were clear in our 25 report, we observed many problems with the</p>	<p style="text-align: right;">Page 124</p> <p>1 Well, I will tell you what: You 2 have got three or four lawyers here. I will read 3 it to you and if it is -- if I misread it -- 4 A. Okay. 5 Q. -- I am sure they will point it out to 6 you. 7 It says here, "The following 8 general learnings have been developed from the 9 information." And it says, "The site has 10 demonstrated to be a culture of casual compliance." 11 Would you -- did you find in your 12 investigation anything to the contrary or would you 13 agree that the site demonstrate -- had demonstrated 14 to have a culture of casual compliance? 15 A. Yeah. As I said earlier, I wouldn't use 16 the word "casual"; but I would agree with the 17 intent of what he is saying. 18 And that may be American English, 19 just the way he is describing it. 20 Q. I've got you. 21 Clean Streams program is the 22 subject that I would like to talk with you about. 23 Was that -- did that present an opportunity, if the 24 Clean Streams program had been completed, to tie in 25 to the flare and have an inherently safer system?</p>
<p style="text-align: right;">Page 123</p> <p>1 compliance and the type of compliance that was 2 delivered. Use "casual" however you wish to 3 describe it. 4 And we believed that it was 5 evident before it was in place, before the 6 incident. I think we said that in our report. 7 Q. Would you agree if the head of HSSE said 8 that they had a culture of casual compliance, would 9 you -- well, do you agree with that or disagree 10 with that? 11 A. Which head of HSSE? 12 Q. Joe Barnes. 13 A. It's a different word. It is not a word 14 that I would use, but it's one that sounds 15 consistent with the way that he talked about it. 16 Q. In fact, Joe Barnes in Exhibit 183 -- I 17 am going to show this to you. It's an e-mail some 18 14 hours before the fire and explosion, 10:47 p.m. 19 on March 22nd. 20 And he says in there -- 21 A. Can I get a paper copy of that? 22 Q. Yes. 23 A. I mean, I don't -- I don't wish to be 24 awkward. I really can't read it. 25 Q. No, I understand.</p>	<p style="text-align: right;">Page 125</p> <p>1 MR. DENNY: Objection, form. 2 A. I think we made a specific comment about 3 that tie-in. I can read it back to you, but I -- I 4 mean, I would use the word -- it's been a long time 5 since I was involved in this investigation. 6 But we did specifically refer to 7 it in the report, and I will stand by what we said 8 in the report. 9 Q. (BY MR. WILLIAMS) And it is -- my 10 understanding and recollection is -- is that you 11 found that tying -- having a closed system, relief 12 system tied in to the flare was an inherently safer 13 design than having the F-20 type blowdown system, 14 correct? 15 A. Correct. 16 Q. And that the Clean Streams program 17 presented an opportunity to convert to the 18 inherently safer design and do away with the 19 blowdown drum, correct? 20 A. Yes. It presented an -- there was work 21 going on in the vicinity that could have been done 22 more efficiently, yes. 23 Q. And who killed the Clean Streams project? 24 A. The Clean Streams project went ahead. I 25 mean, that's...</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. What?</p> <p>2 A. The Clean Streams project went ahead, the</p> <p>3 project in its totality. You are talking about the</p> <p>4 tie-in of the blowdown drum part of it.</p> <p>5 Q. Well, let me go back.</p> <p>6 Are you saying the Clean Streams</p> <p>7 program was completed or not?</p> <p>8 A. Well, the totality -- in my</p> <p>9 understanding, because I wasn't in refining at the</p> <p>10 time, but Clean Streams was a big project for clean</p> <p>11 fuels, environmental upgrades.</p> <p>12 So when you talk about that, that</p> <p>13 was a specific project across a lot of our</p> <p>14 refineries in North America. So when you say --</p> <p>15 when you say that, that's the way the project</p> <p>16 was --</p> <p>17 Q. My apology.</p> <p>18 The Clean Streams project at the</p> <p>19 Texas City refinery, did you know -- did you</p> <p>20 discover that it had been killed at the Texas City</p> <p>21 refinery?</p> <p>22 A. I think there was a lot of work done at</p> <p>23 the refinery. I can't -- I can't recall exactly</p> <p>24 what was done, but there was quite a lot of work</p> <p>25 done at the refinery regarding environmental</p>	<p style="text-align: right;">Page 128</p> <p>1 there was an e-mail saying that there wasn't enough</p> <p>2 time to do it within the scope of the project. But</p> <p>3 that's my memory, and that's as much as I can</p> <p>4 remember of it.</p> <p>5 Q. So not enough time would have meant that</p> <p>6 the unit would have been out of production for a</p> <p>7 while in order to tie it in, right?</p> <p>8 A. I don't know. That may have been the</p> <p>9 reason. I don't know.</p> <p>10 I couldn't -- this was one e-mail</p> <p>11 in a lot of data that we reviewed a year ago. So I</p> <p>12 am trying to -- I am trying to remember it.</p> <p>13 Q. Well, I guess what I am trying to find</p> <p>14 out is: What is your understanding of your</p> <p>15 investigation's finding with regard to why the</p> <p>16 blowdown drum was not eliminated and the -- and the</p> <p>17 decision made to use the inherently safer design</p> <p>18 tying into the flare? Why didn't you do that?</p> <p>19 MR. DENNY: Objection, form.</p> <p>20 A. I would have to go back to the report and</p> <p>21 read it.</p> <p>22 My recollection is that what we</p> <p>23 said was that there was an opportunity and people</p> <p>24 didn't do it because they weren't focusing on</p> <p>25 reducing risk enough.</p>
<p style="text-align: right;">Page 127</p> <p>1 upgrades.</p> <p>2 Q. I am talking about -- well, there has</p> <p>3 been -- have you been -- did you ever, in your</p> <p>4 investigation, find the documents that showed the</p> <p>5 Clean Streams project had been rejected at this</p> <p>6 plant?</p> <p>7 A. I don't recall without going back and</p> <p>8 reading the documentation.</p> <p>9 Q. Well, let's assume that the Clean Streams</p> <p>10 project had been killed at this plant.</p> <p>11 If you will assume that, do you</p> <p>12 have any idea or did your investigation reveal who</p> <p>13 in the world it was that made the executive</p> <p>14 decision to kill it?</p> <p>15 MR. DENNY: Objection, form.</p> <p>16 A. No, I can't -- I can't -- I can't recall</p> <p>17 that.</p> <p>18 Q. (BY MR. WILLIAMS) Well, do you know --</p> <p>19 let's be more specific.</p> <p>20 About the opportunity to tie in to</p> <p>21 the flare system to eliminate the blowdown drum,</p> <p>22 who was responsible for the decision to kill that</p> <p>23 project?</p> <p>24 A. Without going through all the</p> <p>25 documentation, I can -- my recollection is that</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. (BY MR. WILLIAMS) Okay. I think I</p> <p>2 understand you.</p> <p>3 My question is why they didn't</p> <p>4 take that opportunity to do -- to do something that</p> <p>5 was inherently safer, tie in to the flare system.</p> <p>6 And as I understand, your</p> <p>7 investigation revealed that the reason they didn't</p> <p>8 do that was simply they did not understand risk</p> <p>9 enough at that plant?</p> <p>10 A. I -- yes.</p> <p>11 Q. And that is because there was a lack of</p> <p>12 safety culture?</p> <p>13 A. No, it's --</p> <p>14 Q. Lack of prioritizing PSM?</p> <p>15 A. I don't think it's culture. I think it</p> <p>16 was an understanding of risk, which is different</p> <p>17 from culture.</p> <p>18 Q. They just hadn't been trained properly or</p> <p>19 didn't -- in understanding risk?</p> <p>20 A. Whether -- whether it was training or</p> <p>21 didn't see it, didn't interrogate, didn't challenge</p> <p>22 hard enough, all those.</p> <p>23 Q. But they should have, shouldn't they?</p> <p>24 A. Yes. I think we said that in -- in our</p> <p>25 report.</p>

<p style="text-align: right;">Page 130</p> <p>1 Q. Right. 2 And my question, though, is: 3 Since they should have, what's the reason they 4 didn't? 5 I know you keep saying that -- 6 because they didn't know, but why is it they didn't 7 know? Who is responsible for this gap? 8 A. I think I -- I think I said that the -- 9 that the risk awareness of the site -- we were 10 clear that the risk awareness was not good enough, 11 that there were gaps in this, that people didn't 12 see it; and that's the responsibility of all levels 13 in the organization, to see the risk. 14 Q. And what was the other missed opportunity 15 that y'all found where there was an opportunity to 16 have the inherently safer tie in to the flare 17 system? 18 A. I can't remember that without going 19 through the report. 20 Q. Can you look at the report and see if -- 21 A. Yeah. 22 Q. -- there is -- 23 A. I wouldn't deny anything that is in the 24 report. If it's in the report, I just can't 25 remember the 200 pages.</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. DENNY: Which I -- I know I 2 stay in a constant state of that, but still. 3 Ask your question one more time. 4 Q. (BY MR. WILLIAMS) As I recall, your 5 report says there were two opportunities to have -- 6 A. And where -- where is that? Which 7 page -- which page is that? 8 Q. Well -- 9 A. Like I said, I am not -- I mean, I am 10 not -- I stand behind everything. If it is in the 11 report, I am not disagreeing with it. 12 MR. WILLIAMS: Can somebody over 13 there help me? Does anybody know? 14 (Discussion off the record.) 15 Q. (BY MR. WILLIAMS) Okay. I will help you 16 here. Page 111 of your report. Do you see right 17 above 5.13.2.5 it says, "Two opportunities for 18 converting F-20 to an inherently safer alternative 19 relief system," in parentheses, "a flare were not 20 chosen when modifications were made to adjacent 21 process units." 22 Where are those -- what were those 23 two opportunities? 24 A. I can't remember. I believe it was when 25 there was piping routed through this area to flare</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. The problem is: I don't think the report 2 described the other opportunity. And that's what I 3 am trying to find out, what it was. 4 A. Then we -- then we didn't find it. 5 Q. Well, you said -- I am not trying to 6 be -- to trick you or anything. 7 My recollection is: You said 8 there were two opportunities to do -- to tie in to 9 an inherently safer design? 10 A. No, I think you said that. 11 Q. No, I think your report did. 12 And one of the opportunities, as I 13 recall, was the Clean Streams project. And what I 14 am trying to find out is: What was the other one? 15 I may be wrong, but why don't you 16 educate me? 17 A. Without going back -- without going back 18 to the report, I really can't remember that level 19 of detail. 20 Q. Can you look for me, because this is 21 my -- perhaps my only opportunity to find out from 22 you? 23 MR. DENNY: Y'all have got me 24 totally confused. 25 MR. WILLIAMS: Well --</p>	<p style="text-align: right;">Page 133</p> <p>1 from -- from other process upgrades. 2 Q. Was it -- let's look at page 109. And it 3 says "two opportunities" (indicating). 4 Do you see where I am pointing to? 5 A. It's page 109? 6 Q. Yes, sir. 7 MR. DENNY: 5.13. 8 A. Yeah. 1995, when a new flare system for 9 the adjacent was installed and in 2002 when the NDU 10 flare line was routed across. 11 Q. (BY MR. WILLIAMS) Those were the two 12 opportunities that were missed to tie -- 13 A. Yeah. 14 Q. -- to tie in to the flare system? 15 A. Yeah. 16 Q. Now, why were they missed? 17 A. Because I don't believe people saw 18 anything -- saw that they needed to change the use 19 of the blowdown stacks. 20 Q. You and I agree they did need to change 21 the use of the blowdown stack? 22 A. I agree. What we said is that they had 23 an easy opportunity, which would have been 24 efficient, when piping was being re-routed there 25 to flare -- to tie in the flares; and it wasn't</p>

<p style="text-align: right;">Page 134</p> <p>1 considered. 2 Q. And it would have been an inherently 3 safer design? 4 A. It would have been an inherently safer 5 design. 6 There was no policy that called 7 for it to be done, but it was something that I 8 would have expected people to have evaluated and 9 done. 10 Q. Okay. If they had been operating with 11 the proper risk awareness -- 12 A. If they had been considering the risks of 13 the plant, yes. 14 Q. They should have done it? 15 A. Yeah. They should have at least 16 evaluated it. 17 Q. That's right. 18 And they missed those two 19 opportunities in 1995 and 2002. We agree on that, 20 right? 21 A. Yes. 22 Q. Okay. Now, in addition to that, it may 23 have been a little bit more expensive those were -- 24 to do it; but it could have been done technically 25 at any time --</p>	<p style="text-align: right;">Page 136</p> <p>1 about the final report that is Exhibit 21 in this 2 case. 3 How many people participated in 4 putting together that final report? How many 5 people were on the designated team? 6 A. Ten. 7 Q. And how many people signed it? 8 A. Nobody signed it. 9 Q. Why is that? 10 A. I didn't ask them to. 11 Q. Why is that? 12 A. Two reasons: One was from Day 1 we 13 planned to publish this on the web; and I didn't 14 think it was fair to people from the local site for 15 their names to be published and made public. 16 And the second thing was that I 17 was trying very hard to be fair and respectful to 18 the union members who I knew would come under 19 pressure from the union not to sign, even though 20 they agreed with the report. 21 Q. Did the union members voice disagreement 22 with any of the phases of the -- or any of the 23 findings of the report? 24 A. No. The -- there was one difference, 25 which we noted in the report, where we were clear,</p>
<p style="text-align: right;">Page 135</p> <p>1 A. Yes. 2 Q. -- before the fire and explosion, right? 3 A. Yes. 4 Q. So these two opportunities that you speak 5 of, in 1995 and 2002, were opportunities where it 6 was -- those are the two most cost effective 7 opportunities or cheapest times it would have been 8 to do it, right? 9 MR. DENNY: Objection, form. 10 A. Not necessarily cheapest, but it would 11 have been the obvious -- the obvious time to do it. 12 When somebody is running a pipe 13 through there, you have got people working in that 14 all the equipment is available. 15 Q. (BY MR. WILLIAMS) Right. 16 So those were the most -- 1995 and 17 2002 were the most obvious times to tie it in to 18 the flare system; but in reality, it could have 19 been done -- 20 A. Anytime. 21 Q. -- if you wanted to spend the money, at 22 any time, true? 23 A. Yeah. 24 (Discussion off the record.) 25 Q. (BY MR. WILLIAMS) I want to talk to you</p>	<p style="text-align: right;">Page 137</p> <p>1 I think, where we said that the team could not 2 reach consensus over the need for an extra board 3 operator. And that came about, the difference 4 between the three hourly union members and the 5 other seven people in the report. 6 And I said, "If we are not in 7 agreement, we are going to put it clearly in the 8 report that we are not in agreement." 9 Q. Who wrote the majority of the report? 10 A. Mike Broadribb wrote -- Mike Broadribb 11 did the integrated writing. I did the executive 12 summary and some of the causal work. Woody Woods 13 from the site wrote some. Ollie Niederhofer from 14 the site wrote some. Bill Clary wrote some. 15 I don't know how many drafts there 16 are. You probably know better than I do. There 17 were about 24 drafts of the report, which we 18 continued to cycle through all the members of the 19 team and then we had two sessions in Texas City 20 where we went through every page of the report with 21 everybody on the team agreeing on the wording. 22 Q. What section did Ollie Niederhofer write? 23 A. I believe she wrote some sections on the 24 PI data. 25 Q. On the what?</p>

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Page 138	Page 140
<p>1 A. PI data, on the process instrumentation 2 data. 3 Q. And what section did Bill Clary write? 4 A. Bill wrote some of the sections on 5 management of change and HAZOPs. 6 Q. Who wrote the section on process safety 7 management, PSM? 8 A. I think it was probably Mike Broadribb. 9 Q. What percentage of the final report did 10 Mike Broadribb write, do you think? 11 A. 60, 70 percent. 12 Q. Did you investigate management's role in 13 this fire and explosion? 14 A. Yes, I think so. 15 Q. And what would -- how would you summarize 16 your finding as -- with regard to management's role 17 in this fire and explosion? Did they play a role? 18 A. They played a role in -- in most of the 19 underlying causes. 20 Q. With whom have you discussed this report? 21 A. Since when? 22 Q. Since it was -- since it was finalized in 23 December of 2005. 24 A. We discussed it with UK health and safety 25 executive; the Chemical Safety Board; Shell; UKOOA,</p>	<p>1 Q. (BY MR. WILLIAMS) Written anything? 2 A. Nothing substantive. 3 Q. What do you -- that leads me to believe 4 that you -- the answer is -- 5 A. I can't say -- I can't say -- I can't say 6 I have written nothing. I have written an e-mail 7 to somebody who has asked me a question or -- "You 8 know, it's not clear on page 77" or something and I 9 have sent them back and said, "Oh, well..." 10 But I have written -- I haven't 11 written any -- published any articles. 12 Q. How many -- so I am trying to get -- I am 13 trying to -- I am trying to pin you down on what 14 has actually -- you have written, e-mail, formal, 15 informal, since this report in December of '05. 16 My understanding is it's limited 17 just to some -- to e-mails, right? 18 A. I am just thinking carefully before I say 19 definitely, yes. 20 I can't recollect anything other 21 than e-mails. 22 Q. How many e-mails would you estimate? 23 A. It depends on what -- you know, I am just 24 trying to -- I wonder what you are actually looking 25 for.</p>
Page 139	Page 141
<p>1 the United Kingdom Offshore Operators Association. 2 I have talked to ExxonMobil about 3 it. I have talked to industry associations about 4 it. 5 Q. Have you given any formal presentations 6 on it? 7 A. I -- have I given any -- not yet. 8 I am scheduled to do the keynote 9 speech at the American Center for Process Safety 10 conference in Orlando next month, and Mike 11 Broadribb is doing the technical session. 12 I am scheduled to talk at the 13 Conference Board North America session. I am 14 talking in Amsterdam on it. 15 We have -- we have put the 16 information out to the public. We have talked at 17 small industry gatherings. We have talked 18 one-on-one with other companies, but we haven't 19 done any -- any -- any public presentations yet. 20 Q. Have you written anything with regard to 21 the fire and explosion since this final report, 22 Exhibit 21, was published in December of '05? 23 MR. DENNY: You mean like an 24 article about it or something? Is that what you 25 are talking about?</p>	<p>1 So say for instance I have 2 exchanged e-mails with the local members on the 3 team and I sent Christmas cards, and I sent e-mails 4 back and things like that. I didn't talk about the 5 report, but we -- you know, so there's e-mails 6 which are in my Texas City on things like that. 7 Things like talking to Colin 8 Maclean about what he is doing about startup in the 9 plant where he has asked me for some advice on some 10 of the things that he is doing, and I think that 11 they get into the recommendations in the report and 12 things like that. But nothing -- nothing else I 13 can recall which is anything substantive. 14 Q. Well, I am not talking about Christmas 15 cards or Christmas greetings or even Boxing Day. 16 A. Well, this is why I just don't want to 17 say -- I don't want to say I didn't write anything 18 about that. 19 Q. That's right. That's what I am trying to 20 get to, is anything that you -- I am trying to ask 21 you about anything you have written that in any way 22 comments or interprets or is related to your 23 December, '05 report. 24 You have told me about some 25 e-mails to and from the new plant manager at Texas</p>

<p style="text-align: right;">Page 142</p> <p>1 City. Are there any other e-mails to anybody else? 2 A. That -- I can't -- I can't remember any, 3 but there might have been one or two where somebody 4 from process safety somewhere sent me an e-mail in 5 one of the business units or something. 6 But I can't -- I have written 7 nothing that's interpretative or that's anything 8 other than what is in the report. The report was 9 the final report. 10 Q. Did you -- have you made any presentation 11 regarding your final report to the board of 12 directors or the senior management of BP London? 13 A. I have talked to people about the new 14 agenda, what I am doing in my new job, about 15 looking forward. 16 I haven't presented to the board 17 of directors on the report, no. 18 Q. Do you know whether the board of 19 directors have read your report or not? 20 A. I know that at least two or three of them 21 have, yes. 22 Q. And how is it that you know that two or 23 three of them have read it? 24 A. Because they have told me. 25 Q. And who would those gentlemen or ladies</p>	<p style="text-align: right;">Page 144</p> <p>1 name? 2 A. Yes. 3 Q. Did any of the directors ever ask for a 4 presentation to the board with regard to your 5 findings as to the gaps that led to the fire and 6 explosion in 2005? 7 A. Not -- not to the board. To -- 8 specifically, I have talked to one of the board's 9 subcommittees about it, but mainly about what we 10 are doing going forward. 11 Q. But you -- and the talk you have had with 12 the subcommittee of the board has been about the 13 future, not about lessons learned from the Texas 14 City fire and explosion, right? 15 A. I would say it takes -- it took some of 16 the causes from here and what we are doing about 17 it. That's what it took. 18 Q. Well, did you report to the board that 19 you had found in your final report that there were 20 gaps in the safety culture at this plant? 21 A. I reported to the board's subcommittee, 22 yes. 23 Q. Why would it not rise to the level that 24 it would be important to the entire board? 25 MR. DENNY: Objection to form.</p>
<p style="text-align: right;">Page 143</p> <p>1 be? 2 A. Well, I know all of the executive 3 directors have read it. So it's more than two or 4 three. 5 The executive directors are John 6 Manzoni, the equivalent in exploration production, 7 the equivalent in gas and power, to see what it is 8 that they should be looking at for their own 9 businesses to -- to give out. And some of our main 10 executive directors were not presented at board 11 meetings about other things. They have said to me, 12 "I read your report, John." 13 Walter Massey came up to me and 14 said, "I read your report. I thought it was very 15 good." And that -- so that's the only reason I 16 know he has read it. 17 Q. Well, here's my point: You -- BP is 18 run -- the big BP, the global BP, is run by a board 19 of directors; and you are one of the people who 20 make presentations to the board of directors on 21 some kind of basis, regularly or irregularly, 22 frequently or infrequently, right? 23 A. Yes. 24 Q. And did they -- and those people know you 25 by first name and you know a lot of them by first</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Because of the structure of the board's 2 subcommittee. 3 Q. (BY MR. WILLIAMS) What's the name of 4 that subcommittee? 5 A. It's called the EEAC. I think it is 6 environmental assurance committee. 7 Q. Is there a subcommittee on safety on that 8 board? 9 A. No, safety is handled within that 10 committee. 11 Q. In the environmental assurance committee? 12 A. Environmental and ethics. 13 Q. So how long did -- this report to the 14 subcommittee of the board on what happened on 15 March 23, '05, how long did that report take? 16 A. I have talked to them four times probably 17 for -- as -- as we went through from the report as 18 to what we are going to do, for an hour at a time. 19 Q. And as far as you know -- well, what 20 percentage of the full board is that that you did 21 those four one-hour presentations for? 22 A. Probably 30 percent of the board. 23 Q. Okay. And what percent were present of 24 the 30 percent that were on the committee that you 25 made the four one-hour presentations to, what</p>

<p style="text-align: right;">Page 146</p> <p>1 percent were present for those four one-hour 2 presentations? 3 A. That's the 30 percent I was talking to. 4 Q. Okay. Do you have any personal knowledge 5 as to -- first of all, the other 70 percent of the 6 board that's not on this subcommittee, did they get 7 any presentation from anybody within the company 8 about your findings and the causes that led to 9 these 15 deaths and hundreds of injuries on 10 March 23, '05 at the Texas City refinery? 11 A. I don't know. Not from me. 12 Q. This fire and explosion at Texas City 13 refinery, did it -- was it reflected in the bonuses 14 or pay raises of any of the top executives in 15 London? 16 A. So there's -- there was a formal note, I 17 think, in the annual report, which I don't have in 18 front of me, which talks about the considerations 19 of the remuneration committee; and Texas City was 20 mentioned in the way the top executives' 21 remuneration was calculated. 22 Q. Did you take any kind of a pay decrease 23 because of this fire and explosion? 24 A. I don't see why I should answer that, but 25 no.</p>	<p style="text-align: right;">Page 148</p> <p>1 actually. 2 Q. Do you have any knowledge -- personal 3 knowledge that anybody in management lost 1 cent or 4 1 dollar of pay as a result of the deaths, injuries 5 and the fire and explosion in Texas City? 6 A. Apart from publicly quoted data in the 7 annual report about the directors of the company, I 8 haven't got a clue what anybody else in BP, outside 9 for the people who work for me, got paid last year. 10 Q. Okay. 11 MR. DENNY: Is it time for lunch? 12 MR. WILLIAMS: How much time do we 13 have on the tape? 14 THE VIDEOGRAPHER: Five minutes. 15 MR. WILLIAMS: Yes. 16 THE VIDEOGRAPHER: Off the record 17 at 12:22 p.m., ending Tape Number 3. 18 (Recess taken.) 19 THE VIDEOGRAPHER: On the record 20 1:37 p.m., beginning Tape 4. 21 Q. (BY MR. WILLIAMS) Mr. Mogford, as a 22 senior vice president of the global BP and chief of 23 the investigation team, is it your opinion that the 24 fire and explosion of March 23, 2005, was a result 25 of negligent acts of BP workers and its management?</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Well, do you know of anybody worldwide at 2 BP that got -- 3 A. The -- 4 Q. -- a pay -- that lost pay, other than the 5 victims, as a result of this fire and explosion? 6 Did any management lose pay? 7 A. Sir, I can't -- I can't speak -- I am not 8 privy to people's individual salaries in the same 9 way that nobody, except for me, know my -- other 10 than Browne knows what my bonus was for last year. 11 So if somebody was asked in here 12 about my bonus, they couldn't tell you, the same 13 way I can't answer as for anybody else's. 14 The only comment I can make is 15 about the board remuneration, the executive vice 16 presidents, which was in the annual report and 17 where there was a specific comment and I can't do 18 anything other than say you need to read that. 19 That's what it says in there, written by the 20 chairman of our remuneration committee on the 21 impact on the top eight or ten executives. 22 MR. WILLIAMS: Okay. Objection, 23 nonresponsive. 24 Q. (BY MR. WILLIAMS) Do you have -- 25 A. I thought it was pretty responsive,</p>	<p style="text-align: right;">Page 149</p> <p>1 A. I mean, I think I was -- we were clear in 2 the report, which I stand by, that there were a lot 3 of things which were done which shouldn't have been 4 done in terms of people not following procedures, 5 in terms of the way that people behaved. 6 I couldn't have a judgment on 7 negligent in the -- I don't know what you mean by 8 "negligent." And I -- you know, we -- I couldn't 9 find anybody who knowingly did something to take a 10 risk. A lot of people did things that they 11 shouldn't have done. 12 MR. WILLIAMS: Objection, 13 nonresponsive. 14 Q. (BY MR. WILLIAMS) Okay. On behalf of -- 15 as a VP, as a vice president, of BP worldwide and 16 the head of this investigation team, can you 17 confirm for the jury that the conduct of the 18 management and some of the workers at the Texas 19 City refinery were below the standard that -- of 20 other plants and that that directly caused the fire 21 and explosion of March 23? 22 A. Yes. 23 Q. And as a result, do you know of anybody 24 that contributed to the fire and explosion of 25 March 23 other than management and some of the</p>

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<p style="text-align: right;">Page 150</p> <p>1 employees of BP? 2 A. I am sorry. Can you repeat the -- I 3 didn't know what you meant by the question. 4 Q. Are you -- do you -- are you aware of any 5 person or corporation or entity that contributed to 6 the cause -- to the fire and explosion of March 23 7 other than management of BP and certain of its 8 workers? 9 A. No. 10 Q. Should the people, in your mind, that 11 were injured or killed as a result of the B -- of 12 the March 23 fire and explosion receive 13 compensation from your company? 14 MR. DENNY: Objection, form. 15 A. That's not for me to answer. I think 16 that the company has said that it wishes to be fair 17 to everybody who was involved in the incident. 18 Q. (BY MR. WILLIAMS) Well, do you know of 19 anybody else that should compensate them or that 20 played any role in this fire and explosion other 21 than BP management and certain ones -- certain 22 employees? 23 A. No. 24 Q. Lucas and Willis also conducted an 25 investigation, as I understand it, after the fire</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Did you know Don Parus before this fire 2 and explosion? 3 A. No, never met him before. 4 Q. What was the purpose of doing your 5 investigation? 6 A. Two -- I think two basic points. I mean, 7 there's details in terms of reference. Two basic 8 points: To -- to understand what happened and why 9 it happened on the day of March the 23rd and to -- 10 to make recommendations to prevent any recurrence. 11 Q. Would that be to learn from past lessons 12 and to avoid making the same mistake again? 13 A. To learn from this incident and to avoid 14 making the same mistakes or -- or similar mistakes. 15 Q. And that's one of the basic concepts of 16 safety, is to learn from history and learn from 17 your past mistakes, right? 18 A. That's right. 19 Q. Were you aware of any similar fires and 20 explosions from similar incidents where there had 21 been liquid overfills and events such as that? 22 MR. DENNY: Objection, form. 23 A. Where? In Texas City or -- 24 Q. (BY MR. WILLIAMS) Anywhere? 25 A. No. I -- as I said earlier, I am not an</p>
<p style="text-align: right;">Page 151</p> <p>1 and explosion. 2 Are you aware of that? 3 A. I believe they did. I wasn't involved 4 with it. 5 Q. Did they confer with you about their 6 investigation? 7 A. They conferred with me. I gave them the 8 interim report before the interim report was made 9 available to the public to allow them to be ready 10 for what would be said, and they said they would 11 conduct their own -- their own investigation based 12 on our report but also based on -- on interviews 13 and other data. And that was -- that was the only 14 conversation. 15 I wasn't involved with them on the 16 content of what happened. 17 Q. Did you see -- ever see their report? 18 A. No, never. 19 Q. Did -- have you discussed the events of 20 March 23 with Don Parus? 21 A. Not since May. 22 Q. And did you personally sit down and 23 interview Don Parus? 24 A. No, I didn't. I told you this morning I 25 think I didn't do any interviews.</p>	<p style="text-align: right;">Page 153</p> <p>1 expert in refining. I have not worked around 2 distillation units at all. 3 Q. Would you expect the people who are 4 experts in refining to be aware of other cases 5 where there had been liquid overfills resulting in 6 fires and explosions? 7 (Brief interruption.) 8 (Discussion off the record.) 9 Q. (BY MR. WILLIAMS) Would you expect 10 people who are experts in refining to be aware of 11 other liquid overfills that resulted in fires and 12 explosions before the one in Texas City? 13 A. I would expect everybody who was running 14 a plant to understand the risk of that plant and 15 part of understanding the risk is to know about 16 previous similar incidents and to learn from them. 17 Q. Did anybody at the Texas City plant tell 18 you that there had been a similar overflow of a 19 blowdown drum in the Texas City plant where diesel 20 had spewed out the top of one of the blowdown 21 drums? 22 A. When we -- when we talked about them, we 23 looked at process -- not diesel but process 24 management. So the use is quite -- quite 25 different. We looked on the use, and we</p>

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<p style="text-align: right;">Page 154</p> <p>1 document -- I mean, we did actually give evidence 2 of several startups of this unit where there had 3 been less serious but similar incidents. 4 So that is all documented in the 5 report. 6 Q. Okay. I'm going to -- well, let me focus 7 on that for a minute. I will come back to the 8 diesel. 9 If you -- when you started your -- 10 when you investigated previous incidents in the 11 precise ISOM unit, did you find that this unit had 12 a trend of deviations during the startups? 13 MR. DENNY: Objection, form. 14 A. I think in the report we documented all 15 the previous history that we could find from 16 startups of that unit. 17 Q. (BY MR. WILLIAMS) And did that history, 18 though, indicate to you there had been a trend in 19 having abnormal startups in this unit? 20 A. It showed us in some cases people were 21 not following the procedures. 22 Q. And that there had been a trend over the 23 years of this, right? 24 A. I wouldn't -- I want to be careful about 25 using "trend." There -- there were signs that it</p>	<p style="text-align: right;">Page 156</p> <p>1 informative sessions at the Texas City plant to sit 2 down with the thousand plus workers and explain 3 what would -- had happened so that history would 4 not repeat itself? 5 A. I don't know how it was done. 6 I do know that -- that as an 7 example of what was done was that everybody was 8 taken through distillation training and the lessons 9 were put in a way that people could use in their 10 job, what have they learned. 11 So this is -- there is a lot of 12 things in this report, some of which apply to some 13 people and some of which apply to all people; but I 14 do know that this has been used as the basis for 15 training before the plant starts back up again. 16 MR. WILLIAMS: Objection, 17 nonresponsive. 18 Q. (BY MR. WILLIAMS) Now, with regard to 19 the report itself, were written copies of this 20 report ever handed out to the thousand plus 21 employees at the plant? 22 A. I don't know. 23 Q. Would it -- was there ever a mandate, an 24 order from senior management, that said, "Every one 25 of you at this plant needs to read this report so</p>
<p style="text-align: right;">Page 155</p> <p>1 had happened several times. 2 Q. Okay. So I am correct that your 3 investigation found that there were signs that 4 there had been history of unusual or abnormal 5 startups at the ISOM unit before this fire and 6 explosion? 7 A. That's correct. 8 Q. Now, getting back to the diesel overflow, 9 did your investigation reveal that there had been 10 diesel in a -- spewing out of a blowdown drum in 11 another unit before this fire and explosion? 12 A. I can't remember, to be honest, if it 13 did. 14 Q. Okay. Now, one of the purposes that you 15 told me of doing this final report was to prevent 16 similar events from happening again in the future, 17 right? 18 A. That's correct. 19 Q. To learn from past lessons? 20 A. That's correct. 21 Q. Make sure history does not repeat itself, 22 correct? 23 A. Yes. 24 Q. And so when this report was finalized, 25 did anybody at BP hold training sessions or</p>	<p style="text-align: right;">Page 157</p> <p>1 that you can learn from past mistakes so that 2 history won't repeat itself"? 3 A. There was -- there was from -- from 4 London, I believe, when we published the report, a 5 note to all of our leaders to ensure that all sites 6 reviewed the report and passed on the learnings to 7 everybody. 8 Q. Well, then why didn't it happen at Texas 9 City? 10 A. I don't know whether it did or not. 11 Q. Well, you have people at Texas City that 12 have never read the report. 13 A. I don't know. I don't know whether we 14 have. 15 Q. Well, I am going to tell you that people 16 have testified under oath that they never read the 17 report until they were asked to read it in 18 preparation for their depositions. 19 How -- how is it that you can 20 allow that? 21 A. I can't allow that. I don't control the 22 staff at Texas City. 23 Q. Well, who does? Who -- 24 A. The site manager. 25 Q. Well, obviously the site manager isn't</p>

<p style="text-align: right;">Page 158</p> <p>1 handing out written copies of this report so that 2 people -- and requiring -- making it required 3 reading. And we have determined that from our 4 depositions here. 5 My question is: How -- who is 6 going to change that? 7 A. Our leaders were all told to take the 8 report and to understand it and disseminate it to 9 their staff. That doesn't mean that everybody, 10 every plant is expected to read 200 pages. 11 There is some of it which people 12 should read 25 times because it's appropriate to 13 them; and there are other people in the plant, 14 there is very little in there that it's appropriate 15 to them. 16 Q. Who makes that decision, "I need to read 17 this Section 25 times" or "I don't need to read any 18 of it"? 19 Is that up to the individual? 20 A. The way it's been in the sites that I 21 visited and followed up with this, they have taken 22 this report and put it into a local communication 23 packet called "Toolbox Talks" with 10 or 20 people 24 and said to the process operators, "This is what 25 the process operators need to learn. This is what</p>	<p style="text-align: right;">Page 160</p> <p>1 For maintenance, there is 2 different -- there is different training but I am 3 not -- 4 Q. Has that occurred? 5 A. Much of it has. And I haven't been into 6 detail. I have sat down with the leadership team 7 and they have talked through their plans with me in 8 January, but exactly what's taken place, I couldn't 9 sit here and tell you. 10 Q. Okay. So to sum it up, you don't have 11 any personal knowledge, really, of the exact 12 training that any of the operators or management 13 has received at the Texas City site as a result of 14 this fire and explosion? 15 A. Personal knowledge of the details of the 16 courses? 17 Q. Yes, sir. 18 A. No. 19 Q. Did you discuss this fire and explosion 20 with Lord Browne? 21 A. When? 22 Q. Let's start March 23 and go forward. 23 A. No. The first time I talked to Lord 24 Browne about it was when the interim report was 25 published. So that would be in May.</p>
<p style="text-align: right;">Page 159</p> <p>1 the supervisors need to take away from this." 2 So I have been to several of our 3 other refineries. I haven't done any at Texas 4 City, but I have been to several other refineries 5 and our E and P sites and done major briefings with 6 supervisors, for instance. 7 Q. Do you have any personal knowledge that 8 this was done in Texas City following your report 9 being published December of '05? 10 A. No, but I do know that this was used as 11 the basis for the training program, which had been 12 put in place before anybody goes back on site. 13 Q. What is the name of that training 14 program? 15 A. The main one from the process operators 16 is distillation -- I think it was distillation, 17 training and startup. 18 Q. How long was that program? 19 A. From memory I think it's two days off 20 site. 21 Q. "Two days off site" meaning what? 22 A. Being in classroom type training. 23 Q. And that's intended for all the -- over a 24 thousand employees at the plant? 25 A. No. That's for the process operators.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Am I correct in calling him Lord Browne? 2 That's appropriate to address him -- 3 A. Yeah. 4 Q. -- in that manner? 5 A. Yeah. 6 Q. Is that how you address him? 7 A. I call him John; but that's because I 8 have known him before he was a "Sir" or a "Lord." 9 Q. Before he moved into a castle. But I am 10 not -- I don't have a -- I am not schooled in 11 English tradition and stuff but -- 12 A. It's all right. 13 Q. -- it is appropriate to call him by his 14 title, Lord Browne? 15 A. Yes. 16 Q. Okay. And what did you discuss with 17 Lord Browne in May of 2005 about the fire and 18 explosion? 19 A. I told him what was going to be in the -- 20 the interim report about a week before we published 21 it and then I talked to him periodically between 22 then and the final report, but not specifically 23 about the Texas City -- Texas City incident but 24 more about what we were doing in my new role going 25 forward because I work for him.</p>

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<p style="text-align: right;">Page 162</p> <p>1 So we talked about the strategic 2 thrusts, how many people I was going to hire, how 3 we were going to handle it, what were the big 4 issues we needed to address but didn't go back over 5 the Texas City incident. 6 Q. So May of 2005 was basically the only 7 time you have directly discussed the Texas City 8 fire and explosion with Lord Browne? 9 A. In any sort of detail about what was 10 coming. And then -- and then finally when we were 11 close to publishing the full report, but he 12 didn't -- I said to him, "The report will come out 13 next week." And we talked about it, but nothing 14 more than that. 15 "Is there anything different from 16 the interim report," was basically the question. 17 Q. And how long would that conversation have 18 been? A few minutes? 19 A. It would have been in -- as part of a 20 three-hour conversation that I had with him about 21 the work program for the next year and the 22 priorities, all of those. 23 Q. I understand that, but I am trying to 24 focus on how much of -- how long -- your 25 conversation concerning the Texas City fire and</p>	<p style="text-align: right;">Page 164</p> <p>1 safety at the Texas City refinery? 2 A. I think, you know, the -- I come back to 3 it that other people are accountable for the 4 culture at Texas City were the local site 5 leadership and the management above that in Pat 6 Gower's case should -- would have been in 7 communication to ensure that there is a plan in 8 place. 9 Q. Your final report, was it altered by 10 other people, changed? 11 A. It wasn't changed by anybody outside the 12 team. 13 Q. Well, did it have to go through the 14 lawyers before you sent it out? 15 A. I gave a copy to -- to one of the 16 in-house lawyers for information, not for comment. 17 Q. And was there a comment back? 18 A. No. 19 Q. Well, you know -- let me show you -- let 20 me get a sticker, please. 21 (Exhibit Number 250 marked for 22 identification.) 23 Q. (BY MR. WILLIAMS) Exhibit 250 shows that 24 it was ISOM investigation release, April 25, 2005, 25 which appears to me to be around the time of your</p>
<p style="text-align: right;">Page 163</p> <p>1 explosion, how long that portion of your 2 conversations with him has taken. 3 I understand it's a few minutes in 4 December and -- 5 A. A fairly long conversation in May with -- 6 to prepare him for the interim report, with some of 7 the issues and the problems; and then when the 8 final report came out, I talked to him about the 9 underlying causes, the cultural issues that were 10 addressed in here. 11 And then afterwards, he told me -- 12 he told me that he read the report from front to 13 back. 14 Q. So was Lord Browne -- when you told him 15 about the cultural issues at the Texas City 16 refinery, was he surprised? 17 MR. DENNY: Objection, form. 18 A. It's difficult to capture somebody 19 else's -- he certainly had no knowledge of what it 20 was like before. 21 Disappointed, I would say, amongst 22 other things. 23 Q. (BY MR. WILLIAMS) Where did the buck 24 stop in the BP hierarchy with regard to the fact 25 that there were cultural problems and gaps in</p>	<p style="text-align: right;">Page 165</p> <p>1 interim report, right? 2 A. I can't read that. 3 Q. Okay. I will read it to you. I will -- 4 your lawyers will -- 5 A. Be the eyes for me, all right. 6 MR. DENNY: Even with my glasses, 7 I have a hard time reading it. 8 MR. WILLIAMS: It's in English. 9 Q. (BY MR. WILLIAMS) Okay. This -- ISOM 10 investigation release communications plan, 11 April 25th, '05. And it says, "Noon investigation 12 report finalized and approved by legal." 13 What does that mean, that the 14 report was finalized and approved by legal? 15 MR. DENNY: Objection, form. 16 A. I don't know what it means. 17 I -- what I will say is what I 18 said earlier on: There were no changes from legal. 19 Q. (BY MR. WILLIAMS) What does this mean 20 down -- that was at noon. 21 What does this mean at 1:00 p.m., 22 that the report will be ugly? 23 MR. DENNY: Objection, form. 24 A. Ask the person who wrote it what he means 25 by that.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. (BY MR. WILLIAMS) Is that a fair -- is 2 that a fair assessment that the report was ugly? 3 MR. DENNY: Objection, form. 4 A. The report was honest. The report 5 didn't -- as we said earlier, didn't gloss over and 6 it told the truth. 7 Q. (BY MR. WILLIAMS) It shows at 5:00 p.m., 8 John Mogford -- you -- briefs the LT -- I guess 9 leadership team -- on report of findings for the 10 investigation the day before it came out, right? 11 A. That was -- yes, I don't believe it 12 happened. 13 Q. You did not do that -- 14 A. I don't -- I can't remember doing that. 15 I don't -- I don't know where this -- where this 16 document comes from or who wrote it, but there was 17 a plan, I can remember early on, for me to talk to 18 the Texas City leadership team so that when they -- 19 before the report went public, the leadership team 20 knew what was coming the next day so they could 21 take questions on it. 22 But eventually, I -- I can't 23 absolutely remember; but I don't think that I ever 24 did a debriefing. And I don't know where this -- I 25 don't know who the author of this document was or</p>	<p style="text-align: right;">Page 168</p> <p>1 not. 2 Q. And why would you be meeting with public 3 relations people regarding your report? 4 A. Because they have to be -- we knew 5 that -- we said we were going to release our report 6 publicly. We were going to put it on the Web. 7 Clearly there would be press inquiries; and we had 8 to brief our press office, who take the press 9 inquiries. 10 People like me don't talk to the 11 press for things like this. The press office 12 handled all the inquiries. So this was about 13 briefing them so they could answer questions 14 from -- from interested parties. 15 Q. Did you, in fact -- you personally -- 16 speak with the press about your findings? 17 A. No. 18 Q. And that was at the request of the public 19 relations people? 20 A. I don't know why. It never seemed -- I 21 mean, it was not appropriate for us to -- for 22 people like me to regularly communicate with the 23 press on incident reports. We -- so I submitted 24 the report. Then the press office submitted -- I 25 gave it to the press office. The press office read</p>
<p style="text-align: right;">Page 167</p> <p>1 where it came from. 2 Is it a Texas City document or -- 3 Q. Yes, sir. 4 It was provided by your lawyers to 5 us. But -- 6 A. I am just wondering who the author was 7 and where it originated. 8 Q. They didn't tell me. 9 A. Because I have not -- I have never seen 10 it before. So... 11 Q. Okay. Did your company use PR -- press 12 people, did they have them involved with regard to 13 the disclosure of your final report and/or your 14 interim report? 15 A. Involved regarding the release, not 16 involved regarding the content. 17 Q. And did you meet with the public 18 relations people -- 19 A. Yes. 20 Q. -- regarding the report? 21 A. I met with Ronnie Chappell, who is in the 22 press office in Houston; and I am not sure at this 23 time. I might have met with Pat Wright as well, 24 who is in the Houston press office; but I can't -- 25 I can't remember whether it was at this time or</p>	<p style="text-align: right;">Page 169</p> <p>1 it and said, "Well, these are things we are going 2 to get questioned about," and they wrote a 3 communication from it. 4 Q. The various drafts and notes -- drafts of 5 the report and notes taken by the people on the 6 investigation team, were any of those shredded? 7 A. No, none. 8 Q. None of the notes were shredded? 9 A. No. We kept most of our records 10 electronically because we knew that it was going to 11 be a huge data. So any of the notes -- and we 12 captured handwritten notes in the meetings, but any 13 minute notes, no, we kept electronically. 14 Q. What do you mean you, like, handwritten 15 notes kept during the meetings? 16 A. Working notes in the work group so people 17 could keep notes during the day and not take the 18 notes out. Well, then, we would put them in the 19 box at the end of the day; and they are all in the 20 document retention records. 21 Q. So if we are looking for like Bill 22 Clary's notes, they would -- we should find his 23 handwritten notes somewhere in your documents, 24 correct? 25 A. Should be, yes.</p>

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<p style="text-align: right;">Page 170</p> <p>1 Q. Okay.</p> <p>2 A. We certainly did not -- I mean, the team</p> <p>3 were given clear instructions on Day 1 that no</p> <p>4 documents are to be shredded, everything was to be</p> <p>5 retained; and we set up within, I think, three days</p> <p>6 the document management system with high-priced</p> <p>7 lawyers filing this stuff for us and everything</p> <p>8 went into there and was electronically captured</p> <p>9 every day.</p> <p>10 Q. So the notes that somebody took every day</p> <p>11 at the end of the day were turned over to the</p> <p>12 lawyers?</p> <p>13 A. Yes -- no. Turned over to the document</p> <p>14 retention, not to the -- how should I say this?</p> <p>15 We employed paralegals to manage</p> <p>16 the document management system. So it's</p> <p>17 paralegals, not lawyers. In fact, I am thinking --</p> <p>18 Q. Go ahead.</p> <p>19 A. And then they -- so we had three young</p> <p>20 assistants who -- who all they did was took our</p> <p>21 data every day, loaded it onto an electronic data</p> <p>22 form, and catalogued it so that we could retrieve</p> <p>23 it easily; and that was all -- all filed and</p> <p>24 submitted.</p> <p>25 Q. And this system was set up by the</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yes.</p> <p>2 Q. And with how many different attorneys?</p> <p>3 A. Four or five.</p> <p>4 Q. And did you review documents?</p> <p>5 A. No.</p> <p>6 Q. None at all?</p> <p>7 A. No.</p> <p>8 Q. Did you review testimony from other</p> <p>9 depositions?</p> <p>10 A. No.</p> <p>11 Q. I want to switch gears for a minute and</p> <p>12 ask you some questions about management's role in</p> <p>13 safety.</p> <p>14 Do you agree that the Center for</p> <p>15 Chemical Process Safety puts out authoritative</p> <p>16 books in the area of process safety at how to run</p> <p>17 chemical plants and refineries safely?</p> <p>18 A. Yes, they are one of the leading agencies</p> <p>19 in the industry.</p> <p>20 Q. And would you agree that the factors that</p> <p>21 directly influence error are ultimately controlled</p> <p>22 by management?</p> <p>23 A. Not in all -- not in all cases.</p> <p>24 Q. That's an area if -- where you differ</p> <p>25 from the Center for -- CCPS then?</p>
<p style="text-align: right;">Page 171</p> <p>1 attorneys?</p> <p>2 A. No. It was set up by us and set up by</p> <p>3 Greg Crum, who is one of my root -- root cause</p> <p>4 investigation people on the team. Greg took</p> <p>5 responsibility for the document management.</p> <p>6 Q. And what lawyers did you work with during</p> <p>7 your investigation?</p> <p>8 A. Prime contacts were with our in-house</p> <p>9 lawyers. Also, met with several other lawyers over</p> <p>10 the -- over the weeks and months from -- from this</p> <p>11 building, from Vinson & Elkins.</p> <p>12 Q. How about Jim Galbraith and that firm</p> <p>13 down in Galveston?</p> <p>14 A. I thought he was with this firm.</p> <p>15 Yeah, Jim Galbraith.</p> <p>16 Q. Okay.</p> <p>17 A. Is he with a different one?</p> <p>18 Q. Yes.</p> <p>19 A. Is he? I don't know. I just met him as</p> <p>20 Jim Galbraith.</p> <p>21 Q. By the way, how much time did you spend</p> <p>22 in preparation for your deposition today?</p> <p>23 A. I flew over on Monday and spent three or</p> <p>24 four hours on Monday and a few hours yesterday.</p> <p>25 Q. And was it here in the Fulbright Tower?</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yes, that -- that management sets the</p> <p>2 tone, the behaviors, the systems, the processes,</p> <p>3 but it --</p> <p>4 Q. Let's talk about -- I have taken some</p> <p>5 quotes out of some of these books and let's see if</p> <p>6 some of them you can agree with or perhaps you</p> <p>7 disagree with.</p> <p>8 For instance, it says here, "Not</p> <p>9 surprisingly, management commitment emerges as a</p> <p>10 dominant factor influencing safety performance."</p> <p>11 Would you agree with that?</p> <p>12 A. It's one of the major ones, yes.</p> <p>13 Q. Would you agree down here where it says</p> <p>14 that "Near misses are an early warning of</p> <p>15 underlying problems that sooner or later will lead</p> <p>16 to an incident"?</p> <p>17 A. Absolutely.</p> <p>18 Q. And there were -- there had been numerous</p> <p>19 near misses at Texas City before this, right?</p> <p>20 A. Yes.</p> <p>21 MR. DENNY: Objection, form.</p> <p>22 Q. (BY MR. WILLIAMS) Would you agree that</p> <p>23 startup and shutdown operations are examples of</p> <p>24 tasks which, although not entirely unfamiliar,</p> <p>25 involve a high degree of complexity?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. Clearly startup and shutdowns are not 2 normal approaching conditions. So there are things 3 happening, and some startups are complex. Some 4 startups are relatively simple. 5 Q. Well -- 6 A. But they are more -- they are more 7 complex than standard operating -- 8 Q. True. 9 A. -- studies state. 10 Q. And there is more opportunity for error 11 and for fires and explosions during startups and 12 shutdowns than there are during normal operations? 13 A. Yes. 14 Q. And, in fact, your company puts out a 15 book, BP process safety series on safe ups and 16 downs, and acknowledges that up -- starting a unit, 17 the hazards are higher at that period of time than 18 they are in normal operations, true? 19 A. Correct. 20 Q. And in spite of knowing that during this 21 startup, the people at the plant chose not to add 22 an extra operator on that unit during the startup 23 process, right? 24 MR. DENNY: Objection, form. 25 A. The -- this was a relatively simple</p>	<p style="text-align: right;">Page 176</p> <p>1 MR. DENNY: Oh. 2 Q. (BY MR. WILLIAMS) It says in this 3 draft -- and if you will look in the bottom 4 right-hand corner, it ends in 50. 5 Do you see the BP ISOM -- 6 A. Yeah. 7 Q. And I have highlighted there in this 8 draft -- July 6th draft it says, "The use of a 9 flare system would have prevented the incident"? 10 A. It does, yeah. 11 Q. That statement, am I correct, was omitted 12 from your final report? 13 A. Yeah, I think that under the -- the 14 reason -- and Mike Broadribb would give you a 15 better view of this, but I think the reason was 16 that when we -- when we looked at a flare system, 17 we could not categorically say that a flare system 18 would have prevented it. 19 MR. WILLIAMS: Objection, 20 nonresponsive. 21 Q. (BY MR. WILLIAMS) My point is -- the 22 statement that was in the draft that the use of a 23 flare system would have prevented the incident, my 24 question to you is: That was eliminated, that 25 particular statement, from the final report, true?</p>
<p style="text-align: right;">Page 175</p> <p>1 startup. 2 Q. (BY MR. WILLIAMS) I guess it didn't turn 3 out that way, did it? 4 A. No, it didn't. 5 Q. It, perhaps, started out to be relatively 6 simple; but it turned out to be pretty darned 7 complex, right, tragic? 8 A. Tragic. 9 (Discussion off the record.) 10 (Exhibit Numbers 21a through 21d 11 marked for identification.) 12 Q. (BY MR. WILLIAMS) I am going to show 13 you, sir -- 14 A. Now I can read. 15 Q. -- what we have marked as Exhibit 21a and 16 it is -- I think you can confirm for us -- a draft 17 of your final report. In fact, it says at the 18 bottom -- 19 A. Very early -- 20 Q. --"July 6th draft." 21 A. Very early draft of -- of the causes. 22 Q. And if we look at one of the early 23 drafts, this particular draft on page 21a -- 24 MR. DENNY: Page 21? 25 MR. WILLIAMS: Exhibit 21a.</p>	<p style="text-align: right;">Page 177</p> <p>1 A. There were many changes during the 2 drafting. 3 Q. But that particular one was eliminated 4 from the final report? 5 A. Without -- if you say so, without 6 cross-checking. 7 Q. Okay. And let's look at another draft. 8 If you can confirm 21 -- what we have marked 21c is 9 a draft of July 29th, apparently. And the subject 10 is "Contractor Awareness," and there is a section 11 here on the page that ends in 39, sir. 12 A. I am sorry. Which page is that, sir? 13 Q. It ends in the numbers 839. 14 A. Yeah. 15 Q. It says, In general -- in this particular 16 draft it says, "In general, there appears to be a 17 poor working relationship at the Texas City site 18 between the BP workforce and the various contractor 19 organizations working at the site. It is therefore 20 not surprising that the contractors occupying the 21 trailers west of the ISOM unit were not informed of 22 the impending startup of the ISOM unit." 23 What I am -- my question is: Did 24 you ever find any evidence that the people in the 25 trailers were informed of the startup of the ISOM</p>

<p style="text-align: right;">Page 178</p> <p>1 unit before it was started or attempted to be 2 started that day? 3 A. No, we didn't find any evidence. 4 Q. Nevertheless, this statement, then, was 5 omitted from your final report, correct? 6 A. Yes. And when the team -- so this was 7 one of the early drafts that, I think -- I think 8 Mike Broadribb wrote this section. 9 Q. Okay. 10 A. But you would have to check. 11 And -- and when the team got 12 together, the team said that that's not an obvious 13 linkage because they would only have been informed 14 if somebody would have realized the hazard. 15 MR. WILLIAMS: Objection, 16 nonresponsive. 17 Q. (BY MR. WILLIAMS) My question simply is: 18 This statement -- which I think you agree to be 19 true, that there was no notice to the people in the 20 trailers before the startup, that particular 21 statement was omitted from your final report; is 22 that correct? 23 A. Yeah. If you say so, yeah. 24 Q. Okay. 25 A. And that proves we didn't shred anything.</p>	<p style="text-align: right;">Page 180</p> <p>1 a refining and operating standpoint, doesn't it? 2 A. In every process you have different 3 layers of protection. So in some cases, you have 4 level gauges, alarms. In some cases, you have 5 operator intervention. 6 Low press studies are relatively 7 new, but that's what it talks about basically. 8 Q. Did your report mention this fact? 9 A. I think we talked about -- we talked 10 about a level of protection analysis should be 11 performed on the unit. 12 Recommendation 7.4.2. certainly 13 talks about it. 14 Q. But did it include -- that section, did 15 it include this language here that given the 16 location of the relief valves, 150 feet below the 17 top of the splitter, an additional layer of 18 protection against liquid overfilling should have 19 been considered? 20 A. And this was -- so I think that this 21 was -- again, I think this was Mr. -- this was 22 Mike, where Mike was writing it, Mike was 23 documenting. We then talked about it as a team 24 and -- as the team went through all of the 25 comments.</p>
<p style="text-align: right;">Page 179</p> <p>1 MR. DENNY: Are you finished with 2 these? 3 MR. WILLIAMS: Yeah. Those are -- 4 we put our copies in. 5 MR. DENNY: All right. 6 MR. WILLIAMS: Let's go to 21d. 7 Q. (BY MR. WILLIAMS) 21d is another draft 8 of the report concerning causal analysis. I don't 9 think I see a date on this one; but if we look on 10 the page at the bottom, 380, it says in here, 11 "Should we also mention" -- I will let you read it. 12 "Should we also mention that given 13 the location of the relief valves 150 feet below 14 the bottom of the splitter an additional layer of 15 protection against liquid overfilling of the tower 16 should have been considered?" 17 Does that appear to be one of the 18 things that was captured in your various drafts in 19 your electronic database? 20 A. Yes. 21 Q. Now, does BP have a policy against having 22 layers of protection? 23 A. No. 24 Q. In fact, having layers of protection 25 is -- makes common -- makes good safety sense from</p>	<p style="text-align: right;">Page 181</p> <p>1 And as I said this morning, the 2 report was in full agreement with everybody on the 3 team. 4 Q. Well, let me -- so of the ten team 5 members, if eight of them agreed and two of them 6 disagreed, it didn't get in the final report. 7 Is that what you are saying? 8 A. Nobody disagreed with a word in the 9 report. 10 MR. WILLIAMS: Objection, 11 nonresponsive. 12 Q. (BY MR. WILLIAMS) If some -- if eight 13 people wanted it one way and two people wanted it 14 another, then it did not make it into the report 15 because it was -- there was disagreement, correct? 16 A. What we did was we talked to agreement. 17 Q. It was -- in some respects, people had 18 to -- members of the investigation team had to 19 compromise in order to reach -- in order to get 20 everybody else's approval on language, right? 21 A. All I can say is that nobody objected to 22 any of the wording in the report. We talked 23 through it and everybody -- ten people, there were 24 some things but nobody compromised on the content. 25 There was a discussion on words on some things, but</p>

<p style="text-align: right;">Page 182</p> <p>1 nothing was omitted that people didn't want in the 2 report. 3 We never -- we never had a vote, 4 for instance, on, you know, how many people think 5 this should be in and how many people think this 6 should be out. We talked and in one case -- the 7 issue on the board operators, we talked for two or 8 three hours; and then we put in the report there 9 was disagreement in the team. 10 Q. Other than that -- okay. So that as I 11 understand it, the findings of your team, with 12 regard to the gaps in safety and the cultural 13 erosion here at the plant, those were -- and the 14 rest of the report, except for the operator issue, 15 those were -- it was a hundred percent unanimous? 16 MR. DENNY: Object -- objection, 17 form. 18 A. When we published the final report, there 19 were no words in it that any -- or nothing missing 20 that any of the team members objected to. 21 MR. WILLIAMS: How much time do we 22 have on the tape, Scott? 23 THE VIDEOGRAPHER: 15 minutes. 24 MR. WILLIAMS: I am going to let 25 some of the other lawyers ask you some questions.</p>	<p style="text-align: right;">Page 184</p> <p>1 mine. 2 Q. Well, I try. 3 You might not understand a 4 question I am going to ask you. So make me repeat 5 it at any time. 6 A. Okay. 7 Q. I am kind of confused about a couple of 8 things. So we will kind of go back a little bit. 9 What is your exact title? 10 A. Senior group vice president, safety and 11 operations. 12 Q. All right. Whose place did you take? 13 A. It was a new post formed last May. So 14 there wasn't -- it wasn't a direct replacement. 15 Q. Was it formed after the explosion? 16 A. It was formed -- my appointment was 17 announced the day of the interim report. So it was 18 announced on May the 17th, something around there. 19 I think it was the 17th or the 19th, one of the 20 two. 21 Q. Was this report -- or this post, I guess, 22 created because of the explosion? 23 A. I would say yes. 24 Q. Why would you say yes? 25 A. Well, I just would say yes.</p>
<p style="text-align: right;">Page 183</p> <p>1 I have got some documents I will go over with you 2 in a little bit -- in a minute. 3 (Discussion off the record.) 4 * * * 5 EXAMINATION 6 Q. (BY MR. BOND) My name is Trent Bond, and 7 I represent the estate of Ryan Rodriguez and the 8 mother of Ryan Rodriguez. 9 A. Okay. 10 Q. He was one of the people killed in the -- 11 in the trailers. 12 A. I understand. 13 Q. All right. Do you need to take a break 14 or anything before we start? 15 A. Well, there is 15 minutes on the tape or 16 so. So we can run through the tape or -- if 17 that's -- 18 Q. Is that okay? 19 A. Yeah. 20 Q. Sure. 21 Let me tell you a couple of things 22 about me. I tend to talk too fast, and my English 23 is not as good as yours. And you might not 24 understand a question -- 25 A. Your Texan is a whole lot better than</p>	<p style="text-align: right;">Page 185</p> <p>1 It's -- it wasn't coincidental. 2 It was -- it wasn't coincidental. It was because 3 of the -- in the interim report we found some -- 4 some things that we thought we needed to look at; 5 and we then formed my new group as a result of 6 that. 7 So -- so, yes, this is part of the 8 actions taken by us to do things differently. 9 Q. Okay. You found some things you need to 10 look at. 11 Do you remember saying that? 12 A. Uh-huh. 13 Q. What things did y'all need to look at? 14 A. I think that the old model was -- as I 15 said this morning, HSSE, health, safety, security, 16 and environment, and what I think came out of the 17 Texas City incident was the issue of process safety 18 and operations and how that had impacted us. And 19 so we tried to move them together. 20 Q. Okay. I want to kind of go back because 21 you talk about the old model. 22 A. Uh-huh. 23 Q. And now you have a new model. And the 24 new model was created because of this explosion, 25 correct?</p>

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<p style="text-align: right;">Page 186</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And that -- that means to me --</p> <p>3 and maybe I am wrong -- that at least upper</p> <p>4 management -- upper management is what I consider</p> <p>5 y'all -- over in London agreed and looked around</p> <p>6 that y'all were missing some things.</p> <p>7 MR. DENNY: Objection, form.</p> <p>8 Q. (BY MR. BOND) Is that a fair statement?</p> <p>9 A. I think -- I think we looked at what we</p> <p>10 had and if the -- if the people at Texas City had</p> <p>11 followed what was in place, then this incident</p> <p>12 wouldn't have happened.</p> <p>13 Q. That wasn't my question.</p> <p>14 My question was: Y'all -- y'all</p> <p>15 over in London -- Lord Browne, you and all the</p> <p>16 upper management over in London looked at what</p> <p>17 y'all had, the old model and the HSSE, health,</p> <p>18 safety and security and said, "That's not good</p> <p>19 enough," right?</p> <p>20 MR. DENNY: Objection, form.</p> <p>21 Q. (BY MR. BOND) Right?</p> <p>22 A. We decided to change it.</p> <p>23 Q. Because it wasn't good enough, right?</p> <p>24 A. Because we thought there was a better way</p> <p>25 of doing it.</p>	<p style="text-align: right;">Page 188</p> <p>1 A. I would say what we decided to do</p> <p>2 differently was to put more integration between</p> <p>3 process safety and operations and safety.</p> <p>4 Q. Okay. I am not that smart. So you have</p> <p>5 got to -- you have got to dumb it down for me a</p> <p>6 little bit.</p> <p>7 Integrations with operations and</p> <p>8 safety, tell me in, I guess, simple English what</p> <p>9 you mean.</p> <p>10 A. I thought I was using simple English.</p> <p>11 Q. Not simple for me. I am kind of slow. I</p> <p>12 try hard, but I am not that bright.</p> <p>13 So what y'all were trying to do</p> <p>14 was get, I guess, some more communication?</p> <p>15 (Discussion off the record.)</p> <p>16 Q. (BY MR. BOND) Let's talk about what we</p> <p>17 were talking about, integration between operations</p> <p>18 and safety.</p> <p>19 Is that kind of what you were --</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And basically what I under -- and,</p> <p>22 again, I guess things weren't being communicated</p> <p>23 properly up and down the chain of command.</p> <p>24 Is that kind of what I -- what I</p> <p>25 am seeing here?</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Because it wasn't good enough?</p> <p>2 MR. DENNY: Objection, form.</p> <p>3 Q. (BY MR. BOND) If it was good enough,</p> <p>4 y'all would have left it the same.</p> <p>5 I mean, that is just common sense,</p> <p>6 right?</p> <p>7 MR. DENNY: Objection, form.</p> <p>8 A. I think we always look to improve things.</p> <p>9 Q. (BY MR. BOND) Did you make it worse?</p> <p>10 A. I hope not.</p> <p>11 Q. Okay. So y'all changed it to better BP,</p> <p>12 right?</p> <p>13 A. Yeah.</p> <p>14 Q. Looked at the old system, said, "Hey,</p> <p>15 there are some holes here. We need to fill them,"</p> <p>16 learning from past lessons, I guess?</p> <p>17 A. We said that we knew we could do things</p> <p>18 better.</p> <p>19 Q. Okay. So y'all formed this new post and</p> <p>20 they gave it to you, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, my question is: What did</p> <p>23 y'all look at and say, "Hey, here is -- here is</p> <p>24 what's being missed. We need to create this new</p> <p>25 post"? What did y'all miss?</p>	<p style="text-align: right;">Page 189</p> <p>1 A. I think that the chain of command remains</p> <p>2 the same.</p> <p>3 Q. Well, tell me exactly what you mean by</p> <p>4 "integration, operation and safety."</p> <p>5 A. So the way that we -- previously process</p> <p>6 safety fit more into technology and engineering.</p> <p>7 It was in a different -- different group.</p> <p>8 So that has moved over into my</p> <p>9 group to sit along side safety. But the chain of</p> <p>10 command for delivery is still the same, through the</p> <p>11 line and the line have to -- have to deliver. The</p> <p>12 company safety management system remains the same.</p> <p>13 The -- the other thing that we are</p> <p>14 doing is increasing independent oversight.</p> <p>15 Q. What do you mean by "increasing</p> <p>16 independent oversight"?</p> <p>17 A. In my new organization, I will have an</p> <p>18 audit group who will be independent from the line</p> <p>19 and will visit sites and do deep operational</p> <p>20 audits.</p> <p>21 Q. In other words, you are going to have</p> <p>22 somebody go over to different sites, like Texas</p> <p>23 City, and do an independent investigation?</p> <p>24 A. Yeah.</p> <p>25 Q. Y'all didn't do that before?</p>

<p style="text-align: right;">Page 190</p> <p>1 A. No. The -- it was more delegated down 2 through the line. 3 Q. Okay. Because I think -- I think you 4 have been kind of repeating over and over again 5 that the leadership team at the plant was where 6 the -- where it stopped. 7 And I guess this is how you are 8 trying to get around that? 9 A. No, no. That -- they will still be 10 accountable. So the -- 11 Q. Well, I am not saying that -- 12 A. But that way we will put another -- 13 another level of check in. 14 Q. Because I guess when you have the 15 leadership team grading their own papers, sometimes 16 they grade on a curve, so to speak? 17 MR. DENNY: Objection, form. 18 A. I think that we -- you know, we have 19 accepted we have got to learn from this; and so we 20 are putting in more measures of checks. 21 Q. (BY MR. BOND) Why? 22 I mean, if it was such a great 23 system before -- remember, you wouldn't tell me it 24 wasn't better. So why are you making this change? 25 What deficiency did you have before that you</p>	<p style="text-align: right;">Page 192</p> <p>1 MR. BOND: Okay. 2 Q. (BY MR. BOND) All right. So let's go 3 back up to that creation of a new position at BP. 4 Now, where is this new position 5 located? You are still in London, right? 6 A. Yeah. 7 Q. And you have got a budget of 60 million? 8 A. Yeah. If I spend more, I spend more. 9 Q. Well, you just -- you write your own 10 checks? 11 A. Kind of this year. This year I am 12 setting up the organization. So -- and if you are 13 building a new group, new function, you kind of 14 look at it and say, "It's going to cost me about 15 60 million." So I put 60 million in the plan. If 16 it's a bit more than that, it's a bit more than 17 that. 18 Q. Well, does anybody kind of set your 19 budget or is it you, period, the buck stops with 20 you, so to speak? 21 A. It's my budget. 22 Q. Does anybody come over to you and 23 challenge that budget? 24 A. No. 25 Q. Has anybody asked you to cut some --</p>
<p style="text-align: right;">Page 191</p> <p>1 don't -- that you need to make this change? 2 A. Because I think we -- we saw things at 3 Texas City that we were surprised about. 4 Q. Okay. And what did you see at Texas City 5 that you were surprised about? 6 A. I think most of it is in the -- in the 7 report. 8 Q. Is there anything not in the report that 9 you were surprised about? 10 You said "most of it." That's why 11 I am saying is -- 12 A. There is -- there is a lot in the report. 13 Q. I understand. 14 But you said most of it is in the 15 report. What I want to know: Is there anything 16 else other than what is in the report? 17 A. Oh, no, sir. That was English. 18 It's in the report. I'm sorry. 19 That was me being sloppy with English. 20 MR. BOND: You are talking to the 21 team of slop here. 22 We have got five minutes. Do you 23 want to take a break now or -- 24 MR. DENNY: We might as well 25 finish the tape.</p>	<p style="text-align: right;">Page 193</p> <p>1 10 percent off it? 2 A. No. 3 Q. Have you ever heard about that being done 4 at BP, where somebody comes in with a budget and 5 says, "I have got an ISOM unit that's got a 6 budget." And then they come in and say, "Hey, we 7 have got a challenge for you. Why don't you cut 8 that budget by 10 percent?" 9 Have you ever heard of that? 10 MR. DENNY: Objection, form. 11 A. Not -- not where I have worked. 12 Q. (BY MR. BOND) Do you think that's a good 13 idea? 14 A. I think in business you always have to 15 look for better performance. It's the way the 16 challenge is given. 17 Q. Have you ever heard of that being done at 18 BP? 19 A. As I said, not where I have worked. 20 Q. Okay. When you did your incident 21 investigation and issued this fatality report, did 22 you talk to anybody who told you about their budget 23 challenges and cutting back their budget? 24 A. Yeah. People -- people said that there 25 had been cost pressures and budgets had been cut.</p>

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<p>1 Q. Okay. Let's talk about the cost pressure 2 and the budgets. 3 Who told you about cost pressures 4 and budgets? 5 A. A -- a variety of people. 6 Q. All right. Let's name some of them. 7 A. I would have to go back to the 8 transcripts. 9 Q. Okay. Does anybody come off the top of 10 your head? 11 A. No. As I said -- as I said, I didn't do 12 the interviews. So I am -- memorizing from reading 13 transcripts is not the same as seeing somebody's 14 face and remembering who said what. 15 Q. Did Don Parus talk about budgets and cost 16 pressures? 17 A. Not that I am aware of. 18 Q. Did Willie Willis talk about budgets cuts 19 and cost pressures? 20 A. Not that I am aware of. 21 Q. Kathleen Lucas? 22 A. No, I don't think Kathleen did. 23 Q. How about Bill Ralph? 24 A. I wouldn't know without going to his 25 transcript.</p>	<p>1 Q. Right. But I mean -- 2 A. I mean -- 3 MR. DENNY: That will be up to the 4 lawyers and based on the subpoena. We will cross 5 that bridge when we get there. 6 MR. BOND: Okay. I would just 7 like -- 8 MR. WILLIAMS: I want an answer 9 now. 10 MR. DENNY: Do what? 11 MR. WILLIAMS: I want an answer 12 now. 13 MR. DENNY: You are not going to 14 get one. 15 Q. (BY MR. BOND) Sir, right now you don't 16 know. 17 A. Yeah. 18 Q. Is that a fair statement? 19 A. Yeah. 20 Q. What is the answer? What was your 21 answer? I am sorry. What is your answer? 22 A. The answer is: I say I don't know. Let 23 me talk... 24 Q. Okay. Other than the subpoena with the 25 demand, but I mean --</p>
Page 195	Page 197
<p>1 Q. Are you saying these people didn't tell 2 you this or are you just saying that you don't 3 know? 4 A. I am saying I don't know. I am saying I 5 don't know. 6 Q. So Don Parus could have told you that, 7 you just don't remember? 8 A. Yeah, I don't have a recollection of 9 seeing that in his transcript. 10 MR. BOND: Let's go ahead and take 11 the break now. 12 THE VIDEOGRAPHER: Off the record 13 at 2:37 p.m., ending Tape 4. 14 (Recess taken.) 15 THE VIDEOGRAPHER: On the record 16 at 2:49 p.m., beginning Tape 5. 17 A. Okay. Sorry. 18 Q. (BY MR. BOND) That's all right. Ready 19 to go? 20 A. Yes. 21 Q. Okay. First of all, before we go any 22 further, do you intend to come to trial when it is 23 set? 24 A. I got a piece of paper. I assume if I am 25 called, I will come.</p>	<p>1 A. Okay. 2 Q. All right. Back to where we were, or 3 close to it. 4 Let's kind of go back and talk 5 about the position that was created in May of 2005. 6 A. Okay. 7 Q. Your position? 8 A. Yeah. 9 Q. All right. Now, that was a direct change 10 to upper management in London as a result of this 11 Texas City explosion, correct? 12 A. Yes. 13 Q. All right. Who was the management 14 personnel that -- besides you that decided to make 15 this change? 16 A. I think that it was a conversation of 17 quite a few of the executives at the top of the 18 company, at the executive vice president level. 19 Q. Tell me everybody that y'all discussed 20 this with to make this change. 21 A. We discussed it with John Manzoni, 22 Lord Browne, Tony Hayward, Ian Conn. 23 Q. Who? I'm sorry. 24 A. Ian Conn. 25 Q. Could you spell that last name for me?</p>

<p style="text-align: right;">Page 198</p> <p>1 A. C-o, double "n." 2 Q. That's pretty easy. 3 A. Like the electronics company. 4 Q. Right. From Beaumont, too. 5 Anybody else? 6 A. No, I don't think so. 7 Q. So John Manzoni, Lord Browne, Ian Conn, 8 you -- 9 A. Tony Hayward. 10 Q. -- Tony Hayward. 11 Whose ultimate decision was it? 12 Was it Lord Browne's ultimate decision, or did 13 y'all kind of have a consensus? 14 A. Again, it was consensus; but clearly, he 15 looked at it and said that he wanted to change. So 16 the rest of us talked about what was the right way 17 to change and what we needed to do. 18 Q. Now, this new position -- let me make 19 sure I am right here -- group VP of operations and 20 safety, y'all set the -- you set the standards that 21 other plants are going to follow, correct? 22 A. Yeah. So what we -- I am sorry. My 23 microphone just fell. 24 So we are doing the -- looking at 25 the standards and practices. So previously</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. Okay. So as I understand it, under the 2 engineering group, that was in process safety. 3 Okay? 4 A. Yes. 5 Q. Okay. And you had your refining 6 experts -- process safety refining experts 7 underneath the engineering group, right? 8 A. The engineering group within refining. 9 Q. Who was that person? 10 A. The -- so there is a group called 11 refining technology, which has been working on 12 maintenance standards, considerations for high 13 hazard operations, things like that. And that's -- 14 and that's run by, I think, Paul Maslin. 15 Q. Paul who? 16 A. Maslin, M-a-s-l-i-n. 17 Q. M-a-s-l-i-n. 18 Now, prior to March 23rd, 2005, 19 when this explosion occurred, would Paul Maslin say 20 that one of his job duties was process safety 21 management? 22 MR. DENNY: Objection, form. 23 A. I don't know what he -- what he -- what 24 you -- I mean, I am not clear about exactly what 25 was in that organization.</p>
<p style="text-align: right;">Page 199</p> <p>1 engineering practices would have been -- as I said 2 before the break, been known by our engineering 3 group, which was within Technology and now that 4 reports into my group. 5 Q. Okay. So prior to this explosion, 6 process safety management was handled by the 7 engineering group as opposed to safety and 8 security? 9 A. Handled by the engineering group within 10 this specific piece of business. So -- so not to 11 try to make it too complicated; but the BP group, 12 we have a lot of different types of businesses. 13 So as I said this morning, we have 14 a lot of gasoline stations. We own Castrol Oil. 15 We own BP. We own exploration and production. We 16 are the biggest oil producer in North America, 17 things like that. 18 The process safety considerations 19 for refining and for exploration and production or 20 retail are quite different because of the type of 21 process. So the specialists for process safety and 22 refining are in Refining within this segment. 23 So -- so what we do at the group 24 level is to look at what it is which needs to be 25 the same across everybody.</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. (BY MR. BOND) Okay. 2 A. But I -- but it is different from process 3 safety for the other parts of the group. So it's 4 not at a group level. 5 Q. But he would be the man I would go to 6 prior to March 23rd, 2005, right? 7 A. To talk about specific refining process 8 standards, yes. 9 Q. Okay. That's process standards, and 10 that's sort of different than process safety. 11 A. Well, process safety standards. 12 Q. All right. So was he the man in charge 13 for process safety standards for BP? 14 A. For -- for refining, yes. 15 Q. For refining? 16 A. Not for -- not for BP, but for refining. 17 Q. Well, who was the man in charge of 18 process safety for BP? 19 A. I -- because of the differences, the 20 different businesses had quite different issues and 21 quite different ways of managing process safety. 22 So -- so at the group level, it came with a very 23 high level standard; but most of it was within the 24 business segments. 25 Q. And the fact is: BP didn't have anybody</p>

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<p>1 in charge of process safety prior to March 23rd, 2 2005, did they? 3 A. For -- 4 MR. DENNY: Objection, form. 5 Q. (BY MR. BOND) For upper management? 6 A. It's just a complicated question in our 7 organization. 8 Q. But it shouldn't be a complicated 9 question, should it? 10 A. But people -- but the basic delivery of 11 process safety goes through the line, and it is the 12 accountability of the line. So for process safety, 13 the -- as I said earlier, in the refinery it is 14 quite different from the exploration and 15 production. 16 So getting HSE right talks about 17 the basics of all safety. 18 Q. If I am Bill Ralph at Texas City plant 19 and I want to know something about process safety 20 or go to somebody about my budget, I should be able 21 to find out pretty easily who is the head of 22 process safety at British Petroleum, right? 23 MR. DENNY: Objection, form. 24 Q. (BY MR. BOND) That's not asking a whole 25 lot, is it?</p>	<p>1 you? 2 A. No. 3 Q. Okay. Because he can't change anything, 4 can he? 5 A. Yes. 6 Q. He may change the way he is sweeping the 7 streets but that's -- 8 A. He can change -- he can change how he 9 does it. 10 Q. But he can't put a flare system in, can 11 he? 12 A. Not if he is a street sweeper. 13 Q. But Lord Browne can. 14 A. But Lord Browne cannot make decisions 15 about site specific Texas City issues. 16 Q. He cannot? 17 A. No. 18 Q. Okay. Is there something preventing him? 19 Is he not the boss? Is he not the head guy? Is he 20 not the same guy who said, "I am going to spend so 21 much money here at Texas City"? 22 MR. DENNY: Objection, form. 23 A. So what -- what we do is have engineering 24 standards, that people have to deliver against the 25 engineering standards and then they get the budget</p>
Page 203	Page 205
<p>1 A. He should -- he should -- can go to 2 process safety within refining. That's Bill's -- 3 that's Bill's contact. 4 Q. Who is my guy in London? Who do I go to 5 in London before March 23rd? On March 23rd, 2005, 6 or before, who do I go to in London? 7 A. There shouldn't be anybody to go to in 8 London; but if you do, then there is the chief 9 engineer. 10 Q. Okay. So your answer to me is that there 11 is nobody I can go to in London for process safety 12 on March 23rd, 2005? 13 MR. DENNY: Objection, form. 14 A. On what about process safety? 15 Q. (BY MR. BOND) Well, refining. 16 A. On what? On a technical issue or -- 17 Q. On any issue? 18 A. I don't know what -- 19 Q. Any issue. 20 I mean, safety rolls downhill in 21 an organization, right? 22 A. Correct. 23 Q. Okay. So management -- you can't stop at 24 the bottom. You can't start there, can you? You 25 can't start with a guy sweeping the streets, can</p>	<p>1 through line and -- through the line to do the work 2 to meet the standards. 3 MR. BOND: Okay. I am going to 4 object as nonresponsive. 5 Q. (BY MR. BOND) If he wants to put a flare 6 system at Texas City, he can do that, can't he? 7 A. He can tell people to put it. 8 Q. Okay. That's fair. 9 That is probably the better way. 10 He is not going to get out there with a wrench, but 11 he can tell somebody to do it. But that is my 12 point. It was kind of an exaggeration, but it's 13 one of those ones that safety rolls downhill, 14 right? 15 It starts at the top and goes to 16 the bottom, right? 17 A. Yeah. But where I am struggling with 18 having -- trying -- I am trying to answer your 19 questions. 20 Where I am struggling is when we 21 talk about -- process safety is such a big issue in 22 terms of how you break it away, that there are 23 separate accountabilities for different parts of -- 24 Q. What is process safety as you understand 25 it?</p>

<p style="text-align: right;">Page 206</p> <p>1 A. Process safety is the safe operation of 2 your hydrocarbon plant. 3 Q. It is keeping those hydrocarbons in 4 the -- the place where they are supposed to be, 5 right? 6 A. Yeah. Amongst other things, right. 7 Q. It's not, you know, a real complicated 8 definition, is it? 9 A. No. 10 Q. Okay. 11 A. Safe -- safe hydrocarbon operations. 12 Q. All right. But at the time under -- I 13 guess, safety and security didn't incorporate 14 process safety in its purview, correct? 15 A. The only -- the high level within the 16 group gHSEr system, there were expectations about 17 competency, about maintenance and about the way 18 plants are maintained, but a very high level that 19 worked for the whole of the BP group. 20 Q. Okay. My question was: Was there 21 anybody with regard to process safety in HS -- 22 safety and security? 23 A. No. 24 Q. Okay. And you said Greg Coleman was over 25 HSSE?</p>	<p style="text-align: right;">Page 208</p> <p>1 that mean under the BP current corporate -- current 2 corporate definition? 3 Do you mean like keeping the plant 4 secure or do you mean security with regard to 5 safety? What do you mean when you say "security"? 6 A. Security broad. So keeping the plants 7 secure. So security over terrorism -- 8 Q. For things that you are -- 9 A. -- for -- for kidnapping. 10 Q. So when you say "security," almost kind 11 of a quasi-police? 12 A. It's safety. 13 Q. "Health" what does that mean? 14 A. The health programs that we run for the 15 folks. We run clinics for wellness, for influenza, 16 for repetitive stress, for vaccinations for people. 17 Q. How come Greg didn't get the safety and 18 operations position since he had been the head of 19 the safety prior to that? 20 A. I think you have to ask someone else 21 that. You can't ask me that. 22 Q. Whose decision was it? 23 A. It was John Browne's and Manzoni's and 24 Conn's and Hayward's. 25 Q. So Lord Browne made that decision along</p>
<p style="text-align: right;">Page 207</p> <p>1 A. Yes. 2 Q. Okay. And you said he got moved, right? 3 A. Yes. 4 Q. Okay. Did he get moved before or after 5 the explosion? 6 A. He was moved -- well, was he moved -- his 7 job changed. So the safety part came into my 8 organization. 9 Some of the operations came from 10 technology and engineering and some of the others 11 we have created new groups of parts of operations, 12 not to do with safety but operations excellence and 13 performance measures. 14 So I think the sequence of the 15 events was I was announced as being the new -- in 16 the new post. Greg remained and worked for me for 17 three months because I was still heavily involved 18 with Texas City, in charge of HSSE. 19 Q. Uh-huh. 20 A. And then he moved to his new role in 21 October. 22 Q. And what is his new role? 23 A. Security, health and environmental 24 policy. 25 Q. And when you say "security," what does</p>	<p style="text-align: right;">Page 209</p> <p>1 with Manzoni -- 2 A. I think it was an executive decision of 3 the executive -- of the operating committee. 4 Q. You are an executive, aren't you? 5 A. Yes. 6 Q. But you aren't one of the executives that 7 made the decision? 8 A. I have never made a decision about what 9 job I was going to do next, unfortunately. 10 Q. All right. Now, with process safety 11 management under your purview, do you have a person 12 that specializes in process safety management under 13 you? 14 A. I have a vice president for safety. I 15 believe I mentioned this morning in a conversation 16 with John Eddie Deb Grubbe who is -- Deb Grubbe, 17 who is in charge of safety and industrial hygiene 18 as a vice president. She will have people on her 19 team who are process safety experts. 20 Q. Well, who is the process safety expert on 21 her team? Do you know? 22 A. I think it would be Mike Broadribb, but 23 we also have -- but we still have process safety 24 experts. So refining still has its own process 25 safety experts, as does exploration and production.</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. Well, who is that? Are you talking about 2 different refineries, or are you talking about 3 refining as a subdivision of -- 4 A. In -- in Paul Maslin's group. 5 Q. Who is that person? 6 A. Mark Preston, I believe. 7 Q. Who? 8 A. I think it is Mark Preston. I think. 9 That's a clear "I think." I am not a hundred 10 percent certain on that. 11 Q. Okay. I have got it down as an "I 12 think." 13 Now, as a result of this 14 explosion, this group was formed. Whose idea was 15 it to form this new group? Was it yours? Was it 16 Lord Browne's? Whose was it? 17 A. I told you it was a conversation between 18 four or five people in the executive about what 19 needed to be done. 20 Q. Well, usually somebody thinks this up. I 21 mean, it's not a -- kind of a group think of it at 22 the same time. 23 Who thought it up originally? 24 A. I don't know because by the time it came 25 to me, the thoughts had been had and it was would I</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. No, they didn't or no, they did? 2 A. No, they didn't because of the -- because 3 of partly the differences in regulation locally, 4 partly the difference between the different 5 businesses. 6 Q. So there is really no accountability at 7 the London level for process safety management? 8 A. Accountability is -- is through the lines 9 for process safety management. 10 Q. When you say "lines" -- tell me what you 11 mean when you say "lines." 12 A. I mean, through -- through the refinery. 13 Q. Through the leadership team? 14 A. Through the leadership team. 15 Q. Okay. And that, to you, if I understand 16 you right, is kind of where the buck stops, at the 17 leadership team? 18 A. Yeah. So -- and we write standards; but 19 whatever we write, there will be local requirements 20 that people need to put in place as well. 21 Q. Well, you can write all you want; but if 22 those standards aren't followed, they don't mean 23 beans, do they? 24 MR. DENNY: Objection, form. 25 Q. (BY MR. BOND) Is that right?</p>
<p style="text-align: right;">Page 211</p> <p>1 do it. 2 Q. All right. Fair enough. 3 Now, this group, what it does is 4 it will audit the different refineries with regard 5 to safety and safe -- process safety management, 6 right? 7 A. It's one of the things it will do. 8 Q. What else will it do? 9 A. It will -- other than the safety 10 management system, what practices we need, what 11 standards we need to -- to put in place across the 12 group; and we all set standards for people. 13 So we are writing training 14 requirements capability for people. 15 Q. Who did that -- who did that before you? 16 Who wrote the standards before you did it -- did it 17 now? 18 A. In the business segment. So in refining, 19 but mainly at -- mainly at the site or on a 20 regional basis. 21 Q. So the way I understand it is: On the 22 London level -- I am just going to call it the 23 London level -- nobody really wrote standards for 24 direct process safety management? 25 A. No.</p>	<p style="text-align: right;">Page 213</p> <p>1 A. Yeah, a piece of paper is a piece of 2 paper. 3 Q. That's right. 4 You have got to -- you have got to 5 hold people accountable for those -- for following 6 those standards, right? 7 A. Yeah. 8 Q. Okay. First of all, who wrote those 9 standards prior to March 23rd, 2005, those 10 safety -- nobody wrote those standards, right, 11 except at the refinery level? 12 A. At the refinery level, yeah. And at 13 refining technology. 14 Q. So BP had little refineries that were 15 kind of worlds under themselves with no safety 16 standards to guide them? 17 MR. DENNY: Objection, form. 18 A. I think that the refineries had different 19 levels of standards depending on where they were. 20 Q. (BY MR. BOND) That's not my question. 21 Prior to this March 23rd, 2005 22 explosion, these refineries were kind of worlds 23 unto themselves that wrote their own little 24 standards? 25 A. They wrote their own standards. I</p>

54 (Pages 210 to 213)

<p style="text-align: right;">Page 214</p> <p>1 wouldn't say they were worlds under -- unto 2 themselves. 3 Q. Well, at least for safety purposes they 4 were? 5 A. No, because there was a lot of 6 cross-pollination between the refineries of the 7 different standards. So the refineries shared, 8 checked each other against standards. 9 Q. Well, who held them accountable? 10 A. Line management would hold them 11 accountable. 12 Q. Who held leadership accountable? I mean, 13 who held the line -- who held the refinery 14 leadership team accountable? 15 A. That should be through the line, through 16 Pat Gower. 17 Q. Okay. So Pat Gower should have done it, 18 but he doesn't know what's going on because he 19 didn't write the standards, right? 20 MR. DENNY: Objection, form. 21 Q. (BY MR. BOND) Or does he? 22 A. No, he doesn't. But that's -- that's... 23 Q. All right. So basically, these 24 refineries are just -- if you had some renegade or 25 some refinery that wasn't up to snuff, then BP just</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Prior to March 23rd, 2005 -- I am sorry 2 March, 2003 was the last time. 3 And then y'all just gave it to the 4 team leadership or the leadership team? 5 A. Well, I didn't. 6 Q. Whoever -- 7 A. It wasn't my audit. 8 Q. BP would? 9 A. Yes. 10 Q. Okay. Well, who was accountable? 11 Say the audit came back and it 12 said, "You know, that leadership team at BP is 13 horrible. That refinery is unsafe," Well, who 14 says, "Okay. We are going -- we are going to fix 15 this"? 16 A. Line management should talk about the 17 audit results and the action plan. 18 Q. That's kind of like, you know, you have 19 heard of the fox guarding the hen house sort of 20 situation, right? 21 You have heard that, right? 22 A. I have heard of it; but it has different 23 connotations, I think, when you... 24 Q. Well, you have got somebody who is 25 supposed to be kind of responsible for safety. If</p>
<p style="text-align: right;">Page 215</p> <p>1 kind of let it go? 2 A. No. 3 MR. DENNY: Objection, form. 4 Q. (BY MR. BOND) Well, how did they stop 5 it? 6 A. There were audits. There were process 7 safety audits which were done and given -- were 8 given back to the line. And we are now put in a 9 second check to go -- 10 Q. Well, what it -- I am sorry. Were you 11 finished? 12 I sometimes tend to interrupt. I 13 don't mean to. So if I -- just put your hand up, 14 and I will -- I will stop. 15 MR. DENNY: We have noticed. 16 MR. BOND: I try hard. I do try, 17 and you can feel free to jump in and tell me to 18 shut up, too. I don't mind. 19 Q. (BY MR. BOND) The process safety audit, 20 when was the last one done? 21 A. I think the last one done was -- without 22 going back to the records, I think it was 2003. 23 Q. When in 2003? 24 A. Without going back to the record, I am 25 not sure of that.</p>	<p style="text-align: right;">Page 217</p> <p>1 they are criticized for safety, it is kind of a 2 circular deal. They are not going to have any 3 incentive to discipline themselves, are they? 4 A. No, but they should put in place plans 5 to -- and discuss it with their line management 6 about what they are going to do about it. 7 Q. And if it doesn't get done, what happens? 8 Nothing? 9 A. If it doesn't get done, then line 10 management should intervene. 11 Q. I guess his boss should intervene and 12 then his boss should intervene all the way up to 13 Lord Browne should intervene -- 14 MR. DENNY: Objection, form. 15 Q. (BY MR. BOND) -- right? 16 A. As I -- you know, as I said this morning, 17 the spread of the accountability that people had, 18 then refining is big on its own, once you go out to 19 refining. But it should go through -- it should be 20 the line manager, it should be the next level up 21 who intervenes. 22 Q. But, again, you are asking them to 23 discipline themselves essentially? 24 MR. DENNY: Objection, form. 25 A. I am not asking them to discipline. You</p>

<p style="text-align: right;">Page 218</p> <p>1 are asking them to -- to work with the people who 2 work on the site to fix it. 3 Q. (BY MR. BOND) All right. Let's kind of 4 look at it a little bit different. 5 I want you to kind of explain to 6 me -- if you can, I want you to kind of compare and 7 contrast how refinery -- you know, how it's a 8 little island unto themselves -- with safety. 9 Is it the same with finances? 10 Let's say you want to -- the refinery is just 11 losing money hand over fist. Does an audit -- say 12 they do an audit on them and they just -- what 13 happens then? Is it just, "Hey, do an action 14 item"? 15 MR. DENNY: Objection, form. 16 Q. (BY MR. BOND) Is that what they do? 17 MR. DENNY: Objection, form. 18 A. I don't -- I mean, I don't know -- I 19 don't know about -- I mean, all I can speak is what 20 would be my experience, where I come from, where 21 the safety audit, or whatever audit, and the 22 financial audit, then line management have to do 23 something about it. 24 Q. (BY MR. BOND) All right. Let's talk 25 about finances.</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. Okay. With other plants? 2 A. So -- so when I was running exploration 3 and production, then I had all mine line by line. 4 And then mine went up to my boss, and my boss had 5 kind of the aggregation of all of those. 6 So unless there was a problem that 7 I chose to talk to him about, he wouldn't normally 8 see all the detailed data. 9 Q. And again, your boss is Lord Browne? 10 A. No, no. In my old job, exploration and 11 production. 12 Q. Who is Hoffman's boss? 13 A. Manzoni. 14 Q. Okay. And would he go to Manzoni if, 15 say, one -- 16 A. I don't -- I don't know whether it would 17 go transparent. 18 Q. So you have these monthly financial 19 reports going up to Hoffman, right? 20 A. Yeah. 21 Q. And a corresponding safety report, did 22 that go up monthly? 23 A. Yeah. 24 Q. Who would that go to? 25 A. It would go to -- it would go at least to</p>
<p style="text-align: right;">Page 219</p> <p>1 Who reports -- I mean, if BP is 2 making -- Texas City is making a loss or -- or 3 who -- how do they find out about that over in 4 London? 5 A. Fill in a monthly financial report. 6 Q. Okay. Who fills in that monthly 7 financial report? 8 A. Somebody on the leadership team locally. 9 Q. Okay. And they send it to where? 10 A. They would send it to Gower and to -- and 11 to London. 12 Q. Okay. And who would eventually see it? 13 A. I don't know. I think I know, but I 14 don't know. 15 Q. Well, tell me who you think you know. 16 MR. DENNY: Objection, form. 17 A. I think it would be Hoffman. 18 Q. (BY MR. BOND) Okay. Who else? 19 A. And I don't know what level you would see 20 beyond that. In my own business, it would be 21 aggregated together before it went on to a higher 22 level. 23 Q. Okay. And who would eventually see it 24 ultimately? 25 A. Beyond that, it would be aggregate.</p>	<p style="text-align: right;">Page 221</p> <p>1 the same place. I don't know -- I don't know how 2 it would be -- how transparent it would be to 3 everybody else. 4 In my old division, we had every 5 plant broken out line by line. I am not sure about 6 refining. 7 Q. I know you can't read it, though, can 8 you? 9 A. No, but I can remember that one. 10 Q. All right. All right. 11 MR. WILLIAMS: That's the best 12 handwriting you have seen, isn't it, sir? 13 THE WITNESS: I wouldn't go that 14 far. 15 MR. WILLIAMS: You are under oath. 16 Q. (BY MR. BOND) All right. So you say 17 that you have a monthly safety report, right? 18 A. Yes. 19 Q. And what does that contain? 20 A. It contains the number of accidents, 21 number of recordable injuries, number of manhours 22 worked. 23 I am not sure what else was in the 24 refining one at this time. 25 Q. Number of deaths, too, right?</p>

<p style="text-align: right;">Page 222</p> <p>1 A. Certainly.</p> <p>2 Q. Okay. So -- and you are saying that for</p> <p>3 sure it would go up at least to Mike Hoffman?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. And it may go up higher to</p> <p>6 Manzoni?</p> <p>7 A. It may.</p> <p>8 Q. So certainly, if there is a death -- like</p> <p>9 I said I believe there was two people killed in</p> <p>10 August of 2004 -- that's going to make it past</p> <p>11 Hoffman, isn't it?</p> <p>12 MR. DENNY: Objection, form.</p> <p>13 Q. (BY MR. BOND) Isn't it?</p> <p>14 A. I would have expected it to.</p> <p>15 Q. It's going to make it past Manzoni, isn't</p> <p>16 it?</p> <p>17 A. It would be in the group -- the group</p> <p>18 aggregates fatalities. So there is a group</p> <p>19 aggregation, and it would go to everybody on the</p> <p>20 executive team.</p> <p>21 Q. So what I am trying to figure out --</p> <p>22 okay. You have two men killed.</p> <p>23 Would that be something that -- we</p> <p>24 know it would go to Manzoni for sure. No question</p> <p>25 about that, right, in its unaggregated form?</p>	<p style="text-align: right;">Page 224</p> <p>1 A. I think he would have seen each one.</p> <p>2 Whether he would have seen it as trends, I don't</p> <p>3 know exactly.</p> <p>4 Q. (BY MR. BOND) And he would know they</p> <p>5 were coming from Texas City, correct?</p> <p>6 MR. DENNY: Objection, form.</p> <p>7 A. I am not a hundred percent sure, but I</p> <p>8 think so.</p> <p>9 Q. (BY MR. BOND) If you were a betting man,</p> <p>10 you would bet that way?</p> <p>11 A. Yeah.</p> <p>12 Q. So you have got John Manzoni knowing for</p> <p>13 sure. Lord Browne more than likely knowing, of the</p> <p>14 fatalities at least?</p> <p>15 A. (Nods head.)</p> <p>16 Q. Is that a "yes"?</p> <p>17 A. Manzoni -- Manzoni post 2002, I think it</p> <p>18 was.</p> <p>19 Q. Okay. I am saying: Is that a "yes"?</p> <p>20 I'm not trying to get on you, but</p> <p>21 she has got to take it down. You are shaking your</p> <p>22 head. I have got to get a "yes" or "no."</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So you have got these reports --</p> <p>25 safety reports going to them. You have got the</p>
<p style="text-align: right;">Page 223</p> <p>1 Texas City, two people killed,</p> <p>2 right?</p> <p>3 MR. WILLIAMS: Objection, form.</p> <p>4 A. (Shakes head.)</p> <p>5 Q. (BY MR. BOND) Is that a yes?</p> <p>6 A. (Shakes head.)</p> <p>7 Q. You've got to -- you can't -- you are</p> <p>8 shaking your head. I can't -- she can't get that</p> <p>9 down.</p> <p>10 A. Well, I have got one person in one ear</p> <p>11 and I will --</p> <p>12 Q. I never said it was going to be easy.</p> <p>13 A. Yes, I think the fatal -- all</p> <p>14 fatalities -- I mean, before the incident in Texas</p> <p>15 City, we had about 12 fatalities a year. I mean --</p> <p>16 but everybody in the group would know about them.</p> <p>17 There would be a -- there would be a report which</p> <p>18 went to everybody in the top 100, for instance.</p> <p>19 Q. So Lord Browne would know about</p> <p>20 fatalities, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And he would certainly know about</p> <p>23 fatalities occurring from 1999 -- at least from</p> <p>24 1999 to 2005, March 23rd, correct?</p> <p>25 MR. DENNY: Objection, form.</p>	<p style="text-align: right;">Page 225</p> <p>1 recordables, lost times going to Mike Hoffman and</p> <p>2 Manzoni, right?</p> <p>3 A. (Nods head.)</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. So we have somebody -- it's not just --</p> <p>7 do you remember you were talking about the refinery</p> <p>8 being the only people that -- the buck stopping?</p> <p>9 Do you remember we talked about that earlier?</p> <p>10 A. I said the refinery is where people have</p> <p>11 to deliver standards in performance.</p> <p>12 Q. Okay. Well, the people that have to</p> <p>13 deliver a standard of performance are at the top of</p> <p>14 the food chain, so to speak, aren't they?</p> <p>15 A. I think that -- in this case that the</p> <p>16 aggregated data for BP was improving dramatically</p> <p>17 in this time.</p> <p>18 MR. BOND: I am going to object as</p> <p>19 nonresponsive.</p> <p>20 Q. (BY MR. BOND) The people at the top need</p> <p>21 to make the standards, right? Right?</p> <p>22 A. Yeah.</p> <p>23 Q. In fact, y'all figured that out that --</p> <p>24 when y'all made the change in May of 2005, correct?</p> <p>25 A. We decided to make the change because we</p>

<p style="text-align: right;">Page 226</p> <p>1 thought it would improve. 2 Q. Okay. Well, somebody's got to make the 3 standards. They should be uniform standards, 4 right? 5 A. Not -- not all standards can be uniform. 6 Q. I know they all of them can't, but -- 7 A. Yes. 8 Q. Isn't tailor made for your, you know, 9 specific refinery; but you should have a standard 10 out there that you are trying to achieve, correct? 11 A. You should have a standard which is -- 12 but they won't -- they won't be the same. 13 Q. Okay. Now, here y'all had knowledge of 14 people being killed, at least two in August, 2004; 15 but at that point, there was still no change in the 16 organization in London, correct? 17 A. Correct. 18 Q. Still no concentration of putting process 19 safety management in its own end of safety? 20 A. Correct. 21 Q. And you will agree with me that Mike 22 Hoffman, John Manzoni and Lord Browne all had a 23 responsibility and a duty to make sure that Texas 24 City's leadership team was complying with proper 25 process safety management, correct?</p>	<p style="text-align: right;">Page 228</p> <p>1 MR. DENNY: Objection, form. 2 Q. (BY MR. BOND) You understand that, 3 right? 4 MR. DENNY: Object to form. 5 A. I know -- I know that there were other -- 6 other fatalities. 7 Q. (BY MR. BOND) Now, if somebody's 8 safety -- well, if somebody is losing money 9 financially -- say Texas City is losing money and 10 financial reports come back bad, the next month, 11 bad -- all right. Let's put it like this: 12 Everybody else is performing at a hundred, okay, 13 and Texas City is performing at a 50. Okay? 14 Do you remember how -- I think you 15 talked about in your investigation Texas City 16 safety was way worse than anybody else in the 17 British Petroleum empire. 18 Do you recall that? 19 MR. DENNY: Objection, form. 20 A. I said the standard -- the standards that 21 I found when I was there, I would say were the 22 lowest in BP. 23 Q. (BY MR. BOND) Now, how much lower? A 24 lot lower? A little bit lower? 25 A. A lot lower.</p>
<p style="text-align: right;">Page 227</p> <p>1 MR. DENNY: Objection, form. 2 A. I think that, as I said, people closest 3 to Texas City who needed -- who understood it more 4 needed to have a plan in place, and people who were 5 closer to it needed to assure that there was an 6 appropriate plan in place. 7 Q. (BY MR. BOND) Well, do you think 8 12 people a year is acceptable, dying in y'all's 9 refinery? 10 A. Not in our refinery. 11 MR. DENNY: Objection, form. 12 A. I know I said 12 -- 12 people across the 13 world in BP. 14 Q. (BY MR. BOND) All right. 15 A. BP employs roughly 400,000 people a year. 16 Q. Yeah, but it is still no -- I mean, I 17 don't care how many people they employ. Killing 18 15, killing 12 is not acceptable? 19 A. Killing -- killing one is not -- is not 20 acceptable but -- 21 Q. Here in August of 2004 you killed two 22 people. And I think a little bit before that you 23 killed another person. 24 I am not talking about you. I am 25 talking about at BP refinery.</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Okay. Now, let's say -- let's change it 2 up a little bit and say financially the Texas City 3 plant was performing equivalently to their safety 4 standard, okay, a lot lower than everybody else. 5 Do you get -- follow my 6 hypothetical so far? 7 A. As long as it's hypothetical. 8 Q. They weren't. 9 But how long would it take for 10 that leadership team to be changed if they were 11 performing financially the way they were performing 12 for their safety? 13 A. This is a totally hypothetical question. 14 I can't even hazard a guess. 15 Q. Do you think they would stay there very 16 long? 17 A. I can't -- 18 MR. DENNY: Objection, form. 19 A. I can't comment. That's totally a 20 hypothetical. 21 Q. (BY MR. BOND) I know it's hypothetical. 22 And my question is: The VP -- how 23 long have you been with BP? 24 A. Me? 25 Q. Uh-huh.</p>

<p style="text-align: right;">Page 230</p> <p>1 A. Twenty-nine years and three months or 2 something.</p> <p>3 Q. As a senior group VP of operations and 4 safety, as somebody whose immediate boss is 5 Lord John Browne himself, my question is to you: 6 How long do you think the leadership team would be 7 in place if they were performing financially as 8 they were safety-wise?</p> <p>9 MR. DENNY: Objection, form.</p> <p>10 A. I don't -- I don't think you can make a 11 correlation.</p> <p>12 Q. (BY MR. BOND) Do you think it would be 13 very long?</p> <p>14 MR. DENNY: Objection, form.</p> <p>15 A. I think that we have very few times when 16 we have poor financial performance until we just 17 fire the leadership.</p> <p>18 Generally we -- we want to see 19 demonstrated plans; we want to see performance 20 going in the right direction; and we want to see 21 that people are doing what they can.</p> <p>22 Q. (BY MR. BOND) How long do you think a 23 refinery would be allowed to perform at such a low 24 level financially before things started to -- 25 before they make changes?</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. (BY MR. BOND) You didn't have a process 2 safety person over in London, did you?</p> <p>3 MR. DENNY: Objection, form.</p> <p>4 Q. (BY MR. BOND) Did you?</p> <p>5 A. Because it was not appropriate in the 6 organization.</p> <p>7 Q. There was somebody financially over in 8 London that was looking at the way the organization 9 was performing, correct?</p> <p>10 A. That's -- that's the line organization 11 that does that.</p> <p>12 Q. My question was: Somebody in London was 13 looking at how it was performing financially, 14 right?</p> <p>15 A. The line managers were looking at it.</p> <p>16 Q. Okay. And if it was performing 17 like it -- if it was eroding like the safety was 18 eroding, then that financially would have been -- 19 pretty much the leadership team would have been 20 replaced, standards would have been changed, 21 correct?</p> <p>22 MR. DENNY: Objection, form.</p> <p>23 A. That's a hypothetical question. I am 24 just trying to think of an exact analogy, and I 25 can't think of one.</p>
<p style="text-align: right;">Page 231</p> <p>1 A. I -- I can't -- I can't answer that.</p> <p>2 Q. Well, you indicated before and in your 3 report, you talked about this safety culture, this 4 safety environment was something that developed 5 over years.</p> <p>6 Do you recall that?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. Do you think financially if Texas 9 City was performing like that it would be allowed 10 to go on for years?</p> <p>11 A. I said the performance was eroding over 12 years.</p> <p>13 Q. Do you think that if we saw a downhill 14 trend financially over years as you did in safety 15 with the Texas City plant that the leadership team 16 would be allowed to stay in place?</p> <p>17 A. But people --</p> <p>18 MR. DENNY: Objection, form.</p> <p>19 A. -- people did not see performance eroding 20 in safety over years.</p> <p>21 Q. (BY MR. BOND) It's because nobody 22 looked.</p> <p>23 A. Because people didn't see it happening.</p> <p>24 Q. Because nobody looked.</p> <p>25 MR. DENNY: Objection, form.</p>	<p style="text-align: right;">Page 233</p> <p>1 Q. (BY MR. BOND) When would y'all think it 2 would be a good idea to set standards or set 3 targets that everybody should meet safety-wise? 4 When did that first come into, "Hey, this is a 5 great idea"?</p> <p>6 A. We have done it since -- since we 7 started, since -- we set specific targets for 8 safety when we did the merger between BP and Amoco 9 in 1999; and until this incident, we were on track. 10 We were -- until this incident, BP was proud of its 11 safety; and we had improved to be probably in the 12 top one or two companies in the world.</p> <p>13 MR. BOND: I am going to object as 14 nonresponsive.</p> <p>15 Q. (BY MR. BOND) I believe you told me 16 earlier that y'all decided to start setting 17 companywide safety standards in May of 2005.</p> <p>18 A. More --</p> <p>19 MR. DENNY: Objection, form.</p> <p>20 A. More, more standards.</p> <p>21 Q. (BY MR. BOND) Okay. And that is 22 something that Lord Browne discussed -- I am going 23 to show you Exhibit 161. Here you go, sir.</p> <p>24 Okay. Take a -- take a minute and 25 look at it for me, please.</p>

<p style="text-align: right;">Page 234</p> <p>1 A. Yes. 2 Q. Okay. And I think at the bottom -- may I 3 see that, sir? 4 A. Yeah, sure. 5 Q. That's all right. I will -- I don't want 6 to get my pretty face in that picture over there. 7 "Our business plans include 8 measurable HSE targets." 9 And I am assuming that means 10 health, safety and environmental, right? 11 A. Yes. 12 Q. "We are all committed to meeting them," 13 right? 14 Can you tell when this was done? 15 This was back in 2001, right? 16 A. That's the date it says. I have got no 17 reason to believe it wasn't. 18 Q. Okay. But it took you two, three -- four 19 years until March -- or May of 2005 to put a 20 position in London that was responsible for 21 process -- specifically responsible for process 22 safety management. 23 MR. DENNY: Objection, form. 24 Q. (BY MR. BOND) Right? 25 A. If you talk about positions in London,</p>	<p style="text-align: right;">Page 236</p> <p>1 A. I am sorry. I didn't catch the last 2 word. 3 Q. (BY MR. BOND) Are they just for grins? 4 Are they just for fun? 5 I mean, you are setting these 6 standards for a reason, aren't you? 7 A. Yes. 8 Q. Okay. I guess to improve the safety of 9 your refinery. 10 A. To improve the safe -- not just our 11 refinery. To improve the safety of everything we 12 do. 13 Q. Because it's important to check up on 14 things that you have set standards for, correct? 15 A. Correct. 16 Q. All right. Now, you wrote this report; 17 and I believe you said you have been in another job 18 for the past nine months. 19 A. I took this job basically in October. 20 Q. Okay. 21 A. I was appointed in May. I started in 22 October. 23 Q. Of? 24 A. 2005. 25 Q. All right. And you are still in the same</p>
<p style="text-align: right;">Page 235</p> <p>1 there is lots of positions in London responsible 2 for process safety. 3 There is not somebody who is a 4 single head of the group. 5 Q. It took you 40 years to form the position 6 you are in now, to -- for it to hold these 7 refineries accountable for lapses in safety, 8 correct? 9 A. No. 10 MR. DENNY: Objection, form. 11 A. No. 12 Q. (BY MR. BOND) To set standards? 13 A. To set more standards. 14 Q. Well -- 15 A. There are already standards. There were 16 standards on March the 23rd. 17 Q. In process safety management? 18 A. Yes. Within getting HSE right, there is 19 clear reference to competency, the golden rules, 20 there are standards on hydrocarbon isolation. 21 Q. And I guess -- but, again, you are just 22 setting more standards. 23 I guess the new standards and the 24 more standards, are they just for grins? 25 MR. DENNY: Objection, form.</p>	<p style="text-align: right;">Page 237</p> <p>1 position? 2 A. Yeah. 3 Q. All right. Now, who is -- I think this 4 Texas City refinery is fixing to start back up, 5 right? 6 A. Yes. 7 Q. When is it supposed to start back up? 8 A. It's already -- it's already making some 9 product. 10 Q. All right. Well, who is responsible for 11 making sure that these changes have taken place? 12 A. Collin is responsible. Colin Maclean, 13 who is the site manager, is responsible for it. 14 Q. Part of the leadership team? 15 A. He is the refinery manager. 16 Q. Who else is responsible? 17 A. His -- the rest of his leadership team. 18 Q. Who is... 19 A. Kathleen Lucas. And I am not sure who 20 else is in the leadership team now. 21 Q. So basically -- is there anybody from BP 22 London or anybody else besides the same leadership 23 team that -- that was there when -- I guess Colin. 24 Was Colin at the Texas City 25 refinery at the time this explosion took place?</p>

<p style="text-align: right;">Page 238</p> <p>1 A. No, no. 2 Colin is one of our most 3 experienced refinery managers. He had run our 4 Bulwer refinery and Whiting refinery and 5 Grangemouth refinery. 6 So, Colin was new. We put in a 7 new maintenance superintendent. We put in a new 8 HSE manager. So, we've reinforced the leadership 9 team. And we've also had outside doing pre-startup 10 checks to help people. 11 So that group, as I said to you, 12 has been there this week working before they start 13 up. 14 Q. And my question is -- and I want to -- 15 who was responsible for making sure that all these 16 changes or all the stuff that was discussed about 17 in your final report are actually made, that 18 leadership team including Colin? 19 A. Colin -- Colin is single point 20 accountable for it. 21 Q. Single point of accountability? 22 A. And the agreement we have is that we will 23 go back -- because a lot of these are fairly long 24 running items that we will go back. 25 Q. Who is "we"?</p>	<p style="text-align: right;">Page 240</p> <p>1 A. Colin's team -- Colin's team -- the line 2 people are the only people who can supervise it. 3 They are there to support and challenge and make 4 sure that things are right before they get started 5 up. 6 Q. Okay. Deb Grubbe? 7 A. Deb Grubbe and others. 8 Q. And she was there for pre-startup. 9 Is she still there? 10 A. She is there today. She was there 11 yesterday. 12 Q. How long do you plan on -- how long is 13 her team going to be there? 14 A. We have had three or four team visits 15 that have been in six weeks ago, three weeks ago, 16 and they are going in now. 17 Q. So when you say outside audit groups, 18 they are really not. They are BP employees? 19 A. Yes. 20 Q. BP what? BP -- 21 A. Well, Deb Grubbe works for me; but they 22 are specialists. 23 So, as an example, Kathleen Lucas 24 asked me for some help on commissioning it. So I 25 got a team from exploration and production from</p>
<p style="text-align: right;">Page 239</p> <p>1 A. The external audit group will go back. 2 Q. Who is the external audit group? 3 A. That -- as I said earlier, that's a group 4 that we are setting up in my organization now. 5 Q. Okay. So your organization is actually 6 supervising -- 7 A. We will go back and check the second half 8 of the year and go through all of the 9 recommendations. 10 Q. Have you already gone through it once, 11 pre-startup? 12 A. We have -- we have gone through -- not my 13 team because my team is not fully built, but we 14 have put a team together from all over BP to go and 15 look at pre-startup. And Deb -- that's what Deb 16 Grubbe has been there overseeing, the startup 17 before the plant starts. 18 Q. Deb? 19 A. Grubbe. 20 Q. Okay. I just want to make sure I have 21 the right Deb. 22 All right. So Deb Grubbe and her 23 team has been supervising the pre-startup? 24 A. Not supervising. 25 Q. Auditing?</p>	<p style="text-align: right;">Page 241</p> <p>1 Houston and London, put a team together. They went 2 to spend two weeks in there checking what they were 3 doing. 4 Q. And then after it starts up, you have 5 another -- from your group there is now -- 6 A. We will do a full -- a full evaluation of 7 all of the recommendations, everything that is in 8 the program office. 9 Q. Now, your new team, this group you are 10 forming now, it is going to go around to these 11 difference refineries just doing independent 12 audits. 13 Are they random? How does that 14 work? 15 A. No, not just refining. Every -- all of 16 our installations. And we will look at where we 17 think -- so every -- every site will be audited 18 every three years; and we will decide the program 19 based on performance, the last audit findings 20 and -- and understanding where we can add the most 21 value. 22 Q. Are you aware of, like, other 23 industrial -- other industries -- not other 24 industries -- if other companies have this same 25 type of a program?</p>

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1 A. It varies. Some companies do. Others
 2 don't.
 3 Q. Name one that doesn't.
 4 A. I am just going on the workshop that we
 5 held with -- with five of our major competitors;
 6 and that's -- the people from my team who went
 7 there. So some companies have different
 8 approaches.
 9 Q. All your major competitors have some sort
 10 of safety audit team that is going to audit the
 11 independent refineries, right?
 12 A. No, I don't think that's correct. Not
 13 independent.
 14 Q. Well, they work for the company; but they
 15 are going to have some sort of audit system --
 16 A. Well, not outside refining. We are
 17 completely separate. So -- so some people use a
 18 very similar model to what we had last year, and
 19 some people use the model that we are going to now.
 20 Q. But every person or every company has
 21 some sort of audit system to audit the safety of
 22 their refinery or there -- some other --
 23 A. Yes. And so did we.
 24 Q. Do the other companies report it back to
 25 the leadership team that have been in charge when

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1 deciding what to do or do they have some higher-up
 2 to hold those -- that leadership team accountable?
 3 A. I don't -- I don't know. I haven't
 4 been -- I haven't been into the detail of it, but
 5 I...
 6 Q. Do you -- I am sorry. Go ahead.
 7 A. One of us got finished first.
 8 Q. Do you know any company that didn't hold
 9 somebody outside the leadership team or held -- do
 10 you know -- do you know any other company that did
 11 like BP and left the leadership team accountable
 12 for itself or did everybody -- every other company,
 13 that you are aware of, have some person or
 14 organization that was going to hold them to -- the
 15 leadership accountable for safety violations or
 16 process safety --
 17 A. I don't know --
 18 MR. DENNY: Objection, form.
 19 A. I don't know which ones, but I do know
 20 there were because it was -- it was actually -- I
 21 recruited some people to do this and they went out
 22 and talked to our competitors, and they say that
 23 several of them still do as we used to do.
 24 Q. (BY MR. BOND) Under oath can you name
 25 one of them?

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1 A. No. And I can't name one as the another.
 2 MR. BOND: Hang on a second.
 3 (Discussion off the record.)
 4 Q. (BY MR. BOND) If responsibility stops at
 5 the plant management level -- you know, how we were
 6 talking about that earlier -- how do they get
 7 funding to make -- to correct those problems?
 8 A. They get funding by preparing a budget
 9 and a business plan for five years and then
 10 preparing an annual budget and business plan.
 11 Q. And do you know if those plant managers
 12 are asked to, I guess, get their budgets
 13 challenged? Are you aware of that?
 14 A. I don't know what happened specifically
 15 in our conversations. I -- usually it's a
 16 conversation where the team on the site puts the
 17 business plan together.
 18 As I said, where I come from, I
 19 have been challenged. I have never had my budget
 20 cut. And I have run quite a lot of big BP
 21 operations, and people say to me, "If we have got
 22 low oil price, can you balance cost?"
 23 You go away, and you work it with
 24 your team.
 25 Q. Are you aware that during the timeframe,

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1 or right before the explosion, all the -- Texas
 2 City's MDLs were told that the Texas City refinery
 3 was 60 million short of the profits they had
 4 promised their shareholders? Are you aware of that
 5 statement?
 6 A. No.
 7 Q. Okay. Should an inherently safer layer
 8 of safety to protect workers ever be cut for profit
 9 reasons?
 10 A. I think that it's -- you should never --
 11 you never cut a layer of protection.
 12 The question is usually about
 13 adding layers of protection. And I think a lot of
 14 it is at the -- at the pace that you add layers of
 15 protection, and that's an engineering judgment
 16 about reducing risk levels.
 17 So it shouldn't be cut. If it's
 18 the right thing to do, no, it shouldn't be cut for
 19 profit reasons.
 20 Q. Okay. And let's talk for a second about
 21 the different layers of protection.
 22 Do you know what they are, the
 23 three layers of protection?
 24 A. In what -- in what level are you --
 25 Q. I am talking about like engineering, I

<p style="text-align: right;">Page 246</p> <p>1 think, is the Number 1?</p> <p>2 A. Yeah, we would -- we would say plant was</p> <p>3 the first one, which is safe design and maintenance</p> <p>4 of the plant, which some people would call</p> <p>5 engineering. The second is the process. So that's</p> <p>6 the process that you would run the place. And the</p> <p>7 third is your people.</p> <p>8 So a lot of intellectual arguments</p> <p>9 about whether people should be first or last</p> <p>10 because they hold the whole thing together, but</p> <p>11 actually people is the most unreliable.</p> <p>12 Q. Right.</p> <p>13 That's why you have to have the</p> <p>14 other layers?</p> <p>15 A. That's why you have to have the other</p> <p>16 layers. That's also called the "Swiss cheese</p> <p>17 model."</p> <p>18 Q. Okay. In this case, BP didn't have those</p> <p>19 layers?</p> <p>20 A. BP had -- BP had the layers.</p> <p>21 Q. Did they have a flare?</p> <p>22 A. Didn't need the -- the flare -- we did</p> <p>23 not have a flare, but that doesn't mean we did not</p> <p>24 have layers of protection.</p> <p>25 Q. Did they have --</p>	<p style="text-align: right;">Page 248</p> <p>1 A. Not if you are filling a gas tank.</p> <p>2 Q. Not for filling a raffinate splitter, is</p> <p>3 it?</p> <p>4 A. The -- so you should -- in every piece of</p> <p>5 plant, you should always have a risk reduction plan</p> <p>6 to be improving the technology, as technology</p> <p>7 becomes available.</p> <p>8 Q. Uh-huh.</p> <p>9 A. When you talk about specifics of the</p> <p>10 raffinate splitter, my personal belief is that the</p> <p>11 level of instrumentation is typical and normal. I</p> <p>12 don't -- I believe that the process -- so the</p> <p>13 operating procedures, as we said in our report,</p> <p>14 there were problems with it, that they weren't</p> <p>15 up-to-date; but the operating procedures actually</p> <p>16 fit for purpose. And, in fact, they have one or</p> <p>17 two mistakes in them; but the process, if people</p> <p>18 had followed it, would have been there.</p> <p>19 In terms of -- the automatic level</p> <p>20 control was such a basic part of the process. I</p> <p>21 find it very difficult that a design engineer would</p> <p>22 ever contemplate that someone wouldn't engage it</p> <p>23 when they were filling the tower.</p> <p>24 And then to continue to fill the</p> <p>25 tower from 7 feet, 6 to 139 feet, whatever it is,</p>
<p style="text-align: right;">Page 247</p> <p>1 A. There were layers of protection.</p> <p>2 Q. Could you describe mechanical interlocks</p> <p>3 that BP had to prevent this tragedy?</p> <p>4 A. There was an automatic runoff of system,</p> <p>5 which if it would have been engaged, it would not</p> <p>6 have let the -- the splitter go above 9 feet in</p> <p>7 height.</p> <p>8 Q. All right.</p> <p>9 A. That's the -- that's the first one, to</p> <p>10 keep the level very low in the tower.</p> <p>11 Q. Is that automatic?</p> <p>12 A. It's automatic when it's switched on.</p> <p>13 Q. What about -- again, is it automatic?</p> <p>14 A. It's automatic when it's switched on.</p> <p>15 Q. Without having to turn something on, is</p> <p>16 it automatic?</p> <p>17 A. You --</p> <p>18 MR. DENNY: Objection, form.</p> <p>19 Q. (BY MR. BOND) Well, do you ever put gas</p> <p>20 in your car? I don't know what y'all do in</p> <p>21 England; but when you put gas in your car, you know</p> <p>22 how it automatically clicks off?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. That's not a very hard or very</p> <p>25 difficult piece of engineering, is it?</p>	<p style="text-align: right;">Page 249</p> <p>1 in three hours, I don't believe that most process</p> <p>2 controllers -- most process engineers would believe</p> <p>3 that you were putting automatic interlock on it.</p> <p>4 MR. STEVENSON: Object to the</p> <p>5 responsiveness.</p> <p>6 MR. BOND: Again, I am going to</p> <p>7 object as nonresponsive.</p> <p>8 Q. (BY MR. BOND) My question was: Were</p> <p>9 there any mechanical interlocks devices to stop the</p> <p>10 raffinate splitter from overflowing or overfilling?</p> <p>11 A. No.</p> <p>12 Q. Okay. That was BP --</p> <p>13 A. I don't think that was your question the</p> <p>14 first time.</p> <p>15 Q. I believe it was.</p> <p>16 Was there any kind of computer</p> <p>17 interlock devices?</p> <p>18 A. No. There was automatic runoff, which</p> <p>19 required the operator to -- to switch it on.</p> <p>20 MR. BOND: Objection,</p> <p>21 nonresponsive.</p> <p>22 Q. (BY MR. BOND) Any computer interlock</p> <p>23 devices?</p> <p>24 A. No.</p> <p>25 Q. And that wasn't the operator's fault;</p>

<p style="text-align: right;">Page 250</p> <p>1 that was BP's design, right?</p> <p>2 A. It was the design of the plant.</p> <p>3 Q. You say the last level is personnel</p> <p>4 because they are the what? Personnel are what?</p> <p>5 A. Because people are the least reliable.</p> <p>6 Q. They may make mistakes, right?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you know what part of the Clean</p> <p>9 Streams project was taken out because of budgetary</p> <p>10 reasons?</p> <p>11 MR. DENNY: Objection, form.</p> <p>12 A. No.</p> <p>13 Q. (BY MR. BOND) There was a business value</p> <p>14 workshop involved in the Clean Streams project and</p> <p>15 what cuts would be made to that project.</p> <p>16 Are you aware of that?</p> <p>17 A. I didn't know it was -- I knew there was</p> <p>18 a workshop; but I mean, I come back to this was a</p> <p>19 year ago. I can't remember all the paper that we</p> <p>20 considered.</p> <p>21 MR. BOND: At this time, we will</p> <p>22 pass the witness.</p> <p>23 MR. DENNY: Is the tape over?</p> <p>24 THE VIDEOGRAPHER: (Nods head.)</p> <p>25 MR. DENNY: Has it been over?</p>	<p style="text-align: right;">Page 252</p> <p>1 Now, my question to you: Does</p> <p>2 that show that BP had a safety culture problem in</p> <p>3 this plant before this fire and explosion?</p> <p>4 A. Well -- so I -- I don't know all --</p> <p>5 totally the data. I have not read this before. I</p> <p>6 think I saw this in the press when it was out.</p> <p>7 I think the data is the data.</p> <p>8 That's what it shows.</p> <p>9 Q. So if the data shows that there is a big</p> <p>10 gap between this company and its top U.S. based</p> <p>11 peer, that should be pretty alarming to your</p> <p>12 company, shouldn't it?</p> <p>13 A. The data includes the explosion. So that</p> <p>14 is not before the explosion. No, without me</p> <p>15 reading this fully.</p> <p>16 Q. Then why does it say that you were put on</p> <p>17 a watch list before the explosion?</p> <p>18 A. Then, can I read the article? Because I</p> <p>19 don't know what's in the article.</p> <p>20 I don't know -- you have to talk</p> <p>21 to OSHA about that. I know nothing about it.</p> <p>22 Q. See, that's my whole point.</p> <p>23 Why is it that senior management</p> <p>24 at BP doesn't seem to know what OSHA knows and what</p> <p>25 the Chronicle readers know about your history at</p>
<p style="text-align: right;">Page 251</p> <p>1 THE VIDEOGRAPHER: (Shakes head.)</p> <p>2 MR. DENNY: One more hour.</p> <p>3 THE VIDEOGRAPHER: Off the record</p> <p>4 at 3:50 p.m., ending Tape 5.</p> <p>5 (Recess taken.)</p> <p>6 (Exhibit Numbers 251 marked for</p> <p>7 identification.)</p> <p>8 THE VIDEOGRAPHER: On the record</p> <p>9 at 4:02 p.m., beginning Tape 6.</p> <p>10 * * *</p> <p>11 FURTHER EXAMINATION</p> <p>12 Q. (BY MR. WILLIAMS) Mr. Mogford,</p> <p>13 Exhibit 251 is a Chronicle report from Houston</p> <p>14 Chronicle that says, "BP leads nation in refinery</p> <p>15 fatalities." It says that records show a big gap</p> <p>16 between company and top U.S. based pier.</p> <p>17 It goes on to say at the bottom</p> <p>18 here that in the weeks prior to the Texas City</p> <p>19 blast, the oil giant's dismal record landed BP on</p> <p>20 an internal Occupational Safety and Health</p> <p>21 Administration watch list for companies for being,</p> <p>22 quote, indifferent, close quote, to its legal</p> <p>23 obligations to protect employee safety because of a</p> <p>24 fatal explosion in Texas City in September, 2004,</p> <p>25 that killed two pipefitters and injured a third.</p>	<p style="text-align: right;">Page 253</p> <p>1 BP?</p> <p>2 A. Because as I told you before, at this</p> <p>3 time I was working in exploration and production.</p> <p>4 Q. Okay.</p> <p>5 A. There is no reason why I would know</p> <p>6 what's happening.</p> <p>7 I would see incident reports. I</p> <p>8 would read an incident report and see whether there</p> <p>9 was anything in it I could learn; and if there was</p> <p>10 not, I wouldn't do anything with it. And if there</p> <p>11 was, then I would send it out to my people to look.</p> <p>12 Q. Well, my point is: Today, have you --</p> <p>13 are you trying to tell this jury that this</p> <p>14 statement that BP leads the nation in refinery</p> <p>15 fatalities and then it shows a big gap between BP</p> <p>16 and its other top U.S. based peer, are you trying</p> <p>17 to dispute that?</p> <p>18 Do you have any statistics or</p> <p>19 facts to dispute those claims made in the</p> <p>20 Chronicle?</p> <p>21 A. I don't have any data with me at all.</p> <p>22 (Exhibit Number 252 marked for</p> <p>23 identification.)</p> <p>24 Q. (BY MR. WILLIAMS) Okay. Let's look at</p> <p>25 Exhibit 252.</p>

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<p style="text-align: right;">Page 254</p> <p>1 That's an e-mail sent to you 2 June 20th, 2005, by Joseph S. -- 3 A. -- Dekelaita. 4 Q. -- Dekelaita. 5 Who is that? 6 A. Joe was one of the hourly union reps on 7 the investigation team. 8 Q. Do you find him to be a straightforward, 9 honest man? 10 A. Very. 11 Q. And he said to you -- he writes in here, 12 "John, please read this letter in confidence. This 13 is one of BP's employee's reaction to our 14 chairman's report. I think it echoes a lot of the 15 things we talked about. I have every reason to 16 believe it's a genuine concern of many operators in 17 the refinery. This has been a politically run 18 refinery as long as I can remember." 19 Would you accept that as a true 20 statement? 21 A. I will accept that Joe said it. 22 I spoke to Joe, actually, about 23 what he meant about this; and I think that Joe was 24 very concerned about the way people got promoted, 25 that it wasn't always the best people for the job</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. (BY MR. WILLIAMS) Okay. Exhibit 253, 2 sir, is a document that says, Ross Pillari. Ross' 3 theme should be valued based about what we believe. 4 John Mogford's theme we found. It says John's 5 theme should be fact based. Mike Hoffman's themes 6 should be about changes we are making. We are 7 committed. 8 Was this part of the press spin 9 that was -- that the public relations people put on 10 your report? 11 A. I don't -- 12 MR. DENNY: Objection, form. 13 A. Well, I don't know where this document 14 comes from. So I can't -- without knowing the 15 context of who wrote it and what it was for, I 16 don't know. I have never seen it before. 17 I may have seen it, but I can't 18 remember seeing it. 19 Q. (BY MR. WILLIAMS) Fair enough. 20 (Exhibit Number 254 marked for 21 identification.) 22 Q. (BY MR. WILLIAMS) Exhibit 254, Texas 23 City follow up, full circle communication feedback. 24 What in the world is that? 25 MR. DENNY: You mean the document?</p>
<p style="text-align: right;">Page 255</p> <p>1 and that's where he talks about "good ole boy," 2 that was particularly what he talked about. 3 And as a result of this, I 4 spoke -- without attributing it to Joe. Joe asked 5 me to keep this confidential. And what I did with 6 this was I spoke to Colin Maclean when I went. I 7 didn't attribute it. I said to Colin, "Sir, there 8 is a lot of people in the plant who think that the 9 way you pick supervisors and the way you promote 10 people isn't fair. So you need to really look at 11 your selection process." 12 Q. And -- and you would consider, though, 13 when Joe writes you and tells you that that is an 14 honest, straightforward man and that he is not one 15 to make this up. It would be a -- 16 A. I have got no reason -- 17 Q. -- fact? 18 A. I have got no reason to believe that Joe 19 would lie. 20 Q. Okay. You would accept it as a fact if 21 he said it? 22 A. Oh, I would accept it as the way that he 23 saw things. 24 (Exhibit Number 253 marked for 25 identification.)</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. (BY MR. WILLIAMS) Yes, sir. 2 Do you know? 3 A. I think it was an exercise done by 4 refining and pipelines after the interim report. 5 Q. Right. 6 And it says in there in -- well, 7 this is feedback from the employees in refining and 8 pipeline? 9 A. Well, that's -- that's what it says. 10 Q. So the feedback, then -- this was after 11 the explosion, right? 12 A. I don't know the -- I don't know the 13 exact date on it. So it says here that the -- just 14 looking at the dates, it says that the sent date 15 was -- the attachment to the back was the 15th of 16 June. 17 Q. '05? 18 A. '05. 19 Q. After the fire and explosion. 20 And it says, "There is a 21 neverending need to sharpen the risk awareness at 22 all levels." 23 You will agree with that, right? 24 A. Yes. 25 Q. And it goes on to say -- has some of the</p>

65 (Pages 254 to 257)

<p style="text-align: right;">Page 258</p> <p>1 quotes, one of which is, "What does it take -- why 2 does it take a disaster before we make things 3 right?"</p> <p>4 That's what the employees were 5 reporting back, right?</p> <p>6 A. Yeah. I -- I haven't been through 7 this -- through this. I can just read what it says 8 in here.</p> <p>9 Q. Explain the -- if you could answer that 10 question for that employee and for the jury, why 11 does it take a disaster before you make things 12 right?</p> <p>13 A. I think -- I think we -- well, I know we 14 spend -- all of us spend most of our working lives 15 trying to prevent disasters. And people miss 16 things, don't see things. And when something 17 happens, then you see flaws that you don't see when 18 you get away with something, when something doesn't 19 happen.</p> <p>20 Q. Would one of the answers to that question 21 as to why it takes deaths before something happens 22 is that management had not prioritized safety in 23 that plant, had not made it the top priority?</p> <p>24 A. I think that's what we said in the final 25 report.</p>	<p style="text-align: right;">Page 260</p> <p>1 Just how -- this is an employee 2 questioning. "Just how safe is BP? There have 3 been 22 fatalities over three years in the U.S -- 4 over three years in the U.S., ten times more than 5 Exxon. Does BP know this? And if so, shouldn't we 6 be told?"</p> <p>7 What's the answer to that 8 question?</p> <p>9 A. I would say that if I were running a 10 plant -- so I can only speak from my personal 11 experience -- with work performance, competitors 12 and peers, I would certainly tell my workforce. 13 (Exhibit Number 255 marked for 14 identification.)</p> <p>15 Q. (BY MR. WILLIAMS) Let's look at the 16 business marketing -- Exhibit 255, Business 17 Marketing SPU Texas City SET feedback June, 2005. 18 Another apparent employee survey, and it has at the 19 bottom Sarah Read and Jon Dixon.</p> <p>20 Do you know who they are?</p> <p>21 A. No.</p> <p>22 Q. So if we look at -- would you agree this 23 appears to be another employee feedback?</p> <p>24 A. Yes. I think it's part of the note that 25 went out from -- I think, C.J. Werner, is it? I am</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. And, in fact, one of the -- feedback 2 here, it says, "Management has a high degree of 3 culpability, too. It's not just line workers that 4 cause this incident."</p> <p>5 Some degree of offense is taken in 6 the wording of the internal report, although 7 today's recast seem to quell the feelings.</p> <p>8 But would you agree with that part 9 that management has a high degree of culpability, 10 it's not just line workers?</p> <p>11 A. Yes.</p> <p>12 Q. And it goes on to say here, "Just how 13 safe is BP? There have been 22 fatalities over 14 three years in the U.S., ten times more than Exxon. 15 Does BP know this? And if so, shouldn't we be 16 told?"</p> <p>17 What's the answer to that 18 question?</p> <p>19 A. Where is that? I am trying to find it.</p> <p>20 Q. It is the page ending on 40.</p> <p>21 Do you see the numbers on the 22 bottom?</p> <p>23 A. I have got 666731, 33 -- towards the 24 back, I bet.</p> <p>25 Q. I will read it to you again.</p>	<p style="text-align: right;">Page 261</p> <p>1 not sure. I think it was -- yeah.</p> <p>2 Q. And so if we look at the comments, the 3 first one, "Amazed that 15 deaths and a potential 4 huge financial liability made less than 1 percent 5 drop in our market cap for one day. Do the 6 shareholders really value HSSE?"</p> <p>7 How do you answer that question? 8 MR. DENNY: Objection, form.</p> <p>9 A. I can't answer. I think this is a 10 rhetorical question that people have asked. I 11 don't think it's an answer to -- a question that 12 warrants an answer.</p> <p>13 Q. (BY MR. WILLIAMS) It goes on to say, 14 "Whenever we talk about our business, we talk in 15 terms of financial performance. We never talk 16 about it in terms of safety."</p> <p>17 Is that a fair criticism of the 18 Texas City refinery?</p> <p>19 A. I think they talked about it in terms of 20 some of the wrong measures in safety.</p> <p>21 Q. And, of course, the next page, "Difficult 22 to balance performance versus HSSE. Everyone is 23 very clear of what comes first, and it's not 24 safety."</p> <p>25 That was a valid criticism of what</p>

<p style="text-align: right;">Page 262</p> <p>1 was going on at Texas City refinery, right? 2 A. I didn't see it in those words, but I 3 think we said something -- I stand by the words 4 that we used in the report. 5 Q. Which is similar? 6 A. Similar. 7 Q. Same gist, the same gist? 8 A. Same gist. 9 (Exhibit Number 256 marked for 10 identification.) 11 Q. (BY MR. WILLIAMS) Let's look at 12 Exhibit 256 real quick. 13 As I recall -- as I understand it, 14 this was an e-mail -- 15 A. From Ross Pillari to Don Parus. 16 Q. That's right. It's from the guy -- the 17 head guy in Chicago who sends it to the plant 18 manager Don. 19 He says, "As president of BP 20 America" -- and basically what it says is he has 21 put you in charge for the duration of the team to 22 run this team, right? 23 A. Yes. 24 Q. And that you were to report the findings 25 to Ross Pillari, correct?</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. What would -- in looking for them, what 2 would I look for to find these daily minutes? 3 A. They would be a summary of who was -- who 4 was leading the interview teams, what documents had 5 been requested, what the activity plan was, when 6 the next meeting was, and action items to take 7 forward and to carry over to make requests for the 8 plant for more documentation, for instance. 9 (Exhibit Number 258 marked for 10 identification.) 11 Q. (BY MR. WILLIAMS) Let's look at 12 Exhibit 258. 13 Were those some of the notes that 14 were taken during the investigative team meetings? 15 A. I don't believe so. I don't think I have 16 ever seen them before. 17 Q. One of my questions is -- let's look over 18 to the page that ends in 738 at the bottom. 19 Do you see these? 20 A. Uh-huh. 21 Q. 738. 22 At the top there it has your name, 23 John Mogford; and it says, "Shocked at state of 24 control room, attitudes of employees. John would 25 not want his kids to work here. Workforce not</p>
<p style="text-align: right;">Page 263</p> <p>1 A. Yes. 2 Q. And so you were -- during this 3 investigation, according to this e-mail, you were 4 working for -- reporting to Ross Pillari? 5 A. Yes. 6 Q. Okay. 7 A. And that was the way it worked. I talked 8 to Ross very regularly. 9 (Exhibit Number 257 marked for 10 identification.) 11 Q. (BY MR. WILLIAMS) Okay. It goes on in 12 Exhibit 257, Texas City Investigation Team Data 13 Gathering -- this is a document that y'all worked 14 by? 15 A. Yes. 16 Q. Governed the way you ran your team, 17 correct? 18 A. Yes. 19 Q. It says that -- I have highlighted, "The 20 team will prepare daily minutes summarizing its 21 activities and actions. Minutes from the previous 22 day will be reviewed each morning by the team. All 23 discrepancies will be resolved or documented." 24 Did you have daily minutes? 25 A. Yes.</p>	<p style="text-align: right;">Page 265</p> <p>1 under control and not in a compliance mode and 2 willing to do what management wants/needs." 3 Do you know who wrote that? 4 A. I haven't got a clue. 5 Q. Is it true that you would not want your 6 son to work at that plant? 7 A. Not in the condition it was in on March 8 the 23rd. 9 MR. WILLIAMS: Thank you. I will 10 pass the witness. 11 (Discussion off the record.) 12 MR. DENNY: Let's go off the 13 record a second. 14 THE VIDEOGRAPHER: Off the record 15 at 4:21 p.m. 16 (Recess taken.) 17 THE VIDEOGRAPHER: On the record 18 at 4:22 p.m. 19 * * * 20 EXAMINATION 21 Q. (BY MR. BICKHAM) Mr. Mogford -- did I 22 pronounce your name correctly? 23 A. It's better than most people. 24 Q. All right. My name is David Bickham. I 25 am here on behalf of the Ammons Law Firm. I have</p>

<p style="text-align: right;">Page 266</p> <p>1 just a few questions for you. 2 As I understand your testimony 3 from earlier today, the safety culture at Texas 4 City refinery was flawed before this March 23rd 5 incident. True or false? 6 A. True. 7 Q. But what you have told us and what you 8 have wanted us to believe is that upper management 9 in London were not aware of this flawed safety 10 culture at the Texas City refinery; is that 11 correct? 12 A. I don't believe -- I don't believe they 13 did. I don't believe that they did. 14 Q. That they did know. Okay. 15 And, in fact, I think you have 16 alluded to some numbers, some encouraging accident 17 figures that you had received -- or upper 18 management in London had received and reviewed 19 regarding Texas City refinery that some -- in some 20 way led them to believe that things were improving; 21 is that true? 22 A. And there were many actions underway as 23 well -- 24 Q. Okay. 25 A. -- to improve them.</p>	<p style="text-align: right;">Page 268</p> <p>1 Is that true or false? 2 A. Didn't realize how bad it was yeah. Yes. 3 Q. Now, the other 17 refineries -- or 4 18 refineries in BP -- 5 A. I think it -- I think it is 18. It 6 may -- 7 Q. Give or take? 8 A. I don't want to say it's -- I wouldn't 9 want 18 to be on the record. It's kind of 10 somewhere in that order. 11 Q. Those other 18 refineries, did BP 12 immediately -- in response to knowing that the 13 information or their view of the safety culture at 14 Texas City was flawed and that that flaw in safety 15 culture had led to numerous deaths, did BP take any 16 steps to immediately ascertain if the safety 17 culture at its other 18, give or take, refineries 18 were similarly flawed? 19 A. Yes. 20 Q. Did you shut them down immediately to 21 avoid a potential loss of life? 22 A. No, we didn't. 23 MR. DENNY: Objection, form. 24 A. No, we -- we immediately put high quality 25 teams in from outside the refineries to assess what</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. But in other words, the data had misled 2 upper management is, I think, what you are trying 3 to tell us? 4 A. I think it also misled the people on 5 site. 6 Q. All right. So when this incident 7 occurred, did it take very long to figure out that 8 the safety culture, in fact, was flawed or was that 9 something that you could ascertain relatively 10 quickly once you got involved in the investigation? 11 A. It became evident during the course of 12 the investigation. 13 Q. Okay. 14 A. And, you know, before the interim report. 15 Q. And so I take it that was somewhat of a 16 shock that there had been such an incorrect view of 17 reality in London as to what the state of the 18 safety culture was at Texas City; is that true? 19 A. I think there was shock -- as I said 20 earlier, I think there was surprise on site and 21 that was echoed through the communication. 22 Q. All right. But the folks in London were 23 surprised that, "Hey, our assessment pre-incident 24 was completely off base. We had a flawed safety 25 culture here, and we didn't realize it."</p>	<p style="text-align: right;">Page 269</p> <p>1 was actually happening on the ground. 2 Q. (BY MR. BICKHAM) Okay. But now, high 3 quality teams from outside the refinery, does that 4 mean there were not high quality teams within the 5 refineries? 6 A. Well, they were -- they were -- they used 7 people -- no, it doesn't mean that. It's not 8 related at all to -- 9 Q. But you would -- you would agree that 10 being able to determine what the safety culture is 11 at a huge refinery is not something that even a 12 high quality team brought in from the outside can 13 do instantaneously? 14 A. That's correct. 15 Q. And so are you telling us, though, that 16 despite being surprised, being shocked by the 17 flawed safety culture at Texas City, that BP did 18 not, nevertheless, immediately shut down its other 19 refineries out of fear that, "Hey, we could have 20 something else like this happen at any moment 21 because we don't have an accurate view of the 22 safety culture at any of our refineries"? 23 MR. DENNY: Objection, form. 24 A. It's correct that we didn't shut down any 25 of our refineries.</p>

68 (Pages 266 to 269)

<p style="text-align: right;">Page 270</p> <p>1 Q. (BY MR. BICKHAM) And I am correct, 2 though, you did not have an accurate view of the 3 safety culture of any of them? 4 A. I -- 5 MR. DENNY: Objection, form. 6 A. I believe that we -- we acted as quickly 7 as we could to understand deeply, not just the 8 safety culture but the systems and processes of all 9 of our refineries. 10 Q. (BY MR. BICKHAM) The only way to 11 guarantee no one else dies, however, before you 12 finish this investigation, sending in these high 13 quality teams, would be to just shut down the 14 refineries completely. 15 Wouldn't that be the only way to 16 guarantee no one else dies? 17 A. That's -- no, that's not a -- taking 18 plants down is often more dangerous than leaving 19 plants in a steady state. And there is no -- there 20 is no guarantee even in best -- 21 Q. Are -- 22 A. -- run. 23 Q. Are you nervous at all about the 24 impending startup of the plant in Texas City? 25 A. Am I nervous?</p>	<p style="text-align: right;">Page 272</p> <p>1 gears very quickly before I turn you over to 2 Mr. Stevenson. 3 You discussed earlier several 4 times today the safety culture and, indeed, also 5 with me the safety culture at the plant. And that 6 is something that I believe you said the buck 7 stopped with Mr. Parus? 8 A. (Nods head.) 9 Q. And safety culture is something that is a 10 matter of attitude and philosophy, not necessarily 11 dollars; is that correct? 12 A. That's correct. 13 Q. And if I understand you correctly, before 14 this incident, that safety culture was something 15 that the folks in London did not try to audit or 16 not try to ascertain in any way, shape or form. 17 They left it up to Mr. Parus to 18 establish that; is that true? 19 MR. DENNY: Objection, form. 20 A. There were audits done, but the audits 21 were given to the site management with overview of 22 the first level -- I would imagine, overview of the 23 first level. 24 Q. (BY MR. BICKHAM) Okay. Now -- but when 25 it comes to budgeting and an annual budget for</p>
<p style="text-align: right;">Page 271</p> <p>1 Q. Is there apprehension in the air about 2 that -- 3 A. I think there is apprehension. I think 4 that -- I think that quite -- you are quite right. 5 I think some people lost confidence. I think 6 people have examined it. There has been a lot of 7 work with a full-time, dedicated resource of a lot 8 of people from the outside helping. 9 I think that people feel pretty 10 good. I mean, guys like Joe who you read the 11 e-mail from and Richie, who was on my team, sent me 12 e-mails last week. We exchanged e-mail. It was 13 the anniversary last week. And I sent a note to 14 all the people on the team, just kind of saying it 15 would be a tough day. I hope everything goes okay. 16 And, you know, they sent e-mails 17 back saying how different the place was and how 18 this was going to be a safe startup. They believed 19 it. They believed that management was listening, 20 and they put a lot of things in place. 21 MR. BICKHAM: Objection, 22 nonresponsive. 23 MR. STEVENSON: Object to the 24 response. 25 Q. (BY MR. BICKHAM) I just want to switch</p>	<p style="text-align: right;">Page 273</p> <p>1 Texas City, that ultimately was approved by the 2 folks in London; is that true? 3 A. I would -- I would assume so, at the end 4 of the day. 5 Q. Mr. Parus didn't have a blank check that 6 he could just say, "I want X dollars," and no one 7 would question that, correct? 8 A. No, that's right. 9 Q. And as far as capital improvement budget, 10 that would ultimately be approved in London? 11 A. I think the process was -- that the -- so 12 I don't -- I can't say on this because of the 13 structure of BP America. 14 Q. Well, let's say it this way -- 15 A. So I don't want to say something that 16 is -- that is wrong because I am not sure whether 17 Mr. Pillari has capital allocation rights for 18 BP America. 19 Q. Let me ask it this way: A capital 20 improvement budget would be approved ultimately by 21 someone over Mr. Parus? 22 A. Yes. 23 Q. Not Mr. Parus himself? 24 A. Yes. 25 Q. Profitability goals would be established,</p>

<p style="text-align: right;">Page 274</p> <p>1 ultimately, by someone -- by management higher than 2 Mr. Parus, correct? 3 A. In my experience when I have been running 4 a business, then I have prepared my business plan. 5 In terms of -- so, in terms of 6 capital, which is a resource that comes from 7 outside, that needs approval; but for profitability 8 and performance, that would generally be me as the 9 site manager who would set that. And I would talk 10 to my line manager about that, but it wouldn't be 11 set from outside because -- 12 Q. Well, let me ask it this way: The people 13 in London or Chicago, one or the other, would 14 establish at least some goals with regard to 15 production that they are looking to achieve from 16 Texas City? 17 A. I -- I can't say yes to that because my 18 experience has been that -- that the people in the 19 plant who understand the performance will prepare 20 the business plan and will prepare their targets 21 for the year. Not in capital. 22 Capital comes kind of as a gift 23 from outside; but for production performance, for 24 margin, for operability, for operating costs, then 25 that will be prepared and it will be approved and</p>	<p style="text-align: right;">Page 276</p> <p>1 improvements and production goals and quotas, 2 ultimately those were overseen, to some extent, by 3 people above Mr. Parus? 4 A. Yes. 5 Q. And those three areas all involve 6 dollars, correct? 7 A. Yes. 8 Q. The one area that we have talked about 9 that doesn't involve dollars, which was the safety 10 culture, that's the area that BP's upper management 11 chose to let Mr. Parus have complete free reign 12 over. 13 MR. DENNY: Objection, form. 14 Q. (BY MR. BICKHAM) Am I right? 15 A. I -- I don't think free reign. 16 I think that -- you know, as I 17 said earlier, we have -- we have improved our 18 processes to put in more independence. I think 19 that the work process is to check, but they were -- 20 they weren't transparent enough. 21 MR. BICKHAM: Object as 22 nonresponsive. 23 Q. (BY MR. BICKHAM) Simply put, when it 24 comes to issues involving money, like budgeting, 25 capital improvements and production goals and</p>
<p style="text-align: right;">Page 275</p> <p>1 then there may be a conversation. But generally 2 it's worked by the site. 3 Q. Okay. So the numbers are put together by 4 the folks on site; but those numbers are then, in 5 turn, approved by people higher up who, in turn, 6 will hold the folks on site accountable to achieve 7 those numbers? 8 A. Yes. 9 Q. And so just to summarize, when it comes 10 to budgeting issues, capital improvement issues, 11 ultimate performance issues, before this incident 12 BP had oversight over Mr. Parus on each of those 13 areas, correct, in some form or fashion? 14 A. I think it's -- as I was saying, I think 15 it's clearer on capital. 16 Q. But in some sense, they had oversight in 17 each of those areas over Mr. Parus. He did not 18 have free reign completely? 19 MR. DENNY: Objection, form. 20 Q. (BY MR. BICKHAM) Is that true? 21 A. Mr. Parus would have an agreed plan that 22 he prepared. 23 Q. That had to be approved by higher-ups? 24 A. Yes. Yeah. 25 Q. So in terms of budgeting capital</p>	<p style="text-align: right;">Page 277</p> <p>1 quotas, the buck didn't stop with Mr. Parus. 2 It stopped somewhere above 3 Mr. Parus, correct? 4 A. It was approved somewhere else. 5 Q. Okay. But when it involved safety 6 culture that was not a money issue, the upper 7 management at BP was happy to let the buck stop 8 with Mr. Parus and not provide the same type of 9 oversight that they did on these issues that 10 involved money; is that true? 11 MR. DENNY: Objection, form. 12 A. I think that there would have been an 13 approved safety output target and goal, the same 14 way that there were approved outputs on costs, but 15 not inputs; and safety culture is one of the 16 inputs. 17 So the inputs to -- to the 18 financials would not have been approved anywhere 19 else. That would have been in Mr. Parus' position. 20 Safety culture is one input. The 21 targets that we would set -- that would be set for 22 managers are about outputs, not about an input such 23 as culture. 24 MR. BICKHAM: Object as 25 nonresponsive.</p>

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1 Q. (BY MR. BICKHAM) My question was simply:
 2 When it came to safety, upper management was happy
 3 letting Mr. Parus -- the buck stops with him,
 4 correct?
 5 MR. DENNY: Objection, form.
 6 Q. (BY MR. BICKHAM) Pre-incident?
 7 A. He had targets and goals.
 8 Q. But you said earlier the buck stopped
 9 with Mr. Parus when it came to the safety culture
 10 at the plant, correct?
 11 A. Yeah.
 12 Q. But the buck didn't stop with Mr. Parus
 13 when it -- the issue involved money. The buck
 14 stopped higher up than Mr. Parus when money issues
 15 were involved, correct?
 16 A. No. The bucks for the spending and for
 17 the execution of the work stopped with Mr. Parus,
 18 stopped on the site.
 19 Q. So no one above Mr. Parus had input into
 20 those decisions?
 21 A. Had inputs to it, but I don't know -- I
 22 have had years when I have prepared a budget with
 23 capital with production targets that goes in,
 24 nobody -- it's my plan. I own it. I have worked
 25 it. I have put it in. It has to be approved

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1 because I wouldn't have the financial authority to
 2 commit a billion dollars, for instance.
 3 But in terms of -- in terms of --
 4 the plan starts with the site. It's not set by
 5 anybody else.
 6 MR. BICKHAM: Let me object as
 7 nonresponsive.
 8 Mr. Mogford, in the interest of
 9 time and in deference to Mr. Stevenson, I am going
 10 to pass the witness.
 11 * * *
 12 EXAMINATION
 13 Q. (BY MR. STEVENSON) Sir, I have a few of
 14 questions for you.
 15 We know that 15 people died in
 16 March of last year. We know that, don't we?
 17 A. Yes.
 18 Q. We know that those 15 people died and
 19 left families. We know that, right?
 20 A. I don't know all the details, but I
 21 assume that some of them had family members.
 22 Q. Well, what I want to talk to you first
 23 about is the minutes, the hours, the days, the
 24 weeks and months before this occurred and what the
 25 reasonable expectations of those 15 people and

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1 their families were concerning BP. Okay?
 2 Are you with me so far?
 3 A. Uh-huh, yes.
 4 Q. Could those 15 people and their families
 5 have reasonably expected BP to comply with the law
 6 at Texas City?
 7 A. Yes.
 8 Q. Could they have reasonably expected BP to
 9 comply with applicable OSHA regulations?
 10 A. Yes.
 11 Q. Could they have reasonably expected BP to
 12 comply with appropriate, reasonable, prudent
 13 engineering standards and protocol?
 14 A. Yes.
 15 Q. Could they have reasonably expected that
 16 BP would have followed their own procedures?
 17 A. Yes.
 18 Q. Could they have reasonably expected that
 19 BP would have learned from its prior problems, the
 20 prior deaths, the prior mishaps at that Texas City
 21 refinery?
 22 A. Yes.
 23 Q. Including the fires, the explosions, the
 24 vapor clouds that are outlined in your final
 25 report.

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1 Do you agree?
 2 A. Every incident should be learned from.
 3 Q. Every incident should be learned from.
 4 And so those 15 people and their
 5 families could have expected -- reasonably expected
 6 BP to do that, couldn't they?
 7 A. Yes.
 8 Q. All right. And they also could have and
 9 were entitled to be warned prior to the startup of
 10 this raffinate splitter.
 11 Do you agree with me?
 12 A. Yes. I think we said so in our report.
 13 Q. You agree that these people had the right
 14 and their families had the right for the trailers
 15 to be sited appropriately, safely and in compliance
 16 with BP's own policies.
 17 Do you agree with that, sir?
 18 A. Yes.
 19 Q. That they could reasonably have expected
 20 BP's alarm systems to work. They could have
 21 expected that, correct?
 22 A. Yes.
 23 Q. That the alarms would be placed in
 24 appropriate positions, correct?
 25 A. Yes.

Page 282	Page 284
<p>1 Q. That the operators won't ignore obvious 2 malfunctions of systems. They could expect that, 3 correct? 4 A. Yes. 5 Q. And the fact is: Every single thing that 6 I have just outlined, BP violated as documented in 7 your final report; isn't that true, sir? 8 A. Yes. 9 Q. And which led to these 15 deaths, 10 15 people lost life, their family's lost their 11 loved ones. That's your understanding, isn't it, 12 sir? 13 A. My -- 14 Q. That's your understanding, isn't it, sir? 15 A. I am sorry. I missed the first half of 16 your question. 17 Q. My question to you is: 15 people died, 18 families lost their loved ones because of all the 19 violations of BP policies and procedures we have 20 just talked about and which are outlined in your 21 final report; isn't that true, sir? 22 A. Fifteen people died because of the 23 reasons in the -- documented in the report. 24 Q. Let me ask you, sir: BP, they have 25 design personnel out there, don't they?</p>	<p>1 simple, economically feasible design changes that 2 could have been made to prevent this tragedy, that 3 should have been done, shouldn't it, sir? 4 A. Reasonably practical -- 5 Q. Yes, sir. 6 A. -- should have been taken. 7 Q. You have identified in your final report 8 design mistakes, haven't you, sir? 9 A. It depends on what you refer to as design 10 mistakes. 11 Q. Well, we can go through it if you want 12 to. There's 170 some-odd pages, some which include 13 various safety systems that should have been there 14 that weren't. 15 Do you agree with that, sir? 16 A. I am not sure I -- without -- what do you 17 mean by a safety system? 18 Q. Okay. You don't know what a safety 19 system means? 20 A. I do know what a safety system is, but I 21 am not sure what context you are using it in. 22 Q. Well -- 23 A. I think in -- in the report we were clear 24 where we thought -- thought the failures were. 25 Q. You stand by every single word in that</p>
Page 283	Page 285
<p>1 A. Out where? 2 Q. Out at Texas City. They have -- they 3 have engineers who have design and safety 4 responsibility, don't they, sir? 5 A. Yes. 6 Q. And one of the responsibilities of the 7 design engineers is to work with people who 8 identify hazards so that if those hazards -- once 9 identified, can be designed out of the system. 10 Would you agree with me? 11 A. Can be reduced. Not always designed out. 12 Q. Well, if possible designed out. You 13 would agree with that, sir, wouldn't you? 14 A. If reasonably possible. 15 Q. Yes, sir. 16 I mean, you know the difference 17 between fail safe and fail deadly, don't you? 18 A. Yes. 19 Q. What happened out there failed deadly, 20 didn't it? 21 A. It -- what clearly happened is when the 22 systems and procedures failed, the incident 23 happened. 24 Q. Yes, sir. 25 And if there were appropriate,</p>	<p>1 report, as I understand it, don't you, sir? 2 A. Yes, I do. 3 Q. The entire group that put together that 4 report, those ten people stand by every word in 5 that report? 6 A. Yes. 7 Q. And if 12 people were to believe that 8 this report fairly says that there were design 9 mistakes made out there, things that should have 10 been done that weren't, that's the responsibility 11 of BP, isn't it, sir? 12 A. It's the responsibility of our people at 13 Texas City. 14 Q. Yes, sir. 15 "Our people" meaning BP? 16 A. Uh-huh. Yes, sir. 17 Q. As the senior vice president for safety, 18 right? 19 A. Uh-huh. 20 Q. Is that a "yes"? 21 A. Yeah. It was yes. I am sorry. I was 22 swallowing an ice cube. 23 Q. Leadership mistakes, you identify 24 leadership mistakes in your final report, don't 25 you, sir?</p>

<p style="text-align: right;">Page 286</p> <p>1 A. Yes. 2 Q. All right. You identify, obviously, 3 operational mistakes, don't you? 4 A. Yes. 5 Q. All right. Now, you talked to Mr. Parus 6 about this incident, didn't you? 7 A. I did, yes. 8 Q. Did you talk to him about the multiple 9 opportunities that were available for converting to 10 this inherently safer relief system? Did you talk 11 to him about that, sir? 12 A. I didn't -- I didn't talk so -- I talked 13 to Mr. Parus about the incident. I did not 14 interview Mr. Parus. 15 As I said earlier, I thought that 16 it was better for me not to interview so that 17 unless I go through the transcript. I can't say 18 what was in the transcript. 19 Q. Yes, sir. 20 But you also identified in your 21 report opportunities that were available to BP to 22 change to what you call an inherently safer relief 23 system, right, sir? 24 A. Correct. And we talked about it. 25 Q. Yes. You talked about that.</p>	<p style="text-align: right;">Page 288</p> <p>1 A. Yeah. 2 Q. All right. Now, let me ask you, sir: 3 You have looked at portions of this Telos Report 4 which you know predated these deaths, right? 5 A. I saw the Telos Report this morning. So 6 what I have read is what your colleague put in 7 front of me. 8 Q. Oh, well, you -- I mean, you're the vice 9 president for BP for safety. Surely you would have 10 had access to that report if you had wanted to look 11 at it, right? 12 A. I wasn't vice president for safety at the 13 time. 14 Q. All right. Whether you were or whether 15 you weren't, you are now; and you had every 16 opportunity, if you had so chosen, to look at that 17 report? 18 A. And -- and I -- yes, but I came to -- the 19 team came to our own conclusions from what we saw 20 as what needed to be done. 21 I don't know the quality of the 22 Telos. I don't know the company. I have never 23 heard of them. I don't know the quality of their 24 techniques. I don't know how much of that is 25 substantiated and unsubstantiated.</p>
<p style="text-align: right;">Page 287</p> <p>1 And what you said was: The 2 equipment is in place, the people were in place to 3 have done this, at least as far back as 1995, 4 correct? 5 A. Correct. 6 Q. That's a decade, a decade of opportunity. 7 You agree with me there? 8 A. That's correct. 9 Q. Now, that opportunity presented itself 10 again in 2002. 11 That's three years before these 12 people died, right? 13 A. Correct. 14 Q. Nothing was done about it then either, 15 was it? 16 A. No. 17 Q. All right. There were two decades to do 18 a complete relief valve study, weren't there, sir, 19 given that the last complete one -- the last 20 complete documented one was back in 1986? Right? 21 A. That's correct. That's what we found. 22 Q. So if my math is correct, that's 19 23 years. That's almost two decades of opportunity to 24 conduct that study. 25 Do you agree with that math?</p>	<p style="text-align: right;">Page 289</p> <p>1 I know that I saw enough in our 2 investigation to come out with recommendations of 3 what people needed to do. 4 MR. STEVENSON: Object to a 5 portion as being nonresponsive. 6 Q. (BY MR. STEVENSON) Sir, the Telos 7 Report -- one of the notes in that report indicates 8 that your company was making decisions based on 9 greed. 10 Were you aware of that, sir? 11 MR. DENNY: Objection, form. 12 Q. (BY MR. STEVENSON) Were you aware of 13 that, sir? 14 A. I saw the Telos Report this morning at 15 10:00 o'clock. 16 Q. Well, my question to you is, sir: If a 17 company, such as BP, makes decisions -- operational 18 decisions, business decisions based on greed, can 19 that create safety gaps, safety failures, an unsafe 20 place to work which can lead to death? 21 A. I think the most important thing is if 22 people who work there feel that. 23 Q. And if, in fact, the people that work 24 there said that's the reason why decisions were 25 being made -- that is, for greed and not for other</p>

73 (Pages 286 to 289)

<p style="text-align: right;">Page 290</p> <p>1 reasons -- that's the type of attitude that can 2 create hazards in the workplace. 3 Would you agree with me, sir? 4 A. I -- 5 Q. Would you agree with me? 6 A. I go -- I go back to what -- what I said 7 in my report where I talked about the lack of 8 prior -- priority being obviously safety. 9 Q. And if you are making decisions based on 10 greed and not safety, that's a huge mistake, isn't 11 it, sir? 12 A. It's not the right way to make decisions. 13 Q. And let me ask you, sir: Getting back to 14 these safety systems -- you know what safety 15 systems are, don't you? 16 A. There are lots of different types of 17 safety systems. There are safety systems like the 18 control of work systems. There are safety systems 19 which are shutdown systems. 20 Are you talking about physical 21 systems or paper systems? 22 Q. Well, how do you define "safety systems," 23 sir? 24 A. It depends on what the question is about. 25 Q. Okay.</p>	<p style="text-align: right;">Page 292</p> <p>1 is, sir: If management at the Texas City refinery 2 knew for a decade that the safety systems were 3 inadequate and that's what led to this fire, 4 explosion and 15 deaths, is that acceptable to you 5 as a vice president and principal of British 6 Petroleum? 7 MR. DENNY: Objection, form. 8 A. If they knew -- what do -- what do they 9 know? Knowledge might be partial. It's an 10 impossible question to answer. 11 Q. (BY MR. STEVENSON) Well, if they knew 12 that this was an inevitable result that the safety 13 systems were inadequate and this was going to 14 happen sooner or later, would you approve that type 15 of conduct? 16 A. If -- no, but I don't believe -- as I 17 said earlier, I don't believe that anybody thought 18 that this was inevitable. 19 MR. STEVENSON: I object to the 20 responsiveness after the word, "no." 21 Q. (BY MR. STEVENSON) My question to you, 22 sir, is: There were obviously people that shared 23 in the responsibility for this catastrophe. 24 Would you agree with me on that? 25 A. Yes.</p>
<p style="text-align: right;">Page 291</p> <p>1 A. If you asked me a safety system for 2 shutdowns, that's a hardware system. If you asked 3 me for safety systems for controlling work, that's 4 process control paper system. 5 That's the clarity that I am 6 looking for in your question, also. 7 Q. Well, let me ask you, sir: If management 8 at BP, including the plant manager, had known for a 9 decade that the safety systems at that plant, at 10 Texas City refinery, were inadequate and weren't 11 fixed because of money and that's why these 15 12 people died, is that acceptable to you as a vice 13 president of British Petroleum? 14 MR. DENNY: Objection, form. 15 A. It's a hypothetical question. If -- 16 Q. (BY MR. STEVENSON) Well, it will be 17 proven. 18 I am asking you: Is that 19 acceptable, sir? 20 MR. DENNY: Objection, form. 21 A. I believe that, as I said earlier, people 22 were in action and doing things. 23 MR. STEVENSON: That's 24 nonresponsive to my question. 25 Q. (BY MR. STEVENSON) My question to you</p>	<p style="text-align: right;">Page 293</p> <p>1 Q. All right. Now, sir, when people share 2 in responsibility for an incident which kills 3 15 people and hurts other people, do you believe 4 that those people should be rewarded or they should 5 be punished? 6 A. I think there should be just response 7 depending upon their involvement in the -- in the 8 cause of the incident. 9 Q. Well, do you know -- 10 A. It certainly should not be rewarded. 11 Q. They certainly should not be rewarded, 12 should they, sir? 13 Did I hear you correctly? 14 A. You did. 15 Q. Well, how about a million-dollar raise 16 since last year? Do you consider that a reward or 17 a punishment for what went on at Texas City? 18 MR. DENNY: Objection, form. 19 A. I don't -- I don't know the context and 20 who -- who you are talking about. 21 Q. (BY MR. STEVENSON) Well, you don't know 22 who got a million-dollar raise -- 23 A. I know I didn't. 24 Q. -- the year after these 15 people died? 25 A. No.</p>

74 (Pages 290 to 293)

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1 Q. You didn't know that was your boss --
 2 some people call him Lord Browne, might call him
 3 Mr. Browne -- got a million-dollar raise or more
 4 after this happened?
 5 Were you aware of that, sir?
 6 A. I -- as I said this morning, the only
 7 thing I know is in the annual report which talks
 8 specifically about the linkage of Texas City to the
 9 directors' remuneration.
 10 Q. Well, if people had been warned that this
 11 very event could occur and they had decades of
 12 opportunities to prevent it but chose not to
 13 because of money, is that the type of attitude and
 14 action that you would condone and approve, sir?
 15 MR. DENNY: Objection, form.
 16 A. I believe that the reasons why it
 17 happened, as I said in the report, were many. I
 18 think that the culture had taken many years, and it
 19 was there for -- it had grown for many reasons.
 20 MR. STEVENSON: I object to the
 21 responsiveness of the answer.
 22 Q. (BY MR. STEVENSON) If people had had
 23 decades of opportunity with appropriate warning to
 24 have prevented this incident but chose not to
 25 because they wanted to save money, do you condone

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1 and approve of that activity?
 2 MR. DENNY: Objection, form.
 3 A. If you are talking specifically about the
 4 tie-in to the blowdown that we said in there, I
 5 don't believe -- I could find no evidence that it
 6 was because of budgets. I think it was because
 7 people did not see the risk.
 8 MR. STEVENSON: That's not my --
 9 that's not my question, sir. I object to the
 10 responsiveness.
 11 Q. (BY MR. STEVENSON) My question to you
 12 is, sir: If people had been warned, had decades of
 13 opportunities to fix the problem before people died
 14 but chose not to because of money, is that
 15 acceptable to you?
 16 MR. DENNY: Objection, form.
 17 A. That's so general a question. It's --
 18 safety should have -- should be the first priority.
 19 As we said in the report,
 20 decisions should have been made on safety.
 21 Q. (BY MR. STEVENSON) People should come
 22 first, in other words?
 23 A. People's safety should come first.
 24 Q. People's safety should come first.
 25 Were you aware, sir, of the Telos

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1 Report conclusion that at the BP refinery money
 2 came first and people came last? Were you aware of
 3 that, sir?
 4 A. I am aware of it from 10:00 o'clock this
 5 morning.
 6 Q. Is that the type of attitude, conduct
 7 that you approve of and BP management approves of
 8 at the Texas City refinery or for that matter any
 9 refinery in the world?
 10 A. I stand by the words we put in the report
 11 about the priorities. We were clear of our view of
 12 the priorities in the report.
 13 MR. STEVENSON: I pass the
 14 witness.
 15 MR. DENNY: That's it?
 16 Going once, twice. Reserve ours
 17 until a later time. Thank you.
 18 THE VIDEOGRAPHER: Off the record
 19 at 4:54 p.m., ending Tape 6.
 20 (Deposition concluded.)
 21
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 23
 24
 25

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EXAMINATION
 CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON
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 JOHN MOGFORD

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

 5 JOHN MOGFORD
 6

7 THE STATE OF _____)
 8
 9 COUNTY OF _____)
 10

11 Before me, _____, on this day
 12 personally appeared JOHN MOGFORD, known to me or
 13 proved to me on the oath of _____ or through
 14 _____ (description of identity card or other
 15 document) to be the person whose name is subscribed
 16 to the foregoing instrument and acknowledged to me
 17 that he/she executed the same for the purpose and
 18 consideration therein expressed.
 19 Given under my hand and seal of office on this
 20 _____ day of _____, _____.
 21

 22 NOTARY PUBLIC IN AND FOR
 23 THE STATE OF _____
 24
 25 My Commission Expires: _____

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1 CAUSE NO. 05CV0337
 2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
 3 RAMON, DAVID G. CROW and)
 4 JUANITA G. CROW, et al.)
 5)
 6 VS.) 212TH JUDICIAL DISTRICT
 7)
 8 BP PRODUCTS NORTH AMERICA)
 9 INC., B.P. CORPORATION)
 10 NORTH AMERICA INC., DON)
 11 PARUS, AND JE MERIT)
 12 CONSTRUCTORS, INC.) GALVESTON COUNTY, TEXAS
 13 CAUSE NO. 05CV0337-A
 14 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
 15 MARCH 23, 2005)
 16 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
 17 PROCEEDINGS)
 18) GALVESTON COUNTY, TEXAS
 19 REPORTER'S CERTIFICATE
 20 ORAL VIDEOTAPED DEPOSITION OF
 21 JOHN MOGFORD
 22 MARCH 29, 2006
 23

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

That the witness, JOHN MOGFORD, was duly sworn
 and that the transcript of the deposition is a true
 record of the testimony given by the witness;

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

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

Mr. Williams (4 hours, 3 minutes)
 Mr. Bond (1 hour, 12 minutes)
 Mr. Bickham (14 minutes)
 Mr. Stevenson (19 minutes)

Attorneys for Plaintiffs

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1
 2 That pursuant to information given to the
 3 deposition officer at the time said testimony was
 4 taken, the following includes the parties of record:
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9

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

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

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

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

19 _____

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

25

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1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

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

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

8 If returned, the original deposition was
9 delivered to Mr. Jim Hart at the Williams & Bailey
10 law firm as the custodial attorney.

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

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

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

19 _____

20 Stephanie Barringer, CSR
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