

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

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

13
14
15 *****

16 ORAL VIDEOTAPED DEPOSITION OF
17 JOSEPH BARNES, JR.
18 VOLUME 1
19 DECEMBER 13, 2005

20 *****
21
22
23
24
25

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1 ORAL VIDEOTAPED DEPOSITION OF JOSEPH BARNES,
 2 JR., produced as a witness at the instance of the
 3 Plaintiffs and duly sworn, was taken in the
 4 above-styled and numbered cause on December 13, 2005,
 5 from 10:02 a.m. to 3:34 p.m., before Stephanie
 6 Barringer, Certified Shorthand Reporter in and for
 7 the State of Texas, reported by stenographic means at
 8 the Four Seasons, 1300 Lamar Street, Houston, Texas
 9 77010, pursuant to the Texas Rules of Civil Procedure
 10 and the provisions stated on the record or attached
 11 hereto.
 12 The deposition room was not under the control of
 13 the court reporter. So the appearances stated in the
 14 transcript were provided to the court reporter.
 15 Since this deposition has been realtimed and you
 16 may be in possession of a rough draft form, please be
 17 aware that there may be a discrepancy regarding page
 18 and line numbers when comparing the realtime draft
 19 and the final transcript. Also, please be aware that
 20 the realtime screen and the unedited, uncertified
 21 rough draft transcript may contain untranslated
 22 steno, a misspelled proper name and/or nonsensical
 23 English word combinations. All such entries are
 24 corrected in the final certified transcript.
 25

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4 JOSEPH BARNES, JR.

5 Examination by Mr. Williams 10

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7 Signature Page 180

8 Court Reporter's Certificate 182

9

10

11 EXHIBITS

12

13 EXHIBIT DESCRIPTION PAGE

14 22 PDP: Joe Barnes updated 11/6/01, 11

Bates BPISOM00146654 through

15 BPISOM00146656; Personal Development

Plan (PDP), Bates BPISOME00111145

16 through BPISOME00111152

17 23 Email from Joe Barnes to Kathleen 106

Lucas dated 5/27/05, Subject: For

18 the Record, Bates BPISOME00006629

through BPISOME00006630

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1 THE VIDEOGRAPHER: On the record
 2 December 13th, 2005 at 10:02 a.m., beginning
 3 Tape 1.
 4 JOSEPH BARNES, JR.,
 5 having been first duly sworn, testified as follows:
 6
 7 EXAMINATION
 8 Q. (BY MR. WILLIAMS) Good morning,
 9 Mr. Barnes. I am John Eddie Williams. I
 10 introduced myself in the hallway this morning.
 11 Would you state your name for the
 12 record, please?
 13 A. I am Joseph Barnes, Junior.
 14 Q. And, Mr. Barnes, you are employed by
 15 whom?
 16 A. By BP.
 17 Q. And you have been employed by BP for how
 18 many years?
 19 A. For approximately 20 and a half years.
 20 Q. And on March 23rd of this year, the date
 21 of the fire and explosion, what was your title?
 22 A. I served as the HSSE manager. Health,
 23 Safety, Security and Environmental manager for the
 24 Texas City site.
 25 Q. So if we were to -- I am going to be

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1 talking today about safety. So you were the safety
 2 manager -- safety manager is in your title, right?
 3 A. It's within the title, yes.
 4 Q. A little bit of background on you. You
 5 have a degree in mechanical engineering from Lamar
 6 University?
 7 A. That's correct.
 8 Q. Port Arthur native?
 9 A. Port Arthur native.
 10 (Exhibit Number 22 marked for
 11 identification.)
 12 Q. (BY MR. WILLIAMS) All right. And
 13 Exhibit 22 here has been produced to us this
 14 morning, sir; and if I may, this is what's called a
 15 PDP. And what does that stand for?
 16 A. PDP stands for personal development plan.
 17 Q. And that's your picture; and that's your
 18 PDP at BP, correct?
 19 A. That's correct.
 20 Q. And the first page of this Exhibit 22, if
 21 we look at the date, it shows that it was in 2004,
 22 correct?
 23 A. That's correct.
 24 Q. And there are some others here. The
 25 second page -- the first page has some handwriting

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1 on it and it was given -- provided to me this way.
 2 Do you have any idea whose
 3 handwriting that was?
 4 A. I can't make it out.
 5 Q. Here look at the document itself, if it
 6 will help you.
 7 A. It's actually my handwriting.
 8 Q. Okay.
 9 A. It was a result of a discussion that I
 10 had that's under my crew.
 11 Q. Gotcha.
 12 If we look back, the second page
 13 of this document that was provided is a clean copy
 14 of the November, 2004 -- and I guess this is really
 15 kind of a review with your bosses, right?
 16 A. Actually it's -- the personal development
 17 plan is a document that each employee is encouraged
 18 to maintain for their career development process.
 19 Q. Okay. Do you go over it with your
 20 bosses?
 21 A. Periodically.
 22 Q. Okay. And then if we go back, I guess
 23 here is another copy of the 2004 and we go back and
 24 there are some others in the past and if we look on
 25 this particular page here, I note that one of the

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1 goals you had was to be -- aspires to be a B-U-L.
 2 Will you tell the jury what a
 3 B-U-L is that you wanted to be?
 4 A. A B-U-L, in BP terms, is a business unit
 5 leader.
 6 Q. And what the heck is that, if you would,
 7 Mr. Barnes?
 8 A. A business unit leader normally serves as
 9 the site manager of a facility or a business
 10 process.
 11 Q. Okay. That's the job that Kathleen Lucas
 12 holds today at that plant, right?
 13 A. No, not exactly. Colin Maclean currently
 14 holds the designation of business unit leader for
 15 the Texas City site today.
 16 Q. That's Kathleen Lucas' boss?
 17 A. That's correct.
 18 Q. Okay. And it says here that also one of
 19 your goals, "Continuous improvement of businesses
 20 process," right?
 21 A. Can I see the document?
 22 Q. Sure.
 23 A. I have to see the context.
 24 Q. Certainly. (Tenders documents.)
 25 A. (Examines document.)

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1 Yes, it's one of the -- it was one
 2 of my stated aspirations as to driving continuous
 3 improvement in any business related function that I
 4 served in.
 5 Q. And having looked through your personal
 6 goals here that have been provided to me, nowhere
 7 in here did I see that in your list of personal
 8 goals was there anything to do with being a process
 9 safety expert or to be involved in process safety.
 10 Is that a fair statement?
 11 MR. GALBRAITH: Objection, form.
 12 A. My -- my position on that issue is that
 13 in the refining business, to be a leader within the
 14 refinery business or to manage an operating system,
 15 one must be a complete champion of process safety
 16 and process safety goals. So from the standpoint
 17 of documentation, no, it wasn't completely stated
 18 but it was -- it is one of the requirements of
 19 being a leader in the operations field.
 20 Q. (BY MR. WILLIAMS) Well, for you to get
 21 to your goal of being a business unit leader, if I
 22 understand what you are saying, that you have to
 23 spend some amount of time dealing with process
 24 safety. That's one of the checkmarks or the things
 25 you have to check off on your resume to get up to

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1 being a business unit leader in your mind?
 2 MR. GALBRAITH: Objection to form.
 3 A. I am not sure if I determined a
 4 checkmark, but it's actually an area that I
 5 personally feel is very well needed to be a
 6 successful leader and run a safe operation.
 7 Q. (BY MR. WILLIAMS) Okay. So are you an
 8 expert in process safety?
 9 A. By no means.
 10 Q. Have you ever held yourself out as an
 11 expert in process safety?
 12 A. Not as an expert. I've -- by experience
 13 and working in operations and working as a leader
 14 in unit and division operations, I have had a great
 15 amount of exposure and experience in process
 16 safety; but I would not term myself an expert.
 17 Q. Okay. Have you ever -- when you attended
 18 Lamar University, did you study process safety
 19 there in a formal course?
 20 A. No. My background was in mechanical
 21 engineering. There was no specific process safety
 22 courses involved.
 23 Q. So to sum up your training, do you have
 24 any degree other than your mechanical engineering
 25 degree from Lamar?

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1 A. No other degree.
 2 Q. Do you have any formal training at the
 3 college level or any other level regarding process
 4 safety?
 5 A. Can you define "formal training" for me?
 6 Q. Well, formal training to me would be
 7 where a professor or an expert in the area comes
 8 and teaches Joe Barnes the basics or even the
 9 advanced parts of process safety.
 10 So do you have any formal training
 11 in process safety?
 12 A. I have had no college-related training in
 13 process safety. The background and experience I do
 14 have in process safety has been developed through
 15 on-the-job training.
 16 Q. Okay. So to sum up the process safety
 17 training of Joe Barnes during your 20 and a half
 18 years at BP, we would sum it up that there is no
 19 training that you had in college and there is no
 20 formal training by any experts, that whatever
 21 training you have achieved has been, quote,
 22 on-the-job training, true?
 23 A. That's -- that's correct.
 24 Q. Okay. Now, if we look back at Exhibit 22
 25 here which has your personal development goals,

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1 when this was done, you were assigned as head of
 2 safety, HSSE, at BP Amoco, correct?
 3 A. I served as a manager of HSSE in Texas
 4 City, yes.
 5 Q. And your short-term goal was to complete
 6 that assignment at HSSE, right?
 7 A. Within a stated three-year period, that
 8 was my stated goal.
 9 Q. Let's be fair, Mr. Barnes. You never --
 10 you didn't get into the business that you are in to
 11 be a safety expert. That wasn't your career plan
 12 to be a safety expert and stay in safety the rest
 13 of your career, true?
 14 A. I wouldn't quite state it that way. I
 15 have always believed that safety was a paramount
 16 part of doing my business at Texas City, and it's
 17 always been a personal aspiration to stay as keenly
 18 aware of safe operations and best practices in
 19 order to manage the business.
 20 So no, I have never wanted to
 21 separate myself from safety. Whether or not I was
 22 in the HSSE role or not, I felt like safety was a
 23 very important part of my job.
 24 Q. Okay. Let's talk about process safety.
 25 Did you ever desire to be an expert or to have your

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1 career lead you toward spending your career in
 2 process safety?
 3 A. Once again, I feel like some knowledge
 4 and some experience in process safety is important
 5 in any operations job, but it was not my career
 6 aspiration to be titled as a "process safety
 7 expert."
 8 Q. And certainly you didn't have the
 9 qualifications or expertise to be a process safety
 10 expert, right?
 11 A. You would have to define "process safety
 12 expert" for me, but I certainly feel I had enough
 13 experience in order to manage the operations of the
 14 areas in which I worked within the Texas City
 15 refinery.
 16 Q. Well, let's just get it out. Tell the
 17 jury all the training that you have had formal,
 18 informal, whatever, list the training that you had
 19 in process safety.
 20 A. Well, as I stated before, I think a great
 21 amount of the training I have had in process safety
 22 has been on-the-job related. I have served in the
 23 capacity of a unit superintendent and a
 24 manufacturing delivery leader.
 25 So there is a greater amount of

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1 experience and information and background that is
 2 gained by simply being in those roles. I have had
 3 some investigation leadership training within the
 4 Texas City refinery in the past. So I consider
 5 that to be a portion of process safety.
 6 Q. Well, I am trying to narrow it down.
 7 Have you ever taken any kind of --
 8 have you ever attended any seminar or formal
 9 training where somebody at BP Amoco or BP ever sat
 10 down and said, "These are the elements of process
 11 safety," and trained you on them? Has there -- I
 12 want to find that document. I want to see if that
 13 happened.
 14 Do you have such a document? Did
 15 it happen?
 16 A. Could you --
 17 MR. GALBRAITH: Objection, form.
 18 A. Could you give me an example of a seminar
 19 or course that you might be referring to?
 20 Q. (BY MR. WILLIAMS) Sure. I bet OSHA puts
 21 on some courses on process safety. I bet the
 22 American Petroleum Institute puts on institutes on
 23 process safety. I bet the Chemical Manufacturers
 24 Association puts on seminars on process safety and
 25 a lot of safety companies around the world put on

Page 20

1 seminars around -- about process safety and there
 2 are experts in the field of process safety.
 3 Did you ever attend any seminar by
 4 any of those people on the subject of process
 5 safety?
 6 A. Of the ones that you stated, no, I never
 7 attended those particular courses.
 8 Q. So list the ones that you did attend, if
 9 any, Mr. Barnes.
 10 A. As I stated before, the one that comes to
 11 mind is incident investigation leadership training;
 12 but I can't recall any additional training, formal
 13 classroom training outside of that.
 14 Q. So the one thing you are talking about is
 15 incident leadership training?
 16 A. Incident investigation.
 17 Q. Is it -- tell me the formal name -- the
 18 entire name of this seminar.
 19 A. As I remember, that was the name of the
 20 course.
 21 Q. Incident investigation?
 22 A. (Nods head.)
 23 Q. And when did you take it?
 24 A. I took the course during the period of
 25 time I served as a process superintendent in Texas

Page 21

1 City. I was qualified to be a level B and level --
 2 what we term level A and level B incident
 3 investigation leader during that particular period
 4 of time.
 5 So I can't give you an exact date,
 6 but it was during the period of time that I served
 7 as super -- process superintendent.
 8 Q. Approximately what year?
 9 A. I served as an operating superintendent
 10 between 1992 and 1999. That's as far as I can
 11 remember.
 12 Q. Okay. Can you narrow it down any more
 13 than this one course that you took on accident --
 14 incident investigation somewhere between a seven-
 15 or eight-year period between '92 and '99? Can you
 16 narrow it down any more than that?
 17 A. I would be speculating if I attempted to
 18 narrow it down at this point.
 19 Q. So how long did this course last?
 20 A. I can't remember the exact duration of
 21 the course at this point.
 22 Q. Give us your best estimate. Half a day?
 23 One day? A month? A year?
 24 A. I believe it was a one-week course.
 25 Q. Do you have any notes from that one-week

Page 22

1 course?
 2 A. Not that I can remember or believe that I
 3 can produce.
 4 Q. Do you have any books as references from
 5 that one-week course?
 6 A. Not still in my possession.
 7 Q. And how many people attended this course
 8 with you?
 9 A. I cannot remember.
 10 Q. Well, ten people or a hundred people?
 11 What's your best recollection?
 12 MR. GALBRAITH: Objection, form.
 13 A. I can't remember honestly.
 14 Q. (BY MR. WILLIAMS) Where was it taught?
 15 A. Within the Texas City refinery.
 16 Q. Who was the teacher?
 17 A. I believe -- Bill Ralph, the Process
 18 Safety Manager, was the teacher and the facilitator
 19 of the course.
 20 Q. What -- what percentage of this one-week
 21 course was dedicated to the subject of process
 22 safety as distinguished from the title of the
 23 course, incident investigation?
 24 A. I cannot remember that detail at this
 25 point.

Page 23

1 Q. Now, this one-week course on incident
 2 investigation, it was not intend to be a course on
 3 process safety, was it?
 4 MR. GALBRAITH: Objection, form.
 5 A. I would say that incident investigation
 6 training was a very vital portion of process safety
 7 in that it is a mechanism in which we are able to
 8 learn from previous process safety incidents.
 9 MR. WILLIAMS: That wasn't my
 10 question. That's nonresponsive, and I object.
 11 Q. (BY MR. WILLIAMS) My question is:
 12 Why -- well, explain to this jury why the course
 13 was entitled "Incident Investigation" rather than
 14 "Process Safety."
 15 A. The course itself was specific to
 16 training a group of leaders to be qualified to
 17 facilitate incident investigations within our self.
 18 Q. It was not intended -- this course on
 19 incident investigation, it was not focused on
 20 process safety, was it? Its focus, rather, was on
 21 facilitating incident investigation leadership,
 22 true?
 23 A. Once again, within my definition of
 24 process safety, I believe incident investigation
 25 training is a vital part of maintaining good

Page 24

1 process safety within a site.
 2 MR. WILLIAMS: That's --
 3 objection, nonresponsive.
 4 Q. (BY MR. WILLIAMS) What was the purpose
 5 of the course? If you had to say -- you have to
 6 choose, Mr. Barnes. Was the purpose of this course
 7 to train you on process safety; or was it the
 8 purpose to train you as the title said, on
 9 incident -- incident investigation?
 10 MR. GALBRAITH: Objection, form.
 11 A. It was specific to training and
 12 qualifying individuals on incident investigation,
 13 whether it be the most serious levels A or mid
 14 level incident level B, in investigation
 15 facilitation. The purpose of the course was to
 16 make sure that the individuals were truly qualified
 17 to lead good investigations that would offer good
 18 answers to why certain process safety incidents
 19 would occur.
 20 Q. (BY MR. WILLIAMS) In the 20 and a half
 21 years that you have been with BP, have you ever
 22 taken a course entitled process safety management
 23 or process safety?
 24 A. No, I have not.
 25 Q. So it's fair, then, if we summarize that

Page 25

1 you had no process safety training in college and
 2 the thing that comes closest to any process safety
 3 training you have had is that it was part in parcel
 4 a small -- or a percentage of another course you
 5 took on incident investigation?
 6 MR. GALBRAITH: Objection, form.
 7 Q. (BY MR. WILLIAMS) True?
 8 MR. GALBRAITH: Objection, form.
 9 A. Could you repeat the question?
 10 Q. (BY MR. WILLIAMS) Yes, sir.
 11 If we were to summarize up Joe
 12 Barnes' formal training in process safety, you had
 13 none in college and in the 20 and a half years you
 14 were at BP Amoco, you had no formal course entitled
 15 process safety and that basically it comes down to
 16 process safety was a small or a percentage of a
 17 course you took that was on investigation of
 18 incidents?
 19 MR. GALBRAITH: Objection, form.
 20 A. Once again, as I stated before, I did
 21 have the one course as stated in incident
 22 investigation; and I felt like the remainder of my
 23 process training was based on on-the-job training
 24 at the Texas City refinery.
 25 Q. (BY MR. WILLIAMS) So we have now totaled

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1 up all of the formal training as distinguished from
 2 on-the-job training. All the formal training you
 3 have had in process safety management was a
 4 percentage of a course you took for what may have
 5 been one week. They covered much of other
 6 subjects, and it was entitled incident
 7 investigation?
 8 MR. GALBRAITH: Objection, form.
 9 Q. (BY MR. WILLIAMS) Correct?
 10 MR. GALBRAITH: Objection, form.
 11 A. As we have stated, the totals the amount
 12 of classroom training that took place. I actually
 13 found the on-the-job training, the actual
 14 experience in leading incident investigations, as
 15 valuable as the classroom time in line with the
 16 work that I did or have done at the Texas City
 17 refinery.
 18 Q. (BY MR. WILLIAMS) Have you ever taken a
 19 course on process hazard analysis?
 20 A. No, I have not.
 21 Q. Are you an expert in process hazard
 22 analysis?
 23 A. Not -- I would not term myself an expert.
 24 Q. And if we look at process hazard
 25 analysis, you have no formal training, true?

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1 A. As stated, that's correct.
 2 Q. Now, in order to solve the problem,
 3 you've got to recognize the problem, right?
 4 A. I am not sure if I would agree with that
 5 totally, but can you -- can you specify your point?
 6 Q. Does it make logic -- is it logical to
 7 you, sir, that in order to solve a problem,
 8 oftentimes the first step is that you -- one must
 9 recognize a problem exists?
 10 A. I don't agree with that statement. I
 11 believe that if there are others that work around
 12 you that recognize a problem and make you aware of
 13 it, you are still as capable of solving the
 14 problem.
 15 Q. Well, let's sum it up. With regard -- do
 16 you think you were well trained and qualified in
 17 the area of process hazard analysis?
 18 A. As a part of my job and qualification
 19 requirement, there was not a specific need or
 20 requirement to be an expert at process hazard
 21 analysis.
 22 Q. Fine. So the answer -- let me be more
 23 direct in my question.
 24 Do you believe that you had any --
 25 that you had a level of training in process hazard

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1 analysis that acted -- that allowed you to act as
 2 an expert in that area?
 3 A. No, I did not.
 4 Q. Process hazard analysis was not within
 5 your field of expertise and not within your view of
 6 your job description, correct?
 7 A. Once again, serving as a process
 8 superintendent in the past, I certainly had a level
 9 of involvement and job experience around process
 10 hazard analysis; but it was never a requirement of
 11 my job specific roles --
 12 Q. The way --
 13 A. -- to be an expert in.
 14 Q. The way BP ran things, they never gave
 15 you training in hazard analysis during your 20 and
 16 a half years with them, correct?
 17 A. They did afford on-the-job training but
 18 no specific classroom formal training as stated.
 19 Q. Let's peel that a little bit.
 20 No formal training on process
 21 hazard analysis during your 20 and a half years
 22 with BP, correct?
 23 MR. GALBRAITH: Objection, form.
 24 A. No formal classroom training. I never
 25 attended any or was required to attend any formal

Page 29

1 classroom training regarding becoming an expert at
 2 process hazard analysis.
 3 Q. (BY MR. WILLIAMS) You --
 4 A. There were other individuals within the
 5 company that were adequately qualified to manage
 6 that.
 7 MR. WILLIAMS: Objection,
 8 nonresponsive.
 9 Q. (BY MR. WILLIAMS) I am just trying to
 10 get at what you knew.
 11 In your 20 and a half years, had
 12 BP ever given you any training in a formal sense,
 13 in a classroom sense, on hazard analysis?
 14 A. No formal classroom training that I can
 15 remember.
 16 Q. Thank you.
 17 And have they ever given you in
 18 your 20 and a half years any formal classroom
 19 training on hazard recognition?
 20 A. Can you define "hazard recognition"?
 21 Q. Yeah. To me it means that you see a
 22 hazard and you recognize it and you know how the
 23 experts go about looking for hazards and trying to
 24 recognize them.
 25 A. Okay. I can state that on an annual

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1 basis every employee at Texas City refinery is
 2 trained on hazard recognition and proper reporting.
 3 We term it "HAZWOPER training."
 4 Once again, it is conducted on an
 5 annual basis.
 6 Q. That's interesting, sir. How much of
 7 that did y'all go over wearing your hard hat and
 8 your safety glasses in that training?
 9 A. No, sir, not in this training.
 10 Q. Well, did you go over process safety
 11 hazard analysis in that training?
 12 A. HAZWOPER training is specific to the
 13 recognition of a process hazard and an active
 14 process hazard.
 15 Q. Well, give me an example, Mr. Barnes, of
 16 what you mean by this HAZWOP training.
 17 A. HAZWOPER training covers specific
 18 requirements of each employee within the site if
 19 they recognize or if they come in contact with or
 20 become in sight of any leak, any hazard -- process
 21 hazard whether it be a leak, a fire, an explosion,
 22 there is a requirement, a reporting requirement
 23 that we all have. And HAZWOPER training covers the
 24 necessary requirements and actions that each
 25 employee should have.

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1 Q. Wait a minute. Did you say that
 2 HAZWOPPING -- HAZWOP talks about reporting
 3 incidents? That's what it's focused on?
 4 A. Absolutely.
 5 Q. I am not talking about reporting
 6 something after it's happened. I am talking now,
 7 sir, about formal training you have had to be -- do
 8 you know the difference between proactive and
 9 reactive in safety?
 10 A. You would have to give me a little more
 11 definition as to what you are referring to; but as
 12 I stated before, HAZWOPER training covers both
 13 direct recognition and reporting of any hazard
 14 involving process material within the BP Texas City
 15 refinery.
 16 Q. I am going to focus on proactive versus
 17 reactive.
 18 Has anybody ever sat down and
 19 talked with you about the difference between being
 20 proactive and reactive with regard to process
 21 safety?
 22 A. I need a little more definition on your
 23 question. I am not sure what you mean by
 24 "proactive" or "reactive" as far as process safety.
 25 Q. Well, has anybody ever sat down and

Page 32

1 talked to you about that, was my question?
 2 A. It's a pretty broad question. It would
 3 be very difficult for me to recollect every
 4 conversation I have had while work -- while being
 5 employed at BP. So it's a pretty broad question.
 6 I have a tough time answering that question.
 7 Q. Where is -- where would one find the
 8 process safety management regulations?
 9 A. There is a BP website, process safety
 10 website that's managed by the process safety
 11 management team within the BP Texas City refinery.
 12 Q. Sir, have you ever heard of OSHA?
 13 A. I certainly have.
 14 Q. What does the OSHA regulation, the law of
 15 the land, say with regard to process safety
 16 management?
 17 MR. GALBRAITH: Objection, form.
 18 A. I couldn't give you a specific answer on
 19 that.
 20 Q. (BY MR. WILLIAMS) Could you tell us
 21 where we would find it, the OSHA regulations on
 22 process safety management?
 23 A. I am sure you could find it in the OSHA
 24 laws.
 25 Q. The OSHA what?

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1 A. In the OSHA laws or OSHA regulation
 2 manuals.
 3 Q. Okay. What is the OSHA regulation with
 4 regard to process safety management?
 5 MR. GALBRAITH: Objection, form.
 6 A. I am not directly familiar with the
 7 answer to that question.
 8 Q. (BY MR. WILLIAMS) You don't know what
 9 the regulation number is?
 10 MR. GALBRAITH: Objection to form.
 11 A. I can't answer that question at this
 12 point.
 13 Q. (BY MR. WILLIAMS) Do you know what the
 14 purpose of the process safety management regulation
 15 is by OSHA?
 16 A. It would be speculation on my part to
 17 answer that question at this point.
 18 Q. Have you ever read the process safety
 19 management regulations by OSHA?
 20 A. No, I have not.
 21 Q. Did anybody at BP Amoco or BP over 20 and
 22 a half years ever present to you, "These are the
 23 laws set forth by OSHA with regard to process
 24 safety management and these are the goals and
 25 regulations and you should read this and it's

Page 34

1 important because we want to follow the law"?

2 Did that ever occur?

3 A. I can't specify any direct conversation

4 that took place of that nature.

5 Q. What's the difference between HAZOP and

6 HAZWOPER?

7 A. Can you be more specific as far as HAZOP?

8 HAZOP -- the term "HAZOP" can be used -- used in

9 many different forms.

10 Q. Well, how do you use it is what's

11 important, sir.

12 A. HAZOP is a -- as I use it, an acronym for

13 hazardous operation. HAZWOPER, as I stated before,

14 is a specific course and guidelines on hazard

15 recognition and reporting within the Texas City

16 refinery.

17 Q. Sir, how -- how much emphasis -- how

18 would you describe your level of training and your

19 position as the head safety person on process

20 safety management?

21 MR. GALBRAITH: What --

22 Q. (BY MR. WILLIAMS) What's the level?

23 Let's just say A, B, C, D, E, F.

24 MR. GALBRAITH: Objection, form.

25 A. The question is too broad for me to

Page 35

1 answer. I would like for you to restate it, if

2 possible.

3 Q. (BY MR. WILLIAMS) Sure.

4 As the head safety -- as the

5 person with the title of head of health, safety --

6 health and safety at this plant on the day of that

7 explosion, with regard to process safety

8 management, how would you describe your level of

9 training? Adequate, high, low or non-existent?

10 A. Once again, it's very difficult for me to

11 place a letter designation on the amount of

12 on-the-job training and the amount of experience

13 that I gained while working at BP in the area of

14 process safety.

15 Q. I didn't ask for a letter. I asked

16 for -- was it a high level of training in your

17 mind, an adequate level of training, a poor level

18 of training or a complete lack of training?

19 A. I have always felt that it was an

20 adequate level of training for the job and the

21 positions and the roles and responsibilities that I

22 carried.

23 Q. And because of the amount of emphasis

24 that the people above you in management at BP had

25 put on process safety management, the amount of

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1 emphasis had resulted in no formal training other

2 than having it touched on as part of a course on

3 accident investigation that was a week some 5, 10,

4 12 years ago, true?

5 MR. GALBRAITH: Objection, form.

6 A. To the contrary. The experience I had in

7 working in both Amoco when I started out at Texas

8 City and then with BP was a very heavy emphasis on

9 running the units and the areas and the operations

10 correctly and to the procedures and policies that

11 had been developed, stated procedures and policies

12 for those units.

13 Q. Can you --

14 A. I would say it was a very heavy

15 consideration and emphasis on process safety.

16 Q. Can you even define process safety

17 management?

18 A. I can define it in my terms.

19 Q. Please.

20 A. To me process safety management is a

21 discipline and adhering to posted rules, procedures

22 and policies that are developed by those that are

23 considered experts within our company on a

24 particular subject.

25 Q. Can you explain to these ladies and

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1 gentlemen of the jury why in these 20 and a half

2 years the head of safety had never even read the

3 Code of Federal Regulations with regard to the

4 definitions and goals of process safety management?

5 MR. GALBRAITH: Objection, form.

6 A. I stated before it was not a specific

7 requirement of any role that I conducted while at

8 BP, and I depended on a group of experts within the

9 company to provide me advice and guidance as I

10 needed it on the subject of process safety and the

11 OSHA regulations.

12 Q. (BY MR. WILLIAMS) Why didn't you sit

13 down and read them, sir, is my question? Why --

14 first of all, why didn't you ever read them?

15 A. In the roles that I conducted at Texas

16 City, I did not consider them to -- it to be a

17 requirement to read them. I had the necessary

18 level of expertise available to me to guide me in

19 making good process safety decisions. It was not a

20 requirement and I did not...

21 Q. That's my exact point, Mr. Barnes. There

22 was never a requirement by the people running BP

23 and/or Amoco that their superintendents even read

24 the Code of Federal Regulations with regard to

25 process safety management, true?

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1 A. I wouldn't paint it as broadly as you
 2 have. There were superintendents that work within
 3 our process safety management system that were
 4 required to be very familiar and to read and be
 5 familiar with those documents to a point that they
 6 could help guide and manage process safety within
 7 the site.
 8 Q. Wait a minute. How many years were you a
 9 superintendent of -- of the area?
 10 A. Between the years of 1992 and 2000.
 11 Q. So for eight or nine years you were a
 12 superintendent and not a single person at BP or
 13 Amoco ever came to you and said, "Now that you are
 14 a superintendent, Mr. Barnes, you better know what
 15 process safety management is. Here are the
 16 regulations, and I want you to at least read them
 17 so that you will be familiar with what the law is
 18 on process safety management"?
 19 No one ever asked you to do that,
 20 did they?
 21 A. There was never a requirement that I read
 22 the entire OSHA -- OSHA registration as apart of
 23 the jobs that I performed.
 24 Q. Well, did you read -- you said required
 25 to read the entire deal. Did you -- did anybody

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1 require you to even read the start, the preamble,
 2 the explanation of what these rules and regulations
 3 are for? Did you read any of it?
 4 A. As a part of my role as the -- as a
 5 process superintendent in the past, I was familiar
 6 with the OSHA 1910 register and its application in
 7 use on the process units and systems that are
 8 within which I worked. But no, I -- never at any
 9 point did I read the entire OSHA register.
 10 Q. You are not --
 11 MR. WILLIAMS: Objection,
 12 nonresponsive.
 13 Q. (BY MR. WILLIAMS) My question is
 14 specific. At any time did you read any part of the
 15 PSM regulations set out by OSHA for process safety
 16 management?
 17 A. Not that I can remember.
 18 Q. And nobody at BP ever required you or
 19 encouraged you to go and read the law regarding
 20 process safety management, true?
 21 A. I was never required in any particular
 22 role or responsibility within Texas City to read
 23 that portion.
 24 Q. And nobody ever in your 20 and a half
 25 years came around and lectured you or -- or came to

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1 try and shake up things and say, "Gentlemen, this
 2 is the law of the land. You will follow the law of
 3 the land and these PSM regulations are to be
 4 followed to the letter"?
 5 Nobody ever came around and --
 6 like a preacher or like a gospel came around and
 7 tried to encouraged you to do that, did they?
 8 MR. GALBRAITH: Object to form.
 9 A. No one ever -- no one ever preached to me
 10 but there were specific guidelines within the OSHA
 11 requirements that I was fully familiar with and we
 12 had a process safety management team that audited
 13 and made sure that we lived up to the
 14 requirements -- the specific requirements of the
 15 units that I worked with -- with there around OSHA.
 16 So there was always plenty of guidance and plenty
 17 of expertise available to us within Texas City
 18 around the OSHA regs and the PSM regs within --
 19 within the OSHA.
 20 Q. (BY MR. WILLIAMS) It sounds like there
 21 is a whole lot of expertise available. Did you
 22 know of any -- did you think there was an adequate
 23 level of expertise out there on process safety
 24 management? You were happy with it? Content with
 25 it?

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1 A. Based on my experience and what I knew
 2 before -- prior to the incidents -- the tragic
 3 incidents that occurred on March 23rd, I did feel
 4 like there was an adequate amount of process safety
 5 resource and support available.
 6 Q. Have you read your company's report about
 7 the level of expertise that y'all lacked with
 8 regard to process safety management?
 9 A. I have read the final company
 10 investigation report, yes.
 11 Q. Sir, did it say y'all were doing a good
 12 job with process safety recognition?
 13 A. I think in my opinion the report points
 14 out the fact that at the ISOM unit on the day of
 15 March 23rd there were a group of people who did not
 16 make a good decision and recognize an impending
 17 hazard. I don't agree with the fact that we as a
 18 whole at BP Texas City refinery were poor at
 19 process safety and process safety recognition.
 20 Q. The process safety -- the level of
 21 process safety recognition that was going on before
 22 the explosion was -- met your -- was acceptable to
 23 you, right, Mr. Barnes?
 24 A. Based on my experience level and my
 25 background, yes, I did feel at the time that it was

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1 adequate.

2 Q. And have you had any training in process

3 safety or retraining or remedial training in it

4 since these 15 people died and hundreds were

5 injured?

6 A. No, I have not.

7 Q. Nobody at the company has gone out and

8 said, "Now, Joe Barnes, we need to really focus now

9 on process safety; and it's about time you actually

10 read the regs and look at them and see what's to be

11 done"? Nobody has done that, have they?

12 A. There has been an emphasis around the

13 site, around greater recognition of process safety;

14 and I look forward to the improvements that we have

15 currently initiated. I think BP Texas City will be

16 a much stronger location of all of its employees

17 around what's necessary to be good on process

18 safety and process safety hazard recognition.

19 But I, to date, have not taken any

20 additional courses or training around process

21 safety.

22 MR. WILLIAMS: Objection,

23 nonresponsive.

24 Q. (BY MR. WILLIAMS) Let me get it real

25 clear. Since that day in March when 15 people died

Page 43

1 and hundreds were injured, has BP given you any

2 additional training on process safety hazard

3 analysis or process safety management?

4 A. No. I have not attended any additional

5 training, formal courses on process safety hazard

6 since the -- since the incident.

7 Now, we have trained and

8 received --

9 Q. Thank you, sir. You have answered the

10 question.

11 MR. GALBRAITH: No, you are going

12 to have to let him finish his answer.

13 MR. WILLIAMS: He is going to be

14 nonresponsive.

15 MR. GALBRAITH: That's okay. My

16 point is: It's his answer. He has a right to give

17 it.

18 MR. WILLIAMS: Okay. But we will

19 just keep asking it until we get it down to -- to

20 boil it down. We will do it your way, Jim.

21 MR. GALBRAITH: Okay. Please give

22 your answer.

23 Q. (BY MR. WILLIAMS) Just answer anything

24 you want to, say anything you want to say. Just

25 keep saying it.

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1 A. Every employee since the events of

2 March 23rd have attended a specific training course

3 on emergency action planning and emergency

4 response, since that point. So that training has

5 been developed and has actually been taking place

6 since the events of March 23rd.

7 MR. WILLIAMS: Objection,

8 nonresponsive.

9 Q. (BY MR. WILLIAMS) My question to you is:

10 Since the March 23rd fire explosion, the deaths and

11 injuries, has anybody at BP given you any formal

12 training on process safety hazard analysis or

13 process safety management?

14 A. I have completed -- I stated before I

15 have completed my annual training on hazardous

16 identification, my HAZWOPER training that I defined

17 before. There has not been any other specific

18 training outside of the HAZWOPER training and the

19 training that every employee has now received post

20 the incident on emergency action and emergency

21 reporting.

22 Q. Tell me what you learned new about

23 process safety hazard analysis then, Mr. Barnes.

24 If you claim you have been trained since March 23,

25 tell us about it, what you learned.

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1 A. The HAZWOPER training was a

2 reconfirmation, a recap of my specific requirements

3 as a level 1 responder if a process hazard were to

4 take place within the site. On the emergency

5 planning and emergency action, we have actually

6 redefined the emergency egress points and the

7 emergency reporting system so that we can take

8 account for every employee more readily within the

9 plant in case there is a process hazard upset.

10 So I have learned -- relearned my

11 responsibilities as a HAZOPER -- HAZWOPER level 1

12 responder and then learned of the new requirements

13 around a new policy in the Texas City refinery

14 around emergency reporting and action.

15 Q. What the heck does that have to do with

16 process safety management?

17 MR. GALBRAITH: Objection, form.

18 A. Quite a world for me.

19 Q. (BY MR. WILLIAMS) It is --

20 A. Within the world of refinery operations.

21 Q. And your level of expertise you feel that

22 you were adequately trained today now on process

23 safety management?

24 A. I feel like I am currently -- have the

25 qualifications for the role that I am supporting to

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1 date. I am certain that in the future there will
 2 be greater opportunities based on the improvements
 3 that we are making in that particular area.
 4 Q. Do you feel that you now today have
 5 adequate training on process hazard analysis and
 6 recognition?
 7 A. As a level 1 responder, I feel I am
 8 adequately trained to recognize a process hazard
 9 and report a problem.
 10 Q. Okay. What was the process hazard of
 11 March 23rd that resulted in this fire and
 12 explosion?
 13 A. Based on --
 14 MR. GALBRAITH: Objection, form.
 15 A. Based on my reading of the BP
 16 investigation findings, it was the loss of
 17 containment of the processed material.
 18 Q. (BY MR. WILLIAMS) What does that have to
 19 do with process safety management? What was the --
 20 what mistakes were made with regard to process
 21 safety management in your mind?
 22 A. Based on what I have read in the final
 23 report, it was a lack of adherence to stated
 24 procedures that led to the loss of containment.
 25 Q. So basically it sounds like you need to

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1 restrain the operators, huh? The operators made the
 2 mistakes?
 3 A. I am not sure if I would say every
 4 operator; but in this case, I think a group of
 5 people did not follow the stated procedure that led
 6 to a process upset.
 7 Q. The operators? Is that what you are
 8 talking about? Are you talking about the
 9 operators, or are you talking about management?
 10 A. I am referring to the group of people
 11 that were responsible for the operation of the ISOM
 12 unit on the date of March 23rd.
 13 Q. Were there any process safety violations?
 14 Were they -- did they violate any of the process
 15 safety management rules in your mind?
 16 A. In my mind, not following posted and
 17 adhering to posted process safety management
 18 approved procedures was the -- was the issue that
 19 went wrong on that day. So, yes, it's a major --
 20 in my mind, it's a major violation of process
 21 safety.
 22 Q. Mr. Barnes, you lost your job as head of
 23 health and safety, didn't you?
 24 MR. GALBRAITH: Objection to form.
 25 A. I have never looked at it as losing my

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1 job. I was reassigned as a part of our improvement
 2 process. We actually wanted to reduce the span of
 3 control of the manufacturing and delivery leaders
 4 within our site to help us to facilitate our
 5 improvement within the site and I was asked to
 6 accept a position as a manufacturing and delivery
 7 leader and operations in order to help that
 8 process.
 9 Q. Who made the decision to put you in
 10 charge of safety at BP Amoco at that site?
 11 A. I can't state every individual that
 12 approved or had input into the decision. I can
 13 state that I was offered the position by our -- the
 14 site business unit leader at the time.
 15 Q. Name?
 16 A. That person was Don Parus.
 17 Q. Did you tell Don Parus, "I have never
 18 read the process safety regs, and I have never had
 19 formal training on process safety"?
 20 A. No, I did not.
 21 Q. Did he inquire as to what training you
 22 had or what level of expertise you had on process
 23 safety?
 24 A. Don was fully aware of my operational
 25 background and my -- the passion that I held for

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1 both safety and environmental compliance and I
 2 believe that's what gave him the confidence to name
 3 me or give me the opportunity to be the health,
 4 safety, security and environmental manager in Texas
 5 City.
 6 MR. WILLIAMS: Objection,
 7 nonresponsive.
 8 Q. (BY MR. WILLIAMS) My question precisely,
 9 sir, is: Did Mr. Parus ever, in talking with you,
 10 bring up the subject of process safety before he
 11 put you in charge of process safety there at the
 12 plant?
 13 MR. GALBRAITH: Objection, form.
 14 A. Actually when Don Parus offered me the
 15 position of HSSE manager, process safety was not a
 16 part of HSSE within the Texas City site. So when
 17 he offered me the job, he offered it based on my --
 18 the capabilities that I had exhibited as a
 19 manufacturing delivery leader on good safety and
 20 good environmental performance in which I managed.
 21 Q. (BY MR. WILLIAMS) So you were appointed
 22 or offered this position in December of '94 some
 23 three or four months before this fire and
 24 explosion, correct?
 25 MR. GALBRAITH: Objection, form.

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1 A. Actually your date is wrong. The job was
 2 offered in September of 2004.
 3 Q. (BY MR. WILLIAMS) And you took the job
 4 when?
 5 A. Actually accepted the job in September of
 6 2004.
 7 Q. When did you start on the job?
 8 A. I actually started the job during the
 9 month of September of 2004.
 10 Q. Okay. So you had been on the job as head
 11 of health and safety some how many months before
 12 the March 23rd fire and explosion?
 13 A. Roughly six months.
 14 Q. And are you saying -- when did you take
 15 over responsibility for being in charge of process
 16 safety?
 17 A. Process safety and the process safety
 18 management team became a part of the HSSE group in
 19 December of 2004, the latter part of December,
 20 2004.
 21 Q. Well, who was in charge of process safety
 22 between September and December of 2004?
 23 A. Process safety was actually a part of our
 24 site -- well, it was entitled our site service
 25 department; and it was managed by the site services

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1 manager at the time.
 2 Q. Who is that?
 3 A. At the time that person was Norine Stein.
 4 Q. Say the last name again?
 5 A. Stein.
 6 Q. Well, why did they take it away from
 7 Norine Stein and reassign it in December of 2004 to
 8 you?
 9 A. As a part of the organization development
 10 that we did in Texas City post the New Code
 11 Separation of Assets, our leadership team had an
 12 opportunity to redefine the site organization --
 13 the site's organization structure. At the time we
 14 decided it would be prudent to have a process
 15 safety management report in the arena of health,
 16 safety, security, environmental in making -- giving
 17 it more of a -- it was a better fit. It was a
 18 better structure, and it was more aligned with the
 19 other BP sites within the refinery marketing
 20 system.
 21 Q. Well, what happened to Norine Stein?
 22 A. Norine continues to be an employee of BP
 23 Texas City.
 24 Q. Well, wait a minute. They -- she was --
 25 is she still in charge of process safety

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1 management?
 2 A. No, she is not.
 3 Q. Was she in charge once it was turned over
 4 to you in December of 2004?
 5 A. No. I became in charge in December of
 6 2004.
 7 Q. Well, what was her expertise in process
 8 safety management?
 9 A. You would have to ask Norine Stein. I am
 10 not familiar with her background.
 11 Q. Well, what is she doing now?
 12 A. Norine is currently the manufacturing and
 13 delivery leader for our aromatics and acrylics
 14 facilities in the chemical plant of the Texas City
 15 site.
 16 Q. She is no longer in safety, is she?
 17 A. She is no longer the process safety
 18 manager but heavily involved in the safety of the
 19 site that she manages.
 20 Q. Well, it sounds -- who made this decision
 21 to take process safety management away from Norine
 22 Stein and reassign it to you?
 23 A. This was a leadership team decision. We
 24 came as a group, came to the decision that process
 25 safety, it was more -- it was a distinct advantage

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1 of having process safety as a part of HSSE versus
 2 being a separate entity within the refinery.
 3 Q. Well, tell me the advantage of taking it
 4 away from somebody and putting it in the hands of
 5 you who had no -- had no formal training whatsoever
 6 in process safety. Tell me why that was an
 7 advantage.
 8 MR. GALBRAITH: Objection, form.
 9 A. I am not sure if I understand the
 10 question.
 11 Q. (BY MR. WILLIAMS) Who were the people
 12 who actually -- you said the leadership team made
 13 the decision to take it away from Norine Stein and
 14 give it to you. Let's be specific. The names of
 15 the person or persons that made that decision.
 16 A. It was on the part of the entire Texas
 17 City leadership team at the time.
 18 Q. Who? I would call a corporation
 19 sometimes and I can't get through to a live person
 20 and you give me this corporate gobbledygook of a
 21 leadership team. I am just looking for a name,
 22 sir, a body.
 23 MR. GALBRAITH: Objection, form.
 24 Q. (BY MR. WILLIAMS) Who is responsible for
 25 making that decision?

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1 MR. GALBRAITH: Objection, form.
 2 A. The Texas City leadership team at the
 3 time.
 4 Q. (BY MR. WILLIAMS) Who in the world is
 5 that? Is there a name?
 6 A. It was the members of the Texas City
 7 refinery that directly reported to Don Parus.
 8 Q. Who made the decision to take it away
 9 from Norine Stein and give it to you, the process
 10 safety management?
 11 MR. GALBRAITH: Objection, form.
 12 A. The team.
 13 Q. (BY MR. WILLIAMS) Their names, if you
 14 will?
 15 A. At the risk of misstating any particular
 16 name, I would prefer to leave it as the Texas City
 17 leadership team at this point.
 18 Q. Sir, we got -- we are about out of tape.
 19 I need those names, and you are going to have to
 20 tell me the names of those people. We are not
 21 going to let you cover it up.
 22 MR. GALBRAITH: Objection --
 23 Q. (BY MR. WILLIAMS) So we will take a
 24 break, and we would like you to be thinking about
 25 those names. Okay?

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1 MR. GALBRAITH: We will take a
 2 break.
 3 THE VIDEOGRAPHER: Off the record
 4 at 11:05 a.m., ending Tape 1.
 5 (Recess taken.)
 6 THE VIDEOGRAPHER: On the record,
 7 11:22 a.m., beginning Tape 2.
 8 Q. (BY MR. WILLIAMS) Mr. Barnes, if you
 9 would, the names of the people that made the
 10 decision to put process safety management in your
 11 hands when they decided to take it away from Norine
 12 Stein?
 13 MR. GALBRAITH: Objection, form.
 14 A. Okay. As I stated before the break, this
 15 team that made the decision was the Texas City site
 16 leadership at the time. As I understand, the Texas
 17 City site leadership team was made up of the MDL
 18 and the functional managers that are in the group
 19 and the site BUL gave final approval to the
 20 transition.
 21 There was never a log taken of any
 22 of the meetings that were conducted during this
 23 particular period of time. So I will attempt to
 24 give you names, but I just wanted to state for the
 25 record that I may not -- some of the individuals I

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1 list may not have been in the room at the time the
 2 specific decision was made, but as a leadership
 3 team, we owned the decision.
 4 So the members that were in the
 5 room at the time were myself, Norine Stein, Walt
 6 Wundrow, Willie Willis, Ken Panozzo, Susan Dio,
 7 Bill Frink, and that's the list to the best of my
 8 recollection at this time.
 9 Q. And did any of -- those are top
 10 management people, right?
 11 A. Those are the site managers within our
 12 system, yes. Or at the time they were, yes.
 13 Q. Did any of the top management at that
 14 meeting stop and say -- ask you about what training
 15 you had with regard to process safety management
 16 before they turned it over to you?
 17 A. Not specifically. They were all very
 18 familiar with my process leadership and background,
 19 but no one asked that specific question.
 20 Q. Do you know if any of them had ever had
 21 any training in process safety management?
 22 A. You would have to ask them directly. I
 23 am not familiar with their specific background.
 24 Q. Had Norine Stein, to your knowledge, ever
 25 had any training in process safety management, any

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1 formal training?
 2 A. I can't truthfully answer that question.
 3 Q. So with regard -- when she did the turn
 4 over of process safety management from the hands of
 5 Norine Stein to the hands of Joe Barnes, did she
 6 give you a document that showed you what the status
 7 was of process safety management?
 8 A. No specific documents were handed over
 9 between Norine and myself.
 10 Q. Did she give you some kind of formal
 11 briefing of, "This is the status of process safety
 12 management, and this is what you need to be doing.
 13 This is where we have our strength. These are our
 14 weaknesses, and these are the priorities that you
 15 need to have"?
 16 A. She did debrief me. We did have a
 17 conversation regarding the individuals that served
 18 in the specific roles within process safety
 19 management. We did talk about the effects of the
 20 Nuco separation and the impending retirement of one
 21 of the members of the process safety management
 22 team. So we did have a conversation regarding the
 23 personnel and the management of the personnel
 24 within that area.
 25 Q. Okay. When process safety management was

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1 turned over to you, did y'all discuss anything
 2 other than the personnel in process safety
 3 management?
 4 A. To the best of my recollection, that --
 5 that was the extent of the conversation.
 6 Q. So she never sat down and made a list for
 7 you of strengths and weaknesses in process safety
 8 management; nor did she give you a list of
 9 priorities with regard to process safety
 10 management, true?
 11 A. That is true.
 12 Q. And what did she say about the people
 13 that -- y'all did have a discussion about the
 14 people. What did she say?
 15 A. She gave me her assessment of the -- of
 16 the performance of the staffing within that area at
 17 the time. She made me aware of those individuals
 18 that might be potentially leaving the area and
 19 employees that might potentially be a good fit for
 20 this board, the process safety management team.
 21 That type of information.
 22 Q. Let's be more specific. Let's put names
 23 with it and what -- let's go from general to
 24 specific.
 25 What did she actually tell you?

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1 A. She gave me a general assessment of Bill
 2 Ralph's performance and his capability as he
 3 worked -- during the period of time that he worked
 4 for her. She was very complementary of Bill's
 5 capabilities and made no recommendations on
 6 removing Bill from his position but was actually
 7 complementary of the work and the leadership that
 8 he was providing in that particular area.
 9 There was one employee that served
 10 as a process safety coordinator of which the group
 11 had four coordinators and one of the individuals
 12 was planning on an impending retirement and she was
 13 very concerned about being able to refill that
 14 position with an equally capable person. She had
 15 some recommendations around an individual that
 16 worked in the chemical plant area for me to follow
 17 up on, and I promptly followed up on her
 18 recommendation.
 19 Q. Who was retiring?
 20 A. The gentleman's first name is Howard; and
 21 I am having difficulty, at this point, remembering
 22 the gentleman's last name.
 23 Q. Who did she ask to -- who did she promote
 24 or recommend that you look into to replace him?
 25 A. She recommended a gentleman by the name

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1 of David Quigley who had worked in a similar
 2 capacity at our BP Chocolate Bayou chemical
 3 facility.
 4 Q. So did you put David Quigley in that job
 5 that was vacated upon the retirement of Howard?
 6 A. Eventually we did.
 7 Q. And this conversation about the personnel
 8 in process safety, how long did it take?
 9 A. I would say the conversation in its
 10 entirety probably lasted the equivalent of two
 11 hours.
 12 Q. So for two hours you talked just about
 13 process safety, to the personnel in process safety?
 14 A. Two hours. I am certain there may have
 15 been some interruptions in the conversation here
 16 and there that drove the length of it; but to my
 17 recollection it was roughly a two-hour conversation
 18 about the personnel, background and current
 19 performance in that area.
 20 Q. At no time during those two hours, did
 21 she tell you what were the strength, the weaknesses
 22 or the priorities with regard to process safety
 23 management other than just talking about the
 24 people, true?
 25 A. That's true.

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1 Q. Did you ask about the priorities or the
 2 strengths or weaknesses of the PSM situation at the
 3 plant?
 4 A. Well, my -- at the time my thought was
 5 that I was going to have a conversation with Bill
 6 Ralph who served as the process safety manager to
 7 get those details and find out if he had any
 8 immediate concerns that I should provide any
 9 support to him. That's all.
 10 Q. A how do you spell Bill's last name?
 11 A. R-a-l-p-h.
 12 Q. And is -- what is -- is he then the
 13 person that -- is he supposed to have expertise in
 14 process safety management?
 15 A. Yes. Yes, he does. Yes, he does.
 16 Q. What is his formal training in the area
 17 of process safety management?
 18 A. At this time I don't have any formal
 19 record or any knowledge of Bill's formal record of
 20 training in process safety management.
 21 Q. Well, what's his degree in?
 22 A. Bill is a chemical engineer -- the only
 23 degree I know of Bill's, at this particular point,
 24 is a chemical engineering degree.
 25 Q. How long had he been in charge of process

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1 safety management at BP when you -- it was
 2 transferred to your care in December of 2004?
 3 A. I can't give you a specific time range,
 4 but I would say it was at least throughout my
 5 tenure as a process superintendent. I think
 6 earlier we said that was about eight years. So
 7 based on that, I ended my tenure in 2000 -- 2005.
 8 So roughly 13 years based on that evaluation.
 9 Q. Is Bill Ralph still in charge of process
 10 safety management?
 11 A. At Texas City refinery, that's correct.
 12 Q. Has anybody new been brought in to
 13 oversee process safety management, to oversee Bill
 14 Ralph?
 15 A. Bill now reports to another HSSE manager.
 16 His name is Paul Kauffman.
 17 Q. Where did he come from?
 18 A. Paul is from the London office. Paul was
 19 at -- well, I will leave it at that.
 20 Q. Well, what's his expertise in process
 21 safety?
 22 A. I don't currently have any specific
 23 knowledge of Paul's background. You would have to
 24 talk with Paul.
 25 Q. He is from the London office of British

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1 Petroleum?
 2 A. That's correct.
 3 Q. Now, were you happy with the way process
 4 safety was going while you were in charge of
 5 process safety at BP?
 6 A. Based on my short timeframe, the two
 7 months or so that I worked with Bill and his team,
 8 I was happy with the members of the team. I was
 9 happy with the performance of the members, the
 10 leadership that they showed, the background, the
 11 experience level that they had.
 12 So I will tell you, as far as the
 13 team itself and the performance of that team, I was
 14 very satisfied with them.
 15 Q. Did the -- when the higher-ups did their
 16 study and produced the final incident report, did
 17 they back up what you had been experiencing, that
 18 you were happy with the process safety management?
 19 A. I read the final report upon its issuance
 20 last week; and as I read it, I did not see any
 21 specific concerns of any of the individual members
 22 of that team within the process safety management
 23 team.
 24 Q. I am trying to be specific. You were
 25 happy with the process -- the way process safety

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1 was going before the explosion, correct?
 2 A. You would have to be a little more -- you
 3 would have to define the question a little more.
 4 There are many facets of process
 5 safety in an operating plant. So if you ask me
 6 specifically about the process safety management
 7 team in Texas City, which includes the process
 8 safety manager which supports the line operations
 9 in process safety and the process safety
 10 coordinators which coordinate and facilitate
 11 process hazard analysis, I was very happy with
 12 the -- with the work level and the work performance
 13 of those individuals.
 14 Q. If they put you in charge of safety again
 15 today, you would keep those same people and do the
 16 same things?
 17 A. Hypothetically speaking, if I did become
 18 HSSE manager, I would -- given the time, I would,
 19 as I would do with any employee, review their work
 20 performance over time, get direct output of their
 21 performance evaluated and evaluate their work
 22 performance and their future in the department
 23 based on my evaluation of their work performance.
 24 Q. Now, you read the final report, the
 25 December 12 report; and I would like to know: How

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1 do you characterize what they said about process
 2 safety? Do you think they gave process safety a
 3 passing grade?
 4 MR. GALBRAITH: Objection, form.
 5 A. As I read and understood the final
 6 report, it did point out a breakdown in two
 7 areas -- well, in one area that you might
 8 specifically tie to process safety and that was the
 9 adherence to procedures in operating a process unit
 10 on the site.
 11 Q. (BY MR. WILLIAMS) Basically the operator
 12 screwed up that day, right?
 13 MR. GALBRAITH: Objection, form.
 14 Q. (BY MR. WILLIAMS) Is that what you are
 15 talking about?
 16 A. Once again, as I stated earlier, I think
 17 as you look at the four causal factors that the
 18 report identifies, there were actually four factors
 19 involved in the overall results of the incident,
 20 one of those being that the personnel in that
 21 operating facility on that date did not adhere to
 22 posted, approved operating procedures.
 23 Q. As you read the final report, did they
 24 give process safety a passing grade?
 25 MR. GALBRAITH: Objection, form.

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1 A. I could not specifically identify -- and
 2 that's a very general question. I would say they
 3 identified a weakness, a breakdown, on March 23rd.
 4 They gave us some guidance as far as some
 5 improvements that could be met.
 6 But I can't -- as I look at the BP
 7 Texas City site, I cannot say that the report that
 8 I read gave process safety management a failing
 9 grade.
 10 Q. (BY MR. WILLIAMS) So as you read the
 11 report, process safety management got a passing
 12 grade as with respect to the March 23rd fire and
 13 explosion, right?
 14 MR. GALBRAITH: Objection, form.
 15 A. Once again, very difficult for me to make
 16 a judgment as far as passing or not passing. I
 17 think there are recommendations within the report
 18 that will help to improve the overall site process
 19 safety performance, but I can't -- I can't here
 20 justify whether or not it dictated a passing or
 21 failing grade.
 22 MR. AMMONS: Objection,
 23 nonresponsive.
 24 Q. (BY MR. WILLIAMS) Well, let's go over
 25 that report a little bit. That report is

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1 exhibit --
 2 (Discussion off the record.)
 3 Q. (BY MR. WILLIAMS) You have it in front
 4 of you. Let's look at what it says about safety.
 5 First of all it says, "Over the
 6 years the working environment had eroded to one
 7 characterized by resistance to change and lacking
 8 of trust, motivation and a sense of purpose."
 9 Does that sound like a safe work
 10 space -- place to you, sir?
 11 MR. GALBRAITH: Objection, form.
 12 A. I couldn't specifically define whether or
 13 not those four points dictate safety culture or
 14 not. I would say certainly four characteristics
 15 that I would think would lead to a lack of safety,
 16 but I would say that statement is very general.
 17 In my experience at Texas City,
 18 there may be pockets that exhibit this and they may
 19 very well have recognized certain pockets; but it
 20 hadn't been my experience that the entire Texas
 21 City site fit that description.
 22 Q. (BY MR. WILLIAMS) It sounds like you are
 23 resistant to change?
 24 MR. GALBRAITH: What is the page
 25 number you are referring to?

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1 MR. WILLIAMS: Wait a minute. I
 2 asked a question.
 3 It's the second page.
 4 MR. GALBRAITH: Second page.
 5 Q. (BY MR. WILLIAMS) It sounds like you are
 6 resistant to change, Mr. Barnes?
 7 A. Absolutely not. I am a proponent to
 8 making continuous improvements. As I stated in my
 9 personal development plan, I want the Texas City
 10 site to be the best it can be at process safety and
 11 if there is any pocket --
 12 Q. Well, then why didn't you read the
 13 regulations, sir?
 14 MR. GALBRAITH: Let him finish.
 15 Let him finish.
 16 You can finish.
 17 A. If there is any pocket of problems as
 18 identified by the report, I want to be involved in
 19 making -- fixing it.
 20 Q. (BY MR. WILLIAMS) They have moved you
 21 pretty quickly out of safety, didn't they?
 22 MR. GALBRAITH: Objection, form.
 23 A. Well, in my opinion, it was very
 24 necessary for us to stabilize the operations areas
 25 of the plant, keeping in mind that this incident

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1 didn't occur in HSSE. It occurred in an operating
 2 area.
 3 MR. WILLIAMS: Objection,
 4 nonresponsive.
 5 Q. (BY MR. WILLIAMS) How long did it take
 6 after this fire and explosion for them to remove
 7 you from being in charge of process safety?
 8 MR. GALBRAITH: Objection, form.
 9 A. The fire and explosion occurred on
 10 March 23rd, and I was reassigned into operations on
 11 May 16th.
 12 Q. (BY MR. WILLIAMS) So how long was that?
 13 Less than 60 days, wasn't it?
 14 A. I will take your word for it.
 15 Q. Well, why did they tell you they were
 16 taking you away from it?
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. WILLIAMS) What was their -- what
 19 was the excuse given to you?
 20 MR. GALBRAITH: Objection, form.
 21 A. The information that I received on the
 22 day I was reassigned was that we -- there was a
 23 great need for us, as we planned our opportunities,
 24 to improve the site and improve operations and
 25 adherence to procedures and all the other

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1 improvements we were making. There was a need to
 2 reduce the amount of span of control within the
 3 operations reigns.
 4 I had a great amount of operations
 5 background; and as I was told, there was a great
 6 trust in my capabilities of going back in
 7 operations and helping out where I could in making
 8 Texas City a safer place.
 9 Q. (BY MR. WILLIAMS) That sounds like
 10 baloney to me, sir.
 11 MR. GALBRAITH: Objection, form.
 12 Q. (BY MR. WILLIAMS) What -- if you were
 13 so -- if you were so dang -- were you -- were you a
 14 good safety manager?
 15 MR. GALBRAITH: Objection, form.
 16 A. In my opinion, I did the job to the best
 17 of my ability within the timeframe that I had it,
 18 yes.
 19 Q. (BY MR. WILLIAMS) Well, if you were so
 20 good, why didn't they keep you there?
 21 MR. GALBRAITH: Objection, form.
 22 A. In my opinion, I was better in
 23 operations. There was a great need to bolster and
 24 fix issues in operations, and so I was given the
 25 great opportunity to move back into operations and

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1 help fix it.
 2 Q. (BY MR. WILLIAMS) Well, wait a minute,
 3 putting emphasis on operations rather than -- if
 4 you were so good, why didn't they keep you there in
 5 the important area of safety?
 6 MR. GALBRAITH: Objection, form.
 7 Q. (BY MR. WILLIAMS) Explain that to us.
 8 MR. GALBRAITH: Objection, form.
 9 A. Could you repeat the question for me?
 10 Q. (BY MR. WILLIAMS) Yeah.
 11 A. I don't think I understand.
 12 Q. If you were such a good manager, why did
 13 they take you out of safety?
 14 MR. GALBRAITH: Objection, form.
 15 A. As I stated before, there was a greater
 16 need in operations to stabilize operations in the
 17 Texas City plant.
 18 Q. (BY MR. WILLIAMS) Could it have been
 19 because you didn't have the training or
 20 qualifications to be in charge of safety?
 21 MR. GALBRAITH: Objection, form.
 22 A. If it was, no one ever explained that --
 23 that criteria to me.
 24 Q. (BY MR. WILLIAMS) Well, did anybody,
 25 before putting you in charge of health and safety,

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1 sit down and analyze and have you list your
 2 expertise in health and safety?
 3 A. I wasn't a part of the conversations or
 4 the analysis that took place. I am assuming that
 5 based on my work performance as a manufacturing and
 6 delivery leader, good performance in safety and
 7 environmental performance and the passion that they
 8 knew I had for making the place a safer place or as
 9 safe a place to work as possible, those were the
 10 criteria utilized to move me in that position.
 11 MR. WILLIAMS: Objection,
 12 nonresponsive.
 13 Q. (BY MR. WILLIAMS) Are you telling this
 14 jury that before they put you in that important
 15 position of manager of safety, nobody ever
 16 interviewed you about your formal training or lack
 17 of formal training on safety?
 18 MR. GALBRAITH: Objection, form.
 19 A. As I have stated before, I am not fully
 20 familiar with the complete evaluation and analysis
 21 that did take place. Don Parus made the offer to
 22 me, so that question would be better suited for Don
 23 Parus.
 24 Q. (BY MR. WILLIAMS) Nope. The question is
 25 for you. Sir, direct question; and I'll ask you

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1 for a direct answer.
 2 Before they offered you the job as
 3 director or head of safety, did anybody take the
 4 time to interview you to realize that you had no
 5 formal training in process safety management and
 6 safety?
 7 MR. GALBRAITH: Objection, form.
 8 A. Once again, I was not involved in the
 9 analysis or the evaluation. I was not interviewed.
 10 I know that there was an approval process that took
 11 place, but I was not directly involved in that
 12 approval process.
 13 Q. (BY MR. WILLIAMS) Nobody ever sat down
 14 and said, "What is your level of expertise, and
 15 what makes you the best candidate?" They didn't do
 16 a job interview where they said, "What makes you
 17 the best candidate? What's your qualifications to
 18 be head of safety?"
 19 They didn't do that, did they,
 20 sir?
 21 MR. GALBRAITH: Objection, form.
 22 A. I never sat in a formal interview to
 23 apply for the job of HSSE manager.
 24 Q. (BY MR. WILLIAMS) And you never sat in
 25 any informal interview for it either, did you,

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1 where they asked for your qualifications? They
 2 just didn't ask, did they?
 3 MR. GALBRAITH: Objection, form.
 4 A. It has been my opinion that there was not
 5 a need to ask. In my performance -- my previous
 6 performance had been apparent.
 7 Q. (BY MR. WILLIAMS) Well, since it was so
 8 apparent, what was it that was -- about your formal
 9 training that I have overlooked because so far,
 10 sir, I have not seen any formal training on hazard
 11 analysis or on process safety management?
 12 MR. GALBRAITH: Objection, form.
 13 Q. (BY MR. WILLIAMS) Tell me what it is.
 14 Let's list it.
 15 MR. GALBRAITH: Objection, form.
 16 A. Well, in my opinion, those were not
 17 requirements to become the HSSE manager at Texas
 18 City. I think it was more --
 19 Q. (BY MR. WILLIAMS) Thank you.
 20 A. It was more of a need to be one that was
 21 passionate about safety and caring about the people
 22 of Texas City, both contractors and BP employees.
 23 Q. Well --
 24 A. And that's, in my opinion, why I was
 25 selected for that job.

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1 Q. Sure.
 2 Did your passion extend to sitting
 3 down and reading the PSM regulations that are set
 4 forth by OSHA that is federal law?
 5 MR. GALBRAITH: Objection, form.
 6 A. At the time that I accepted the HSSE
 7 opportunity, once again, process safety management
 8 was not a part of it. As we transitioned process
 9 safety management into the HSSE arena, I felt like
 10 I was dually qualified to be able to manage that
 11 area.
 12 Q. (BY MR. WILLIAMS) My question more
 13 precisely was: Were you ever passionate enough to
 14 read the regulations?
 15 MR. GALBRAITH: Objection, form.
 16 A. As I became the manager of the area of
 17 process safety management within the Texas City
 18 refinery, I knew and trusted the fact that I had a
 19 process safety manager working for me that had
 20 those qualifications and had that capability.
 21 MR. WILLIAMS: Objection,
 22 nonresponsive.
 23 Q. (BY MR. WILLIAMS) The bottom line, you
 24 claim you were passionate; but you never read the
 25 PSM regulations, did you, Mr. Barnes?

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1 MR. GALBRAITH: Objection, form.
 2 A. I think we have previously --
 3 Q. (BY MR. WILLIAMS) True or false?
 4 A. -- previously established the fact that I
 5 never read the entire OSHA regulations. I was
 6 familiar with those portions of PSM management that
 7 applied to previous superintendent jobs. But no,
 8 at the time I did not see it as being a requirement
 9 of the job of HSSE manager to read the specific PSM
 10 regulations.
 11 Q. Now, the final report found that rules
 12 were not consistently followed. Does that sound
 13 like y'all were doing a good job out there? How do
 14 you spin that?
 15 MR. GALBRAITH: Objection, form.
 16 Still on page 2?
 17 THE WITNESS: Yes.
 18 MR. GALBRAITH: Can you find it in
 19 there?
 20 Q. (BY MR. WILLIAMS) It's right there on
 21 the screen in front of you. How do you spin that?
 22 MR. GALBRAITH: That's
 23 unauthenticated and I don't know if I can find that
 24 again, so I want it on the record.
 25 MR. WILLIAMS: It came right from

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1 your -- you gave it to us, Jim. Don't say it's all
 2 unauthenticated.
 3 MR. GALBRAITH: What's the page
 4 number on the bottom? I -- okay. For the record.
 5 MR. WILLIAMS: Well, is this a
 6 fraudulent document, Mr. Galbraith?
 7 MR. GALBRAITH: Well, I don't know
 8 the one that you're throwing up there on the screen
 9 with marking on it.
 10 MR. WILLIAMS: I got it from you.
 11 MR. GALBRAITH: Whose marks are
 12 those on it?
 13 MR. WILLIAMS: Mine.
 14 MR. GALBRAITH: Okay. Well, I
 15 don't think you would defraud it. I certainly
 16 haven't.
 17 MR. WILLIAMS: Okay. Quit
 18 interrupting then.
 19 MR. GALBRAITH: I am not unduly
 20 interrupted.
 21 MR. WILLIAMS: Yeah, you are.
 22 MR. GALBRAITH: I don't think I
 23 can be accused of that.
 24 MR. WILLIAMS: Yeah, you are.
 25 Okay.

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1 MR. GALBRAITH: Not valid.
 2 Q. (BY MR. WILLIAMS) It says, sir, "There
 3 is a poor level of hazard awareness and
 4 understanding of process safety on the site and
 5 that it resulted in people accepting levels of risk
 6 that are considerably higher than comparable
 7 installations."
 8 Is that a true statement, sir?
 9 A. Once again, I think it's a very broad
 10 statement. I would say that the investigation team
 11 may very well have found evidence amongst the area
 12 in question, the ISOM area. There may have been
 13 other areas within the site. It has been my
 14 experience that -- I know of areas that are very
 15 aware of hazard awareness.
 16 As I mentioned before, every
 17 employee within the site is mandated to receive the
 18 hazard identification training on an annual basis.
 19 So once again, I think that the point is very
 20 broad; but I won't argue or attempt to validate
 21 what the investigation team found when they did
 22 their search within the site.
 23 MR. WILLIAMS: Objection,
 24 nonresponsive.
 25 Q. (BY MR. WILLIAMS) My question, sir,

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1 precisely is: That statement about a poor level of
 2 hazard awareness and understanding of process
 3 safety, was that the site while you were in charge
 4 of it, is that a true statement or not?
 5 A. Once again, I can't argue with what the
 6 investigation team saw. I have seen different
 7 levels of awareness and understanding of process
 8 safety throughout the site and --
 9 Q. True or false? Is it a true or false
 10 statement?
 11 A. I can't give it a true or false.
 12 Q. You are then arguing with what the team
 13 found, aren't you?
 14 A. No, I am --
 15 Q. Do you accept it?
 16 A. I am actually appreciative of their
 17 finding and we will take every action possible in
 18 order to make sure that every employee that works
 19 in the Texas City refinery is fully versed and
 20 fully aware in the future of these issues, but I
 21 will not argue their findings.
 22 Q. Okay.
 23 MR. AMMONS: Objection,
 24 nonresponsive.
 25 Q. (BY MR. WILLIAMS) So you don't argue

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1 their findings. Do you accept their findings,
 2 then, that there was a poor level of hazard
 3 awareness and understanding of process safety on
 4 the site?
 5 A. Once again, it's a very broad statement.
 6 I don't think that particular statement applies to
 7 every employee that works on the BP Texas City
 8 site, but I will accept their recommendation and we
 9 will move forward and improve in that area.
 10 Q. Well, why didn't you do it before these
 11 people died and these people were injured, is my
 12 question, sir?
 13 MR. GALBRAITH: Objection, form.
 14 Q. (BY MR. WILLIAMS) I want your reasons
 15 why it wasn't done before, why people had to die
 16 before y'all focused on this?
 17 MR. GALBRAITH: Objection, form.
 18 A. Based on what we knew -- what I knew at
 19 the time on March 23rd, I was not aware that our
 20 employees were not aware of hazards and not
 21 understanding of their role in process safety. And
 22 so at the time we made decisions based on what we
 23 knew.
 24 Based on the learnings that we
 25 have now been able to achieve from this very tragic

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1 incident, Texas City will improve.
 2 Q. (BY MR. WILLIAMS) Well, why didn't you
 3 know it beforehand? I mean, you -- I keep getting
 4 a bunch of words, but I am not quite sure what the
 5 reason is why you and your team weren't aware of
 6 these problems beforehand.
 7 MR. GALBRAITH: Object --
 8 Q. (BY MR. WILLIAMS) What's the reason,
 9 sir?
 10 MR. GALBRAITH: Objection, form.
 11 A. On my behalf, I think it was due to the
 12 level of a lack of experience in recognizing
 13 problems around this. As I think of it, we had
 14 never had an incident of this nature in the Texas
 15 City refinery, one this far -- of this magnitude
 16 that would have pointed to the statement that the
 17 investigation team had.
 18 We have now learned a great deal
 19 from what occurred. And once again, I accept their
 20 statement; and I commit to making Texas City a
 21 better place as a result.
 22 MR. WILLIAMS: Nonresponsive
 23 objection.
 24 Q. (BY MR. WILLIAMS) Let me ask you this:
 25 Did you see on page 163 of that same document, now

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1 you in -- putting it in a business context, and you
 2 want to be a business leader, don't you, there?
 3 You want to be a business unit
 4 leader, right? That's your goal?
 5 A. My -- as stated in my personal
 6 development plan, my career aspiration was to
 7 achieve a business unit leader position.
 8 Q. And y'all call that a "BUL"?
 9 A. That's correct.
 10 Q. Okay. And that's what you wanted to be
 11 was a BUL, right?
 12 A. I still have that same aspiration.
 13 Q. And if we put it in business context here
 14 as explained by the committee, that what happened
 15 was people were focused on the environment and
 16 personal safety, not process safety.
 17 Do you accept that finding, sir?
 18 A. I accept the finding that on the day of
 19 March 23rd, on the ISOM unit, people may not have
 20 been fully cognizant of process safety on that --
 21 on that particular facility.
 22 Q. They found that there was little
 23 ownership of the PSM through the line organization.
 24 Do you accept that statement, sir?
 25 A. I accept it, and I plan to do my part to

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1 improve it.
 2 Q. Do you accept the statement that the
 3 development of people was a low priority with
 4 inadequate training?
 5 A. Once again, I have a bit of trouble if
 6 you paint that -- make that statement about the
 7 entire Texas City site. I think it is an area that
 8 requires some investigation and some -- definitely
 9 some improvement. There is always room for
 10 improvement in training and development, and so we
 11 will make that.
 12 Once again, as I read the
 13 investigation report, the operators that were
 14 involved in this process were considered to be
 15 trained and current on their training. So...
 16 Q. You keep talking about the operators on
 17 this deal. What role did management have in the
 18 deaths of these 15 people and the serious injuries
 19 to hundreds of others?
 20 MR. GALBRAITH: Objection, form.
 21 A. I would say general management is
 22 responsible for the training of our people for
 23 general process safety performance of the entire
 24 site. So as a member of the management team, I
 25 take full responsibility for the events that have

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1 taken place and also responsibility for the
 2 improvement that will take place from this point
 3 forward.
 4 Q. (BY MR. WILLIAMS) Mr. Barnes, I just
 5 heard you say under oath that you take full
 6 responsibility for the March 23rd explosion, true?
 7 MR. GALBRAITH: Objection, form.
 8 A. I will repeat the comments that Lord John
 9 Browne made the day after the incident, that we at
 10 Texas City and at BP accept responsibility for the
 11 events and the incident, the tragic incident and we
 12 will do our level -- our very best in order to make
 13 sure that those events don't occur again.
 14 Q. (BY MR. WILLIAMS) So BP was negligent
 15 that -- on March 23rd and that negligence of BP
 16 proximately caused the fire and explosion, true?
 17 MR. GALBRAITH: Objection, form.
 18 A. I didn't say negligent, and I am not sure
 19 if I could define negligent in the context in which
 20 you just -- the word.
 21 Q. (BY MR. WILLIAMS) It sounds like you are
 22 accepting responsibility only up until it hurts
 23 you?
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. WILLIAMS) Let's go to another

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1 subject.
 2 MR. GALBRAITH: Objection, form.
 3 Q. (BY MR. WILLIAMS) Risk awareness, did
 4 y'all think you were doing a good job of risk
 5 awareness before the explosion?
 6 A. Actually we in HS -- in becoming a part
 7 of the HSSE team, we had actually defined or
 8 evaluated that risk awareness was an area that we
 9 wanted to improve. So we had already started
 10 planning to do more training around the area of
 11 risk awareness.
 12 Since the incident, that -- what
 13 we had already started around developing specific
 14 training for our employees around risk awareness
 15 has been added to our management plan around
 16 improvements that will be made in Texas City. So
 17 it's actually something that we had identified as a
 18 need for improvement. We are taking steps around
 19 it.
 20 We have conducted a front-line
 21 leader training session during the months of
 22 November and December to raise the awareness level
 23 around risk, risk identification and what the
 24 potential consequences could be. So I feel it's
 25 something that we have recognized. We have started

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1 working on, and we will continue to work on to
 2 improve Texas City.
 3 MR. WILLIAMS: Objection,
 4 nonresponsive.
 5 Q. (BY MR. WILLIAMS) As of March 23rd,
 6 19 -- excuse me, March 23rd, 2005, were y'all doing
 7 a good job with regard to risk awareness?
 8 A. It's very difficult for me to describe
 9 whether or not we were doing a good job or not. It
 10 is an area that we wanted to improve. It's very
 11 difficult to put a -- give it a grade or a firm
 12 description of that nature.
 13 Q. You recognized it as a problem area,
 14 didn't you?
 15 A. I recognized it as an area that we
 16 should, once again, continuously attempt to
 17 improve.
 18 Q. Okay. So let's see how far you had
 19 gotten with regard to risk awareness, see what the
 20 management team says.
 21 The management team says on
 22 page 139 -- or the investigation team, that there
 23 was a "Poor understanding of risk is also reflected
 24 in some of the process hazard analyses including
 25 HAZOP studies and the MAR assessment. A poor

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1 understanding of risk."
 2 What does "poor understanding of
 3 risk" mean to you, sir?
 4 MR. GALBRAITH: Objection, form.
 5 A. Give me a minute here. I am trying to
 6 read in some of the additional context that
 7 describes what they meant by "poor understanding."
 8 Q. (BY MR. WILLIAMS) We will go over some
 9 more of it. I promise you.
 10 A. (Examines document.)
 11 Q. Have you read it now?
 12 A. Yes.
 13 Q. What's your answer? My question -- I
 14 will repeat it.
 15 Is what is your -- what do you --
 16 your understanding of what they meant when they
 17 said there is a "poor understanding of risk"?
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. WILLIAMS) What does that mean to
 20 you?
 21 A. Well, as stated, it appears to mean that
 22 there was a need for improvement in our capability
 23 of identifying risk in future process hazard
 24 analysis.
 25 Q. Well, did you recognize that there was a

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1 poor understanding of risk? Had you, as the
 2 manager of that area, recognized that there was a
 3 poor understanding of risk as of the date of the
 4 explosion?
 5 A. Not within the two-month timeframe that I
 6 managed that area.
 7 Q. Now, they have referred to the PHAs,
 8 HAZOP studies and the MAR assessment.
 9 What's the MAR assessment?
 10 A. I am not fully familiar with that
 11 document.
 12 Q. Were you familiar with it at all?
 13 A. No, I have never reviewed that document.
 14 Q. Do you know what it is?
 15 A. I know it's -- I am familiar with the --
 16 generally familiar with the process. It's a BP
 17 process to identify major opportunities for risk or
 18 major accident risk, but I am not familiar with the
 19 assessment that was done in Texas City.
 20 Q. Did you ever read the MAR's document?
 21 A. No, I did not.
 22 Q. Did you ever read the process hazard
 23 analysis that was done on the ISOM unit?
 24 A. No, I did not.
 25 Q. Was it ever revalidated?

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1 A. As I have read the final report, yes, it
 2 was; but I was not part of that process.
 3 Q. In fact, they did a process hazard
 4 analysis in 1993 and revalidated it five years
 5 later in '98, revalidated it five years in 2003 and
 6 they did a MARs report.
 7 And as we sit here today, you have
 8 never read any of those analyses or reports, true?
 9 A. That's correct.
 10 Q. It sends a real message to everybody
 11 about how important they are, doesn't it?
 12 MR. GALBRAITH: Objection, form.
 13 A. Not in my opinion.
 14 Q. (BY MR. WILLIAMS) Well, if the head of
 15 safety sticks -- those things stick in a drawer and
 16 the head of safety never reads the major accident
 17 risk report and never reads the PHEs -- or PHAs,
 18 explain to me how that sends a message to the rest
 19 of the people at the plant about the importance of
 20 these documents and the importance of process
 21 safety?
 22 MR. GALBRAITH: Objection --
 23 Q. (BY MR. WILLIAMS) Justify it for me,
 24 sir.
 25 MR. GALBRAITH: Objection, form.

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1 A. I feel confident in my full expectation
 2 of the safety -- process safety management team,
 3 including the process safety manager that worked
 4 for me and the process safety coordinators was that
 5 they -- part of their responsibility was to be
 6 fully familiar with the results of those documents
 7 and to manage the recommendations and the path
 8 forward in those areas.

9 My job was to manage that group
 10 and make sure that we had the right people in place
 11 and they had all the tools and information that
 12 they needed to do their jobs, but my expectation
 13 was that they were responsible for the outcome and
 14 output of those documents.

15 Q. (BY MR. WILLIAMS) Well, wait a minute.
 16 Did you ever verify with them? Did you ever pull
 17 out these documents and verify with them, "Let's go
 18 through these documents and let's see if they were
 19 done right"?

20 A. Not within the two-month timeframe that I
 21 had PSM in my area.

22 Q. Right.

23 And we have established that they
 24 turned it over to you; and you had had no formal
 25 training on hazard analysis with regard to process

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1 hazard analysis, right?

2 MR. GALBRAITH: Object to form.

3 A. We have established that I never attended
 4 a formal training class on process hazard analysis.

5 Q. (BY MR. WILLIAMS) You know, in fact,
 6 when you go to the next page, page 140, it says
 7 that these PHAs failed. There were two
 8 contributory factors for the poor
 9 identifications -- identification of risk in these
 10 studies, and it goes down to say that, "Team
 11 members had no training or motivation."

12 Are those the team members that
 13 you were relying on, sir, the ones that they found
 14 had no training or no motivation?

15 A. I am not familiar with which team members
 16 they are referring to in this framework. Keeping
 17 in mind, I am not positive if they are referring to
 18 the team members that participated in the last
 19 revalidation of the ISOM. I am not familiar with
 20 who those team members were.

21 Q. It goes on to say that, "There were no
 22 plans to systematically reduce safety risks in the
 23 refinery."

24 Do you accept that, sir?

25 A. In general, no, I don't.

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1 Q. So these guys didn't know -- when they
 2 made these statement, were they misinformed or were
 3 they trying to mislead us or are you being kind of,
 4 as they said on page 2, hard to change their mind?

5 MR. GALBRAITH: Objection, form.

6 A. No. I think what the group -- once
 7 again, I won't argue with what the group saw or
 8 what the investigation team saw or heard when they
 9 went out to talk with individuals about this
 10 incident. I would say there were a number of
 11 proactive measurements that we were taking in the
 12 Texas City refinery even during my -- my short
 13 tenure in HSSE. They were actually making good
 14 headway and improving -- improving safety.

15 MR. WILLIAMS: Objection,
 16 nonresponsive.

17 Q. (BY MR. WILLIAMS) So as we sit here
 18 today, will you accept that sentence, "There were
 19 no plans to systematically reduce safety risks in
 20 the refinery"? Is that a true statement or a false
 21 statement by the -- by Mr. Mogford's team?

22 A. I would say that statement was put
 23 together based on the best of the team's ability
 24 and what they heard and what they sensed when they
 25 went out, but I can tell you that there was a

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1 safety plan that the HSSE team and I had developed
 2 that was actively in place. We had gotten started.
 3 We had taken several steps, and the results were
 4 apparent. Safety had --

5 Q. The results were apparent, sir --

6 MR. GALBRAITH: Objection, form.

7 Q. (BY MR. WILLIAMS) -- on March 23rd,
 8 weren't they?

9 MR. GALBRAITH: Let him finish.
 10 Were you finished?

11 A. I was going to point out the fact that on
 12 the morning of March 23rd, the OSHA rate for
 13 employee personal safety, including both BP and
 14 contractor employees within site, was at its lowest
 15 level in Texas City refinery history.

16 Q. (BY MR. WILLIAMS) What in the world does
 17 that have to do with process safety?

18 Do you -- sir, employee -- y'all
 19 track when people get hurt by tripping or falling,
 20 right?

21 A. We record all -- all incidents,
 22 regardless of nature and regardless of the severity
 23 of injury.

24 Q. And y'all were really working hard on
 25 those kind of things, like people using the right

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1 ladders and using the right way to pick things up
 2 and not using -- talking on cell phones while they
 3 were driving. Y'all were focused on that, weren't
 4 you?
 5 A. We were more focused on changing the
 6 underlining safety culture of Texas City.
 7 Q. Because it was in disarray, wasn't it?
 8 A. I wouldn't call it disarray. The
 9 safety -- the individual personal safety
 10 performance of Texas City had actually improved
 11 quite dramatically over the last five years.
 12 We took a step change between
 13 September of 2004 and the morning of March 23rd to
 14 the point that the morning of March 23rd, the OSHA
 15 rating in Texas City was the lowest ever recorded
 16 at a .35. So --
 17 Q. Well, then --
 18 A. So there was improvement.
 19 Q. You are talking about people -- you are
 20 talking about personal stuff like wearing your hard
 21 hat and wearing your goggles, right?
 22 A. I am talking about in all aspects of
 23 safety.
 24 Q. Okay. Well, let's talk about all
 25 aspects.

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1 How many deaths had there been at
 2 that plant in the time that you have been at that
 3 plant?
 4 A. I know as a fact that over the last
 5 30 years there have been 22 fatalities on the Texas
 6 City site.
 7 Q. Including the 15 on March 23rd?
 8 A. No. This is before March 23rd.
 9 Q. Well, then why don't you tell us the
 10 whole truth.
 11 How many fatalities have been in
 12 that site over the last 30 years? Let's not ignore
 13 those 15. How many?
 14 A. Based on the -- my knowledge of the 22
 15 fatalities that had taken place before
 16 March 23rd and the 15 fatalities that took place on
 17 March 23rd, that would total 37. 37 fatalities.
 18 Q. Does that perhaps explain that the
 19 management and the workforce appeared to tolerate a
 20 high level of risk? Does 32 -- does that many
 21 deaths perhaps explain why -- or excuse me. Let me
 22 start over. New question.
 23 Does this finding that management
 24 appeared to tolerate high levels of risk, sir, does
 25 that explain the 37 deaths at that plant?

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1 MR. GALBRAITH: Objection, form.
 2 A. I would say in general the higher level
 3 of risk acceptance could lead to a higher level of
 4 incident, whether it be process or personal injury.
 5 Q. (BY MR. WILLIAMS) Do you see where it
 6 says, "Site management did not appear to be focused
 7 on understanding and reducing the highest risk."
 8 Do you see that?
 9 A. That statement seems to be qualified by
 10 the phrase "did not appear."
 11 Q. Right. Now --
 12 A. I would say that the site management that
 13 I knew over the 20 years that I have been an
 14 employee of BP took care of every major risk that
 15 we knew of or that we identified as being a
 16 potential hazard to our employees. In this
 17 particular case, we have now recognized that there
 18 was a gap in that -- a gap there, something that
 19 was not picked up.
 20 But I would say my experience has
 21 been we take care of those issues that we know have
 22 the potential for creating harm to employees.
 23 Q. That's not what this -- what this report
 24 says. The report says to the contrary. There was
 25 a general inability to even see key process risks

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1 and both management and the workforce appeared to
 2 routinely tolerate a high level of risk, that this
 3 was largely due to poor hazard risk identification
 4 skills throughout management and the workforce
 5 exacerbated by a poor understanding of process
 6 safety.
 7 Now, sir, that is a direct slap at
 8 you, isn't it, because you were the man that was in
 9 charge of process safety?
 10 MR. GALBRAITH: Objection, form.
 11 A. I wouldn't term it as a direct slap on
 12 me.
 13 Q. (BY MR. WILLIAMS) Okay. Well --
 14 A. I think that --
 15 Q. -- who is the management, sir, when they
 16 talk about --
 17 MR. GALBRAITH: Let him finish.
 18 MR. WILLIAMS: He finished.
 19 MR. GALBRAITH: No, he did not
 20 finish.
 21 MR. WILLIAMS: Well, he is just
 22 making speeches.
 23 Q. (BY MR. WILLIAMS) If you want to go
 24 ahead and make a speech, go ahead and make a
 25 speech.

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1 MR. GALBRAITH: You don't listen
 2 to his sidebar comments either.
 3 A. You asked my opinion.
 4 Q. (BY MR. WILLIAMS) No, I didn't, sir. I
 5 asked you --
 6 A. You --
 7 Q. -- a specific question, and I am not
 8 asking you your opinion.
 9 And if you want to keep making
 10 speeches, I am going to -- I am going to object and
 11 we are going to do this a real hard way.
 12 MR. GALBRAITH: Just --
 13 Q. (BY MR. WILLIAMS) The process here, sir,
 14 is that you answer the question; and you don't get
 15 to make speeches.
 16 MR. GALBRAITH: But give your
 17 complete answer.
 18 Q. (BY MR. WILLIAMS) This man at the end of
 19 this can ask you questions for days and you can
 20 make all the speeches you want, but today you are
 21 going to answer my questions. And if you want to
 22 make speeches, save it for somebody in the future.
 23 Okay?
 24 MR. GALBRAITH: But give your
 25 answer. You have a right to give your full and

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1 complete answer.
 2 Q. (BY MR. WILLIAMS) Now what answer --
 3 MR. GALBRAITH: You have a right
 4 to that.
 5 MR. WILLIAMS: That's right.
 6 MR. GALBRAITH: And his speeches
 7 can't interfere with that.
 8 Q. (BY MR. WILLIAMS) But you have to answer
 9 the question and if you want to give speeches, I am
 10 going to stop you and it's going to be difficult.
 11 A. That's fine.
 12 MR. GALBRAITH: Do you remember
 13 the --
 14 A. My -- my answer was I did not consider it
 15 to be a slap in my face.
 16 Q. (BY MR. WILLIAMS) Thank you.
 17 Okay. Now, they say that this was
 18 largely due to poor hazard risk identification
 19 skills throughout management. You were part of
 20 that management. In fact, you were the top person
 21 and manager in charge of this, right?
 22 MR. GALBRAITH: Objection, form.
 23 A. I was the manager of HSSE. Every manager
 24 on site has a responsibility around process hazard,
 25 process hazard identification.

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1 Q. (BY MR. WILLIAMS) And it says, "It is
 2 exacerbated by a poor understanding of process
 3 safety."
 4 Did you think you had a good
 5 understanding of process safety?
 6 A. Yes, I do.
 7 Q. Even though you had never had any
 8 training in process safety and never read the
 9 process safety regs, you thought you had a good
 10 understanding of process safety, right?
 11 A. Exactly.
 12 MR. GALBRAITH: Objection, form.
 13 A. Yes, I did.
 14 Q. (BY MR. WILLIAMS) Did you read this
 15 report?
 16 A. Yes, I did.
 17 Q. Did you read where it says that,
 18 "Employees generally appeared unconcerned as fires
 19 were considered commonplace and a fact of life in
 20 the refinery."
 21 Did you read that?
 22 A. I read the report.
 23 Q. There were numerous fires in that
 24 refinery, weren't there?
 25 MR. GALBRAITH: Objection, form.

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1 A. There have been fires that have occurred
 2 within the Texas City refinery.
 3 Q. (BY MR. WILLIAMS) And if we look at
 4 another page, page 142 of this report, it says that
 5 local practices were not followed and enforced.
 6 And look at this sentence. Can
 7 you read this last sentence to the jury, please?
 8 Can you read it out loud to the jury?
 9 A. Am I required to do so?
 10 Q. If you would please, sir.
 11 MR. GALBRAITH: If you can.
 12 A. "Process safety did not appear to be a
 13 priority."
 14 Q. (BY MR. WILLIAMS) Do you accept that,
 15 sir, that finding?
 16 A. I accept and I respect the findings of
 17 the investigation team; and as I stated before, I
 18 commit to making the necessary improvements.
 19 Q. Why was process safety not a priority
 20 before the deaths and injuries?
 21 MR. GALBRAITH: Objection, form.
 22 A. As I stated, I accept the opinion and the
 23 result of the investigation.
 24 Q. (BY MR. WILLIAMS) Let me go to another
 25 area real quick.

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1 Did you ever read the Telos
 2 report?
 3 A. Yes, I did.
 4 MR. GALBRAITH: Is this a good
 5 time for a break before we get into the Telos
 6 report?
 7 MR. WILLIAMS: It would be.
 8 THE VIDEOGRAPHER: Off the record
 9 at 12:24 p.m., ending Tape 2.
 10 (Lunch recess taken.)
 11 THE VIDEOGRAPHER: On the record
 12 1:22 p.m., beginning Tape 3.
 13 Q. (BY MR. WILLIAMS) As director of HSSE,
 14 that included environmental?
 15 A. That's correct.
 16 Q. Did you ever read the EPA regs on
 17 environmental?
 18 A. No, I --
 19 MR. GALBRAITH: Objection, form.
 20 A. No, I did not.
 21 Q. (BY MR. WILLIAMS) Do you know whether or
 22 not the EPA regs on environmental even include a
 23 part on accident prevention and risk management?
 24 A. I am not completely familiar with the
 25 components of the reg.

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1 Q. When you handed off the reigns of health,
 2 safety to someone else, who did you hand it off to?
 3 A. To Paul Kauffman.
 4 Q. And did you sit down and brief Paul
 5 Kauffman on the status of things?
 6 A. Yes, I did.
 7 Q. And what did you tell Paul Kauffman about
 8 the status of process safety management?
 9 A. This conversation took place roughly a
 10 week after the official transition date took place.
 11 So roughly, March -- May 23rd. I am sorry.
 12 At the time I had actually
 13 requested an additional process safety manager to
 14 come in to support Bill Ralph during the onset of
 15 the investigation phase and with support of the
 16 environmental agencies and OSHA that had actually
 17 come into the plant at that point to start their
 18 investigations. So at the time I gave Paul a
 19 rundown of where we stood in our support and our
 20 relationship with the government agencies and the
 21 onset of the investigation work that was taking
 22 place in Texas City.
 23 Q. Well, what did you tell him about --
 24 specifically what did you tell your replacement
 25 about process safety, that it was -- that y'all had

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1 a good plant in place or that you had good
 2 personnel or that it was a problem area?
 3 A. The focus --
 4 MR. GALBRAITH: Objection, form.
 5 A. The focus at the time was on the support
 6 of the investigation and the support of the
 7 government regulatory bodies that were in the
 8 plant. So as I remember the conversation, it was
 9 specifically about what needed to take place over
 10 the course of the near future in order to support
 11 that work. There was no other conversation
 12 regarding the status of process safety at that
 13 time.
 14 Q. (BY MR. WILLIAMS) So to sum it up, it's
 15 true that you had no specific conversation with
 16 your replacement about the status of process safety
 17 when you were relieved and he took over?
 18 A. Specifically the conversation was around
 19 process safety -- the process safety management
 20 team's support of the site following the -- our
 21 recovery from the -- from the tragic incident.
 22 Q. But you have never sat down with your
 23 replacement and said, "This is the status of
 24 process safety. It's doing well. I've got good
 25 people. We are proud of our performance" or "It's

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1 horrible. You know we just blew up the plant
 2 because of lack of process safety"?
 3 You never really debriefed your
 4 successor on where you were on process safety, did
 5 you, sir?
 6 MR. GALBRAITH: Objection, form.
 7 A. To the contrary. Paul actually served as
 8 the HSSE convenor for our -- for the refining and
 9 marketing area, so I remain in constant contact
 10 with Paul even throughout my tenure before he
 11 became the HSSE manager. So Paul was as familiar
 12 as I with the current status, the incident, the
 13 details around what we knew of the incident at the
 14 time. So I didn't see a specific need at that time
 15 to inform him.
 16 I did give Paul a document at the
 17 time that gave details as far as my perception over
 18 the two-month period of my direct report of Bill
 19 Ralph's performance and I gave him a listing of all
 20 the current projects and safety plans and the
 21 initiatives that we had developed during my tenure
 22 as HSSE manager.
 23 MR. WILLIAMS: Objection,
 24 nonresponsive.
 25 Q. (BY MR. WILLIAMS) I believe I heard you

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1 just say that you did not have a specific
 2 conversation with your replacement about the status
 3 of process safety management, true?
 4 MR. GALBRAITH: Objection to form.
 5 A. Once again, I had a conversation around
 6 specific details of process safety management but
 7 not process safety management in general. Just
 8 specific details that I thought he needed to start
 9 the job at the time.
 10 Q. (BY MR. WILLIAMS) And those details
 11 related to the explosion, what was going on post
 12 explosion, correct?
 13 A. That's correct.
 14 Q. You never gave him any details about the
 15 status of the PSM, process safety management plan,
 16 did you?
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. WILLIAMS) If there was one.
 19 A. No, I did not.
 20 Q. Now --
 21 (Discussion off the record.)
 22 (Exhibit Number 23 marked for
 23 identification.)
 24 Q. (BY MR. WILLIAMS) I have here, sir, an
 25 e-mail that is Exhibit 23; and it appears to me to

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1 be an e-mail from you, Joe Barnes, to Kathleen
 2 Lucas dated May 27th of 2005.
 3 Do you remember sending that
 4 e-mail?
 5 A. Yes, I do.
 6 Q. And it says, "Subject for the record."
 7 And if we go on to look at that
 8 e-mail -- or let me hand you that copy and we will
 9 use -- so you will have it in front of you, sir,
 10 and I have a highlighted copy we will use here.
 11 It says, quote, Kathleen, I am not
 12 completely sure why I have been moved from the HSSE
 13 job back into operations.
 14 Now, you told me today you gave me
 15 a reason that they moved you back. You said that
 16 they needed you in operations, right?
 17 A. That's the information that I had been
 18 given, yes.
 19 Q. Well, back in May you said, "I am not
 20 sure," right?
 21 A. Yes. This letter actually generated some
 22 additional conversation and --
 23 Q. We will get to that.
 24 A. -- I received a full explanation.
 25 Q. It says here, "It's been embarrassing

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1 from the standpoint that the site was not
 2 communicated to about the intent, and their
 3 impression is that I am being disciplined for my
 4 part in the ISOM incident."
 5 Those were your words?
 6 A. That's correct.
 7 Q. It says, "In all honesty, I was named to
 8 the position in September," but if we go and look,
 9 now it says, "I essentially started full-time at
 10 HSSE in December," correct?
 11 A. That's what it says.
 12 Q. Well, didn't you testify earlier that you
 13 started in -- full-time in September?
 14 A. I accepted the position and started the
 15 job in September of 2004.
 16 Q. Well, sir, you testified under oath you
 17 started the job in September. You wrote in an
 18 e-mail that you essentially didn't start full-time
 19 until December.
 20 Which one's the true fact?
 21 MR. GALBRAITH: Objection, form.
 22 A. I didn't state this morning that I had
 23 started full-time in September. I just said I
 24 accepted the position. I started the job in
 25 September of 2004.

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1 Q. (BY MR. WILLIAMS) Sir, you are under
 2 oath. So were you playing games with me earlier?
 3 MR. GALBRAITH: Objection, form.
 4 A. I became the HSSE manager in September of
 5 2004. Through a course of events that took place
 6 in the refinery, I was also asked to take on some
 7 additional duties during that time of which all
 8 were related to safety. In 2000 --
 9 Q. (BY MR. WILLIAMS) Here's my question,
 10 sir: Essentially when did you start the safety
 11 position full-time? Was it September as you have
 12 testified this morning, or was it December as you
 13 wrote to your boss?
 14 MR. GALBRAITH: Objection, form.
 15 Q. (BY MR. WILLIAMS) Which one?
 16 MR. GALBRAITH: Objection, form.
 17 A. Yeah, we would have to define
 18 "essentially full-time."
 19 Q. (BY MR. WILLIAMS) Well, you define it.
 20 Come on. Let's don't play games.
 21 A. In my terms and my definition, I became
 22 the HSSE manager in September of 2004. In addition
 23 to doing my HSSE responsibilities, I was also asked
 24 to participate in a couple of other
 25 responsibilities.

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1 Q. Are you a straight shooter, sir?
 2 A. I certainly am.
 3 Q. Shoot straight with me. When did you
 4 take on full-time the job of safety person at this
 5 plant? Was it in September or December?
 6 A. September.
 7 Q. But -- well, why did you claim to your
 8 boss that it wasn't until December? Were you
 9 trying to mislead her?
 10 MR. GALBRAITH: Objection, form.
 11 A. Not at all.
 12 Q. (BY MR. WILLIAMS) Read for me what you
 13 said. "I essentially started full-time at HSSE,"
 14 and read for me what month you said back then.
 15 A. "I essentially started full-time in HSSE
 16 in December of 2004."
 17 Q. So, I mean, why did you -- why did you
 18 tell her it was December, and now you testify under
 19 oath it was September. I don't understand this.
 20 MR. GALBRAITH: Objection, form.
 21 A. Quite frankly, I became the HSSE -- HSSE
 22 manager in September. I was given two additional
 23 assignments between September and December of which
 24 I completed while serving as the HSSE manager. I
 25 completed both of those objectives before December

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1 and became -- I was able to completely focus all of
 2 my attention to the HSSE area in December of 2004.
 3 Q. (BY MR. WILLIAMS) There we go. There is
 4 my point. Between September and December of 2004,
 5 you had other duties put on your plate; and you
 6 were unable to put a hundred percent of your time
 7 on HSSE, true?
 8 A. That's true with a caveat that I had a
 9 very experienced staff that worked for me in the
 10 areas of health, safety, security and
 11 environmental.
 12 Q. Wait a minute. Is it the staff that the
 13 final report said was incompetent?
 14 MR. GALBRAITH: Objection, form.
 15 Q. (BY MR. WILLIAMS) That same staff?
 16 MR. GALBRAITH: Objection, form.
 17 A. Once again, I mentioned this morning I am
 18 not sure which staff the investigation pointed to.
 19 Q. (BY MR. WILLIAMS) Yeah. Did you ask
 20 them?
 21 A. I haven't had the chance to raise the
 22 question. I just received a copy of the report on
 23 Friday.
 24 Q. You are a trained investigator. They
 25 didn't ask you to help investigate, did they?

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1 A. Normally you wouldn't have a --
 2 Q. Did they?
 3 A. -- member of the management team
 4 participate in an investigation of this nature --
 5 Q. No.
 6 A. -- at the site of the incident.
 7 Q. Well, what did they put on your plate
 8 that distracted you from putting a hundred percent
 9 of your attention on HSSE between September and
 10 December? What was so important that they had to
 11 take you away from focusing on HSSE a hundred
 12 percent?
 13 MR. GALBRAITH: Objection, form.
 14 A. There were two objectives that I worked
 15 on during that period of time. The first was in
 16 early September the site experienced another tragic
 17 fatality at our ultraformer 3 unit. At the time I
 18 was asked to support the operations in the west
 19 plant area to help the existing MDL as he supported
 20 the families of the individuals who were hurt in
 21 that incident.
 22 During that period of time, we
 23 also experienced the Nuco asset separation in the
 24 Texas City site and so with that came a need to
 25 reorganize -- reorganize the site in Texas City as

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1 a part of the split of the Nuco assets from the
 2 Texas City refinery assets. And so I spent an
 3 amount of time working on those issues; but
 4 throughout that process, I continued to carefully
 5 watch over the actions that were taking place in
 6 HSSE and --
 7 Q. (BY MR. WILLIAMS) Wait a minute, sir.
 8 You had -- did you devote a hundred per time -- a
 9 hundred percent of your time to HSSE between
 10 September and December, 2004?
 11 A. No, I did not; but I had adequate persons
 12 step up for me.
 13 MR. WILLIAMS: Object to the last
 14 part as being nonresponsive.
 15 Q. (BY MR. WILLIAMS) I am going to ask you
 16 again. Just answer the question. You don't need
 17 to argue your case, sir.
 18 MR. GALBRAITH: But he has a right
 19 to his full and complete answer.
 20 Q. (BY MR. WILLIAMS) Between September of
 21 2004 and December of 2004, did you, Joe Barnes,
 22 devote 100 percent of your time to HSSE?
 23 A. I did not devote 100 percent of my time
 24 to HSSE matters, but I had adequate back up to
 25 cover for me during that time.

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1 Q. Oh, we will debate whether or not they
 2 were adequate back up, won't we?
 3 In fact, did the -- did the final
 4 report show that those people were adequate? Show
 5 me where it says that they were adequate, sir.
 6 MR. GALBRAITH: Objection, form.
 7 A. I didn't see where it said any member of
 8 my team was inadequate at that time.
 9 Q. (BY MR. WILLIAMS) You are kidding me.
 10 You read that report and you didn't see where it
 11 deemed your team for being ineffective and not even
 12 have enough sense to identify hazards and for
 13 accepting unreasonably high hazards? You didn't
 14 see that part, sir?
 15 MR. GALBRAITH: Objection, form.
 16 A. I didn't see anything in the report that
 17 indicated any member of my HSSE team was inadequate
 18 or did not fulfill their job duties.
 19 Q. (BY MR. WILLIAMS) Oh, come on, sir.
 20 MR. GALBRAITH: Objection, form.
 21 Q. (BY MR. WILLIAMS) You think that report
 22 gave you a passing -- your HSSE team a passing
 23 grade on process safety?
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. WILLIAMS) Is that what you want

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1 us to believe, Mr. Barnes?
 2 MR. GALBRAITH: Objection, form.
 3 A. Once again, during -- between the months
 4 of September and December, process safety --
 5 Q. (BY MR. WILLIAMS) Focus on the question,
 6 Mr. Barnes.
 7 MR. GALBRAITH: Let him answer.
 8 MR. WILLIAMS: No, he is not
 9 answering the question.
 10 MR. GALBRAITH: That's the rules.
 11 Q. (BY MR. WILLIAMS) But he is not focusing
 12 on the question; and I am going to be brutal until
 13 you focus on the question, Mr. Barnes. I know you
 14 have been coached to avoid tough questions.
 15 MR. GALBRAITH: You don't know
 16 that at all.
 17 Q. (BY MR. WILLIAMS) Sir, let me ask you
 18 that: Why are you not answering direct questions
 19 directly? Have you been coached to answer them not
 20 directly?
 21 MR. GALBRAITH: Don't answer that.
 22 Q. (BY MR. WILLIAMS) Is it just your style
 23 to avoid a direct question and a direct answer?
 24 MR. GALBRAITH: Objection, form.
 25 Q. (BY MR. WILLIAMS) You can answer that.

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1 Is it just your style not to answer things
 2 directly?
 3 A. I am answering to the best of my ability.
 4 Q. Well, then let's get a direct answer to a
 5 direct question. Shoot straight with me for once.
 6 Did you -- are you here telling us
 7 that in your reading of the final report your
 8 process safety team got a passing grade? "Yes" or
 9 "No"?
 10 MR. GALBRAITH: Objection, form.
 11 Q. (BY MR. WILLIAMS) What's your
 12 interpretation?
 13 A. I have no opinion.
 14 Q. That's incredible.
 15 MR. GALBRAITH: Objection, form.
 16 That's argumentative.
 17 Q. (BY MR. WILLIAMS) Have you -- have
 18 you -- by the way, did you read in the paper the
 19 other day that the Department of Justice is looking
 20 at criminal action?
 21 A. No, I did not.
 22 Q. Sir, they are. And they are
 23 investigating criminal conduct on the behalf of BP
 24 and its management team.
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. WILLIAMS) You didn't know that,
 2 did you?
 3 MR. GALBRAITH: Objection, form.
 4 A. I was aware of that, but I did not read
 5 that specifically in the newspaper.
 6 Q. (BY MR. WILLIAMS) And you just think
 7 that you had nothing to do with -- you and your
 8 HSSE team had nothing to do with causing this fire
 9 or explosion. Is that what you are trying to tell
 10 us?
 11 MR. GALBRAITH: Objection, form.
 12 A. I didn't say that. I answered the
 13 question. You asked whether or not between the
 14 months of September and December I felt like we did
 15 a good job of process safety in the HSSE area, and
 16 I simply stated that a process safety -- this
 17 process safety group was not a part of HSSE during
 18 that period of time in which I was working on
 19 additional objectives.
 20 MR. WILLIAMS: Objection,
 21 nonresponsive.
 22 Q. (BY MR. WILLIAMS) Now let me get that --
 23 back to this. Between the time of September and
 24 December, 2004, is it true that you were unable to
 25 devote a hundred percent of your time to HSSE

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1 because you had been assigned two additional
 2 projects? Is that true, sir?
 3 A. That's true.
 4 Q. And those other two projects, one of
 5 them, if I understood you right, referred to a
 6 death that occurred at that plant in September of
 7 2004, right?
 8 A. It was not specifically related to the
 9 death, but it was an assignment as a result.
 10 Q. And the other project they gave you was
 11 helping out an MDL, and what's an MDL?
 12 A. Manufacturing and delivery leader.
 13 Q. And that's -- some people might call that
 14 a superintendent, right?
 15 A. No.
 16 Q. Okay.
 17 A. That is a manager position very similar
 18 to the one that I am in today.
 19 Q. And who was it that you were assigned to
 20 help out that prevented you from giving a hundred
 21 percent of your time to HSSE?
 22 A. I suppose it was Willie Willis during
 23 that particular period of time.
 24 Q. What was it that was so important that
 25 you had to go help Willie Willis instead of

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1 devoting a hundred percent of your time to HSSE?
 2 A. Willie was away from the site supporting
 3 the families of the individuals who had been
 4 harmed, and I served as a backup.
 5 Q. Explain to me the logic, if you had a
 6 death, of taking people away from the safety
 7 department and putting them somewhere else if you
 8 just -- if you knew you just had a death in the
 9 plant. Explain to me that logic.
 10 A. When the assignment was made, none of the
 11 individuals were deceased. So the assignment was
 12 made upon the injury and incident, not the death.
 13 Q. What was it you were helping Willie
 14 Willis do? Run an area of the plant?
 15 A. Managing the area of the plant.
 16 Q. Managing which area?
 17 A. The west plant.
 18 Q. And why was it more important to have you
 19 managing the west plant area rather than managing
 20 health and safety?
 21 A. It wasn't. I actually maintained both
 22 responsibilities during that period of time.
 23 Q. Well, is HSSE a part-time job?
 24 A. HSSE was a full-time job.
 25 Q. Well, is running the west plant a

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1 part-time job?
 2 A. No, that's a full-time job as well.
 3 Q. And Willie was off -- Willie Willis was
 4 off doing something else on another assignment,
 5 right? He wasn't at the plant -- the west plant
 6 during that time period, right?
 7 A. He was supporting the families at the
 8 hospital of the victims that had been injured.
 9 Q. He was not at the plant during the time
 10 period that you were asked to cover for him at the
 11 west plant, true?
 12 A. Not full-time. He did come in
 13 periodically.
 14 Q. So you were assigned two full-time jobs
 15 between September and December, 2004, one being
 16 running the west plant, helping Willie Willis and
 17 the other being the head of HSSE, right?
 18 A. Well, let's back up. One was --
 19 Q. Answer the question first and then you
 20 can explain.
 21 Am I right?
 22 A. It was stated incorrectly. One was --
 23 Q. Then just say "no."
 24 A. Okay. No.
 25 Q. See how easy that can be if you disagree.

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1 Who was it that made the decision
 2 to keep you from being full-time on HSSE during
 3 this time period between September and December of
 4 2004?
 5 A. I was requested to take on this
 6 responsibility by the site B-U-L at the time.
 7 Q. The BUL?
 8 A. The BUL.
 9 Q. The top dude. What's his name?
 10 A. At the time it was Don Parus.
 11 Q. Okay. Now, explain to these people on
 12 the jury how it can be that people claim safety as
 13 prior one but then when it comes -- they put an
 14 inexperienced person in safety, that's you, and
 15 then they assign you another full-time job while
 16 you are supposedly being running safety. Explain
 17 that to the jury.
 18 MR. GALBRAITH: Objection, form.
 19 Q. (BY MR. WILLIAMS) Look into the camera
 20 and explain, if you would, sir.
 21 A. At the time of the incident, that
 22 ultraformer number 3, our focus was on stabilizing
 23 the operation while taking care of the families of
 24 the individuals that had been harmed. My support
 25 during that period of time was to manage the HSSE

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1 while also supporting the west plant and managing
 2 the west plant in a safe manner to help the west
 3 plant and its employees recover from the immediate
 4 effects of the incident.
 5 Q. Keep the west plant running. Is that
 6 what you were supposed to do?
 7 MR. GALBRAITH: Objection, form.
 8 A. Actually the unit that was affected was
 9 actually down, out of operation during this time;
 10 and as I remember it very keenly, there was no rush
 11 to bring the unit back up. The objective --
 12 Q. (BY MR. WILLIAMS) What happened that it
 13 killed somebody?
 14 MR. GALBRAITH: Objection, form.
 15 A. The incident at ultraformer 3 involved a
 16 group of three mechanical crafts persons that were
 17 accidentally sprayed with hot condensate.
 18 Q. (BY MR. WILLIAMS) They were burned to
 19 death by hot steam, weren't they?
 20 MR. GALBRAITH: Objection, form.
 21 A. Two of the individuals perished. One
 22 continued -- is -- continues to work at BP in Texas
 23 City.
 24 Q. (BY MR. WILLIAMS) Two people were burned
 25 to death by hot steam, true?

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1 MR. GALBRAITH: Object to the
 2 form.
 3 A. Correct.
 4 Q. (BY MR. WILLIAMS) Now, in light of the
 5 fact that you had just had two deaths in the plant,
 6 explain to me why the plant didn't bring in
 7 somebody that had experience and formal training in
 8 process safety before March of 2005.
 9 A. I can't answer that question.
 10 Q. Telos report. Did the Telos report say
 11 y'all were doing a good job in safety?
 12 A. The Telos report was actually one of the
 13 steps in our safety improvement process as I
 14 defined earlier today. It was an opportunity to
 15 understand where each or as many of the employees
 16 in Texas City were mentally and physically around
 17 safety. We wanted to hear their opinions and hear
 18 their voice.
 19 MR. WILLIAMS: Objection,
 20 nonresponsive.
 21 Q. (BY MR. WILLIAMS) After reading the --
 22 well, did you read the Telos report?
 23 A. Yes, I did.
 24 Q. Did it shock you what people were saying
 25 about the situation in your plant?

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1 A. No, actually many of the comments that I
 2 read in the Telos report were similar to ones that
 3 I had recognized and experienced over the 20 years
 4 that I had been an employee of BP. Some of the
 5 comments were positive. Some were -- some were
 6 negative and indicative of improvements that needed
 7 to be made.
 8 Q. Overall did the Telos report in any way
 9 shock you?
 10 A. No, it did not.
 11 Q. Because the Telos report accurately
 12 reflected what you had been hearing for many years
 13 at that plant, true?
 14 MR. GALBRAITH: Objection, form.
 15 A. There was -- there were many opinions
 16 included within the Telos report. Some of them I
 17 was directly familiar with. Some of them I had not
 18 heard before; but, in general, I was not surprised
 19 by any of the comments I saw in there, the positive
 20 ones or the negative ones.
 21 Q. (BY MR. WILLIAMS) So you believe -- or
 22 do you believe that the Telos report then
 23 accurately reflects the comments in there,
 24 accurately reflect what people were thinking about
 25 the Telos -- or about the state of safety at your

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1 plant?
 2 MR. GALBRAITH: Objection.
 3 A. My opinion with the Telos report was that
 4 it wasn't a complete diagnosis, but it was one
 5 indicator of people's opinions within the plant.
 6 Q. (BY MR. WILLIAMS) Did you think it gave
 7 a positive report with regard to safety or a
 8 negative report with regard to safety?
 9 A. I was very pleased to see that people
 10 recognized there had been improvements over the
 11 last two years --
 12 Q. Not my question.
 13 MR. WILLIAMS: Objection,
 14 nonresponsive.
 15 A. I hadn't gotten to the end of my answer
 16 yet.
 17 MR. GALBRAITH: Get to it.
 18 A. I was very pleased to see the positive
 19 comment about the improvements in the last two
 20 years, very concerned about some of the comments
 21 regarding specific disappointments in the opinions
 22 of people on safety. I would say in general I
 23 can't voice it as being bad or good. It was a good
 24 start to safety -- continuous improvement at the
 25 Texas City site.

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1 MR. WILLIAMS: Objection,
 2 nonresponsive.
 3 Q. (BY MR. WILLIAMS) You read the Telos
 4 report, correct?
 5 A. Yes, I did.
 6 Q. So in your reading of it as the head
 7 safety guy, did you think it was a -- it reflected
 8 positively or negatively on the state of safety at
 9 your plant?
 10 A. I would say in general, of the 1100
 11 people surveyed, it had somewhat of a negative tone
 12 to it.
 13 Q. Okay. I am writing down your words.
 14 "Somewhat of a negative tone."
 15 A. Not completely negative, but somewhat
 16 negative.
 17 Q. "Somewhat of a negative tone." Your
 18 words, right?
 19 I am not sure I have got the right
 20 copy of the Telos report because I read it. Let's
 21 see if you, and I read the same one.
 22 A. Okay.
 23 (Discussion off the record.)
 24 Q. (BY MR. WILLIAMS) Number 19, January 21,
 25 2005, Texas City Site Report of Findings,

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1 Exhibit 19, the Telos Group, marked "Confidential."
 2 Is that the one that you read?
 3 A. Can I get a copy to --
 4 Q. Here it is. (Tenders documents.)
 5 Is that the one you got, sir?
 6 A. Yes, it is.
 7 Q. Why is it marked "Confidential" on the
 8 front there, sir?
 9 MR. GALBRAITH: Objection, form.
 10 Q. (BY MR. WILLIAMS) Do you see at the
 11 bottom typed in "Confidential"? Why is it
 12 confidential?
 13 A. I have no idea. I was not a party to the
 14 decision to stamp that document confidential.
 15 Q. Well, you weren't part of the decision to
 16 initiate this survey, were you?
 17 A. Actually yes, I was.
 18 Q. Okay. Good.
 19 Now, in reading it, let's look at
 20 page 49 there, sir.
 21 A. Okay.
 22 Q. Do you see under "Other Management
 23 Factors" there, sir?
 24 A. I certainly do.
 25 Q. Did you find in there a sentence that

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1 says that, "We have allowed criminal levels of
 2 noncompliance"?
 3 A. If you could point it out for me, I am --
 4 I will recognize that.
 5 Q. Give me just a second.
 6 Do you remember seeing that quote
 7 in there?
 8 A. There were hundreds of quotes in the
 9 final report of the Telos Group. So I don't
 10 remember that one specifically but...
 11 Q. Do you remember seeing a quote in there
 12 to the effect that, "We are so conditioned to make
 13 unsafe conditions that we do not recognize it"?
 14 Do you remember that?
 15 A. Not specifically, I don't.
 16 Q. Do you recall that -- people saying that
 17 there is a lot of normalized deviation?
 18 A. Once again, not specifically.
 19 Q. Do you remember seeing that -- people
 20 saying, "We have every deviation from what we would
 21 expect to see in normal operation. The problem is
 22 we're not sure what normal reference is any more.
 23 We have so much bailing wire on everything."
 24 Did you see that? Is that a good
 25 thing?

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1 A. Can you tell me which page?
 2 Q. Page 51.
 3 I am just asking you, is that a
 4 good thing, sir?
 5 MR. GALBRAITH: Objection, form.
 6 Q. (BY MR. WILLIAMS) For your employees to
 7 be thinking that, is that a good thing?
 8 MR. GALBRAITH: Objection, form.
 9 A. I certainly don't appreciate having any
 10 individual employee feel that way, but there were
 11 very -- many different opinions given --
 12 Q. (BY MR. WILLIAMS) Oh, yeah.
 13 A. -- within the report.
 14 Q. Let's go back to page -- let's go back to
 15 page 49. You asked me to show you. I guess I have
 16 to point it out to you.
 17 MR. GALBRAITH: Objection, form.
 18 Q. (BY MR. WILLIAMS) Where it says under
 19 "Other Management Factors." Management, that's
 20 you. You are part of management, sir?
 21 A. Yes, sir.
 22 Q. It says here that there are senior
 23 managers. Are you a senior manager?
 24 MR. GALBRAITH: Objection, form.
 25 A. I am not sure how to define a senior

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1 manager. I am a manager at the Texas City site.
 2 Q. (BY MR. WILLIAMS) It says here in the
 3 Telos report that there are senior managers who
 4 have allowed the site to accept a completely
 5 inappropriate amount and level of risk, who have
 6 allowed criminal levels of noncompliance.
 7 What did you -- what was your
 8 reaction when you read that, Joe Barnes?
 9 A. I was saddened to see such an opinion.
 10 Q. So I guess you went out and demanded the
 11 confidential statement be removed from this and you
 12 went down and shut down the plant to make sure it
 13 was safe, right?
 14 MR. GALBRAITH: Objection, form.
 15 A. Not based on that one statement offered.
 16 Q. (BY MR. WILLIAMS) Well, when did you get
 17 this?
 18 A. We received the report of findings --
 19 Q. Not we, you. When did you see it?
 20 A. January of 2005.
 21 Q. And so in January of 2005, this didn't
 22 set off levels of alarms and bells and whistles in
 23 your head to read that paragraph?
 24 MR. GALBRAITH: Objection, form.
 25 A. I was certainly concerned, but based on

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1 my knowledge of the -- of the capability and the
 2 compassion of each of the managers that I served
 3 with, I didn't know one that was doing something of
 4 that nature. So it wasn't my experience --
 5 Q. (BY MR. WILLIAMS) Did you agree with
 6 this statement? Did you accept it as true?
 7 A. I respected it as an opinion of an
 8 employee. And I accepted it from the standpoint of
 9 needing to make a change in the culture of Texas
 10 City to prevent this from happening, but I
 11 personally had not experienced anything of the
 12 nature of what that statement says.
 13 Q. So you thought it was in your -- you
 14 thought it was not true according to your
 15 experience?
 16 A. Once again, I didn't attempt to assert
 17 whether it was true or not true. I accepted it for
 18 what it was. It was an opinion. And my position
 19 was I needed to go after this and help to fix it if
 20 it truly was a problem.
 21 Q. So did you go then and read process
 22 safety regulations?
 23 A. Not at the time, no.
 24 Q. Did you -- now, when it says "criminal
 25 levels of noncompliance," you were put on notice in

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1 January of 2005 that senior management was doing
 2 things that the Telos company called "criminal
 3 levels of noncompliance," right?
 4 MR. GALBRAITH: Objection, form.
 5 A. I did receive the report.
 6 Q. (BY MR. WILLIAMS) And I'll bet that --
 7 you really held a bunch of meetings when it
 8 reproached that it was senior management and
 9 criminal levels of noncompliance, right?
 10 A. We certainly did have a lot of meetings
 11 after this report was generated.
 12 Q. Did this report -- was this report ever
 13 circulated to the workers in the plant?
 14 A. No, it was not.
 15 Q. Because it was marked "Confidential,"
 16 right?
 17 MR. GALBRAITH: Objection, form.
 18 A. No, that's not my knowledge of why it was
 19 not sent out.
 20 Q. (BY MR. WILLIAMS) Well, but it was kept
 21 confidential amongst management and not shared with
 22 the workers in the plant, correct?
 23 A. That's incorrect.
 24 Q. Okay.
 25 A. We did start a level of communication

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1 around the report. The first action was to bring
 2 the superintendent level of the plant into a series
 3 of meetings and we shared the full report with the
 4 superintendents and over time, had it not been for
 5 the incident of March 23rd, this information would
 6 have been shared more widely. That was our plan.
 7 Q. Did this paragraph, was it ever shared
 8 with the workers that senior managers are allowed
 9 to accept a completely inappropriate amount and
 10 level of risk and that it had risen to criminal
 11 levels?
 12 MR. GALBRAITH: Objection, form.
 13 Q. (BY MR. WILLIAMS) Was that ever shared
 14 with the workers?
 15 A. It actually came from the workers but it
 16 was not -- the report itself was not shipped out or
 17 shared widely with the general workforce but we
 18 would --
 19 Q. That's right.
 20 A. -- do it in stages.
 21 Q. And there was not -- there was no -- TMit
 22 certainly wasn't shared with the contractors, was
 23 it, the statement that people had found that the
 24 site was -- had a high level of risk that was
 25 completely inappropriate? That wasn't shared with

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1 the contractors, was it?
 2 A. To the best of my knowledge, I don't
 3 believe this report was sent out -- sent out to any
 4 of our contract companies or contract managers.
 5 Q. Well, what had happened, sir, that the
 6 management had gotten to where they were accepting
 7 such a high level of risk that it had gotten to
 8 criminal levels of noncompliance?
 9 MR. GALBRAITH: Objection, form.
 10 A. Once again --
 11 Q. (BY MR. WILLIAMS) How had it gotten into
 12 that situation?
 13 MR. GALBRAITH: Objection, form.
 14 A. Once again, I could find no evidence that
 15 that was actually taking place. Had we found --
 16 Q. (BY MR. WILLIAMS) Let me give you some
 17 evidence, sir. The final report, December, in
 18 fact, in the final report it says -- so in January
 19 you were told it was criminal levels, if I can
 20 right here, "Senior managers were accepting a
 21 completely inappropriate amount and level of risk
 22 and it had allowed criminal levels of
 23 noncompliance."
 24 That's what you were put on notice
 25 of in January, right?

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1 MR. GALBRAITH: Objection, form.
 2 A. When we received the Telos report.
 3 Q. (BY MR. WILLIAMS) You betcha.
 4 And then in -- and then in March
 5 the plant blows up and now we are in December of
 6 2005 and your own management goes back and says
 7 there is an inability to see key process risks and
 8 the management and workforce tolerated a high level
 9 of risk. Isn't that finding that this is true what
 10 you were told in January "high level of risk," you
 11 were told about it in January and your management
 12 confirmed it in December, true?
 13 MR. GALBRAITH: Objection, form.
 14 A. Once again, based on what I knew at the
 15 time of both the issue of the report and the
 16 findings of the investigation team, I had no
 17 evidence -- had found no evidence that a manager
 18 was allowing any higher than acceptable level of
 19 risk on the site. Had we known so, we would have
 20 done something about it.
 21 Q. (BY MR. WILLIAMS) Yeah, but it was your
 22 job to know and to find it and you failed?
 23 MR. GALBRAITH: Objection, form.
 24 Q. (BY MR. WILLIAMS) You failed, didn't
 25 you, sir?

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1 MR. GALBRAITH: Objection, form.
 2 A. I won't respond to that question or that
 3 comment.
 4 Q. (BY MR. WILLIAMS) Well, if you don't
 5 believe me, look at what your own team says. It
 6 says, "Management appeared to tolerate a high level
 7 of risk." That's page 140 of the report. It says
 8 up here, "Management did not appear to be focused
 9 on understanding and reducing the highest risks.
 10 No individual or group seems to have accountability
 11 for driving process risk reduction across the
 12 site."
 13 How much evidence do you need,
 14 Mr. Banks -- I mean, excuse me.
 15 How much evidence do you need,
 16 sir, before you, Mr. Barnes, realize that there was
 17 a process safety management problem and that y'all
 18 didn't even have the sense to recognize it?
 19 MR. GALBRAITH: Objection, form.
 20 A. Once again, I respect the findings in the
 21 report. It has been my experience that I
 22 personally in 20 years have not experienced that
 23 level of disregard and neglect; and I stand by that
 24 statement.
 25 Q. (BY MR. WILLIAMS) Okay. So let's sum it

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1 up. Telos tells you it's criminal level of neglect
 2 in January, some two months before this explosion,
 3 correct?
 4 MR. GALBRAITH: Objection, form.
 5 A. Not Telos, but it was actually a report
 6 of one person's opinion.
 7 Q. (BY MR. WILLIAMS) What would it take,
 8 sir, to get your attention? What would it have
 9 taken back in January to get your attention to have
 10 really made process safety a priority?
 11 MR. GALBRAITH: Objection, form.
 12 A. Well, in my opinion and based on my
 13 definition of process safety as we discussed this
 14 morning, it was a very high -- high prior to not
 15 only to myself but of the entire Texas City site
 16 management team.
 17 MR. WILLIAMS: Let's take --
 18 A. Following --
 19 MR. WILLIAMS: Let's take a short
 20 break.
 21 THE VIDEOGRAPHER: Off the record
 22 at 2:13 p.m., ending Tape 3.
 23 (Recess taken.)
 24 THE VIDEOGRAPHER: On the record,
 25 2:39 p.m., beginning Tape 4.

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1 Q. (BY MR. WILLIAMS) Mr. Barnes, the
 2 obligation and duty to identify and reduce process
 3 safety risk is in the hands of management, correct?
 4 A. That's correct.
 5 Q. Define "highly hazardous chemical" for
 6 me, please.
 7 A. In the definition that I have been privy
 8 to since I have had my time at BP, highly hazardous
 9 chemical would be one that can cause potential
 10 harm. It can be toxic in nature, but in general
 11 can create harm to individuals upon contact.
 12 Q. Are you aware that the federal government
 13 through OSHA has a regulatory definition of highly
 14 hazardous chemicals in the CFRs -- The Code of
 15 Federal Regulations?
 16 A. I know that it does exist, yes.
 17 Q. Have you ever read the definition in the
 18 Code of Federal Regulations of highly hazardous
 19 chemicals?
 20 A. No, I can't remember directly reading it.
 21 Q. Highly hazardous chemicals have to be
 22 treated differently under the Code of Federal
 23 Regulations than other chemicals, correct?
 24 A. In -- in general terms, yes.
 25 Q. In fact, highly hazardous chemicals have

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1 their own set of rules and regulations that creates
 2 a higher duty and responsibility -- a higher duty
 3 of care than normal chemicals, true?
 4 A. Yes.
 5 Q. Was the -- were the chemicals involved in
 6 the March, 2005 explosion and fire in the ISOM
 7 unit, did they meet the definition of highly
 8 hazardous chemicals?
 9 MR. GALBRAITH: Objection to form.
 10 A. I don't have enough specific knowledge of
 11 the actual material that was leaked to be able to
 12 make a definitive answer in that case.
 13 Q. (BY MR. WILLIAMS) Well, we know as a
 14 practical matter, whatever the chemical was, it was
 15 hazardous enough to start a fire and explosion that
 16 killed 15 people and injured hundreds of others?
 17 MR. GALBRAITH: Objection to form.
 18 A. Was that a question --
 19 Q. (BY MR. WILLIAMS) Yes, sir.
 20 A. -- or comment?
 21 We know that a hydrocarbon was
 22 leaked on that day that created an explosive and
 23 flammable cloud that served as a source of harming
 24 the people that were harmed.
 25 Q. Does that in your mind meet the

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1 definition of highly hazardous?
 2 MR. GALBRAITH: Objection, form.
 3 A. Yes. I would say so, yes.
 4 Q. (BY MR. WILLIAMS) Are you on the current
 5 process safety committee that's chaired now by
 6 Kathleen Lucas?
 7 A. No, I am not.
 8 Q. Was there a process safety committee
 9 before this deadly fire and explosion on
 10 March 23rd?
 11 A. Yes, there was.
 12 Q. Who chaired it then?
 13 A. Kathleen Lucas has chaired the committee
 14 since her arrival in Texas City, which started in
 15 January of 2005.
 16 Q. Did you read her testimony yesterday?
 17 A. No, I did not.
 18 Q. So it's your understanding that before
 19 the explosion Kathleen Lucas was already chairing a
 20 process safety committee, true?
 21 A. The refinery's process safety committee,
 22 that's correct.
 23 Q. Were you on that committee at any time?
 24 A. No, I was not.
 25 Q. Did you ever receive any notes or

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1 memoranda from that committee?
 2 A. The facilitator of the committee sends
 3 out both a meeting notice and the minutes of each
 4 meeting's results to every leader within the site.
 5 Q. Well, if process safety was job one and
 6 you were in charge of process safety as head of
 7 HSSE, how come you weren't on the process safety
 8 committee before this explosion?
 9 MR. GALBRAITH: Objection, form.
 10 A. Once again, as I have stated earlier, I
 11 didn't consider myself to be in charge of process
 12 safety. I served as the HSSE manager. Within
 13 those roles and responsibilities, the process
 14 safety management team fell or relied or rested
 15 within the realm of my responsibilities. But so
 16 the process safety management team was a support to
 17 the operation staff to help manage good process
 18 safety in the line -- operations line organization.
 19 So, once again, I was not the
 20 process safety man but simply managed the team that
 21 supported process safety at the Texas City site.
 22 Q. (BY MR. WILLIAMS) Was there a specific
 23 person assigned to the ISOM unit with regard to
 24 process safety?
 25 A. The operation superintendent of the ISOM

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1 facility had the responsibility of managing and
 2 maintaining good processing safety adherence on
 3 that facility. So there was no member of the
 4 process safety management support team that was
 5 assigned to that unit.
 6 Q. Let me summarize if I can -- if I make
 7 sure I understand what you said.
 8 Before the fire and explosion, no
 9 one from the process safety management team, the
 10 experts that you had that you managed, none of them
 11 were specifically assigned to the ISOM unit, true?
 12 A. That's correct.
 13 Q. Sir, do you know of any other facility in
 14 the world that has had as many fatalities and
 15 deaths in the last decade as your facility?
 16 MR. GALBRAITH: Objection, form.
 17 A. I don't have enough information to answer
 18 that question properly.
 19 Q. (BY MR. WILLIAMS) It's amazing you were
 20 head of safety and you didn't ever look to see how
 21 you ranked with other facilities in the world?
 22 A. I was more focused on improving the
 23 performance of Texas City. I was not aware of the
 24 performance level of other outside plants.
 25 Q. You didn't know what the other companies

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1 in the refinery industry were doing with regard to
 2 safety, true?
 3 MR. GALBRAITH: Objection, form.
 4 A. Can you be more specific with your
 5 question, please?
 6 Q. (BY MR. WILLIAMS) Did you ever care to
 7 ask yourself "How do we stand up with regard -- how
 8 do we compare ourselves at our facility with the
 9 safety records on process safety and deaths in
 10 other facilities throughout the world?"
 11 A. During my tenure in HSSE and my
 12 involvement with PSM, I did not seek a ranking of
 13 Texas City's process safety performance verses
 14 other plants.
 15 Q. You didn't seek to see how your plant
 16 stood up with other plants around the world; nor
 17 did you seek to see how your plant stood up with
 18 regard to other plants within the BP umbrella, did
 19 you?
 20 A. We did continually compare ourselves in
 21 safety performance within the BP realm. But I did
 22 not specifically go outside of the BP realm. I --
 23 Q. Were there other BP plants that had
 24 this -- had the same tragic record that your plant
 25 had over the decade?

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1 A. Not --
 2 MR. GALBRAITH: Objection, form.
 3 A. None that I know of.
 4 Q. (BY MR. WILLIAMS) So you knew when you
 5 took over the HSSE job that your plant had the
 6 worst safety record of any BP plant?
 7 MR. GALBRAITH: Objection, form.
 8 A. Actually I didn't recognize that until I
 9 became a member of the HSSE team and started the
 10 research on that matter.
 11 Q. (BY MR. WILLIAMS) So during your 20 and
 12 a half years, how many years were spent at this
 13 Texas City plant?
 14 A. Roughly at the current, 17 years.
 15 Q. So during your 17 years you were at the
 16 plant, before you took on the assignment of HSSE,
 17 nobody had ever told you that this plant had the
 18 worst safety record of any BP plant?
 19 MR. GALBRAITH: Objection, form.
 20 A. No, they did not.
 21 Q. (BY MR. WILLIAMS) Now, did you want to
 22 be the safest plant in the world?
 23 A. Absolutely and still would like to be.
 24 Q. So how can you say that you are the
 25 safest plant in the world if you don't know what

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1 the other plants in the world, what their safety
 2 record is? Help me understand that, sir.
 3 MR. GALBRAITH: Objection to form.
 4 A. It's my opinion that ranking ourselves
 5 against other systems or other entities is not the
 6 most important factor in creating a safe work
 7 environment. I wanted to work from within and the
 8 record will speak for itself.
 9 Q. (BY MR. WILLIAMS) Well, the record does
 10 speak for itself. Are you proud of that record?
 11 MR. GALBRAITH: Objection, form.
 12 A. No, I am not.
 13 Q. (BY MR. WILLIAMS) Sir, do you know of
 14 any plant in America that's received a fine so
 15 large as the fine that OSHA put on BP following
 16 this tragedy?
 17 A. No.
 18 Q. Do you know of any other plant in America
 19 where the Chemical Safety Board has reacted and
 20 said that there is such a cultural safety problem
 21 that we have to -- we ask that something be done
 22 immediately such as this Baker Panel that's been
 23 set up?
 24 MR. GALBRAITH: Objection, form.
 25 A. No.

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1 Q. (BY MR. WILLIAMS) Have you ever done a
 2 HAZOP -- or excuse me. New question.
 3 A. Uh-huh.
 4 Q. Have you ever done a hazard analysis?
 5 A. I have participated in a hazard analysis
 6 of a unit as a participant but not as a facilitator
 7 or leader.
 8 Q. And how long was it that you participated
 9 in a hazard analysis as a participant?
 10 A. Many years ago. And once again, it would
 11 fall within that realm of time period when I served
 12 as an operating superintendent between the years of
 13 1992 and 2000. I can't remember the specific date.
 14 Q. Did you, as head of HSSE, take any action
 15 to get rid of blowdown drums and vent stacks and
 16 tie overfills into the flare system?
 17 A. No, I did not.
 18 Q. Did -- you recognize, sir, that
 19 overfilling a vessel and when it flows out onto the
 20 ground and you are dealing with a highly hazardous
 21 chemical like was involved in March, that that is a
 22 potentially deadly and lethal situation?
 23 MR. GALBRAITH: Objection, form.
 24 A. Any hydrocarbon spill has the potential
 25 to create a danger and hazard.

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1 Q. (BY MR. WILLIAMS) And there are ways to
 2 prevent overfills, aren't there?
 3 A. We have depended upon good operator
 4 judgment and awareness and exercise of existing
 5 procedures in the plant to avoid overfills in the
 6 past at Texas City.
 7 Q. Mr. Barnes, I am just going to let you
 8 know for future reference, that is pretty damn
 9 criminal, that you don't rely on operator errors --
 10 operators to do it 100 percent of the time, just so
 11 you'll know. If you ever read the books, I am
 12 helping you here, you will see that that's stupid
 13 to do that. And you will see that the appropriate
 14 thing to do is to have layers of safety systems so
 15 you don't just rely on operators.
 16 MR. GALBRAITH: That's not a
 17 question.
 18 Q. (BY MR. WILLIAMS) That's not a question.
 19 We are just trying to help you in the future, and I
 20 can send you a lot of research on that if you
 21 decide that you want to read it.
 22 Now, on the --
 23 MR. GALBRAITH: That's not a
 24 question there.
 25 Q. (BY MR. WILLIAMS) So in the -- in the

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1 ISOM unit, Kathleen Lucas told us there was no
 2 safety layer to prevent an overflow beyond just an
 3 operator. There was no mechanical safety layer.
 4 MR. GALBRAITH: Objection, form.
 5 Q. (BY MR. WILLIAMS) Do you know of any
 6 mechanical safety layer to prevent an overflow?
 7 MR. GALBRAITH: Objection, form.
 8 A. My only knowledge of the design of the
 9 ISOM tower that was involved in this incident was
 10 through my examination of the final investigation
 11 report. Within it I recognized instrumentation --
 12 communication instrumentation to guide the
 13 operators and operating personnel in being able to
 14 recognize the levels in towers. Other than that, I
 15 am not familiar with any of the devices.
 16 Q. (BY MR. WILLIAMS) Let me ask you this:
 17 As a mechanical engineer, is it technically
 18 feasible and financially reasonable to have
 19 something that cuts off a liquid level before it
 20 overfills a vessel?
 21 MR. GALBRAITH: Objection, form.
 22 A. It's one option to prevent an incident of
 23 that nature from occurring, but it's not a common
 24 installation on towers that I have been aware of.
 25 Q. (BY MR. WILLIAMS) Not common at BP, is

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1 it?
 2 MR. GALBRAITH: Objection, form.
 3 A. I am not aware of any towers at Texas
 4 City BP that have that extra layer.
 5 Q. (BY MR. WILLIAMS) Sir, you, as a
 6 mechanical engineer, you understand when your
 7 toilet fills up, there is a float in there that
 8 keeps your toilet from overflowing when the -- when
 9 it's filling up, right, and that's an example of a
 10 mechanical interlock. It doesn't require a human
 11 being and it prevents an overflow?
 12 MR. GALBRAITH: Objection, form.
 13 Q. (BY MR. WILLIAMS) Right?
 14 MR. GALBRAITH: Objection, form.
 15 A. I am familiar with the design of the
 16 mechanism in which you speak.
 17 Q. (BY MR. WILLIAMS) But in chemical plants
 18 you can do that every day. It is technically
 19 feasible; and it's not very expensive in the scheme
 20 of things to put some kind of mechanical control on
 21 a vessel to keep it from overflowing, true?
 22 MR. GALBRAITH: Objection, form.
 23 A. I don't have enough knowledge at this
 24 point to be able to make a definitive judgment on
 25 that.

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1 Q. (BY MR. WILLIAMS) Okay.
 2 A. Once again --
 3 Q. Excuse me. Go ahead.
 4 Was there something else?
 5 A. I was just going to point out it is an
 6 option.
 7 Q. Sure. Not an option that y'all used, but
 8 it's an option?
 9 MR. GALBRAITH: Objection, form.
 10 A. We have other mechanisms in place at the
 11 operators' hands to be able to control the level in
 12 any tower in Texas City, and those have been used
 13 throughout the years without major incidents.
 14 Q. (BY MR. WILLIAMS) It worked for a long
 15 time. So it must be safe, huh?
 16 MR. GALBRAITH: Objection, form.
 17 A. To my knowledge, operators that have
 18 utilized this equipment and followed procedures
 19 have started and operated units in a safe fashion,
 20 yes.
 21 Q. (BY MR. WILLIAMS) Did you ever notice
 22 that at the Texas City plant there were a heck of a
 23 lot more cars driving around than there were in
 24 other chemical plants and refineries?
 25 MR. GALBRAITH: Objection, form.

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1 A. I had no relative information to compare
 2 the traffic in Texas City against. Texas City has
 3 been my only plant experience.
 4 Q. (BY MR. WILLIAMS) So it didn't seem --
 5 it didn't alert you that having all these vehicles
 6 in there were possible sources of ignition in the
 7 event of an overfill or a discharge of highly
 8 hazardous chemicals?
 9 A. Vehicles can theoretically be an ignition
 10 source, but there are many other ignition
 11 sources -- potential ignition sources within the
 12 plant as well.
 13 Q. And it should be management's
 14 responsibility to reduce ignition sources within a
 15 plant, true?
 16 A. You might have to restate that one for
 17 me. I am not sure if I agree with it the way you
 18 framed it, but I believe it is -- it's the entire
 19 site's responsibility to manage the level of
 20 vehicle traffic and number of -- whether it be for
 21 work use or personal use within the plant. So...
 22 Q. Wait a minute. The first -- are you
 23 saying some guy that is an operator at a -- can
 24 change the rules about cars in the plant? Are you
 25 saying an operator can change that rule?

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1 A. The rules around vehicle access and
 2 through our gate systems within the plant are a
 3 security and management function.
 4 Q. So the fact that there were numerous
 5 vehicles operating in the area of this overfill,
 6 that was something that was aloud as a result of a
 7 conscious decision by management --
 8 MR. GALBRAITH: Objection --
 9 Q. (BY MR. WILLIAMS) -- to allow these
 10 vehicles in there --
 11 MR. GALBRAITH: Objection.
 12 Q. (BY MR. WILLIAMS) -- true?
 13 MR. GALBRAITH: Objection, form.
 14 A. I don't agree with the use of the term
 15 "conscious." It was a practice that was allowed
 16 for the convenience of the employees to get to and
 17 from their unit and work areas based on the large
 18 size and nature of the Texas City plant.
 19 Q. (BY MR. WILLIAMS) So convenience was the
 20 number one motivator in making that decision?
 21 MR. GALBRAITH: Objection, form.
 22 A. It was the convenience of the employees
 23 and the lack of recognition that we would ever have
 24 such a large spill of hydrocarbon occur in any area
 25 within the plant.

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1 Q. (BY MR. WILLIAMS) Because you in your
 2 department had never taken the time to analyze
 3 whether or not safety should be -- was more
 4 important than convenience with regard to allowing
 5 motor vehicles in these units, true?
 6 MR. GALBRAITH: Objection, form.
 7 A. No. We maintained a level of rules and
 8 regulations around vehicle traffic in the plant,
 9 around safe driving, around vehicular accident
 10 reporting, around the speed of travel within the
 11 plant, to maintain a safe environment around
 12 vehicle traffic in the plant. So from that
 13 standpoint, yes. We did, yes.
 14 Q. (BY MR. WILLIAMS) I am not talking about
 15 safe driving and fender benders. I am talking
 16 about safety rules that say you don't let vehicles
 17 near areas where there is a potential to have
 18 highly hazardous chemicals.
 19 Did y'all ever do such a study
 20 that you are aware of?
 21 MR. GALBRAITH: Objection, form.
 22 A. Not that I am aware of.
 23 Q. (BY MR. WILLIAMS) The only thing you
 24 focused on was whether or not people were speeding
 25 or whether there were -- there were fender benders

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1 or whether they were using their cell phones while
 2 driving, right?
 3 MR. GALBRAITH: Objection, form.
 4 A. We did manage the amount of vehicle
 5 traffic that was allowed, vehicle passes to get
 6 through the gate; and there had to be legitimate
 7 business reasons to travel within the Texas City
 8 refinery even before the events of March 23rd.
 9 Q. (BY MR. WILLIAMS) So you could get your
 10 car in if you had a quote, business reason, right?
 11 A. That's correct.
 12 Q. No safety review of that policy, was
 13 there?
 14 MR. GALBRAITH: Object to form.
 15 A. Not during the tenure of time that I have
 16 served as HSSE manager in Texas City.
 17 MR. WILLIAMS: Mr. Barnes, I
 18 believe that's all the questions I have. I am
 19 going to let these other lawyers perhaps ask some
 20 questions. I may come back. Thank you.
 21 MR. GALBRAITH: Who is next?
 22 Anybody else?
 23 MR. BOND: I have a few questions.
 24
 25

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1 * * *
 2 EXAMINATION
 3 Q. (BY MR. BOND) How are you doing, sir?
 4 A. I am doing fine.
 5 Q. My name is Trent Bond. I represent the
 6 estate of Ryan Rodriguez and the mother of Ryan
 7 Rodriguez. I am just going to ask you a few
 8 questions, kind of fill in the blanks. I think you
 9 have already answered quite a few today.
 10 Where were you when the explosion
 11 occurred?
 12 A. I was at the front of the -- the front of
 13 the refinery at the refinery's main gate.
 14 Q. Did you ever make it over to the ISOM
 15 unit?
 16 A. No, I did not. I immediately moved to
 17 the chemical admin building where our incident
 18 management team established a control room to
 19 manage the events of the remainder of the day.
 20 Q. So you didn't go over there where the
 21 fire was or where the bodies were or anything like
 22 that?
 23 A. Not immediately. I didn't want to get in
 24 the way of the emergency responders.
 25 Q. Sir, who are the people that you blame

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1 for this explosion on March 23rd?
 2 MR. GALBRAITH: Objection, form.
 3 A. As I understand the results of the
 4 investigation, the cause -- there were four causal
 5 factors for -- that serve as a root cause for the
 6 events that took place on March 23rd. I have not
 7 attempted personally to place blame on any one
 8 individual or any group of individuals as a result
 9 of what I have read regarding the results of the --
 10 of the investigation.
 11 Q. (BY MR. BOND) So you don't have an
 12 opinion about who is at fault for this accident?
 13 MR. GALBRAITH: Objection, form.
 14 A. I have not taken the time to define who
 15 is at fault at this particular point.
 16 Q. (BY MR. BOND) All right. Well, so you
 17 don't blame any of the operators that were in the
 18 ISOM unit?
 19 MR. GALBRAITH: Objection, form.
 20 A. I think the investigation results define
 21 that a group of operators had a role in the events
 22 that took place on March 23rd. But there were
 23 multiple causal factors that I think deserve some
 24 additional consideration as to who is involved with
 25 those causal factors and then what improvements

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1 need to be met in order to prevent those factors
 2 from occurring.
 3 Q. (BY MR. BOND) What were the causal
 4 factors as you understood them, sir?
 5 A. There were four as listed in the final
 6 report. One was loss of containment.
 7 Q. Okay.
 8 A. The second was control of work and
 9 trailer siting.
 10 Third was adherence to procedures.
 11 Q. Okay.
 12 A. I am at a bit of a loss for number four
 13 at this point but --
 14 Q. Who is at fault for loss of containment?
 15 MR. GALBRAITH: Objection, form.
 16 Q. (BY MR. BOND) Who do you believe was at
 17 fault for loss of containment?
 18 MR. GALBRAITH: Objection, form.
 19 A. I have not defined in my mind
 20 specifically who is at fault. I know that in my
 21 review of what I know and what I have read in the
 22 report there was a group of people in the
 23 operations area that did not completely comply with
 24 posted established procedures that created a loss
 25 of containment on the day of -- number four, by the

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1 way, was the design and engineering of the blowdown
 2 stacks.
 3 Q. (BY MR. BOND) Now, sir, who was the
 4 group of people that you were referring to?
 5 MR. GALBRAITH: Objection, form.
 6 A. I was referring to the individuals who
 7 served as the operating body on the ISOM unit on
 8 the day of March 23rd as being part in cause of the
 9 loss of containment.
 10 Q. (BY MR. BOND) They don't operate
 11 independently, do they, sir?
 12 MR. GALBRAITH: Objection, form.
 13 A. Can you define your question more
 14 specifically?
 15 Q. (BY MR. BOND) Well, do they operate by
 16 themselves, were they a separate and autonomous
 17 unit?
 18 A. They were an established unit that is
 19 interconnected with other surrounding units.
 20 Q. And they had been trained by BP, correct?
 21 MR. GALBRAITH: Objection to form.
 22 A. That's correct.
 23 Q. (BY MR. BOND) All right. And management
 24 is responsible for the training of these people,
 25 correct?

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1 MR. GALBRAITH: Objection, form.
 2 A. Ultimately, yes.
 3 Q. (BY MR. BOND) And management is
 4 responsible for the adherence to procedures that
 5 these people are to follow; is that correct?
 6 MR. GALBRAITH: Objection, form.
 7 A. I wouldn't state it as you have.
 8 Q. (BY MR. BOND) How would you state it,
 9 sir?
 10 A. I think --
 11 MR. GALBRAITH: Objection, form.
 12 A. I think trained and qualified personnel
 13 have the roles and responsibility of following
 14 stated procedures.
 15 Q. (BY MR. BOND) All right. And that's
 16 management's responsibility to make sure those
 17 procedures are followed, correct, sir?
 18 MR. GALBRAITH: Objection, form.
 19 A. I believe management plays a role in
 20 making sure that procedures are followed.
 21 Q. (BY MR. BOND) It's a large role, isn't
 22 it?
 23 MR. GALBRAITH: Objection, form.
 24 A. I can't define it's relative size to the
 25 persons that are actually doing the work.

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1 Q. (BY MR. BOND) All right. And who was
 2 responsible for the placement of the trailers? Was
 3 that the operators?
 4 MR. GALBRAITH: Objection, form.
 5 A. No.
 6 Q. (BY MR. BOND) Who was responsible for
 7 the placement of the trailers?
 8 MR. GALBRAITH: Objection, form.
 9 A. I couldn't specifically identify who had
 10 the ultimate responsibility for placing the
 11 trailers at this point.
 12 Q. (BY MR. BOND) Well, what do you know
 13 about who put the trailers at that spot? I mean,
 14 who -- whose idea was it?
 15 MR. GALBRAITH: Objection, form.
 16 A. No idea specifically whose idea it was.
 17 Q. (BY MR. BOND) Who approved it?
 18 MR. GALBRAITH: Objection, form.
 19 A. That, I do not know.
 20 Q. (BY MR. BOND) It had to be approved by
 21 management of BP, correct?
 22 MR. GALBRAITH: Objection, form.
 23 A. I cannot answer that question.
 24 Q. (BY MR. BOND) Nothing happens at the
 25 British Petroleum plant at Texas City without

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1 management approval, does it?
 2 MR. GALBRAITH: Objection, form.
 3 A. That's incorrect.
 4 Q. (BY MR. BOND) That's incorrect? Well,
 5 what happened there that is not approved by BP
 6 management?
 7 A. The individual actions and steps of each
 8 employee are not necessarily dictated by BP's
 9 management. Each employee has individual
 10 responsibility for adhering to posted rules,
 11 regulations and procedures.
 12 Q. Okay. And following those rules and
 13 regulations and procedures, right?
 14 A. That's correct.
 15 Q. And management has a duty to enforce
 16 those rules, regulations and procedures, right,
 17 sir?
 18 A. Absolutely.
 19 Q. And if management doesn't do that, then
 20 they are failing in their responsibilities, aren't
 21 they, sir?
 22 MR. GALBRAITH: Objection, form.
 23 A. Once again, that is a role of management
 24 to hold the entire workforce accountable for -- for
 25 their actions.

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1 Q. (BY MR. BOND) Okay. And management made
 2 the decision to put the trailers where they were
 3 located, correct, sir?
 4 MR. GALBRAITH: Objection, form.
 5 A. I can't accurately answer that question.
 6 Q. (BY MR. BOND) Can you think of any
 7 reason at all why you would put a trailer right
 8 next to that unit?
 9 MR. GALBRAITH: Objection, form.
 10 A. I would be speculating if I --
 11 Q. (BY MR. BOND) Speculate away.
 12 MR. GALBRAITH: Objection, form.
 13 A. Can you restate the question?
 14 Q. (BY MR. BOND) Sure.
 15 Why would you put trailers that
 16 close to the unit, sir?
 17 MR. GALBRAITH: Objection, form.
 18 A. Once again, I can't accurately answer
 19 that question. I can't say what the individuals
 20 involved were thinking at the time.
 21 Q. (BY MR. BOND) Well, you had been out
 22 there 17 and a half years; is that right, sir?
 23 A. That's correct.
 24 Q. And you have been involved with safety,
 25 correct, sir?

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1 A. That's correct.
 2 Q. You are member of HSSE, correct, sir?
 3 A. Manager of -- was the manager of HSSE.
 4 Q. Of course, you have seen those trailers
 5 out there before, haven't you?
 6 A. Which trailers are you referring to?
 7 Q. The ones next to the ISOM units that blew
 8 up, sir.
 9 A. No, I cannot account for the fact that
 10 I -- I never saw those trailers out there.
 11 Q. You never saw those trailers out there?
 12 A. No, sir.
 13 Q. Did you ever go look around the facility
 14 at all?
 15 A. Absolutely. I am commonly out in the
 16 plant and I was as an HSSE manager and currently in
 17 my current capacity.
 18 Q. Do you ever look for safety violations
 19 ensuing?
 20 A. Absolutely.
 21 Q. Do you think putting a trailer next to an
 22 ISOM unit like this might be a safety violation?
 23 MR. GALBRAITH: Objection, form.
 24 A. I could say that it's -- based on the
 25 knowledge that we have now with the events that

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1 occurred, it was -- it was one of the causal
 2 factors that created the results of March 23rd. It
 3 by itself did not create the incident.
 4 Q. (BY MR. BOND) Well, starting up the unit
 5 is one of the most dangerous things that happens at
 6 that plant, isn't it, sir?
 7 MR. GALBRAITH: Objection, form.
 8 A. It is a risky period of time. I won't
 9 say it's the most dangerous but --
 10 Q. (BY MR. BOND) Did anybody tell those
 11 people in the trailer they might want to get out
 12 and clear the area while it was starting up?
 13 MR. GALBRAITH: Objection, form.
 14 A. Based on my read of the investigation
 15 report, it does not appear that that step took
 16 place.
 17 Q. (BY MR. BOND) Okay. Now I want to go
 18 back to my original question.
 19 Can you think of any reason
 20 whatsoever why those trailers were next to the ISOM
 21 unit? What reason? What good reason was there?
 22 MR. GALBRAITH: Objection, form.
 23 A. I can't give you a good answer to that
 24 question.
 25 Q. (BY MR. BOND) I can't think of one, and

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1 I have been trying. I thought maybe with 17 and a
 2 half years of experience you might be able to help
 3 me out. Are you sure you can't think of one good
 4 reason?
 5 MR. GALBRAITH: Objection, form.
 6 Don't answer that.
 7 A. (No response.)
 8 Q. (BY MR. BOND) Can you think of a bad
 9 reason why you would put one out there?
 10 MR. GALBRAITH: Objection, form.
 11 A. No.
 12 Q. (BY MR. BOND) So you are just completely
 13 clueless after 17 and a half years?
 14 MR. GALBRAITH: Objection, form.
 15 Don't answer that.
 16 Q. (BY MR. BOND) I am curious why after
 17 17 and a half years of experience out there you
 18 can't tell the jury why or what reason somebody
 19 would have to put a trailer next to the ISOM unit?
 20 MR. GALBRAITH: Is that a
 21 question?
 22 MR. BOND: That's a question.
 23 MR. GALBRAITH: Objection to form.
 24 A. I was not a part of the decision-making
 25 process to place the trailers there. I have never

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1 been involved in making a decision to place a
 2 trailer near the ISOM, and I can't account for what
 3 level of thought went into placing the trailers in
 4 that location.
 5 Q. (BY MR. BOND) Well, Mr. Barnes, this is
 6 before it happened. Okay. No trailers out there
 7 right now. I am coming to you with the idea of
 8 "Let's put those trailers out there. Can we do it,
 9 sir?"
 10 What would you tell me?
 11 MR. GALBRAITH: Objection, form.
 12 A. I would probably ask you if you had
 13 conducted a management of change to make that
 14 decision.
 15 Q. (BY MR. BOND) Yeah, and I have.
 16 Do you think it's a good idea?
 17 MR. GALBRAITH: Objection to the
 18 form.
 19 A. I would need the results of the
 20 management of change.
 21 Q. (BY MR. BOND) They say it's okay.
 22 Do you think it's a good idea?
 23 MR. GALBRAITH: Objection, form.
 24 A. Hypothetically speaking, I would still
 25 want to know what you found and what level of

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1 hazard you identified.
 2 Q. (BY MR. BOND) Next to an ISOM unit. I
 3 am putting people next to an ISOM unit. There is a
 4 blowdown stack over there. Management of change
 5 says it's okay.
 6 What do you think? Can I do it?
 7 Is it a good idea?
 8 MR. GALBRAITH: Objection, form.
 9 A. It's very difficult to answer that
 10 question without having specific information to
 11 follow up with.
 12 Q. (BY MR. BOND) Use the same facts that we
 13 have here today. This is the same specific
 14 information you have except you don't know the
 15 explosion occurs.
 16 Is it a good idea to put the
 17 trailers by the ISOM unit, sir?
 18 MR. GALBRAITH: Objection, form.
 19 A. I would have to know exactly what
 20 parameters you reviewed in order to make that
 21 decision.
 22 Q. (BY MR. BOND) What parameters do you
 23 need, sir?
 24 A. I would want to know what is the status
 25 of the ISOM unit.

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1 Q. We are starting her up, filling up the
 2 raffinator.
 3 MR. GALBRAITH: Objection, form.
 4 A. Very difficult to answer a hypothetical
 5 scenario of this nature.
 6 Q. (BY MR. BOND) What's difficult about it
 7 after 17 and a half years? Am I missing something?
 8 What is difficult about answering whether trailers
 9 would be good out there?
 10 MR. GALBRAITH: Objection, form.
 11 A. Without making the -- without making the
 12 decision myself, I would have to trust upon your
 13 experience. I would have to make a judgment as far
 14 as your experience and your capabilities of running
 15 a thorough investigation and management of change
 16 process. And if you told me that you felt the ISOM
 17 was in a state where it was safe to place a trailer
 18 near it, I would have to trust your capabilities
 19 and your judgment in doing so.
 20 If there was a reason for me not
 21 to trust that, I would have to investigate it
 22 myself and make the decision myself.
 23 Q. (BY MR. BOND) So you would just defer to
 24 the person who is coming in with the management of
 25 change, the MOC?

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1 MR. GALBRAITH: Objection, form.
 2 A. No, I didn't say that.
 3 Q. (BY MR. BOND) We have had an opportunity
 4 to review the management of change that allowed the
 5 trailer to come next to this unit, correct, sir?
 6 A. Yes, I did.
 7 Q. Now, and you have had a chance to review
 8 the parameters of that decision, correct, sir?
 9 A. What do you mean by "parameter"?
 10 Q. Well, the circumstances surrounding the
 11 management of change, allowing the trailers next to
 12 the unit.
 13 A. I have reviewed the complete set of
 14 documentation that led to the decision.
 15 Q. Do you think that was a good decision to
 16 put that trailer there, sir?
 17 MR. GALBRAITH: Objection, form.
 18 A. My review of the process after reviewing
 19 the documents was that a complete analysis was not
 20 formed. Therefore, it was impossible to make the
 21 right decision based on the information the
 22 individual involved had.
 23 Q. (BY MR. BOND) How was the analysis
 24 incomplete?
 25 A. I don't believe that a site analysis was

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1 completed. As a result -- that is based on what I
 2 have read in the report and the MOC documentation
 3 that I have seen.
 4 Q. And who is responsible for doing the site
 5 analysis, sir?
 6 MR. GALBRAITH: Objection, form.
 7 A. As I understand the rules within our
 8 guidelines, the ones prompted to do so, the process
 9 safety management team in Texas City can and will
 10 conduct siting analysis for trailer placement.
 11 Q. (BY MR. BOND) Okay. Did the process
 12 safety management team do a site analysis of this
 13 trailer placement, sir?
 14 A. That, I am not sure of. I did not see
 15 any documentation that support that it had.
 16 Q. Why didn't they do it?
 17 MR. GALBRAITH: Objection, form.
 18 A. I didn't say they hadn't done it. I
 19 didn't see any evidence in my review of the
 20 documents to support the fact that it had been
 21 done.
 22 Q. (BY MR. BOND) Whose responsible for the
 23 design of the -- you made a -- change that
 24 question --
 25 A. Sure.

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1 Q. -- and we'll conclude today.
 2 You made a couple of statements.
 3 In your statement on page -- if you can read that
 4 with me. You were talking to somebody about -- I
 5 guess this was an investigator you were talking to,
 6 right?
 7 MR. GALBRAITH: What are you
 8 presenting him with?
 9 MR. BOND: His statement.
 10 MR. ALVAREZ: Can you identify the
 11 statement, Counsel? I think he had different
 12 statements.
 13 MR. BOND: This is Joe Barnes,
 14 April 25th, 2005.
 15 Q. (BY MR. BOND) Do you want to take a
 16 second to read that, sir?
 17 A. Sure.
 18 MR. GALBRAITH: Page 25, is that
 19 where we are?
 20 MR. BOND: It looks like it.
 21 That's what the computer printed out.
 22 Q. (BY MR. BOND) Do you see that, sir?
 23 A. I remember the conversation, yes.
 24 Q. You remember that conversation?
 25 A. Yes.

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1 Q. Do you remember telling them they should
 2 have been there before the 23rd?
 3 A. In the context it was driven, it wasn't a
 4 suggestion that I needed them for safety reasons.
 5 But the gentleman I was speaking with had been a
 6 previous employer of mine -- of me and I was simply
 7 stating that I wish I could have had them in to see
 8 the site before the events of March 23rd versus his
 9 presence because of the investigation.
 10 Q. Okay. But then you say, "I think this
 11 will help Texas City become a better place." I am
 12 assuming you are talking about the plant and not
 13 the city, correct, sir?
 14 MR. GALBRAITH: Objection, form.
 15 A. Absolutely.
 16 Q. (BY MR. BOND) Okay. So to read that in
 17 context, "I wish we could have had you in before
 18 the event of March 23rd, but I think this will help
 19 Texas City to become a better place. As a result I
 20 would like you thank you for your intervention."
 21 How is it going to help Texas City
 22 become a better place?
 23 A. Well --
 24 MR. GALBRAITH: Objection, form.
 25 A. You know, I am stating there -- I am

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1 referring to the eventual results of the
 2 investigation process would be a major help in
 3 supporting Texas City make the improvements that
 4 were necessary after March 23rd.
 5 Q. (BY MR. BOND) What improvements were
 6 necessary, sir?
 7 MR. GALBRAITH: Objection, form.
 8 A. I support the findings of the -- of the
 9 investigation, and I support the actions that we
 10 were taking prior to March 23rd in helping Texas
 11 City to improve and strengthen its safety culture.
 12 Q. (BY MR. BOND) How would you describe the
 13 safety culture at the Texas City plant prior to the
 14 accident?
 15 A. I would say the culture was multifaceted.
 16 There were sections of the culture that were very
 17 proactive, very positive, very safety conscious.
 18 There were facets of the culture, as we learn
 19 through the audit process, that were less than
 20 compliant with certain rules and procedures and
 21 policies and especially when it came to the issue
 22 of personal safety.
 23 So our attempt was we wanted to
 24 balance that culture, to bring it into one where
 25 people were very proactive, one where people looked

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1 out for one another and prevented injury from
 2 occurring.
 3 Q. Who is responsible for dealing with -- I
 4 guess making decisions dealing with highly
 5 hazardous materials?
 6 MR. GALBRAITH: Objection, form.
 7 Q. (BY MR. BOND) Who has the responsibility
 8 of informing -- informing the operators that they
 9 are dealing with highly hazardous materials?
 10 MR. GALBRAITH: Objection, form.
 11 Q. (BY MR. BOND) Would that be the process
 12 safety management team?
 13 MR. GALBRAITH: Objection, form.
 14 A. No, I wouldn't agree with that.
 15 Q. (BY MR. BOND) Who would then?
 16 MR. GALBRAITH: Objection, form.
 17 A. I think it would be the role of the line
 18 management, the operations line management
 19 organization to make sure that the operators
 20 recognized what was a hazardous material versus a
 21 nonhazardous material.
 22 Q. (BY MR. BOND) Well, you are kind of the
 23 guy that kind of -- you are pretty much the head of
 24 the safety out there, aren't you?
 25 MR. GALBRAITH: Objection, form.

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1 A. No. My role I served in as HSSE manager,
 2 I led a group of functional support staff that was
 3 available to support the needs of the operating
 4 staff in their quest to run our equipment and
 5 assets in a proper and safe manner.
 6 Q. (BY MR. BOND) That might be good idea
 7 because you know what highly hazardous material
 8 means?
 9 MR. GALBRAITH: Objection, form.
 10 A. I think that it's very important that the
 11 HSSE have expertise in that particular area, yes.
 12 Q. (BY MR. BOND) It's pretty important that
 13 Kathleen Lucas -- that Kathleen Lucas knows what
 14 highly hazardous means, too, isn't it?
 15 MR. GALBRAITH: Objection, form.
 16 A. Personally I am not sure if that's a
 17 major requirement of Kathleen's job, but it is
 18 certainly a major responsibility of the line
 19 managers that served under Kathleen's direction.
 20 Q. (BY MR. BOND) So the people that serve
 21 under her should know it and the people that serve
 22 under you should know it, but y'all don't need to
 23 know it.
 24 Is that what you are trying to
 25 tell the jury?

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1 MR. GALBRAITH: Objection, form.
 2 A. I think it is important that we be aware
 3 of it; and like I quoted this morning, every
 4 employee of the BP plant is trained on an annual
 5 basis on hazardous -- hazardous event and hazardous
 6 material leakage identification. And I think it's
 7 paramount that we have expertise in the functional
 8 range of HSSE and that we have good line management
 9 recognition of what materials are hazardous versus
 10 what materials were not hazardous.
 11 Q. (BY MR. BOND) It would probably be a
 12 good idea if management knew what materials were
 13 hazardous and what materials were not hazardous,
 14 don't you think, sir?
 15 MR. GALBRAITH: Objection, form.
 16 A. There is a system in place in the
 17 refinery, there is a group of material safety data
 18 sheets that are available for any chemical or
 19 material that comes into the plant. So there is an
 20 identification process and a manner in which we
 21 manage that information; so any manager or any
 22 employee that needs information on a specific
 23 material, that material is available to them.
 24 Q. (BY MR. BOND) The buck stops with you,
 25 doesn't it? The buck stops with you and Kathleen

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1 as management, doesn't it?
 2 MR. GALBRAITH: Objection, form.
 3 Q. (BY MR. BOND) Do you know what I mean
 4 when I say "the buck stops"?
 5 MR. GALBRAITH: Objection, form.
 6 A. Can you define it?
 7 Q. (BY MR. BOND) Who is ultimately
 8 responsible in the plant? Is it the operator --
 9 the eye-level operator, or is it the management?
 10 MR. GALBRAITH: Objection, form.
 11 A. I look at it that every employee has a
 12 responsibility to manage safety within the plant.
 13 Q. (BY MR. BOND) But whose job is it
 14 ultimately? Where does the buck stop, sir?
 15 MR. GALBRAITH: It's
 16 argumentative, extremely argumentative.
 17 Q. (BY MR. BOND) Where does the buck stop,
 18 sir?
 19 A. With every individual employee at the
 20 Texas City site.
 21 Q. What about with you? Does it ever stop
 22 with you, or do you have to check with anybody
 23 further?
 24 MR. GALBRAITH: Objection, form.
 25 A. If you are referring to the role I play

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1 as HSSE manager, I felt like I played a key role.
 2 But the issue of safety was not necessarily
 3 squarely on my back or on my plate. But it was the
 4 responsibility of every manager and every BP
 5 employee, every contract employee that actually
 6 entered our site.
 7 Q. (BY MR. BOND) Did you go to the chemical
 8 safety board community meeting?
 9 A. No, I did not.
 10 Q. How come?
 11 A. I was not invited to that, that meeting.
 12 Q. I think the whole community was invited.
 13 MR. GALBRAITH: Objection, form.
 14 A. I was not invited as a representative of
 15 BP.
 16 Q. (BY MR. BOND) Okay. You didn't go?
 17 A. No, I didn't.
 18 Q. Have you heard any reports of anybody
 19 hearing Ryan on a walkie-talkie after the explosion
 20 but prior to his death, Ryan Rodriguez?
 21 A. No, I did not.
 22 Q. Did you know Mr. Rodriguez?
 23 A. No, I did not.
 24 MR. BOND: Pass the witness.
 25 MR. GALBRAITH: Anybody else? Are

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1 we done?
 2 Great. Okay. Thank you very
 3 much.
 4 THE VIDEOGRAPHER: Off the record
 5 at 3:34 p.m. with Tape 6 -- 4.
 6 (Deposition concluded.)
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1 EXAMINATION
 2 CHANGES AND SIGNATURE
 3 PAGE LINE CHANGE REASON
 4 _____
 5 _____
 6 _____
 7 _____
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 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
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 23 _____
 24 _____
 25 JOSEPH BARNES, JR.

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1 I, JOSEPH BARNES, JR., have read the foregoing
 2 deposition and hereby affix my signature that same is
 3 true and correct, except as noted above.
 4
 5 _____
 6 JOSEPH BARNES, JR.
 7
 8 THE STATE OF _____
 9
 10 COUNTY OF _____
 11
 12 Before me, _____, on this day
 13 personally appeared JOSEPH BARNES, JR., known to me
 14 or proved to me on the oath of _____ or
 15 through _____ (description of identity card
 16 or other document) to be the person whose name is
 17 subscribed to the foregoing instrument and
 18 acknowledged to me that he/she executed the same for
 19 the purpose and consideration therein expressed.
 20 Given under my hand and seal of office on this
 21 _____ day of _____, _____.
 22
 23 _____
 24 NOTARY PUBLIC IN AND FOR
 25 THE STATE OF _____
 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 JOSEPH BARNES, JR.
22 VOLUME 1
23 DECEMBER 13, 2005
24 I, Stephanie Barringer, Certified Shorthand
25 Reporter in and for the State of Texas, hereby
certify to the following:
That the witness, JOSEPH BARNES, JR., 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 (3 hours, 20 minutes)
Mr. Bond (30 minutes)
Attorneys for Plaintiffs

Page 183

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

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1 APPEARANCES
(Continued)

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

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

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

18 Certified to by me on this _____ day of
19 _____,
20 _____

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

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

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

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

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

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

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

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

19

20

Stephanie Barringer, CSR

21

Texas CSR 6198

22

Expiration: 12/31/06

23

U.S. Legal Support

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