

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

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15 *****

16 ORAL VIDEOTAPED DEPOSITION OF
17 RAYMOND A. HAWKINS
18 FEBRUARY 16, 2006

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Page 2

1 ORAL VIDEOTAPED DEPOSITION OF RAYMOND A.
 2 HAWKINS, 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 February 16, 2006,
 5 from 10:04 a.m. to 6:02 p.m., before Stephanie
 6 Barringer, Certified Shorthand Reporter in and for
 7 the State of Texas, reported by stenographic means at
 8 the offices of Fulbright & Jaworski, 1301 McKinney,
 9 Suite 5100, Houston, Texas, pursuant to the Texas
 10 Rules of Civil Procedure and the provisions stated on
 11 the record or attached hereto.
 12 Since this deposition has been realtimed and you
 13 may be in possession of a rough draft form, please be
 14 aware that there may be a discrepancy regarding page
 15 and line numbers when comparing the realtime draft
 16 and the final transcript. Also, please be aware that
 17 the realtime screen and the unedited, uncertified
 18 rough draft transcript may contain untranslated
 19 steno, a misspelled proper name and/or nonsensical
 20 English word combinations. All such entries are
 21 corrected in the final certified transcript. There
 22 also may be persons receiving the realtimed feed
 23 outside of the deposition room, but the reporter has
 24 given this access only to known attorneys of record
 25 and/or their experts.

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22 dated 4/13/04, Subject: FW:
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150 Email from Larry Freeman dated 283
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151 Email from Walt Wundrow dated 292
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152 Email from Raymond Hawkins dated 292
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5 153 Email from Raymond Hawkins dated 296
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1 THE VIDEOGRAPHER: On the record,
 2 February 16th, 2006, at 10:04 a.m., beginning
 3 Tape 1.
 4 (Witness sworn.)
 5 MR. COON: Before we begin the
 6 deposition this morning, Counsel, we have a
 7 subpoena duces tecum of this deposition that we are
 8 going to tender as Exhibit 142. Without objection,
 9 I presume?
 10 MR. PATTERSON: No objection.
 11 (Exhibit Number 142 marked for
 12 identification.)
 13 MR. COON: And we also have
 14 Exhibit 143. And I don't know if you have seen
 15 this. This was directed to Mr. Alvarez and
 16 Mr. Fernelius; but it was a request for this
 17 witness to bring with him documents that he
 18 reviewed. And I don't see any documents with him
 19 today. So, I am going to presume that --
 20 MR. PATTERSON: I will let you ask
 21 the witness what he reviewed, but my understanding
 22 is it's just the final report and the attachments,
 23 which we presume are here.
 24 MR. COON: Okay. Well, what we --
 25 MR. PATTERSON: But I will let you

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1 ask him on the record whatever you want to ask him.
 2 MR. COON: Okay. What we are
 3 trying to do -- in light of the fact that we are
 4 getting a large amount of documents on relatively
 5 short notice, we have modified our subpoena
 6 process. We did want to call it to your attention,
 7 but the modification entails that the witness
 8 actually brings with him physically those documents
 9 that they have reviewed as part of the preparation
 10 for their testimony.
 11 MR. PATTERSON: I am sure that
 12 that final report is in the room, and we could put
 13 it in front of him right now if you would like.
 14 MR. COON: Okay. I -- I think we
 15 have copies; but in the event we have witnesses who
 16 look at something more than we have readily
 17 available to get, we would appreciate them bringing
 18 those with them.
 19 MR. PATTERSON: Got it.
 20 MR. COON: And we are going to
 21 attach 143 as that request.
 22 (Exhibit Number 143 marked for
 23 identification.)
 24
 25

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1 RAYMOND A. HAWKINS,
 2 having been first duly sworn, testified as follows:
 3
 4 EXAMINATION
 5 Q. (BY MR. COON) Are you ready to go?
 6 A. Yes, sir.
 7 Q. Would you state your name and age,
 8 please, sir?
 9 A. My name is Raymond Allen Hawkins, and I
 10 am 49 years old.
 11 Q. Mr. Hawkins, my name is Brent Coon. I am
 12 an attorney for a number of the plaintiffs that
 13 were involved in this BP explosion back on
 14 March 23rd, 2005.
 15 Do you understand the reason that
 16 you are here today?
 17 A. Yes, sir.
 18 Q. Do you understand that due to the fact I
 19 represent a number of the plaintiffs in this
 20 matter, that the interest of my plaintiffs are
 21 generally adverse to those of your employer,
 22 British Petroleum?
 23 You understand that, do you not?
 24 A. Could you repeat that one more time for
 25 me?

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1 Q. Yes, sir.
 2 A. I am sorry.
 3 Q. You understand that in representing the
 4 plaintiffs in this case, they have sued British
 5 Petroleum alleging that British Petroleum did a
 6 number of things wrong that caused their injuries
 7 or in some cases some of the fatalities that
 8 occurred out there.
 9 You are aware of that?
 10 A. Yes, sir.
 11 Q. So, you understand that because of those
 12 allegations, their interest may not exactly align
 13 with those of your employer, British Petroleum?
 14 A. Yes.
 15 Q. Okay. And in that regard, you do have
 16 counsel here for British Petroleum today that you
 17 can consult with?
 18 A. Yes.
 19 Q. It's important that you understand the
 20 questions that I ask you today. I have a tendency
 21 to talk fast in these matters because we have a lot
 22 of information to cover and a relatively limited
 23 time to do so.
 24 So, if I do ask questions where
 25 you do not understand the question, need me to

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1 rephrase it, let me know. I'll repeat it.
2 It's very important that the
3 information we get from you is information that we
4 can rely upon in the event this goes to trial.
5 A. Yes.
6 Q. Can we have that agreement?
7 A. Yes. And thank you.
8 Q. I would also like an agreement that you
9 answer questions simply, when you can. This is not
10 opportunity for British Petroleum to put on their
11 case. If we ask you questions and you feel like
12 they are long-winded explanations to justify some
13 decisions, we would ask that you refrain from
14 giving those long-winded explanations in defenses.
15 It's a mechanism people tend to
16 do, but your attorneys, if the case does go to
17 trial, will have that opportunity to ask you to
18 elaborate on issues. Okay?
19 MR. PATTERSON: Objection, form.
20 Q. (BY MR. COON) Can we have that
21 agreement?
22 A. I am sure you will let me know if I am
23 too long-winded.
24 Q. And you do the same. Okay?
25 A. (Nods head.)

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1 Q. It's also important for you to tell the
2 truth today, Mr. Hawkins.
3 Do you understand that?
4 A. Yes, I do.
5 Q. Do you also understand the court reporter
6 swore you in to tell the whole truth?
7 Do you understand that?
8 A. Yes, I do.
9 Q. And you understand that means the whole
10 truth, even if it's an answer that you believe may
11 not be in the best interest of your employer,
12 British Petroleum?
13 A. Yes.
14 Q. Do you also understand it needs to be the
15 whole truth even if it may not be in your best
16 personal interest?
17 A. Yes.
18 Q. Do you also understand that the testimony
19 that you are giving today can be used and reviewed
20 by a judge and/or a jury should this case go to
21 trial?
22 A. Yes.
23 Q. Do you also understand that there have
24 been ongoing investigations from numerous Federal
25 and State agencies in this matter?

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1 A. Yes.
2 Q. Do you understand that the testimony you
3 give today may be reviewed and relied upon by those
4 various agencies in -- as part of their ongoing
5 investigation into this matter?
6 A. Yes.
7 Q. Do you understand that the answers you
8 give today are subject to the penalties, the legal
9 penalties of perjury and potentially obstruction of
10 justice?
11 A. Yes.
12 Q. I would also ask you to keep answering
13 questions, like you are doing real well, with yeses
14 and nos as opposed to uh-huhs and huh-uhs, which
15 the court reporter has difficulty getting down.
16 Okay?
17 A. Yes.
18 Q. Do you still live at 5200 Harbor Light
19 Drive in Dickinson?
20 A. Yes.
21 Q. Are you married, sir?
22 A. Yes.
23 Q. Briefly tell me about your wife and
24 family.
25 A. I have been married -- you are going to

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1 put me on the spot here. My wife would shoot me.
2 It will be 29 years this year. I have one son and
3 one daughter and one grandchild.
4 Q. Does your wife work outside the home?
5 A. Yes.
6 Q. Who for?
7 A. She works for a doctor in League City.
8 Q. What type of work does she do? Is she a
9 nurse or secretary?
10 A. She is a triage nurse, I believe, is her
11 actual -- her discipline title.
12 Q. Mr. Hawkins, did you understand you had
13 the right to retain personal counsel for your
14 attendance here today?
15 A. Yes.
16 Q. Are you also -- were you advised you have
17 the right to criminal counsel?
18 MR. PATTERSON: I am going to
19 object to that to the extent any information that
20 you discussed with counsel -- I would instruct you
21 not to answer it. Other than discussions with
22 counsel, you could answer.
23 A. I -- I was -- I had -- knew that I could
24 have counsel.
25 Q. (BY MR. COON) Okay. You understand what

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1 the Fifth Amendment is about?
 2 A. Yes.
 3 Q. Okay. Do you understand you have the
 4 right to assert the Fifth Amendment's right against
 5 self-incrimination today?
 6 A. Yes.
 7 Q. And by answering these questions today in
 8 this civil matter, you are waiving those rights?
 9 A. I am not aware of that.
 10 Q. All right. Have you given a deposition
 11 before, sir?
 12 MR. COON: Mr. Hawkins, we have a,
 13 I think, process server who wants to give you
 14 something just --
 15 (Discussion off the record.)
 16 MR. COON: Let's go off the record
 17 just a minute.
 18 THE VIDEOGRAPHER: Off the record
 19 at 10:11 a.m.
 20 (Recess taken.)
 21 THE VIDEOGRAPHER: On the record,
 22 10:11 a.m.
 23 Q. (BY MR. COON) Mr. Hawkins, we just took
 24 a brief recess to explain the formalities of some
 25 papers you received, but back on the record.

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1 The last question I asked you
 2 concerned deposition testimony.
 3 And could you tell us the
 4 circumstances in which you have ever given
 5 deposition testimony in any matter before?
 6 A. I was deposed by OSHA on the March 23rd
 7 incident.
 8 Q. That was back in July of last year?
 9 A. I am not -- I am not exactly sure when it
 10 was. It was --
 11 Q. Okay.
 12 A. -- last year.
 13 Q. We have a transcript of the July 7 --
 14 A. That's --
 15 Q. -- 2005. Would that be it?
 16 A. If it has me with OSHA, yes.
 17 Q. Any other times you have given a
 18 deposition statement to anyone?
 19 A. Not that I recall. I think I would
 20 remember this.
 21 Q. Okay. Have you ever been involved in
 22 personal litigation before?
 23 A. No.
 24 Q. Have you ever testified in a court of law
 25 before?

Page 20

1 A. No.
 2 Q. Okay. Before you came here today, I
 3 assume that you undertook some exercise to go back
 4 and look at some information to refresh your memory
 5 about matters?
 6 A. Yes.
 7 Q. Could you tell us today everything -- and
 8 I will break this down, but I am going to ask you a
 9 number of questions about what you have done to
 10 prepare yourself for your deposition today. Okay?
 11 A. Yes.
 12 Q. All right. And you understand that this
 13 is a very important matter?
 14 A. Yes, I do.
 15 Q. We had a large number of what you would
 16 call "loss of life" as well as many people who were
 17 injured, many of them critically, in this
 18 explosion.
 19 A. Yes.
 20 Q. With respect to your deposition
 21 preparation, could you tell us each of the things
 22 that you recall doing to prepare yourself and help
 23 refresh your memory about events?
 24 A. Read back through the Final Report.
 25 Q. This would be the BP Final Report?

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1 A. Yes, the BP Final Report.
 2 Q. This is of the November or I think
 3 December 2005 report?
 4 A. Yes.
 5 Q. Okay. How was it you obtained a copy of
 6 that report?
 7 A. The report was originally -- it's on our
 8 e-mail, on our BP web page; and I received a copy
 9 of it from the attorneys. I requested it.
 10 Q. And when was this? Recently? Months
 11 ago?
 12 A. Monday before last. I don't know what
 13 the date was.
 14 Q. Okay.
 15 A. I believe it was the 6th.
 16 Q. Was this after you were notified of the
 17 request for your appearance here today?
 18 A. Yes.
 19 Q. Anything else?
 20 A. Anything else that I read? Was that the
 21 question?
 22 Q. Yes, sir.
 23 A. No.
 24 Q. Did you read the fatal report cover to
 25 cover?

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. COON) By "cover to cover," I
 3 mean from the front of it to the back of it, the
 4 full contents.
 5 A. I -- I don't think I read all the
 6 appendices. If that's -- is that what you are
 7 asking? From cover to cover?
 8 Q. Yes, sir.
 9 A. I read the report.
 10 Q. Okay. And did the report contain the
 11 appendices?
 12 A. Yes.
 13 Q. So, as I gather from your testimony so
 14 far, you read the full content of the report, but
 15 not the full content of all the appendices?
 16 A. Right. That is correct, yes.
 17 Q. Anything else you looked at to prepare
 18 yourself for your testimony today?
 19 A. No.
 20 Q. Is there anyone you talked to to prepare
 21 yourself for your testimony today?
 22 A. I spoke with attorneys.
 23 Q. Okay. And when did you speak with
 24 attorneys?
 25 A. From that Monday, which I believe was

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1 February 6th, on approximately three or four
 2 occasions. Four occasions including that
 3 afternoon.
 4 Q. Okay. And are those occasions pretty
 5 much sequential dates all in a row?
 6 A. No.
 7 Q. Okay. Could you tell us --
 8 A. I don't --
 9 Q. -- the best you recall about the amount
 10 of days and about the amount of hours each day that
 11 you spent preparing for your testimony with your
 12 attorneys?
 13 A. They were not full days. So, I will have
 14 to think of -- give you an estimate in hours; and
 15 it's just going to be an estimate.
 16 Q. That's fine.
 17 A. Maybe 16.
 18 Q. 16 hours over three or four days?
 19 A. Yeah.
 20 Q. Okay.
 21 A. Yes.
 22 Q. Pretty much the same attorneys?
 23 A. Yes.
 24 Q. Were any BP representatives there as
 25 non-attorneys?

Page 24

1 A. Not to my knowledge.
 2 Q. Were you shown any documents to help
 3 refresh your memory for your testimony today?
 4 A. The only document I had was a BP Final
 5 Report.
 6 Q. Okay. But were you shown some other
 7 documents that you may not have been read, but you
 8 were shown and had them explained to you or briefed
 9 on the subject matters?
 10 MR. PATTERSON: I am going to
 11 object to form.
 12 And I instruct the witness not to
 13 answer any question that asks what attorneys talked
 14 to him about or what he talked about with attorneys
 15 because it would be violating the attorney/client
 16 privilege. He can answer, however, to the extent
 17 you are asking what he reviewed or was shown.
 18 Q. (BY MR. COON) Okay. You can answer.
 19 A. I was shown the Final Report.
 20 Q. This is a report that you had also
 21 independently and separately read, correct?
 22 A. Yes.
 23 Q. So, when you were shown this, this was
 24 something that wasn't new to you. You had already
 25 pulled this off of the website and read it?

Page 25

1 A. That is correct.
 2 I also saw -- I apologize. I am
 3 trying to remember this as I go. I believe it was
 4 a cover page for an MOC. It wasn't the MOC, but I
 5 did look -- I did see that on the table.
 6 Q. Was this the MOC on the trailer siting?
 7 A. Yes, it was.
 8 Q. Was this 20040008?
 9 A. I didn't look at it in that detail. I am
 10 assuming that's the correct number.
 11 Q. Was this the Merit trailer that was
 12 destroyed --
 13 A. Yes.
 14 Q. -- in the explosion?
 15 Any other documents that you were
 16 shown?
 17 A. No.
 18 Q. Were any of the documents summarized to
 19 you?
 20 MR. PATTERSON: Object to form.
 21 Instruct the witness not to answer
 22 anything that the attorneys talked to him about
 23 during preparation because it would violate the
 24 attorney/client privilege.
 25 Q. (BY MR. COON) Are you taking the advice

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1 of counsel and not answering that one?
 2 A. Yes.
 3 Q. Okay.
 4 MR. COON: And we have had debate
 5 as to whether or not things have to be certified or
 6 not. And I'm not saying I would certify it; but to
 7 the extent that's an issue, can we just agree any
 8 time that he follows your judgment, we don't have
 9 to go back and ask to certify the questions all
 10 individually?
 11 MR. PATTERSON: Absolutely.
 12 MR. COON: Thank you, sir.
 13 Q. (BY MR. COON) Mr. Hawkins, did you talk
 14 to anyone at BP about your testimony today?
 15 A. No.
 16 Q. Did you have to get relieved to come here
 17 today?
 18 A. Could you repeat the question?
 19 Q. Yes. Did you have to obtain a relieve to
 20 be here today?
 21 A. A release? Is that what you are asking?
 22 Q. Relieve. Relieve from work.
 23 A. No.
 24 Q. Was it a day off for you?
 25 A. Was it a day off for me?

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1 Q. Yes, sir.
 2 A. No, it's a regular workday.
 3 Q. Okay. So, if you don't show up, is there
 4 someone that you need to report to?
 5 A. My supervisor.
 6 Q. Who is your supervisor?
 7 A. Dan Harris.
 8 Q. Did you have to tell Mr. Harris you would
 9 not be there today?
 10 A. I informed Mr. Harris that I would not be
 11 there today.
 12 Q. Did you explain to him why?
 13 A. Yes.
 14 Q. Okay. Those are the kind of questions --
 15 A. Okay.
 16 Q. -- I am trying --
 17 A. I am sorry.
 18 Q. I am stabbing in the dark here, sir. So,
 19 when I ask you these questions, you -- you need to
 20 elaborate on them for me.
 21 A. Okay.
 22 Q. So, when I ask you have you talked to
 23 anybody at BP, one of them is, yes, you talked to
 24 Mr. Harris; and you told him you would be here
 25 today and the reasons.

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1 A. Okay. I didn't --
 2 Q. Okay.
 3 A. -- take it that way. Sorry.
 4 Q. Is there anyone else you talked to about
 5 coming up here today?
 6 A. I -- when I went into work this morning,
 7 I mentioned to one of the people in the office that
 8 I was going for a deposition in Houston.
 9 Q. Okay.
 10 A. They asked why I was leaving. So, I
 11 guess, based on what you just said, that would
 12 constitute that.
 13 Q. All right. Have you talked to anyone at
 14 BP about the subject matter of your testimony
 15 today?
 16 A. No.
 17 Q. Have you talked to anyone at BP about the
 18 subject matter of their testimony --
 19 A. No.
 20 Q. -- in this matter?
 21 Were you aware that other people
 22 had given testimony in this matter?
 23 A. Yes.
 24 Q. And you have not undertaken any effort to
 25 find out what happened in their depositions or what

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1 was asked of them or anything of that nature?
 2 A. No.
 3 Q. Okay. Mr. Hawkins, there were -- I will
 4 let you just know a little bit about our side of
 5 this case.
 6 We have asked British Petroleum to
 7 provide us documents in this matter, and they
 8 probably provided us a lot more than you personally
 9 are aware of. So, you will have to bear with us
 10 today. I am going to ask you questions about a lot
 11 of those documents today. Okay?
 12 Some of them you may have seen
 13 before. Some of them you may not. But in doing
 14 that, one of the things we asked for were copies of
 15 your statements; and we have been provided several
 16 of them. One was dated March 24, 2005 -- the
 17 statements given to BP investigators.
 18 Do you recall giving that
 19 statement?
 20 A. Yes.
 21 Q. Have you ever had an opportunity to read
 22 or review that statement for its accuracy and
 23 veracity?
 24 A. Have I read it?
 25 Q. Yes, sir.

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1 A. Or reviewed it?
 2 No, sir.
 3 Q. Have you ever asked to read or review the
 4 statement that you gave to the investigators
 5 shortly after this occurrence?
 6 A. No.
 7 Q. You gave a deposition -- or a statement,
 8 I believe, to BP again on April 19, 2005.
 9 Do you recall that?
 10 A. I remember talking to them more than
 11 once. I don't -- I am not a hundred percent sure
 12 of the dates that you are referring to.
 13 Q. Okay.
 14 A. But...
 15 Q. Did you ever ask for a copy of that
 16 statement to help refresh your memory?
 17 A. No.
 18 Q. Did you ever ask for a copy of it just
 19 for your own personal archives?
 20 A. No.
 21 Q. The day before you gave that statement
 22 April 19, you also met with attorneys for British
 23 Petroleum, did you not? April 14, 2005?
 24 A. It's possible, yes.
 25 Q. Okay. Do you recall, other than in the

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1 last few weeks, having to leave the plant and
 2 discuss any of the matters associated with this
 3 explosion with lawyers who purportedly represented
 4 British Petroleum?
 5 A. Could you -- could you repeat that,
 6 please?
 7 Q. Yes, sir.
 8 You told us a little while ago
 9 that you have met with attorneys several times
 10 recently to prepare your testimony.
 11 A. Okay.
 12 Q. So, I now want to know if you met lawyers
 13 before those occasions and since the explosion.
 14 A. I have met with attorneys on site.
 15 Q. Have you ever left the premises to meet
 16 with attorneys?
 17 A. Other than the last few weeks, you know,
 18 no.
 19 Q. Mr. Hawkins, I have got a memo. This is
 20 Bates No. 207431 and I have made some notes on it,
 21 but is this an e-mail that you received from
 22 Mr. Peltier?
 23 A. (Examines document.)
 24 What was your question again, sir?
 25 Q. Yes, sir.

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1 Is that an e-mail that you
 2 received from Mr. Peltier?
 3 A. Yes.
 4 Q. Okay. Do you personally recall receiving
 5 it?
 6 A. I have some recollection of it, yes.
 7 Q. Okay. And did you, in fact, attend this
 8 meeting with these attorneys?
 9 A. Yes.
 10 Q. Did you know these attorneys Mr. Gaynor
 11 and Ms. Dinkins and Mr. Wilkinson at
 12 Vinson & Elkins?
 13 A. Did I know them?
 14 Q. Yes, sir.
 15 A. I don't recall exactly when the meeting
 16 was, and I can't remember if I had met them in a
 17 previous meeting or not.
 18 Q. Okay.
 19 MR. PATTERSON: What was the date
 20 of that meeting, Brent?
 21 MR. COON: This is April 18th.
 22 MR. PATTERSON: Thank you.
 23 Q. (BY MR. COON) Do you know why you were
 24 to meet with those attorneys on that date?
 25 A. To discuss the ISOM incident.

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1 Q. Were you aware that all three of these
 2 attorneys have extensive experience in criminal
 3 investigations?
 4 A. No.
 5 Q. Are you aware that Ms. Dinkins was former
 6 deputy attorney general for the U.S. Government?
 7 A. No.
 8 Q. Are you aware that Mr. Gaynor was a
 9 former Department of Justice attorney?
 10 A. No.
 11 Q. Were you aware of the concern that
 12 British Petroleum had with potential criminal
 13 investigations or criminal indictments being
 14 brought by the Department of Justice as a result of
 15 this incident?
 16 MR. PATTERSON: Objection, form.
 17 A. At the time no, I was not aware of it.
 18 Q. (BY MR. COON) When were you first made
 19 aware that Federal and/or State authorities were
 20 conducting a criminal investigation into this
 21 occurrence?
 22 MR. PATTERSON: Objection, form.
 23 A. I actually don't know that -- 100 percent
 24 sure that they are.
 25 Q. (BY MR. COON) Have you heard or read in

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1 the paper about the Department of Labor referring
 2 this matter over to the Department of Justice back
 3 in December of 2005?
 4 A. I have heard people talking about it. I
 5 have not read it personally in the paper.
 6 Q. Did anyone at your company, your
 7 supervisors or anyone inform you of that matter?
 8 A. It -- it came up in an off-site meeting.
 9 A question was asked. Were they looking into
 10 criminal charges, I believe, is the way it was
 11 posed.
 12 Q. You haven't had any meetings with British
 13 Petroleum that have explained to you and/or some of
 14 the other management that, "The Department of Labor
 15 has referred this to the Department of Justice, and
 16 they are investigating us criminally now"?
 17 A. Have I personally had conversation with
 18 BP on that?
 19 Q. Yes, sir.
 20 A. No, I have not had a formal meeting with
 21 anybody to -- that we had that discussion, not that
 22 I can recall.
 23 Q. Do you understand the circumstances of
 24 this criminal investigation, why this is they are
 25 looking into a criminal investigation?

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1 MR. PATTERSON: Objection, form.
 2 A. Do I understand the circumstances?
 3 Q. (BY MR. COON) Yes, sir.
 4 A. Sure. I would assume that it would be
 5 from the ISOM incident, yes.
 6 Q. Do you know what the Department of
 7 Justice would be looking into criminally?
 8 A. No, I do not.
 9 Q. Okay. Now, you also gave a statement
 10 July 7, 2005. This was the one to OSHA. I think
 11 you mentioned that earlier.
 12 A. Uh-huh. Yes, sir.
 13 Q. You understood that was a pretty long
 14 statement. I think it was a hundred and something
 15 pages long or about a hundred pages long.
 16 Have you ever had an opportunity
 17 to read or review your testimony given to OSHA?
 18 A. No.
 19 Q. Have you ever asked anyone for a copy of
 20 the transcript of the testimony that you gave at
 21 that time?
 22 A. No.
 23 Q. Now, you also gave another statement to
 24 British Petroleum in September of 2005.
 25 Do you recall giving that

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1 statement to your employer?
 2 A. To the BP investigation team? Is
 3 that what you're --
 4 Q. Yes, sir.
 5 A. I know I have met with them on several
 6 occasions. I just do not remember the dates. So,
 7 I would say that is very possible.
 8 Q. Okay. Other than the four that I have
 9 just described to you, do you recall any other
 10 instances where you gave either your employer or
 11 some other agency a statement regarding your
 12 knowledge associated with this incident?
 13 A. Yes.
 14 Q. Could you explain that, please, sir?
 15 A. CSB.
 16 Q. Did CSB take a formal statement?
 17 A. I -- I don't know.
 18 Q. Was there a court reporter there or was
 19 there a recording of any type being utilized?
 20 A. Actually, there was a recording. They
 21 had a tape recorder.
 22 Q. Okay. Have you ever asked for a copy of
 23 anything that was recorded on that day?
 24 A. No.
 25 Q. Did you understand that you could have

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1 gone to your employer and asked for copies of each
 2 of those things that we just discussed, to help
 3 refresh your memory today?
 4 A. No.
 5 Q. Did you not understand you could have
 6 done that?
 7 A. No.
 8 Q. Did you ever ask anybody out of curiosity
 9 that you might want to see all the things you said
 10 before to make sure that your memory was properly
 11 refreshed and you didn't give inconsistent answers?
 12 A. For this?
 13 Q. Yes, sir.
 14 A. No, sir.
 15 Q. Who have you talked to at British
 16 Petroleum regarding what happened out there?
 17 And again, when I am saying "out
 18 there," it's regarding this March 23 explosion, any
 19 formal discussions with anybody in management?
 20 A. Probably the majority of people out
 21 there. I can't --
 22 Q. Okay. Have there been any other formal
 23 meetings with you and other supervisors regarding
 24 this matter?
 25 A. Specific to the ISOM incident, not that I

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1 can recall.
 2 Q. What about the trailer siting?
 3 A. Specific meetings --
 4 Q. Yes, sir.
 5 A. -- around that?
 6 Not that I can recall.
 7 Q. Let me back up some, Mr. Hawkins.
 8 You have -- you did not bring a
 9 resume, did you, sir?
 10 A. No.
 11 Q. Do you know what one is, though?
 12 A. Yes, sir.
 13 Q. Could you briefly educate us with respect
 14 to your background? First, your educational
 15 background and prior work experience before you
 16 came to work at BP.
 17 A. There is really not a lot prior to coming
 18 to work for BP. I graduated from Dickinson High
 19 School in 1975.
 20 Q. Okay. College?
 21 A. No. I went to work for BP in -- in 1977.
 22 I worked in the plants with contractors prior to
 23 that, did some roofing and things of that nature
 24 for a while and then I hired on with BP in 1977.
 25 Did you want that work history as

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1 well at BP? I didn't --
 2 Q. Yes, sir, we will go through that.
 3 A. Okay.
 4 Q. Before we get there, do you have any
 5 certifications or licenses of any type?
 6 A. Any licenses?
 7 Q. Yes, sir. Other than a driver's license,
 8 but any -- any license that -- I know you have a
 9 marriage license. We presumed that from your prior
 10 testimony.
 11 A. No.
 12 Q. You don't have any licensure with respect
 13 to engineering or chemical safety or process safety
 14 management or any of those types of things?
 15 A. No. Just certifications for, you know,
 16 doing work within the refinery but, you know,
 17 nothing beyond that.
 18 Q. Okay. Can you summarize for us the
 19 18 years or so you have been out -- or, I guess, 20
 20 something years that you have been out at British
 21 Petroleum?
 22 A. Yes. I hired in as a process operator,
 23 as I said in 1977.
 24 Q. Were you a member of OCAW at the time?
 25 A. Was I -- I am sorry.

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1 Q. Were you a member of OCAW at the time?
 2 A. Yes, I was.
 3 Q. Okay.
 4 A. I worked a few process units out there in
 5 1986. I was promoted to senior supervisor over
 6 process units. 1996, I was promoted to senior
 7 supervisor. 2000 or so -- I think it was the end
 8 of 2000, I went to the commercial group in loss
 9 control; and then in 2003, I went to -- became
 10 superintendent of -- for the ARU, AU2, ISOM and
 11 NDU.
 12 And I am currently the operations
 13 manager for the ABF project in Texas City.
 14 Q. You held the position of supervisor or
 15 superintendent over the ISOM, NDU, AR2 unit in,
 16 what, February of '05?
 17 A. No, it was later than that. I can't
 18 remember.
 19 Well, you said two things; and I
 20 just want to get clarity here. You said
 21 "supervisor" and "superintendent," I think.
 22 And it was -- I mean which were
 23 you referring to?
 24 Q. From the time that you went over to that
 25 unit as a -- what is it? Superintendent?

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1 A. Superintendent, yes.
 2 Q. That was in 2003?
 3 A. Yes.
 4 Q. And you retained that position until
 5 sometime in 2005; correct?
 6 A. Yes, that's correct.
 7 Q. Did you still have that position at the
 8 time of the explosion in March?
 9 A. I was on special assignment as a SPA,
 10 which is a single point of accountability, for ARU
 11 turnaround at the time of the explosion.
 12 Q. That's what I understood. At the actual
 13 time of this explosion in March, you had been taken
 14 out of your superintendent role for this special
 15 SPA --
 16 A. Yes.
 17 Q. -- assignment?
 18 A. That is correct.
 19 Q. And that Charles Logan stepped into your
 20 position?
 21 A. That is correct.
 22 Q. As superintendent?
 23 A. Yes.
 24 Q. And how long did you retain the position
 25 as special SPA over the ARU TAR?

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1 A. Well, I was in that role on March 23rd
 2 and -- I am trying to remember dates here. I
 3 apologize, but it was shortly after that that I
 4 returned; but to the AU2 and ARU unit -- and they
 5 brought in somebody on special assignment similar
 6 to what I did for the turnaround for the ISOM and
 7 the NDU. But I can't remember the date. It was
 8 shortly after the ISOM incident, though.
 9 Q. Who did -- were you -- they -- maybe I
 10 missed you there.
 11 A. Okay.
 12 Q. I thought you said they brought someone
 13 for the ISOM TAR after that.
 14 A. Similar to what I had done for the ARU
 15 turnaround, they brought in --
 16 Q. Which you completed after the explosion?
 17 A. That's correct.
 18 Q. They didn't bring anyone in to do ISOM
 19 turnarounds after the explosion, did they?
 20 A. No, it wasn't. I was making reference
 21 that it was similar to how I had taken a special
 22 assignment. They brought in someone for the NDU
 23 ISOM recovery effort.
 24 Q. All right. So, since the explosion, they
 25 haven't done anything with the ISOM unit, have

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1 they?
 2 A. In terms of what?
 3 Q. Repairing it and restoring it?
 4 A. Not restoring it.
 5 Q. Was there any pleasant -- present plan to
 6 bring that back on-line?
 7 A. Not to my knowledge.
 8 Q. Do you have any relatives at BP?
 9 A. Yes, I have a brother-in-law.
 10 Q. What's his name?
 11 A. James Rogers.
 12 Q. What is his title?
 13 A. I am not real sure. He is either a board
 14 operator or a process technician. He doesn't work
 15 in my area.
 16 Q. Mr. Hawkins, with the 25, 30 years of
 17 experience you have had with British Petroleum and
 18 various management responsibilities that you have
 19 had, would you consider yourself an expert in
 20 process safety management?
 21 A. I would not consider myself an expert.
 22 Q. Do you consider your skills, education,
 23 training to qualify you as an expert in any field?
 24 A. I am not exactly sure what a -- what an
 25 expert is.

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1 Q. Well --
 2 A. The way you are using it.
 3 Q. From your perspective of what an expert
 4 is, somebody with superior knowledge to the lay
 5 individual, would you consider yourself very
 6 knowledgeable in certain areas?
 7 A. From an operations perspective, people
 8 consider me that. And one in loss control, one in
 9 reforming technology, hydrotreating technology, but
 10 not from an engineering perspective.
 11 That's why I just want to make
 12 the --
 13 Q. Okay.
 14 A. -- make it clear.
 15 Q. Okay. And in the years that you worked
 16 at British Petroleum, I take it almost all of your
 17 experience was gathered from on-the-job training?
 18 A. On-the-job training, just someone showing
 19 me what to do?
 20 Q. Yes, sir.
 21 A. There is a lot of classroom training that
 22 goes on at BP as well, attending workshops,
 23 conferences, technology training, whether it be
 24 through UOP or with BP or Amoco, prior to BP.
 25 Q. Did you undertake classes outside of what

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1 BP provided you? Did you go back to school to try
 2 to learn more about process engineering or the
 3 chemical refining industry or anything like that?
 4 A. I bought the books and taught myself --
 5 Q. Okay. So --
 6 A. -- what I -- what I couldn't learn out
 7 there.
 8 Q. Okay. With respect to going out and
 9 undertaking efforts to involve yourself in formal
 10 education, the answer is that you have not?
 11 A. No.
 12 Q. Have you attended any programs or
 13 seminars not associated with BP, but just
 14 educational programs or seminars to further
 15 enlighten yourself with respect to the activities
 16 of operating petrochemical facilities?
 17 A. No, they're -- they have been through BP
 18 or Amoco.
 19 Q. Okay. Who would you say is your best
 20 friend at the plant at Texas City?
 21 A. My best friend?
 22 Q. Yes, sir.
 23 Closest confidant, someone you can
 24 talk to?
 25 A. I actually never thought of it like that.

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1 Q. Well, do you have somebody out there that
 2 you tend to tell more about what you think about
 3 things than somebody else, somebody you can trust,
 4 somebody you talk to about your personal issues and
 5 affairs, as well as things that occur at the plant?
 6 MR. PATTERSON: Objection, form.
 7 A. Honestly, my wife is my confidant and
 8 the -- and that's who I discuss things with,
 9 personal things with.
 10 Q. (BY MR. COON) Okay. You don't really
 11 have anybody out at the plant that you feel
 12 comfortable talking to about your personal affairs?
 13 A. There is probably many people out there;
 14 but I mean, I am not going to get into my personal
 15 business with my colleagues.
 16 Q. Okay. Well, what about somebody that you
 17 feel that you could confide in to complain about
 18 issues associated with work?
 19 A. I probably don't have one person. I am
 20 sorry.
 21 Q. Can you name anybody? Does anybody come
 22 to mind?
 23 A. That is a friend?
 24 Q. That's a friend that you feel like you
 25 can talk to about things at work that may bother

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1 you, that frustrate you or something, that you know
 2 they won't go to management and squeal you out?
 3 MR. PATTERSON: Objection, form.
 4 A. I am not a hundred percent sure where you
 5 are going; but my line manager at the time, Willie
 6 Willis, I always felt that I could talk to him --
 7 Q. (BY MR. COON) Okay.
 8 A. -- about concerns or if -- kind of is
 9 that what you are looking for?
 10 Q. Yes, sir.
 11 A. Okay.
 12 Q. Perfect.
 13 A. But Willie is -- I mean, but on the other
 14 hand, I am not going to consider Willie a good
 15 friend.
 16 Q. Okay. How about friends not employed at
 17 the plant, other than your spouse? Do you have any
 18 running buddies or somebody you have a drink with
 19 or do something with or hunt and fish with?
 20 A. I am a homebody. I am sorry.
 21 Q. Do you have a neighbor that you associate
 22 with that you would ever --
 23 A. No.
 24 Q. No? You just don't have any friends out
 25 there?

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1 A. I have friends. I think you are taking
 2 it wrong; but yeah, I have friends. But the -- you
 3 know, I consider my brother-in-law that lives in
 4 Utah a friend, you know.
 5 I mean, at the end of the day --
 6 you know, workdays are pretty long, you know, and
 7 it's come home and go to sleep type thing. I don't
 8 play golf and have running buddies like that and...
 9 Q. Okay. Let's go back to your work
 10 activities, Mr. Hawkins.
 11 What type of specific training do
 12 you recall receiving at British Petroleum regarding
 13 your various responsibilities? We're talking about
 14 process hazard analysis, management of change
 15 issues, action items, things like that.
 16 How do you get educated and
 17 informed about those things?
 18 A. Typically through the Traction system.
 19 They, you know, on some frequency
 20 will send out VTA training. I said Traction. I
 21 apologize for that. It's actually VTA, which is
 22 our training system that we have out there where
 23 they will issue like the MOC process, things
 24 related to process safety management.
 25 I spent time personally looking

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1 through, you know, PSM OSHA 1910.119.
 2 Q. I was going to ask you that, if you were
 3 familiar with various OSHA guidelines as they
 4 relate to the petrochemical industry?
 5 A. I have a fairly good awareness of them,
 6 yes.
 7 Q. Okay. What about API standards? Are you
 8 familiar with those?
 9 A. Yeah, I don't really get that involved in
 10 those. Engineering folks do.
 11 Q. All right. What about the Department of
 12 Energy and their guidelines?
 13 A. No.
 14 Q. Do you know what guidelines the
 15 Department of Energy has with respect to the
 16 operations of petrochemical facilities?
 17 A. I don't know that they -- which ones are
 18 directly generated from them, no.
 19 Q. Okay. Is there a library at your
 20 facility that you can go to and access information
 21 to answer questions that you may have about various
 22 regulatory issues?
 23 A. Yes, I would say our PSM web page.
 24 Q. Do you have access to the PSM web page?
 25 A. Yes.

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1 Q. You would agree that process safety
 2 management is a -- it's critical in the
 3 petrochemical industry, is it not?
 4 A. Process safety management is.
 5 Q. And it's your responsibility as a
 6 superintendent out there to be well-informed with
 7 respect to process safety management issues at that
 8 plant?
 9 A. I would say it's everybody's
 10 responsibility to be aware and informed of process
 11 safety.
 12 Q. Sure.
 13 Particularly yours in a role as
 14 the superintendent at that plant?
 15 A. Actually, I see no more weighted value on
 16 one position as opposed to the other. I think
 17 everybody is -- it's very important.
 18 Q. Okay. But you would agree that a General
 19 is supposed to know more than the Indian, huh?
 20 A. Not in all cases, no.
 21 Q. What qualifies you to be a superintendent
 22 versus an operator?
 23 A. Operators are qualified at a much
 24 different level than the operating superintendent.
 25 Q. Well, don't superintendents go through

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1 additional training and have additional resources
 2 to make them more aware of certain issues with
 3 respect to safety hazards and process safety
 4 management hazard analysis, et cetera?
 5 A. Operators are involved in that as well
 6 and also have more detailed training of unit
 7 specific activities that a superintendent wouldn't
 8 have. And that's why I was just trying to clarify
 9 that.
 10 MR. DEAN: Objection,
 11 responsiveness.
 12 Q. (BY MR. COON) Are you saying that an
 13 operator has a superior level of knowledge with
 14 respect to general process safety management than a
 15 superintendent at British Petroleum Texas City?
 16 A. Could you repeat the question, please?
 17 Q. Yes, sir.
 18 Are you telling me that an
 19 operator at British Petroleum Texas City has
 20 superior knowledge with respect to process safety
 21 management than the superintendents that they
 22 answer to?
 23 A. It's possible.
 24 Q. You would agree that failure to recognize
 25 the importance of process safety management would

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1 be careless?
 2 A. Yes.
 3 Q. And you would agree that the failure to
 4 recognize the importance of process safety
 5 management would, in fact, be reckless?
 6 MR. PATTERSON: Objection, form.
 7 A. Failure to recognize -- what was the end
 8 of your question, please?
 9 Q. (BY MR. COON) Yes, sir.
 10 I will try to read it verbatim.
 11 A. Okay.
 12 Q. You would agree that the failure to
 13 recognize the importance of process safety
 14 management would be reckless?
 15 MR. PATTERSON: Objection, form.
 16 A. I am just not real sure on the
 17 reckless -- I guess, you know, you should certainly
 18 recognize and adhere to process safety.
 19 Q. (BY MR. COON) Okay. Well, you would
 20 agree that process safety management is Job 1 in
 21 the petrochemical industry, isn't it?
 22 A. Yes.
 23 Q. And failure to adhere to basic process
 24 safety management rules would be reckless?
 25 MR. PATTERSON: Objection, form.

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1 A. If you would, just explain "reckless" to
 2 me. I am just struggling with that and I
 3 apologize, but I want to make sure I answer your
 4 question correctly.
 5 Q. (BY MR. COON) Well, just -- you have
 6 used the word "reckless" before, haven't you?
 7 A. Yes, when somebody is driving.
 8 Q. Okay. Well, let's look at it as somebody
 9 driving.
 10 A. Okay.
 11 Q. Put it in that.
 12 A. Okay.
 13 Q. Somebody running a red light on purpose,
 14 reckless conduct.
 15 A. Okay.
 16 Q. Disregard. Know the rule and choose to
 17 ignore it?
 18 A. So, in terms of disregarding.
 19 Q. Disregarding?
 20 A. Yes, I would agree with that.
 21 Q. Okay. So, you would agree that the
 22 failure to recognize importance of process safety
 23 management in the petrochemical industry is
 24 reckless?
 25 A. Yes.

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1 Q. And there are many reasons for that; but
 2 one of them is that in the petrochemical industry,
 3 a failure to recognize how critical process safety
 4 management is puts persons at risk of harm?
 5 A. Yes, it could.
 6 Q. It can put them in extreme risk of harm,
 7 can it not?
 8 A. Yes, it could.
 9 Q. It's because you are dealing with lots of
 10 chemicals that are dangerous to the environment and
 11 to individuals that are exposed to them, correct?
 12 MR. PATTERSON: Objection, form.
 13 A. Many of them are.
 14 Q. (BY MR. COON) And many of them are
 15 flammable?
 16 A. Yes.
 17 Q. And you would agree that process safety
 18 management involves the application of management
 19 principles and methods and practices to prevent and
 20 control accidental release of process chemicals or
 21 energy?
 22 A. Yes.
 23 Q. For the very reasons that we had this
 24 explosion, you want to keep the -- any of these
 25 volatile chemicals contained within the piping

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1 system, correct?
 2 A. Please repeat the question.
 3 Q. Yes, sir.
 4 The importance in chemical safety,
 5 when you are dealing with chemicals at a plant like
 6 British Petroleum, for process safety management --
 7 A. Uh-huh.
 8 Q. -- it's important to keep the product
 9 contained?
 10 A. Controlled.
 11 Q. And "controlled" also entails contained,
 12 does it not?
 13 A. In many cases, but not in all.
 14 Q. You don't encourage the release or lack
 15 of containment of toxic flammable or explosive
 16 chemicals, do you, sir?
 17 A. No, but systems are designed for
 18 atmospheric relief. Flares are designed for
 19 release, and that's why I am just differentiating
 20 between --
 21 Q. Okay.
 22 A. -- containment.
 23 Q. Sure.
 24 Now, are you supposed to run these
 25 volatile and toxic chemicals into flares and burn

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1 it off or are you supposed to keep the product
 2 fully contained?
 3 MR. PATTERSON: Objection, form.
 4 A. I am trying to think how to answer your
 5 question here.
 6 Q. (BY MR. COON) Okay.
 7 A. Because it's pretty broad.
 8 Q. Well, let me rephrase it.
 9 The flares are a safety feature,
 10 correct?
 11 A. Yes, they are.
 12 Q. They can burn off volatiles and flammable
 13 material that needs to vent because of
 14 overpressurization in the system?
 15 A. Correct.
 16 Q. Thereby reducing the amount of chemicals
 17 that actually are emitted into the atmosphere or
 18 under the ground?
 19 A. Yes, but flares are also designed to
 20 have -- and that's my struggle with your question,
 21 because flares are also designed with specific
 22 purge rates to burn continuously and that's
 23 hydrocarbon material.
 24 So, I just wanted to be clear on
 25 what you were asking.

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1 Q. Okay. Now, you were in charge of loss
 2 control out at British Petroleum at one time, were
 3 you not?
 4 A. Yes.
 5 Q. Could you tell us what years?
 6 A. 2000 to July, 2003.
 7 Q. And as I understand in your role in that
 8 position, what we are talking about as loss
 9 prevention is the loss of hydrocarbons or the
 10 feedstock that is utilized in the petrochemical
 11 plant?
 12 A. As an accounting function, that -- that
 13 is correct. It's -- it's the weight balance on
 14 shipping material coming in, pipeline material
 15 coming in and then, all of the products for sale
 16 going out through loading stations, pipeline and
 17 then every -- all the, you know, identifying loss
 18 generated within the refinery.
 19 Q. Right. And in some companies or
 20 industries that's called spillage.
 21 Are you familiar with that?
 22 A. No, I am not familiar with that term.
 23 Q. Okay. But basically what you do, you
 24 have to buy the raw materials to make the products
 25 yourself?

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1 A. That's correct.
 2 Q. And so, basically, what BP Texas City
 3 does, it buys various raw products, and then it
 4 utilizes various equipment and processes to change
 5 the composition or blend those materials into
 6 something else and sell it either to wholesalers or
 7 to the retail public?
 8 A. You are absolutely right.
 9 Q. So, in that process, when you buy these
 10 materials, there is a cost of doing business
 11 associated with the actual purchase of the
 12 feedstock or whatever the raw product is?
 13 A. Yes.
 14 Q. And then there is a cost associated with
 15 running your plant and paying employees to
 16 manufacture the product into an end -- finished
 17 product that is sold to somebody else?
 18 A. Yes.
 19 Q. And you don't want to spill or lose some
 20 of the product that you bought because that
 21 decreases your profit margin?
 22 A. That's one thing, yes.
 23 Q. And the other thing that happens when you
 24 are dealing with hydrocarbons and other toxins and
 25 flammable materials is that if you are losing some

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1 of it in the making of your finishing product, it
 2 can create an environmental hazard, a fire hazard
 3 or other types of risks as well.
 4 That's another cause factor,
 5 correct?
 6 A. It could cause that if you lost it? Is
 7 that what you are saying?
 8 Q. Yes, sir.
 9 A. Yes.
 10 Q. So, there are several different reasons
 11 you don't want to lose the materials that you have
 12 purchased as you are utilizing them to make your
 13 finished product?
 14 A. Yes.
 15 Q. One is it impacts your profitability,
 16 correct?
 17 A. Certainly.
 18 Q. And the other is that it creates
 19 potential for occupational and environmental
 20 hazards?
 21 A. Yes, it could.
 22 Q. Are there any other reasons you do not
 23 want to lose any of your product and lose
 24 containment of your product?
 25 A. Other than safety and environmental and

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1 profitability?
 2 Q. Yes, sir.
 3 A. Not that I can think of.
 4 Q. Okay. And you were in a supervisory role
 5 at British Petroleum Texas City for several years
 6 to help reduce the amount of losses associated with
 7 the production system?
 8 A. Well, I mean, if I could take you back, I
 9 mean, I understand what you are asking.
 10 Q. Yes, sir.
 11 A. If I could have some clarity, maybe.
 12 Q. Yes, sir.
 13 A. It's -- its metering and accounting
 14 function is weighted very heavily on that. You
 15 purchase a pound of crude. You want to receive a
 16 pound of crude. You don't want to purchase water
 17 in that crude, those type of things, as well. So,
 18 that's -- that's the big piece of it.
 19 What you are referring to now is
 20 the difference, I believe, between what is
 21 identified and what is unidentified loss, and those
 22 are just two separate -- two separate functions.
 23 Q. Okay. But you really don't want either
 24 type of loss, do you?
 25 A. No.

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1 Q. And part of your job over the three-year
 2 timeframe that you discussed, 2000 to 2003, was to
 3 identify areas of loss and do what you could to
 4 contain it and recapture those losses?
 5 A. Yeah, I think that's fair to say.
 6 Q. Okay. And for example, if part of the
 7 routine process are resulting in excess atmospheric
 8 releases where you are having to burn off more than
 9 you want to because of overpressurization in the
 10 system, you may go back and say, "What can we do to
 11 avoid losing this much of our product as part of
 12 our normal operations?"
 13 A. Yeah, that could be part of it. Yes.
 14 Q. And if you are having leaks at various
 15 places, you want to do what you can to contain
 16 those leaks, again, for the same reasons we
 17 described, which that creates an environmental
 18 problem, a health problem, and it's a loss
 19 potential loss of profit because you are -- you are
 20 losing some of the raw materials that you are
 21 making your finished product with?
 22 MR. PATTERSON: Objection, form.
 23 A. You wouldn't want to have leaks. I agree
 24 with that.
 25 Q. (BY MR. COON) Okay. And part of loss of

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1 control involved identifying areas of leakage and
 2 trying to do something about them?
 3 A. It could, yes.
 4 Q. Now, the route is, in the timeframe you
 5 were in charge of loss prevention, Texas City
 6 British Petroleum refinery leaked like a sieve,
 7 didn't it?
 8 MR. PATTERSON: Objection, form.
 9 A. No, that's not my understanding when I
 10 went into the job.
 11 Q. (BY MR. COON) How many reported leaks
 12 were there at the facility each of the three years
 13 that you were in charge?
 14 MR. PATTERSON: Objection, form.
 15 A. It was an environmental function. That
 16 wasn't part of what I was actually doing.
 17 Q. (BY MR. COON) So, even though you --
 18 A. I don't have that information.
 19 Q. So, even though you were in charge of
 20 loss prevention, you have no clue how many leaks
 21 were out there on an annual basis?
 22 MR. PATTERSON: Objection, form.
 23 A. Many of it was identified, but not all of
 24 it.
 25 Q. (BY MR. COON) Okay. Well, those that

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1 were identified, how many were counted and
 2 tabulated on an annual basis for the years that you
 3 were in charge?
 4 A. They are not counted on a per leak basis.
 5 It's a -- it was a calculation
 6 based on throughput as far as emissions, which I am
 7 assuming you are referring to leaks around tank
 8 seals and emissions and VOCs and things of that
 9 nature. I am just assuming that's what you are
 10 asking me.
 11 Q. Okay. Well, we can talk about two things
 12 then. You say when --
 13 A. Okay.
 14 Q. -- BP calculates the total quantity of
 15 the leaks on an annual basis? Is that what you are
 16 saying? The volume?
 17 A. Yeah. For accounting purposes that is --
 18 that is -- that is one of the calculations, yes.
 19 Q. And there is a lot of accounting
 20 principles that go into place in the operation of
 21 that facility, correct?
 22 A. Accounting principles for the operations?
 23 Q. Yes, sir.
 24 A. I am not sure what that means.
 25 Q. Okay. I will -- I will move on.

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1 Are you telling us, sir, that
 2 British Petroleum did not count the number of
 3 leaks, individual leaks that they had out there
 4 each year?
 5 MR. PATTERSON: Objection, form.
 6 A. Yes. Yeah, spills?
 7 Q. (BY MR. COON) Leaks or spills? Is there
 8 a difference?
 9 A. Well --
 10 Q. Leak --
 11 A. I think as far as reporting, yes, there
 12 is a difference on how you report it.
 13 Q. Okay. Well, I presume a spill to be an
 14 isolated incident where you have an upset and a
 15 leak is just something that --
 16 A. Okay.
 17 Q. -- just has a bad valve or whatever and
 18 it is an ongoing process --
 19 A. Okay.
 20 Q. -- where you are losing some product
 21 until the valve is repaired or the -- the crack is
 22 fixed?
 23 A. I guess with my background, I just look
 24 at it different. It's just a matter of semantics
 25 here. I mean --

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1 Q. Okay.
 2 A. I --
 3 Q. Well --
 4 A. BP does track environmental releases. It
 5 does track what you would call leaks or spills with
 6 greater of, you know, so many gallons to the
 7 concrete, for instance, you know. But when you
 8 look at the loss control and -- and what is driving
 9 that, I mean, you really -- you are looking at slop
 10 production, you are looking at accounting over the
 11 docs, you are looking at identified loss, any --
 12 anything that's generating it; but to -- to have
 13 for each one, that does not go into that
 14 accounting. That goes into the environmental
 15 accounting.
 16 Q. Sure.
 17 And you had two different
 18 components. One is with environmental tracking.
 19 You are obligated by Government authorities to
 20 track environmental spills and report them if they
 21 exceed a certain amount, correct?
 22 A. That's correct.
 23 Q. You also within the company want to
 24 identify the areas that you are having the most
 25 leakage or spillage so that you can try to contain

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1 that and reduce your profit losses?
 2 A. Sure.
 3 Q. And in doing that, with the budgetary
 4 constraints you had, it was your job -- at least
 5 one of your jobs to identify the areas that you
 6 could get the most bang for your buck in terms of
 7 the -- fixing things that would most likely reduce
 8 the most volume of loss?
 9 A. And proper accounting was the biggest
 10 piece of it, you know, making sure that we are not
 11 paying double on meters and that we are not taking
 12 for water and things of that line, opportunities
 13 out there, you know, were certainly addressed
 14 within the refinery.
 15 If -- but when you look at -- when
 16 you look at it as you are stating it from a
 17 profitability standpoint, if you have a CO2
 18 accounting error that is, you know,
 19 2 million pounds as opposed to a VOC emission,
 20 which is 1 pound, the accounting issue is dealing
 21 with the -- the bigger things.
 22 The smaller things that I think
 23 you are referring to, as I said, you know, for the
 24 purpose of loss control, they are -- they are --
 25 they're -- they are based more on a calculation.

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1 Q. Okay. Did you have a tracking system
 2 that would tell you how many thousands, millions or
 3 billions of pounds or gallons of product you lost
 4 in a given year?
 5 A. Yes.
 6 Q. Who would keep records of those numbers?
 7 A. That group has changed since I left. So,
 8 I don't know. The -- the accounting group would
 9 certainly do that, hydrocarbon accounting.
 10 Q. Where is hydrocarbon accounting at?
 11 A. It's in -- it's at the refinery.
 12 Q. Do you know anybody that was in charge of
 13 it when you had the responsibility of loss control?
 14 A. Who was -- who did I report to?
 15 Q. Who was in charge of the accounting -- or
 16 the hydrocarbon accounting?
 17 A. Oh. When -- when I was there, it was
 18 Carol Sadler. Sadler or Sadlier. I am not a
 19 hundred percent sure on that.
 20 Q. Okay.
 21 MR. COON: Take a break.
 22 THE VIDEOGRAPHER: Off the record
 23 at 11:06 a.m., ending Tape 1.
 24 (Recess taken.)
 25 THE VIDEOGRAPHER: On the record,

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1 11:15 a.m., beginning Tape 2.
 2 Q. (BY MR. COON) Are you ready to continue,
 3 Mr. Hawkins?
 4 A. Yes.
 5 (Exhibit Number 144 marked for
 6 identification.)
 7 Q. (BY MR. COON) I want to go back and
 8 talk to you a little bit about process safety
 9 management.
 10 I have next what is marked as
 11 Exhibit 144. You can see it on the projector.
 12 Have you seen that document
 13 before?
 14 A. I have to look and see what's underneath
 15 it, but yes.
 16 Q. Okay. Well, there are about 15 pages of
 17 what look like they were PowerPoints or slides.
 18 A. Yes.
 19 Q. Can you tell us -- and that's your name,
 20 Ray Hawkins? This is you, right?
 21 A. I am assuming that's me, yes.
 22 Q. Okay. Well, could you tell us what the
 23 circumstances are of that exhibit number? What was
 24 that generated for? Did you have a presentation
 25 with a group or what?

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1 A. It could have been a number of things.
 2 It could have been an OSHA 1910 was, you know, as
 3 far as back as '92, when we were rolling out our
 4 initial training on it. It could have been from
 5 a -- possibly a team meeting.
 6 I don't really know which one, you
 7 know, that was used for.
 8 Q. Okay. Did you prepare it?
 9 A. I probably did, yes.
 10 Q. Any idea when?
 11 A. No, I don't know when.
 12 I have -- you know, something like
 13 this, it could have been for a presentation. It
 14 could have been for training when they initially
 15 did it. So, there has been numerous things similar
 16 to this.
 17 Q. Okay. Was the only time or occurrence in
 18 which you gave a presentation as part of training
 19 or education at British Petroleum?
 20 A. I don't know that on this one I
 21 specifically did a presentation.
 22 Q. Was this something that you made that you
 23 handed out to people or is it something that --
 24 A. It could have been.
 25 Q. Okay.

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1 A. I just -- I just don't -- I just can't
 2 remember.
 3 Q. Okay. Well, it looked like it was in a
 4 format. You just have a few things on each page.
 5 So, it looks like it was in a format to be
 6 presented to a group of people --
 7 A. Uh-huh.
 8 Q. -- on a projector or something?
 9 A. Yeah.
 10 Q. You don't recall the circumstances?
 11 A. No, not on that, I don't.
 12 Q. Have you given those types of
 13 presentations before as classroom education to --
 14 A. Control room, yes.
 15 Q. So, there have been occasions in the past
 16 when you have provided continuing education or
 17 training to subordinates?
 18 A. Or peers, yes.
 19 Q. Okay. Have -- to your knowledge, have
 20 the operators ever gone out there and given
 21 presentations like this on process safety
 22 management?
 23 A. And spoke to process safety management?
 24 Q. Yes, sir.
 25 A. Yeah.

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1 Q. Have they given presentations like this
 2 before?
 3 A. Yes, I am sure they have. I'm not -- we
 4 have operators that are involved in the training
 5 department, as well as supervisors.
 6 Q. Okay. Do you know why it was that you
 7 were selected to give a presentation or handouts
 8 regarding process safety management?
 9 A. No, I can't remember.
 10 Q. You don't know who would have asked you
 11 to have done that or whether you initiated --
 12 A. It's quite possible I just did it on my
 13 own.
 14 Q. Is this the only occasion that you would
 15 have initiated this type of an overture on your
 16 own, if this is what you did here?
 17 A. A what on my own, sir?
 18 Q. Yeah, if you would have initiated this
 19 undertaking on your own. Is this the first time
 20 you would have done that?
 21 A. On this specific one?
 22 Q. Well, on any --
 23 A. I just can't --
 24 Q. Yes, sir.
 25 On any kind of training?

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1 A. No, I would initiate things on my own.
 2 If people had questions in something that I was,
 3 you know, qualified to speak on, I didn't mind
 4 speaking to people. I spoke to people on loss
 5 control constantly, bringing people into team
 6 meetings and discusses issues around loss control,
 7 for instance. So...
 8 Q. And that just came with the roles and
 9 responsibilities you had in management at British
 10 Petroleum?
 11 A. That was the way I saw it, yes.
 12 Q. Okay. And you consider yourself part of
 13 the management team at British Petroleum, do you
 14 not?
 15 A. Yes.
 16 Q. And you have had a number of people over
 17 the years that are responsible for reporting to
 18 you?
 19 A. Yes.
 20 Q. Do you have any authority to make
 21 recommendations on hiring, firing, demoting or
 22 punishing employees at British Petroleum?
 23 A. I heard -- the very first of it, if you
 24 could just repeat that, I got the rest of it.
 25 Q. Yes, sir.

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1 Do you have a responsibility for
 2 hiring, firing, demoting or punishing employees at
 3 British Petroleum?
 4 A. Well, I don't have a responsibility for
 5 hiring them. I will make recommendations on --
 6 on -- on needs based on staffing levels.
 7 I do have accountability
 8 towards -- I think you were kind of referring to
 9 discipline issues for employees, yes; but it is not
 10 my responsibility.
 11 Q. Mr. Hawkins, when we were talking about
 12 process safety management, there was a gentleman
 13 yesterday who was deposed. Gary Armstrong was
 14 deposed the last couple of days.
 15 Do you know that gentleman?
 16 A. I know Gary.
 17 Q. He was asked to talk about the six truths
 18 of refining.
 19 Do you know what those principles
 20 are?
 21 A. The what?
 22 Q. The six truths of refining?
 23 A. The six truths of refining.
 24 Q. Are you familiar with that terminology?
 25 A. I am not familiar with that.

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1 Q. Okay. Do you know anything with respect
 2 to the -- the Number 1 Rule in refining is --
 3 proper root cause analysis is to look at why an
 4 operator error occurred -- let me go through them.
 5 Here is the ones he talked about.
 6 Proper root cause analysis looks
 7 to why an operator error occurred, not at operator
 8 error.
 9 Do you agree or disagree with that
 10 truth of refining?
 11 MR. PATTERSON: Objection, form.
 12 A. Do I agree with what Mr. Armstrong put
 13 together here?
 14 Q. (BY MR. COON) Would you agree --
 15 A. That --
 16 Q. Would you agree with the statement --
 17 A. That root cause is important?
 18 I agree that root -- finding root
 19 cause is important.
 20 Q. And do you agree that that looks to why
 21 operator error would occur, not at the operator
 22 error, itself?
 23 MR. PATTERSON: Objection, form.
 24 A. I think root cause takes you there. I
 25 think that's what the purpose of the root cause

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1 analysis is, is to look at the root cause. If it
 2 was operator error, what caused the error.
 3 So, in -- in -- in that context,
 4 I -- I agree with that.
 5 Q. (BY MR. COON) Okay. Do you agree that
 6 it's important to learn lessons from prior
 7 incidents?
 8 A. Yes.
 9 Q. Do you agree that refinery owners must
 10 abide by the law?
 11 A. Yes.
 12 Q. Do you agree that shutdowns and startups
 13 are the most dangerous times in a petrochemical
 14 plant?
 15 A. They are among the most dangerous times.
 16 Q. Are there any times that are more
 17 dangerous?
 18 A. Abnormal operation.
 19 Q. And you understand that at the Texas City
 20 facility there is a lot of different ways something
 21 could blow up?
 22 MR. PATTERSON: Objection, form.
 23 A. There are a lot of different ways that
 24 things can blow up that have been identified.
 25 Q. (BY MR. COON) It's not just a hazard of

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1 that particular facility. It's a hazard indigenous
 2 to the petrochemical industry, is it not?
 3 A. That is correct. I would agree with
 4 that.
 5 Q. And not even necessarily even within the
 6 petrochemical industry, but in some other -- I
 7 don't know if the industry is the right word, but
 8 there are other occupations or processes that put
 9 people at risk of explosions?
 10 A. Yes, I can think of a few, yes.
 11 Q. And, in fact, down in Texas City before
 12 this tragedy, there was a very infamous explosion,
 13 I think, back in the '40s, the Grandcamp explosion.
 14 Do you recall that?
 15 A. What was the name of it again?
 16 Q. I think it was the Grandcamp explosion.
 17 It was Texas City -- it was known as the Texas City
 18 explosion?
 19 A. Oh, I am familiar with the Texas City
 20 explosion.
 21 Q. Yeah. And, in fact, I think I saw
 22 somewhere in the documents that were produced you
 23 were actually given a copy of the story associated
 24 with that explosion with ammonium nitrate?
 25 A. On the ship?

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1 Q. Yes.
 2 A. It is quite possible. I have seen
 3 documents over time on that.
 4 Q. Okay. And you have been educated over
 5 the many years that you worked at British Petroleum
 6 of the fact that if mistakes happen at a
 7 petrochemical plant, something can blow up?
 8 A. It -- depending upon the mistake, there
 9 is the potential there.
 10 Q. Has anything ever blown up at Texas City
 11 before this ISOM unit went up last year?
 12 MR. PATTERSON: Objection, form.
 13 A. To this magnitude?
 14 No.
 15 Q. (BY MR. COON) To a lesser magnitude?
 16 A. Yes.
 17 Q. On more than one occasion?
 18 A. Yes.
 19 Q. Can you tell us about those that you
 20 recall?
 21 A. Are you referring to fires?
 22 When you say "blow up," I guess I
 23 just want to --
 24 Q. Okay.
 25 A. -- just -- just understand exactly what

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1 you are looking for.
 2 Q. Okay. Well, let's break it down.
 3 A. Okay.
 4 Q. You are not supposed to have fires out at
 5 the plant, are you?
 6 A. No, except where they are controlled and
 7 you should have them there.
 8 Q. Yeah, like flares?
 9 A. Flares, furnaces.
 10 Q. Flares, furnaces.
 11 A. Yes.
 12 Q. Heat exchangers?
 13 A. Thermal oxidizers, yes.
 14 Q. But you also have upsets, leaks and other
 15 things that result in combustibles being exposed --
 16 A. Right.
 17 Q. -- to an ignition source?
 18 A. And having a fire.
 19 Q. And over the years at British
 20 Petroleum -- you have worked there for, what,
 21 almost 30 years?
 22 A. Yes.
 23 Q. There have been countless fires out
 24 there.
 25 Fair to state?

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1 MR. PATTERSON: Objection, form.
 2 A. I have seen fires out there.
 3 Q. (BY MR. COON) Is there like a fire a
 4 week out there?
 5 MR. PATTERSON: Objection, form.
 6 A. No, not to my -- it has not been my
 7 experience.
 8 Q. (BY MR. COON) A fire a month?
 9 MR. PATTERSON: Same objection.
 10 A. It's not been my experience.
 11 Q. (BY MR. COON) Are you familiar of all
 12 the testimony of the fire marshal out there with
 13 respect to the frequency of fires that occurred out
 14 at that plant that -- fires that aren't supposed to
 15 happen?
 16 A. Fires that are not supposed to have
 17 happened?
 18 No, I am not -- I am not familiar
 19 with that; but when you said that, we will be
 20 talking about two different things here. So...
 21 Q. Okay.
 22 All right. And speaking of fires,
 23 there was another uncontrolled fire, I think, the
 24 week after this explosion out there, wasn't there?
 25 MR. PATTERSON: Objection, form.

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1 A. There could have been.
 2 Q. (BY MR. COON) And these fires typically
 3 occur as a result of a lack of containment of
 4 combustibles?
 5 A. That -- that would be a fair assumption,
 6 yes.
 7 Q. And that's because Rule Number 1 in
 8 process safety management in the refinery broke
 9 down, which is keep the product contained or
 10 controlled?
 11 A. You stated it correctly, or controlled,
 12 yes.
 13 Q. Mr. Hawkins, I am going to jump around a
 14 little bit on this, but with respect to your pay
 15 schedule --
 16 A. Uh-huh.
 17 Q. -- over the years, would you consider the
 18 line of progression you have had to all be
 19 promotions?
 20 A. Okay. I am sorry.
 21 Q. Have you ever --
 22 A. One more time.
 23 Q. Yes, sir.
 24 Have you ever, through the years,
 25 ended up in a position where you were demoted to a

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1 lesser position that resulted in, you know, less
 2 pay?
 3 A. Oh, okay.
 4 Q. Less --
 5 A. No.
 6 Q. -- perks, whatever?
 7 Are you on the VPP plan?
 8 A. The VPP?
 9 Q. Yes, sir.
 10 A. Yes, I am.
 11 Q. Did you receive your bonus for last year?
 12 A. For --
 13 Q. Being 2005?
 14 A. For last year?
 15 Q. Yes, sir.
 16 A. Yes, I did.
 17 Q. And part of the VPP plan bonuses people
 18 based on safety, does it not?
 19 A. Yes.
 20 Q. Now, there's -- we have your personnel
 21 file. I am not going to walk you through all of it
 22 today, but there is an annual performance
 23 assessment.
 24 Do you recall those?
 25 A. Uh-huh. Yes, I do.

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1 Q. Have you completed your performance
 2 assessment, with whoever you do it with, for 2005?
 3 A. No, I have not.
 4 Q. Do you know why that has been delayed?
 5 A. It hasn't been delayed.
 6 Q. Aren't those normally done by the first
 7 of February every year?
 8 A. February 28th.
 9 Q. So, you plan on having that completed in
 10 the next week or so?
 11 A. That is my plan.
 12 Q. Okay. I have seen a number of them in
 13 the past that were all dated back in January or
 14 early February.
 15 Is it just because of your
 16 position it is delayed until later in February or
 17 do you know?
 18 A. It's just I recall the e-mail stating we
 19 need to have them complete by then.
 20 Q. Okay.
 21 A. It could have to do with the refinery
 22 being down. I am not sure.
 23 Q. Okay.
 24 MR. COON: And, Counsel, I know we
 25 have barraged with a lot of discovery request; but

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1 we could -- could we have the records supplemented
 2 with his performance appraisal for 2005 sometime in
 3 March?
 4 MR. PATTERSON: Probably so.
 5 Q. (BY MR. COON) Are you in charge of
 6 providing performance assessments or appraisals of
 7 other employees out there?
 8 A. Yes.
 9 Q. How many individuals?
 10 A. I -- I want to change my answer. I think
 11 if I understood your question, you asked if I am.
 12 Q. Yes, sir.
 13 A. No, I am not.
 14 Q. Are you involved in any way?
 15 A. Let me just -- let me -- in the current
 16 position that I have, I don't have people reporting
 17 to me. So, I won't be involved --
 18 Q. Okay.
 19 A. -- in that. I will be involved for last
 20 year for three people.
 21 Q. Last year being --
 22 A. So, I don't want to tell you one thing
 23 and --
 24 Q. Yes, sir.
 25 A. Okay.

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1 Q. Last year being 2005?
 2 A. Yes.
 3 Q. You had responsibilities for persons last
 4 year. So, you will fill one out for them for last
 5 year, even though they no longer are under your
 6 wing this year?
 7 A. Yes, because they were through the year
 8 of 2005 with the exception of maybe a few weeks or
 9 a month.
 10 Q. Okay. And who are those three
 11 individuals?
 12 A. David Breedlove, Paul Trapp and Anthony
 13 Higgins.
 14 Q. Have you met with those three individuals
 15 yet with respect to their 2005 performance
 16 appraisals?
 17 A. I have requested that they complete their
 18 2005 and schedule a meeting with me.
 19 Q. Have you done anything to prepare
 20 yourself mentally for the process of completing
 21 those performance appraisals?
 22 A. Yeah, I would say I have done some
 23 things, just mental observations that I have --
 24 that I have made and thought about throughout the
 25 year.

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1 Q. Those gentlemen were all out at the ISOM
 2 NDU unit last year, were they not?
 3 A. They were what?
 4 Q. They were all at the ISOM NDU complex?
 5 A. They -- they were assigned to ARU, AU2,
 6 ISOM, NDU.
 7 Q. Do you anticipate any criticism of any of
 8 those three individuals for last year's tragedy as
 9 part of the performance appraisal for 2005?
 10 A. None of those three were assigned and
 11 working the ISOM. Paul and Tony had both been gone
 12 for some time with me at the ARU, working the ARU
 13 turnaround.
 14 Q. So, is your answer "no"?
 15 A. And David was -- no, my answer is not
 16 "no."
 17 I don't -- I don't know.
 18 Q. Okay. And you think you will have
 19 those --
 20 A. There could be opportunities, but I'm
 21 not -- I don't know.
 22 Q. You haven't thought that all the way
 23 through yet?
 24 A. No, sir.
 25 Q. And you will have those appraisals done

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1 in the next week or two?
 2 A. That's the target.
 3 MR. COON: Counsel, I guess same
 4 request. When we -- when those are done, if we
 5 could get a copy of them, we would appreciate it.
 6 MR. PATTERSON: Okay.
 7 Q. (BY MR. COON) What experience do you
 8 have in capital budgeting, if any?
 9 A. Capital budgeting?
 10 Q. Yes, sir.
 11 A. I wouldn't say I have extensive -- I
 12 don't -- I have never worked in the group that --
 13 that handles the capital budget.
 14 You know, as far as an operations
 15 superintendent, you know, looking at the operating
 16 plan, there are requests of capital funding. So, I
 17 have experience with it from that perspective.
 18 Q. Okay. Are you familiar with any type of
 19 standardized value calculations BP uses as part of
 20 a capital budgeting as it relates to return on
 21 investment and things of that nature?
 22 A. No, I don't get involved in that.
 23 Q. Have you ever been in a position at the
 24 facility where you make recommendations with
 25 respect to the number of staff that is reducing --

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1 having a reduction in force or the need for
 2 additional staffing in certain areas that you are
 3 responsible for?
 4 A. Once again, just the very first part of
 5 the question. I got the last of it, but am I
 6 responsible for that or have I been involved in it?
 7 Q. Yes, sir.
 8 Have you had a responsible in
 9 working there where that was an issue?
 10 A. And I will apologize, but, you know, I
 11 heard more than one kind of question in there as
 12 far as, you know, staffing levels.
 13 Q. Okay.
 14 A. So, you are looking -- are you
 15 specifically looking for reducing staffing or
 16 setting the staffing or --
 17 Q. Sure.
 18 A. -- maybe the hiring for new operators
 19 or...
 20 Q. Yes, sir.
 21 Have you been involved in that
 22 process as part of your budgeting?
 23 A. As part of my budgeting?
 24 Q. Yes, sir.
 25 A. No, I would not say that that is directly

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1 related to the -- to the budgeting. You look at
 2 your -- you look at your staffing level and that's
 3 what your budget is set on.
 4 Is that what you are asking?
 5 Q. Okay. Well, let me back up some.
 6 Which hats have you worn over
 7 time? You told us that you had several different
 8 jobs out there.
 9 A. Uh-huh.
 10 Q. At which times did you have a job out
 11 there where you were responsible for meeting with
 12 somebody regarding budgeting of that particular
 13 operation?
 14 A. Just in my superintendent role.
 15 Q. It would be the role you had from 2003 --
 16 A. Three.
 17 Q. -- to 2005?
 18 A. Yes.
 19 Q. Okay. Let's talk about that timeframe.
 20 A. Okay.
 21 Q. That's when you were the superintendent?
 22 A. Yes, sir.
 23 Q. And that was for which units?
 24 A. For ARU-A, ARU-B, AU2, ISOM, NDU.
 25 Q. And how many people worked under you as

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1 superintendent of those five units?
 2 Just a ballpark.
 3 A. Okay. Thank you.
 4 Maybe 35.
 5 Q. And who did you report to or deal with
 6 with respect to the capital budgeting for those
 7 five units?
 8 A. Well, we have -- at the beginning of
 9 this, I -- and I just want to clarify it for you
 10 because it's -- you are going to sound like I
 11 jumped and went somewhere else; but at the first
 12 part of that assignment, it was part of the
 13 chemical plant. So, we had -- Kevin Meaney kind of
 14 worked with us, but I would still report to Rich
 15 Peltier. You know, we would develop our capital
 16 plan.
 17 When we went to the refinery and
 18 began reporting in to Willie Willis, they had a
 19 number of people fill that same role that were just
 20 sporadically in there. Excuse me. And ultimately
 21 it -- it -- it came down to a gentleman named Matt
 22 Brewer.
 23 Q. Okay. Now, with respect to capital
 24 budgeting for the operation of these five units,
 25 this would include staffing needs for each of the

Page 90

1 five units?
 2 A. No, no. That -- that -- that's separate
 3 budgeting.
 4 Q. Okay.
 5 A. You are looking at --
 6 Q. Well, how many different budgets do we
 7 have? You have a staff budget?
 8 A. No, that's part of fixed cash costs.
 9 Q. Okay. Let's talk about each one of these
 10 one at a time.
 11 A. Okay.
 12 Q. Fixed cash cost?
 13 A. Fixed cash cost.
 14 Q. And that involved what?
 15 A. Things like budgeting, routine
 16 maintenance, unit supplies, things that weren't
 17 dependent upon other influences from industry,
 18 primarily I guess would be a real simple way to
 19 look at it. And there was variable budget.
 20 Q. Okay. Let's break down each of these.
 21 A. Okay. Sorry.
 22 Q. You have the fixed cash cost for these
 23 five units. You looked at the supplies.
 24 And by "supplies," what are you
 25 talking about?

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1 A. It could be -- it could be as simple as
 2 hand towels for the control room to major equipment
 3 in the field.
 4 Q. Okay. Was your feedstock, things like
 5 that, part of your supplies?
 6 A. No, that is part of variable budget.
 7 Q. Okay.
 8 A. And it's actually not something that we
 9 really budget for. It's the associated cost on the
 10 unit that can be influenced by feed value. I will
 11 try to be more clear when we get to that.
 12 Q. Well, those costs, I presume, fluctuate
 13 based on market demands?
 14 A. Absolutely. Natural gas goes up. Energy
 15 cost goes up on the unit.
 16 Q. What I am trying to find out from you,
 17 Mr. Hawkins --
 18 A. Okay.
 19 Q. -- in this area of your deposition is
 20 getting an understanding of the budgetary issues
 21 associated with the five units that you were in
 22 charge of for the two-year timeframe up --
 23 A. Sure.
 24 Q. -- up to about the time this particular
 25 unit exploded. Okay?

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1 A. Okay.
 2 Q. So, you are talking about the fixed
 3 expenditures?
 4 A. Okay, yes.
 5 Q. And what other type of expenditure? You
 6 mentioned variable --
 7 A. Variable cost.
 8 Q. Variable cost.
 9 And what other type of
 10 expenditures?
 11 A. There is capital.
 12 Q. Capital.
 13 A. There's turnaround budget, which can be a
 14 function of fixed cash cost or capital. It's -- it
 15 rotates back and forth just --
 16 Q. Okay. That's four.
 17 A. -- so you will understand.
 18 Q. Any others?
 19 A. What do we have there?
 20 We have fixed cash. We have
 21 variable. We have capital and turnaround.
 22 Q. Yes, sir.
 23 A. Those are the ones that I am primarily
 24 involved in.
 25 Q. Okay. Now let's break those down.

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1 Fixed cash expenditures?
 2 A. Uh-huh.
 3 Q. Generally we are talking about what?
 4 A. Wages, labor.
 5 Q. Was this hourly and salary?
 6 A. Yes. Sometimes salary won't be in there.
 7 Sometimes it rolls into an admin budget, but for
 8 the most part you will find it embedded in there.
 9 Q. Okay. What else?
 10 A. Labor.
 11 So, your mechanical wages and
 12 contractor wages that you pay for people coming in
 13 and working on the unit.
 14 Q. This is your outside contractor work?
 15 A. And your proprietary workforce, as well,
 16 your maintenance folks.
 17 Q. So, if you have to pull maintenance from
 18 one area to your unit --
 19 A. Yes.
 20 Q. -- that you don't have permanently
 21 assigned maintenance people, that gets charged back
 22 to you?
 23 A. Yes. And there are FTEs that are
 24 including in that -- included in that.
 25 Q. What are FTEs?

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1 A. Yeah. Which are full-time equipment.
 2 So, there are -- there is some
 3 calculation. I may need warehouse support. Just,
 4 you know, this is, I don't think, a major thing. I
 5 will just briefly touch on it but --
 6 Q. Okay.
 7 A. -- I may need warehouse support or
 8 machine shop support, you know, where they don't
 9 have a budget for those people.
 10 And when I am utilizing, I put
 11 money in the budget so I can cover what they
 12 backcharge to me. Okay?
 13 Q. Okay. So, if things go to a machine shop
 14 and they charge you for the cost of labor and
 15 materials to retool some piece of equipment, that
 16 goes back to your budget?
 17 A. Yes. Some of it in -- some of it's --
 18 yeah, all of it does, actually. It just depends on
 19 how it gets back there, but you are correct.
 20 Q. Okay.
 21 A. That's a perfectly good way to look at
 22 it.
 23 Q. What else under fixed cash?
 24 A. Just the day to day running of the unit.
 25 I mean, that's kind of the -- the -- the rundown on

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1 fixed cash cost.
 2 Q. Okay.
 3 A. So, if I have to repair a pump, if I have
 4 got to replace a handrail, you name it, it -- it
 5 comes in fixed cash cost.
 6 Q. Okay. Let's talk about variable costs.
 7 A. Okay.
 8 Q. What are they?
 9 A. Oh, I am sorry. I thought you were going
 10 to ask me a question. I apologize.
 11 Q. I just did.
 12 What are they?
 13 A. Okay. All right. I am there.
 14 Variable costs are chemicals for
 15 the unit. You may use cooling water treatment,
 16 things of that nature, catalyst cost, energy that
 17 you use such as your -- your fuel gas or your steam
 18 to operate a facility and these are all -- and
 19 that's primarily it.
 20 Q. Okay. With -- with plant supply power,
 21 how do you determine your energy cost?
 22 A. Well --
 23 Q. Are those prorated out? Do they charge
 24 them back to you?
 25 A. Yeah. We don't -- we don't actually get

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1 too involved in the -- in the variable budget.
 2 It's, you know, just more of an
 3 accounting. Here -- here's where you are and
 4 here's what you said you were going to use. So,
 5 there is issues around conserving energy, for
 6 instance, where you could look and see, you know,
 7 how your unit is performing.
 8 Q. Okay.
 9 A. Catalyst costs, run time on -- on
 10 catalyst, end of life on catalyst, how you operate
 11 at your facility that may, based on crude slates,
 12 chew up that catalyst a little quicker. That --
 13 Q. For things that are not part of analyzed
 14 replacement, do y'all prorate out the cost such as
 15 catalyst?
 16 A. On some you do.
 17 Q. Okay.
 18 A. On some you do, yes.
 19 Q. Okay. What else?
 20 A. That's -- that's basically it on that.
 21 Q. All right. Let's go to capital.
 22 A. Okay. On capital, I understand how the
 23 question is asked now.
 24 Q. All right.
 25 A. I've got you. So, on the -- on the

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1 capital side, it's expenditures that are not going
 2 to be covered in your fixed cash budget or in a
 3 turnaround budget, it could be -- there could be
 4 safety in there. There could be --
 5 Q. Safety, in what way? Like training or --
 6 A. You typically.
 7 Q. -- or upgrade equipment or what?
 8 A. You typically wouldn't see training in
 9 there. A lot of times that will be rolled into
 10 your fixed cash and it doesn't mean that it can't
 11 be; but what you will typically see is in your
 12 fixed cash budget on training.
 13 Maybe replacing fan decks in --
 14 in, you know, a capital project to improved
 15 lighting on a unit. It's anything that you're --
 16 you are making an upgrade. The bottom line on a
 17 capital budget -- I will explain it to you this
 18 way -- this is real simple -- is: If you are
 19 replacing something in kind, it's not going to be
 20 capital. If you are improving that with an
 21 upgrade, then it can be -- it can be funded through
 22 your capital budget.
 23 Q. Okay. What about replacing equipment?
 24 Where does that go? Fixed cash?
 25 A. Replacing equipment?

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1 Q. Same kind. You are just replacing it.
 2 A. It could go in turnaround.
 3 Q. Okay. What if its not part of a
 4 turnaround?
 5 A. Then, it will typically -- it --
 6 Q. Are they --
 7 A. Depending on the cost of the equipment,
 8 you know, if I am replacing a pump, you know,
 9 that's a couple of thousand dollars, it's going
 10 to -- it's going to end up in the fixed cash cost
 11 budget.
 12 Q. Okay. So, when we are talking about
 13 replacing equipment, some of that goes to fixed
 14 cash?
 15 A. Minor.
 16 Q. If they are small?
 17 A. Minor stuff, yeah.
 18 Q. So, we are going to say minor equipment
 19 replacement --
 20 A. Right.
 21 Q. -- is going to go back up to fixed cash?
 22 A. And then -- and then, the capital is
 23 going to be major improvements.
 24 Q. So, capital, we are talking about major
 25 equipment replacement?

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1 A. Uh-huh, yeah.
 2 Q. And upgrading equipment?
 3 A. Yes.
 4 Q. Okay. Now, when we are talking about
 5 replacing, we are saying "This wore out. We are
 6 buying one just like it." Same or similar and we
 7 are replacing it?
 8 A. Then it wouldn't be capital.
 9 Q. Well, if it's not --
 10 A. If you are going to do -- if you are
 11 going to change the metallurgy or you are going to
 12 improve it -- improve the expected performance of
 13 it, then it will.
 14 You know, I -- I'm really -- I
 15 will be honest with you. I am not, you know, the
 16 accounting person out there; and this is just kind
 17 of what I know from dealing with them, you know,
 18 what -- where -- what bucket you put it in. It
 19 will get funded --
 20 Q. Okay.
 21 A. -- in most cases. So, you know, it just
 22 depends on how -- you know, how accounting, you
 23 know, wants it, where they want it to land. And
 24 they just have some accounting, specific accounting
 25 rules on what bucket it lands in.

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1 Q. Well, you are the first guy I have had an
 2 opportunity to ask these questions about. So --
 3 A. I'm -- I will answer every one of your
 4 questions.
 5 Q. All right. Now, with respect to the
 6 capital, then, we have upgraded equipment?
 7 A. Yes.
 8 Q. Anything else?
 9 We have already identified the
 10 minor equipment replacement to fix --
 11 A. Major projects. You know, you are
 12 building a new unit, that's going to be capital.
 13 Q. Okay.
 14 A. So...
 15 Q. So, new projects or --
 16 A. New projects.
 17 Q. -- or upgrading existing?
 18 A. Yeah.
 19 Q. Anything else that would --
 20 A. So, the environmental projects would be
 21 in there.
 22 Q. Okay.
 23 A. Things of that nature.
 24 Q. And environmental is a typical example of
 25 upgrading equipment?

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1 A. Yes, it could be. Absolutely.
 2 It may be easier for you to just
 3 ask me what if you did this, where would it be.
 4 Q. Okay. Well --
 5 A. I could --
 6 Q. -- we may end up there.
 7 A. Okay.
 8 Q. I hope we can go to some other things
 9 without digressing too much.
 10 Now, the turnaround budgets, I
 11 understood that's where you plug in a lot of your
 12 replacing large items?
 13 A. You can.
 14 Q. High ticket?
 15 A. It's -- it's -- there's -- the key things
 16 that you look at in turnaround that you are going
 17 to do is issues around mechanical integrity as they
 18 apply to OSHA 1910, such as relief valve scheduled
 19 maintenance and things of that -- PM works that you
 20 can't do on-line. Those are, typically, considered
 21 license to operate. So, if you see "LTO," that is
 22 what that is referring to, "license to operate."
 23 So, all of those are collected by
 24 the -- the unit reliability engineer; and they are
 25 put into the turnaround work list.

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1 Q. Okay.

2 A. Other items in there, then -- then you

3 look at what you are budgeted for, and based on

4 your -- your anticipated availability target, you

5 have specific reliability performance that you need

6 to expect to achieve runtime availability. So, you

7 will build what we call sustaining items into

8 turnaround.

9 And that may -- I will give you an

10 example. That would be like cleaning exchangers to

11 make sure that they don't foul before your next

12 scheduled outage. That's just a real basic

13 example; but I mean, there are many other things

14 that you could put into that but that would be

15 sustaining.

16 And then you look at things that,

17 you know, would be considered growth. So -- and

18 those types of items.

19 Q. Okay. Give me an example on growth.

20 A. On growth, if -- if --

21 Q. Is that an optimization issue?

22 A. It can be. It certainly can be. You are

23 right on, on that one.

24 I may want to run a -- run a piece

25 of pipe from here to here where we can now run this

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1 to gasoline blending. That's just a basic example.

2 Those are type -- those type things. And they are

3 typically around, as you have stated, optimization.

4 Q. Okay. Generally speaking, Mr. Hawkins,

5 there's been a push in the past several years for

6 optimization in the various units, has there not?

7 MR. PATTERSON: Objection, form.

8 A. I can certainly see where someone could

9 come to that conclusion, but that's not the way I

10 see it.

11 Q. (BY MR. COON) Okay. Would it be fair to

12 state that the number of optimization engineers has

13 been significantly increased over the last several

14 years, say the last six or seven years?

15 A. I actually don't have the knowledge of --

16 of the number of staffing in that area.

17 Q. Would it not surprise you if other people

18 have testified that the number of optimization

19 engineers has doubled more over the last six or

20 seven years?

21 A. No more than it would surprise me that

22 the number of reliability engineers have increased.

23 Q. Okay. Well, let's talk briefly about a

24 couple of others.

25 A. Okay.

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1 Q. Do you know about the inspectors out

2 there? Do you know how many inspectors were out

3 there, say, ten years ago?

4 A. No, I don't.

5 Q. Do you know how many were out there two

6 years ago?

7 A. No, I don't.

8 Q. Would it surprise you to know that the

9 number of inspectors had been reduced by more than

10 half over that timeframe?

11 MR. PATTERSON: Objection, form.

12 A. Would it surprise me?

13 Q. (BY MR. COON) Yes, sir.

14 A. Yes, because we had actually increased

15 inspection in our area.

16 Q. Your area being the --

17 A. ARU, ISOM, NDU. We had doubled our

18 inspection resources. So, that would surprise me.

19 Q. Okay. When you say "doubled the

20 inspection resources," that's the number of

21 inspectors?

22 A. Yes.

23 Q. The number of inspections or what?

24 A. I can't say that that would be a linear

25 correlation between it was a doubling of

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1 inspectors. I can't say that inspections doubled

2 because some inspections are more critical than

3 others and just take more time.

4 Q. What is the need for doubling the number

5 of inspections on your unit after you went over

6 there?

7 A. Our unit inspector came to me; and, I

8 mean, the policy -- I told those people when I came

9 in, "If there are any concerns that you have, the

10 door is always open."

11 He came in and said we really

12 needed additional inspections support to stay on

13 top of everything.

14 Q. Who was that gentleman?

15 A. That was Larry Freeman.

16 Q. Okay. So, Mr. Freeman said, "We need

17 some more inspectors and inspections."

18 And you said, "Okay," and put it

19 in the budget and got it done?

20 A. I did not put it in the budget. I did it

21 anyway.

22 Q. Okay. And you had the authority to do

23 that?

24 A. Yes.

25 Q. And with respect to these inspectors, are

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1 these people that are BP in-house inspectors or did
 2 you start having to utilize outside contractors?
 3 A. Outside contractor.
 4 Q. And what was the reason for shifting
 5 resources over to outside contractor inspectors?
 6 A. I don't --
 7 Q. Did they fall under a different area?
 8 A. I don't know. I can't answer that. I am
 9 not over inspectors. I don't know why we utilize
 10 as many, you know, contract inspectors.
 11 Q. Well, did you have an inspector for that
 12 area that was in-house?
 13 A. Yes.
 14 Q. Who was that?
 15 A. Larry Freeman.
 16 Q. That was Mr. Freeman.
 17 So, when Mr. Freeman told you he
 18 needed help, you got him the help; but you did not
 19 get him another employee.
 20 You utilized the services of an
 21 outside contractor?
 22 A. I don't view the contractor as not being
 23 an employee out there. I may be missing something.
 24 Q. Okay. Well, is the contractor paid by
 25 BP?

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1 A. Yes.
 2 Q. Is the individual employed -- is the
 3 individual contractor working out there paid by BP
 4 on -- on an hourly rate like Mr. Freeman with his
 5 benefits package?
 6 A. I think I know what you are asking.
 7 Indirectly, they are; but he
 8 doesn't receive -- and I don't know this. I
 9 don't -- I am assuming it's the -- whether it be
 10 Blazer Inspection or whoever, that -- their check
 11 comes from Blazer and we pay Blazer, but I am
 12 not -- I really don't know how that --
 13 Q. Okay.
 14 A. -- happens.
 15 Q. So, you don't make the decision on who to
 16 hire. You just say, "I want another inspector,"
 17 and you leave it to the powers that be to provide
 18 the inspection resource and where it comes from?
 19 A. Well, in this case, it was a little
 20 different; and I will explain to you.
 21 Q. Okay.
 22 A. This -- this was an employee that had
 23 been down there doing different turnaround work
 24 because you typically have more inspectors on the
 25 unit. And Larry told me he was great at what he

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1 did, you know, and we would like to keep him on.
 2 So, we did. And I just paid for him out of my --
 3 my budget.
 4 Does that -- does that answer your
 5 question?
 6 Q. Yes, sir, I think it does.
 7 A. Okay.
 8 Q. When you went over to that -- the ISOM
 9 unit and the five units that you were working on
 10 over there when you moved over in 2003, do you
 11 remember talking about AU2, ISOM, NDU, ARU-A and B,
 12 correct?
 13 A. That's correct.
 14 Q. And you were the superintendent for all
 15 five of those units for the two-year timeframe?
 16 A. No, not for the whole timeframe.
 17 When I -- the NDU didn't come to
 18 me until -- and I don't know exactly when, but
 19 about a month after I went to work, you know, took
 20 over that responsibility.
 21 Q. Was that because it wasn't on-line yet?
 22 A. It had just come on-line.
 23 Q. Okay. Now, what did you do to acclimate
 24 yourself to those five units -- just to get a good
 25 understanding of what those five units did, what

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1 they process, who the people were out there, the
 2 history of the turnarounds, things like that, just
 3 to educate yourself as the superintendent over
 4 those five units?
 5 A. I mean, I have some working knowledge
 6 just, you know, of -- of the area. The NDU, for
 7 instance -- and let me explain that because that
 8 probably doesn't sound right.
 9 The NDU is -- is basically a
 10 hydrotreating unit. Okay.
 11 Reformers have hydrotreaters on
 12 the front end of them. ISOMs have hydrotreating
 13 facilities on them. So, I have some process
 14 knowledge of that, and I have worked ARU
 15 extensively, you know, for years. But coming in,
 16 you know, it's typically, you know, reading the --
 17 the process safety information, going through
 18 reading the safe offs on the unit and kind of
 19 acclimating myself there.
 20 I actually had different
 21 supervisors come in -- and some operators
 22 actually -- into the office and basically kind of
 23 draw the process out and discuss with me, you know,
 24 kind of what we are doing here and what -- you
 25 know, what problems we have.

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1 So, I mean, there was, you know,
 2 one-on-one meetings with people. There was reading
 3 the information on the process.
 4 Is that what you are --
 5 Q. Yes, sir.
 6 A. Okay.
 7 Q. So, you could read process safety
 8 information that was out there, the safe off
 9 records.
 10 There were documents that you
 11 could read that reflected the history of those
 12 units, correct?
 13 A. Yeah, it was the -- how the units
 14 operate.
 15 Q. Okay.
 16 A. Okay.
 17 Q. And then you also had briefings with
 18 individual that had worked out there in the past or
 19 were out there working at the time?
 20 A. Yes.
 21 Q. And there was somebody -- I assume you
 22 replaced somebody as the superintendent?
 23 A. Yes.
 24 Q. And that was who?
 25 A. Mart Risinger.

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1 Q. And Mr. Risinger was promoted to another
 2 area? Where --
 3 A. Yeah, he went to the turnaround group.
 4 Q. Okay. And I take it you had the
 5 opportunity to talk to --
 6 A. Yeah.
 7 Q. -- with Mr. Risinger on several occasions
 8 about his experiences as superintendent on that
 9 job?
 10 A. Yes.
 11 Q. Okay. Are you familiar with action items
 12 and MOCs associated with those four or five units?
 13 A. Yes.
 14 Q. Okay. And you are familiar with all the
 15 things that -- that track issues that are --
 16 A. Uh-huh.
 17 Q. -- management of changes or things that
 18 are outstanding issues with those various units?
 19 A. Yes.
 20 Q. Did you have an opportunity to go back
 21 and pull up the history of those action items and
 22 MOCs to better educate yourself as to particular
 23 issues associated with the operation of those four
 24 or five units?
 25 A. Yeah, from -- from the PHA, from -- from

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1 audit, from MOC action items, I mean, I looked at
 2 what -- what was there, what was upcoming, what was
 3 outstanding, what was generated from the PHA. Yes,
 4 I did do that.
 5 Q. Okay. And part of what you want to do is
 6 you want to make sure that when you go out there
 7 you have a pretty good understanding of how all of
 8 it operates and what the history of those -- I am
 9 going to say five units. Because for all practical
 10 purposes, we are talking about five units for most
 11 of the duration of your --
 12 A. The reason -- the reason I say five is
 13 because there's five turnaround cycles. A and B on
 14 the ARU are two separate units.
 15 Q. All right. So, we will reference them as
 16 the five.
 17 You wanted to go out there and
 18 have a pretty good fundamental understanding of
 19 what all five of those units did, how they operated
 20 and the history of operations for those five units?
 21 A. I would say that's correct.
 22 Q. And historical knowledge helps you
 23 understand what has happened in the past with them,
 24 right?
 25 A. Yeah. And I don't know what you are

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1 talking about. You know, you may have to clarify
 2 it a little bit like on the -- on the historical.
 3 Q. Okay.
 4 A. I thought -- the reason I am saying that
 5 I thought you were talking about to make myself
 6 aware of the -- the operation of the unit.
 7 Q. Sure.
 8 A. And I think we have changed it.
 9 Q. You would want to know about the
 10 turnaround history associated with those units, I
 11 would take it?
 12 A. I probably wouldn't get too involved with
 13 turnaround history until we came up on a
 14 turnaround, and that's -- that's probably when more
 15 of those conversations took place.
 16 Q. Okay. Well, you are responsible for
 17 helping set up the turnarounds for those five
 18 units, were you not?
 19 A. Yes.
 20 Q. So, you needed to know what the history
 21 of turnarounds were with those units to determine
 22 when and where those future turnarounds needed to
 23 be implemented?
 24 A. Right. And that's what my REs are for.
 25 They keep up with -- they keep all of that

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1 information and keep up-to-date on past turnarounds
 2 and going through and updating me on the turnaround
 3 reports that we need to do this. And that's kind
 4 of where my involvement was, making sure that --
 5 that -- that I got it into the turnaround list and
 6 kept it on there and got the budgeting for it.
 7 Q. Okay. Who are your REs? What is that?
 8 A. I am sorry.
 9 "RE" is reliability engineer.
 10 Q. Okay. You had a reliability engineer for
 11 each of those units?
 12 A. No.
 13 Q. Who were your reliability engineers?
 14 A. At that time?
 15 Q. Yes, sir.
 16 A. Matt Kern was for that area.
 17 Q. Okay.
 18 A. And then, Sean Price was for the ARU.
 19 Q. Okay. So, you were --
 20 A. And AU2 -- yes, I am sorry.
 21 Go ahead.
 22 Q. You would meet with those gentlemen to
 23 get a better understanding of the history of the
 24 turnarounds at those units and help you determine
 25 when they needed to go into a turnaround position

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1 again?
 2 A. No, I am sorry. I wouldn't say that.
 3 I mean, the turnaround frequency
 4 is set. You do your --
 5 Q. I am sorry. Who sets it?
 6 A. Well, it's -- it's set -- well, some of
 7 it is because of historical data that, you know,
 8 the unit can run this long; and you sync it up with
 9 other units that may depend on the feed or you are
 10 depending on their feed.
 11 So, it may not be your turnaround
 12 required frequency; but it may be the others. And
 13 then they are set up based on inspection.
 14 There's -- you know, as far as from the mechanical
 15 integrity perspective, you know, you have to do
 16 certain inspections, you know, at a certain
 17 frequency. Some of those require shutdown of
 18 the -- of the unit.
 19 So, that plays into it. The
 20 license to operate, you know, relief valves coming
 21 due, that type of thing. They more so set the
 22 frequency. What our job is, is to make sure that
 23 we have the right items on that turnaround work
 24 list that it will run to the next scheduled outage.
 25 Q. Okay.

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1 A. We don't really set the schedule.
 2 Q. But you needed to know what those
 3 schedules were as part of your job as a
 4 superintendent on those units?
 5 A. The turnaround schedules?
 6 Q. Yes.
 7 A. Yeah.
 8 Q. Okay. Now, with respect to the history
 9 of those units, did you do anything to educate
 10 yourself about prior upsets or malfunctions of each
 11 of the units?
 12 A. Certainly, sitting down and talking with
 13 Mark Risinger, asking, you know, kind of what --
 14 "What are the big issues here?" You know, what do
 15 I need to be looking for type things, sitting down
 16 with the -- with the supervisors and having team
 17 meetings with supervisors to -- for any issues
 18 that, you know, kind of may be out there.
 19 Q. Okay. Well, that's an important
 20 component of being a superintendent of that job, is
 21 to know whether or not there have been upsets out
 22 at that unit that posed a risk to people?
 23 A. Yes.
 24 Q. For instance, if there had been a fire
 25 out there, you would want to know the history of --

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1 of significant fire or episode that could have
 2 caused a major explosion?
 3 A. Yes. If something caused a major
 4 explosion or if they had a major fire out there, I
 5 would want to -- I would want to know about that.
 6 I --
 7 Q. Okay. If you had significant releases to
 8 atmosphere in the past at any of those units that
 9 could have resulted in an explosion, you would have
 10 wanted to have known?
 11 MR. PATTERSON: Objection, form.
 12 A. I may not know all of -- all of those.
 13 When you say "significant," you know, what -- it
 14 could have even been an -- an environmental release
 15 or a non-environmental release may be considered
 16 significant.
 17 Q. (BY MR. COON) Okay. Well, if there were
 18 releases of hydrocarbons in the past at any of
 19 those units that was of a large enough quantity to
 20 have caused an explosion, would you have wanted to
 21 have known about it?
 22 MR. PATTERSON: Objection, form.
 23 A. I can't -- I certainly appreciate your
 24 question, but, you know, that -- the system that we
 25 have in place is to manage those. The effects of

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1 those, what -- the cause of those and ensure that,
 2 you know, the actions around them are complete
 3 where they are not an issue anymore.
 4 So, just to arbitrarily go in
 5 and -- and say I wouldn't look at every one, I
 6 don't think I -- I would say that.
 7 Q. (BY MR. COON) Okay.
 8 MR. COON: I will object to the
 9 responsiveness.
 10 Q. (BY MR. COON) I think the question was,
 11 sir, would you have liked to have known about the
 12 history of significant upsets of any of those units
 13 in the past that were of the nature and caliber
 14 where they could have caused an explosion had they
 15 reached an ignition source?
 16 MR. PATTERSON: Objection, form.
 17 A. I would like to have known of those if
 18 they had -- had not been resolved.
 19 Q. (BY MR. COON) I want to talk about that
 20 a little bit.
 21 A. Okay.
 22 Q. You had worked out there about 25 years
 23 at the time you went over to those units --
 24 ballpark?
 25 A. Ballpark, yes.

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1 Q. And you were aware that -- well, let me
 2 ask you this.
 3 Were you aware that there had been
 4 other fatalities out at the British Petroleum
 5 Texas City facility over the years that you had
 6 worked there?
 7 A. Yes, I -- I was aware of that.
 8 Q. Before this explosion on March 23rd,
 9 2005, are you aware how many fatalities had
 10 occurred out at that Texas City refinery of your
 11 coworkers since you had gone to work there?
 12 A. Am aware of how many? Was that your
 13 question?
 14 Q. Yes, sir.
 15 Did you know how many people had
 16 died on the job at Texas City since you went to
 17 work there before this explosion?
 18 A. No.
 19 Q. Did you know that there were a couple
 20 dozen of your coworkers that had died in numerous
 21 other fatalities over the years when you were out
 22 at that plant?
 23 A. Yes.
 24 MR. PATTERSON: Objection, form.
 25 Q. (BY MR. COON) And how was it that you

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1 were made aware of that?
 2 A. Information is sent out when something
 3 like that happens.
 4 Q. Okay. So, every time there is a fatality
 5 out there, you were made aware of it in some form
 6 or fashion?
 7 A. Yes.
 8 Q. Was it ever cause for concern to you that
 9 there were so many people dying on the job out at
 10 that particular refinery?
 11 MR. PATTERSON: Objection, form.
 12 A. Was it a concern?
 13 Q. (BY MR. COON) Yes, sir.
 14 A. I think anytime there is a fatality, it
 15 should be a concern for everybody working there.
 16 Q. Okay. And you would agree that one
 17 fatality at your plant would be one too many?
 18 A. I agree.
 19 Q. Okay. Mr. Hawkins, when you went over
 20 to -- and this is kind of a broad question, but I
 21 read over all of your statements that you have
 22 given in the past. Let me first back up, again.
 23 You have not read -- gone back and
 24 read any of the statements that you gave to BP or
 25 to OSHA or any of the other investigating agencies,

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1 correct?
 2 A. No.
 3 Q. Okay. I had an opportunity to read over
 4 them and you seem to have a lot of -- I don't know
 5 if "criticism" is the right word, but there were
 6 communication problems that I saw noted --
 7 A. Uh-huh.
 8 Q. -- to some degree of frequency. Let me
 9 go through these.
 10 When you were working out at these
 11 four units -- or I guess five units, you testified
 12 in these other statements that you were not aware
 13 of the details of the Clean Streams project that
 14 was undertaken with that unit; is that correct?
 15 MR. PATTERSON: Objection, form.
 16 A. I was not aware of the details?
 17 Q. (BY MR. COON) Yes, sir.
 18 A. That would probably be, you know -- when
 19 you say the details, correct.
 20 Q. Okay. And you were not aware of attempts
 21 to tie in to deinventory the ISOM unit until after
 22 this explosion in March?
 23 A. It depends on what part of that you're --
 24 you're referring to in that.
 25 Q. Okay. Were you aware of tie-ins that

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1 were installed for the ISOM unit for the blowdown
 2 drum to go to a flare?
 3 A. The specific tie-in itself, no.
 4 Q. Were you aware of any tie-ins that had
 5 been put in to --
 6 A. I was -- okay. I am sorry.
 7 Q. I am just going kind of over --
 8 A. Yeah, I was -- I knew that there was a
 9 project there that had been -- had been stopped
 10 around the maintenance drum because the other units
 11 had had some put in; but if you asked me
 12 specifically about that tie-in, no, I did not know
 13 about that.
 14 Q. And you were not aware that the usage of
 15 an 8-inch chain valve on the ISOM unit had been
 16 used to relieve pressure?
 17 A. No, I was not aware of that.
 18 Q. You were not aware of the derating of the
 19 tower to the relief valves from 70, 75 pounds of
 20 pressure to 40 pounds?
 21 A. Am I aware of that?
 22 Q. Yes, sir. Were you aware --
 23 A. Yes.
 24 Q. -- that that had occurred?
 25 Are you -- are you aware that no

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1 one had ever signed off on the derating of that
 2 tower through an MOC?
 3 A. I learned of that.
 4 Q. You learned of that after this explosion,
 5 correct?
 6 A. I can't remember if it was after the
 7 explosion. I can't remember the date.
 8 Q. Okay. In fact, you were -- you were not
 9 aware that the standard operating procedures in the
 10 ISOM unit failed to take into account the fact that
 11 that tower had been derated on an MOC?
 12 MR. PATTERSON: Objection, form.
 13 A. Did you say I was not aware? Was that
 14 your question?
 15 Q. (BY MR. COON) Yes, sir.
 16 You -- you were not aware that
 17 your own SOPs or that startup failed to reflect the
 18 derating of the tower?
 19 A. Okay. I understand the question now.
 20 What I understood, and the
 21 assurance that I was given, is that all the
 22 procedures were up-to-date and all changes had been
 23 made to operating procedures.
 24 Q. But you found out after the explosion
 25 that that was not the case?

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1 A. On the relief valve set point?
 2 Q. Yes, sir.
 3 A. That's correct.
 4 Q. You did not know why the wet/dry
 5 maintenance drum project had not been approved?
 6 A. No, I wasn't aware of that.
 7 Q. You were not even aware of the condition
 8 of the baffles in the drum prior to this explosion?
 9 A. No.
 10 Q. You were not personally made aware of any
 11 of the prior vapor releases that had occurred at
 12 the ISOM vent stack and blowdown drum?
 13 A. Could you ask that one more time?
 14 Q. Yes, sir.
 15 A. I just want to make sure I --
 16 Q. You were not aware of the fact that there
 17 had been a number of prior vapor releases at the
 18 ISOM unit?
 19 A. The specific events, for the -- most
 20 case, that's true, yes.
 21 Q. And you would agree that those would all
 22 fall under the, I guess, general umbrella of
 23 communication issues, things not communicated to
 24 you for whatever reason?
 25 A. You could say that.

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1 Q. Were you out there when a couple of
 2 employees were killed in September, 2004?
 3 A. No, I was not.
 4 Q. You were made aware of it?
 5 A. Yes.
 6 Q. Did you subsequently go to the Safety and
 7 Death Program at Moody Gardens that I believe
 8 Mr. Parus put on in November?
 9 A. I don't recognize that name.
 10 What did you say it was, again?
 11 Q. I think it was called Safety and Death.
 12 Let me just reask it.
 13 Did you go to any program
 14 presented by management at Moody Gardens after
 15 those fatalities?
 16 A. Yes, there was one at Moody Gardens.
 17 Q. You attended?
 18 A. Yes.
 19 Q. Mr. Parus spoke at that?
 20 A. I believe so.
 21 Q. Do you recall Mr. Parus being pretty
 22 upset with the complacency of BP management as it
 23 related to the frequency of fatalities that were
 24 occurring at that plant?
 25 MR. PATTERSON: Objection, form.

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1 A. I don't remember anything around the
 2 complacency of it.
 3 Q. (BY MR. COON) Do you recall concerns
 4 about the culture of that particular facility
 5 lacking an appreciation of process safety
 6 management?
 7 A. No, I don't recall that.
 8 Q. What do you recall from that particular
 9 meeting?
 10 A. It was -- what I recall from the meeting,
 11 if we are referring to the same one, it was how to
 12 move forward, how to not have events like that
 13 happen in Texas City.
 14 Q. That's because the status quo was
 15 unacceptable, wasn't it?
 16 A. Well, after a fatality? If -- if you --
 17 if it was status quo and everything continued on
 18 down the same path, absolutely that would be
 19 unacceptable; but that is not how we were managing
 20 our business at that time. We were doing things to
 21 change.
 22 Q. Well, we will talk about that.
 23 A. Okay.
 24 Q. Are you aware that OSHA had already
 25 placed British Petroleum on the enhanced

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1 enforcement program at the time of this explosion
 2 in March?
 3 MR. PATTERSON: Objection, form.
 4 A. At the time of the explosion?
 5 Q. (BY MR. COON) Yes, sir.
 6 A. Or prior to it or what is your -- what
 7 was...
 8 Q. Are you aware that British Petroleum in
 9 Texas City has ever been on an enhanced enforced
 10 watch by OSHA?
 11 A. I have heard that. I don't know that,
 12 specifically. I have not received a document
 13 telling me that, that I am aware of.
 14 Q. So, nobody at -- nobody in management at
 15 BP has ever come to you to advise you in your
 16 superintendent role out there that OSHA had put
 17 your particular facility on an enhanced enforcement
 18 program?
 19 A. I just can't remember that conversation.
 20 Q. Okay. Do you know why OSHA did that?
 21 A. No.
 22 Q. Do you know that OSHA had found British
 23 Petroleum Texas City to be an unsafe place to work?
 24 MR. PATTERSON: Objection, form.
 25 A. No.

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1 Q. (BY MR. COON) Is that something that you
 2 would like your supervisors to advise you of?
 3 MR. PATTERSON: Objection, form.
 4 A. You are confusing me a bit here. So...
 5 Q. (BY MR. COON) So, I don't intend to
 6 confuse you.
 7 A. I am sorry. It's probably me.
 8 Q. Sure. Well, Mr. Hawkins, you are a
 9 super -- you have had a lot of responsibilities out
 10 at that plant.
 11 You have been a superintendent of
 12 five units at once before, right?
 13 A. Yes.
 14 Q. Wouldn't you want your -- your
 15 supervisors to advise you if OSHA had made a
 16 determination that your particular facility was
 17 under an enhanced enforcement watch because they
 18 believed your facility to be an unsafe place to
 19 work?
 20 MR. PATTERSON: Objection, form.
 21 A. Yeah, I am not saying I am not aware that
 22 it is. I am not aware where I heard it or how I
 23 heard it, and I thought you were asking more in
 24 terms of, you know, was I aware that it was an
 25 unsafe place to work.

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1 So, that -- that was my confusion.
 2 Q. (BY MR. COON) Okay. Well --
 3 A. So, just --
 4 Q. All right. So, all right. Let me --
 5 A. Okay.
 6 Q. -- make sure I understand.
 7 A. All right.
 8 Q. You do not recall one way or the other as
 9 to whether or not your supervisors advised you that
 10 OSHA had, in fact, placed BP under an enhanced
 11 watch? You don't recall one way or the other?
 12 A. I don't recall when that was. I have
 13 heard that in meetings; and I am not sure what that
 14 was, you know, specifically related to. I know it
 15 was the -- you know, what you are referring to, the
 16 ISOM. So...
 17 Q. Okay. Well, do you know about any
 18 enforcement activities that occurred before at the
 19 ISOM?
 20 A. Enforcement activities?
 21 Q. Yes, sir.
 22 A. Would that be -- would that be sitings?
 23 Q. I am talking about whether or not OSHA
 24 had any type of enhanced enforcement actions at the
 25 BP facility before the -- March, '05?

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1 A. And I am just going to assume that that
 2 is -- that is sitings; and yes, I am aware of
 3 those.
 4 Q. Okay. Do you know anything about this
 5 Telos Report, T-e-l-o-s?
 6 A. Yes.
 7 Q. What do you know about the Telos Report?
 8 A. I knew it was an opportunity for people
 9 to kind of say what was on their mind and what they
 10 thought about, you know, BP.
 11 Q. Okay.
 12 MR. COON: I'm going to -- why
 13 don't we take a break there, and I will ask you
 14 more questions about that after our lunch recess.
 15 THE WITNESS: Okay.
 16 THE VIDEOGRAPHER: Off the record
 17 at 12:18 p.m., ending Tape 2.
 18 (Recess taken.)
 19 THE VIDEOGRAPHER: On the record,
 20 1:19 p.m., beginning Tape 3.
 21 Q. (BY MR. COON) Okay. Mr. Hawkins, we
 22 have had a lunch break. I want to pick up where we
 23 left off and that was the discussion of the Telos
 24 Report.
 25 I think you told us you were

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1 somewhat familiar with that document?
 2 A. Yes, that's correct.
 3 Q. And under what circumstances were you
 4 made aware of it?
 5 A. In 2004, I believe it was, we had an
 6 off-site meeting with Don Parus and the leadership
 7 team and the off-site meeting was centered around
 8 that report that you referenced.
 9 Q. The Telos Report or the fatalities in
 10 September?
 11 A. The Telos Report.
 12 Q. Okay. So, at some point you had an
 13 off-site meeting to discuss the report, itself?
 14 A. That's correct.
 15 Q. Okay. Were you aware that that study was
 16 being undertaken by BP before the report was done?
 17 A. Yes.
 18 Q. And how was it that you were made aware
 19 that the report was being put together?
 20 A. There may have been e-mail communication
 21 that was discussed in one of our MALT meetings,
 22 that this was ongoing and they would be asking for
 23 people to participate in it.
 24 And it was just to kind of get a
 25 feel for, you know, the way things were at Texas

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1 City.
 2 Q. And what was the way things were at Texas
 3 City?
 4 MR. PATTERSON: Objection, form.
 5 A. As a result of -- in my opinion?
 6 Q. (BY MR. COON) Well, you tell me. You
 7 said they were doing this study to determine the
 8 way things were, I mean -- maybe I lost you there.
 9 A. To get a -- to get a sense of people's
 10 opinions possibly then. Is that --
 11 Q. Okay. And who ordered this? Mr. Parus?
 12 A. I don't know that for sure.
 13 Q. Do you understand it was done as a result
 14 of some level of management frustration with the
 15 safety culture at that particular facility?
 16 MR. PATTERSON: Objection, form.
 17 A. I am not sure exactly the reasoning
 18 behind what it -- why it was done.
 19 Q. (BY MR. COON) Did you have any idea that
 20 the September, 2004 fatalities was another
 21 triggering mechanism to find out why they were
 22 having such problems with the safety culture at
 23 that plant?
 24 MR. PATTERSON: Objection, form.
 25 A. The survey did take place after that.

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1 Q. (BY MR. COON) But you have no idea
 2 whether or not that was one of the reasons for the
 3 report or the reason for the report?
 4 A. I really don't. It could have been -- as
 5 far as I know, it could have been in the workings
 6 before that. I don't know that for a fact.
 7 Q. Okay. Well, when Mr. Parus met with you
 8 guys at this Moody Gardens' presentation in the
 9 fall of 2004 after these fatalities, he was very
 10 condemnational of some of the safety practices at
 11 that plant, wasn't he?
 12 MR. PATTERSON: Objection, form.
 13 A. You would have to give me a specific
 14 example.
 15 Q. (BY MR. COON) Okay.
 16 A. I can't think --
 17 Q. I will give you an example.
 18 A. Okay.
 19 Q. For instance, he said the British
 20 Petroleum Texas City facility accepted a fatality
 21 every year.
 22 MR. PATTERSON: Objection, form.
 23 A. I don't remember him saying those words.
 24 Q. (BY MR. COON) Do you recall him saying
 25 something similar to that?

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1 A. Yes, I do.
 2 Q. Do you recall him saying that it was
 3 generally unacceptable for that facility to accept
 4 a fatality every year?
 5 A. Yes, I do.
 6 Q. Okay. Did you participate in the Telos
 7 Report?
 8 A. No, I did not.
 9 Q. Did you fill out an interview form?
 10 A. Not that I recall.
 11 Q. Had you participated in any of the
 12 prior -- I guess, surveys would be the appropriate
 13 word -- that BP had initiated, maybe ESI reports or
 14 something to try to get a better understanding of
 15 what was going on in the minds of people that work
 16 out at the plant with respect to the safety culture
 17 and things before this Telos Report?
 18 A. I have participated in the people
 19 assurance surveys that you are referring to.
 20 Q. Now, when you had this off-site meeting
 21 to review the Telos Report, can you recall who was
 22 there with you?
 23 A. Specific individuals or levels of
 24 individuals?
 25 Q. How many people were there, ballpark?

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1 A. There was quite a few people there,
 2 but I --
 3 Q. Were they all management at --
 4 A. I think this -- actually, this wasn't at
 5 Moody Gardens. This was actually at South Shore
 6 Harbour.
 7 Q. This is a later meeting?
 8 A. For the -- when we discussed the report
 9 was at South Shore Harbour.
 10 Q. Right. That's the following January.
 11 A. Okay.
 12 Q. Do you recall that? You had a meeting at
 13 Moody Gardens in November?
 14 A. Yes.
 15 Q. Mr. Parus had a PowerPoint presentation
 16 called "Safety and Death"?
 17 A. Yeah, but that one did not -- to my
 18 recollection, did not discuss the -- the report.
 19 Q. That is right because the report came out
 20 in January the following year?
 21 A. Correct.
 22 Q. And there was another meeting called of
 23 management to discuss the findings in the Telos
 24 Report?
 25 A. Yes.

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1 Q. And that was done in League City?
 2 A. Yes, South Shore Harbour in League City.
 3 Q. And that was the South Shore Hotel or
 4 something over there?
 5 A. Yes, South Shore Harbour Conference
 6 Center I believe it is.
 7 Q. So, we had another off-site meeting two
 8 or three months after the Moody Gardens meeting to
 9 discuss the Telos Report, which I think was also
 10 dated -- I think it came out sometime in January,
 11 didn't it?
 12 A. Yes.
 13 Q. Okay. And Mr. Parus spoke at that
 14 program as well, did he not?
 15 A. Yes.
 16 Q. And there were a lot of negative
 17 statements that were contained in the Telos Report,
 18 weren't there?
 19 MR. PATTERSON: Objection, form.
 20 A. There were negative statements in there.
 21 Q. (BY MR. COON) There were a lot of
 22 negative statements in there?
 23 MR. PATTERSON: Objection, form.
 24 A. (No verbal response.)
 25 Q. (BY MR. COON) Yes, sir.

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1 Weren't there -- wouldn't you
 2 agree there were a lot of negative comments
 3 contained in the Telos Report?
 4 MR. PATTERSON: Same objection.
 5 A. There were negative statements in there.
 6 I don't know -- I don't know what a lot is.
 7 Q. (BY MR. COON) Would you say dozens?
 8 Would dozens of negative statements be a lot?
 9 A. Dozens would be appropriate, I would say,
 10 in that report. There were positive statements as
 11 well in that report, but you are correct. There
 12 were negative statements in that report.
 13 Q. Well, let's talk about after the Telos
 14 presentation.
 15 Did BP come up with a 2005
 16 business plan that you participated in?
 17 A. I wouldn't -- when you say "participated
 18 in," participated in development?
 19 Q. Yes, sir.
 20 A. Or delivery?
 21 Q. Either one.
 22 A. Well, from the business plan perspective
 23 where we do our individual unit contribution around
 24 budget, turnaround, availability, reliability,
 25 safety performance -- and if that's what you are

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1 referring to, yes.
 2 Q. Okay. And did you get a copy of the
 3 actual presentation or report?
 4 A. Of the --
 5 Q. 2005 business plan?
 6 A. For the site?
 7 Q. Yes, sir.
 8 A. Yes, I am sure I did. I don't remember
 9 when I had that.
 10 Q. Okay.
 11 MR. COON: Counsel, I think this
 12 has previously been marked as Exhibit 86.
 13 Q. (BY MR. COON) And you have seen that
 14 before, sir?
 15 A. (Examines document.)
 16 Q. And, Mr. Hawkins, I don't mean to rush
 17 you. We have a lot of ground to cover today. So,
 18 let me just go back.
 19 Is that a report that you have
 20 seen before?
 21 A. Maybe not in this detail, but I am aware
 22 of this.
 23 This one, it's specifically for
 24 HSE. They do the same things that I do at a unit
 25 level.

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1 Q. Okay.
 2 A. So, this is what they contribute to the
 3 business plan.
 4 Q. And were you aware of the comments that
 5 were contained in the 2005 business plan regarding
 6 safety in particular, which is in there? I am
 7 showing it to you up here.
 8 You can look on the monitor --
 9 where they noticed they had still not captured gaps
 10 in safety from 2004?
 11 A. I can't see that. I apologize.
 12 Q. Okay. Well, you can look at it --
 13 A. Is it -- is this it right here.
 14 Q. That's health. That's health. If you
 15 turn to the next page.
 16 A. (Complies.)
 17 Q. There you go.
 18 A. Okay.
 19 Q. That is the page --
 20 A. Okay.
 21 Q. -- that is safety?
 22 A. And what were you referring to again?
 23 Q. Okay. We were referring to the gaps that
 24 were not captured in safety 2004 as they
 25 implemented the 2005 business plan?

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1 MR. PATTERSON: Objection.
 2 Q. (BY MR. COON) They talk about the key
 3 risk?
 4 MR. PATTERSON: Objection, form.
 5 Q. (BY MR. COON) Do you see 2005 key risks?
 6 A. Yes, I see that.
 7 Q. Okay. Now, this is prospective problems.
 8 These are risks that are in effect at -- in 2005
 9 before the plant explosion in March, correct?
 10 MR. PATTERSON: Objection, form.
 11 A. Yes, that's what I read here. You are
 12 reading it correctly.
 13 Q. (BY MR. COON) Sure.
 14 And the acknowledgment at the time
 15 that BP was at -- if you look underneath there,
 16 safety is not being reviewed as the Number 1
 17 priority at TCS.
 18 Did I read that correctly?
 19 A. You are reading that correctly, yes.
 20 Q. And this came from the top of management
 21 at BP Texas City, did it not?
 22 MR. PATTERSON: Objection, form.
 23 A. I don't know that. I don't know where
 24 this specifically came from. If this was a
 25 contribution from Lee Linn and the HSE group.

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1 Q. (BY MR. COON) Right.
 2 A. Or if it came down to him. I -- I'm --
 3 I -- I am not trying to be difficult. I am just
 4 not aware --
 5 Q. All right.
 6 A. -- of which way this flew.
 7 Q. Well, you understand that the operators
 8 at the bottom end of the totem pole don't generate
 9 these documents, sir, correct?
 10 A. Well, I don't -- no offense, but I don't
 11 view the operators as the bottom end of the totem
 12 pole.
 13 Q. Well, nevertheless, the operators don't
 14 generate this type of information, do they, sir?
 15 A. They would certainly contribute to the
 16 unit business plan; but on this one, I -- I don't
 17 know. I don't think they have operators in the
 18 H -- HSE group. Maybe the union HSE reps may
 19 participate in this; but I -- I just don't have
 20 that knowledge.
 21 Q. Okay. Well, you would agree this is a
 22 management generated document, would you not?
 23 A. Yes, I would.
 24 Q. Fair enough.
 25 And this management generated

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1 document, the next thing that was noted is that
 2 individuals are still being hurt at TCS, correct?
 3 A. Yes.
 4 Q. Would you agree with that opinion?
 5 MR. PATTERSON: Objection, form.
 6 A. That opinion?
 7 Q. (BY MR. COON) Well, that is a
 8 statement --
 9 A. All right.
 10 Q. -- of finding.
 11 A. All right. I think if you have an OSHA
 12 rate above zero, people are being injured. So --
 13 Q. Okay.
 14 A. -- I would agree with that.
 15 Q. And Texas City had a rate above zero, did
 16 it not?
 17 A. Yes, it did.
 18 Q. In fact, in 19 -- 2005 they were running
 19 about an injury -- reportable injury a week,
 20 weren't they?
 21 MR. PATTERSON: Objection, form.
 22 Q. (BY MR. COON) If you recall recordables,
 23 if you know.
 24 A. Yeah, I don't -- I don't know that to be
 25 a hundred percent true.

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1 Q. Okay. Look at the next one, "TCS kills
 2 someone in the next 12 to 18 months."
 3 Did I read that correct?
 4 A. Yes.
 5 Q. So, we have -- when we look at this, this
 6 is actually a projection where they stand at the
 7 beginning of 2005, right?
 8 MR. PATTERSON: Objection, form.
 9 A. I actually don't read it that way. That
 10 is the identified risk if -- if, as you mentioned
 11 earlier, status quo.
 12 Q. (BY MR. COON) Status quo.
 13 So, things had to change or these
 14 were the projections for the future?
 15 MR. PATTERSON: Objection, form.
 16 A. I personally just think it was based on
 17 historical data. I am not saying that I could
 18 agree that we could project that and say that is
 19 the case. So...
 20 Q. (BY MR. COON) Okay. Well --
 21 A. It is -- it is written that way, though.
 22 Q. Sure.
 23 A. I do see that.
 24 Q. Well, and the projection was inaccurate
 25 because shortly after that report came out, there

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1 were 15 additional fatalities, were there not?
 2 MR. PATTERSON: Objection, form.
 3 A. There were 15 fatalities.
 4 Q. (BY MR. COON) And that's associated with
 5 the ISOM explosion alone that occurred in March,
 6 2005?
 7 A. Yes.
 8 Q. Okay. I want to talk to you about that.
 9 You were on the jobsite -- let see, March 23 -- I
 10 think it's a Wednesday. I want to trace you back
 11 to what you were doing that day. Okay?
 12 A. It was a Wednesday.
 13 Q. And you were finishing an ARU turnaround?
 14 A. That's correct.
 15 Q. And you had temporarily transitioned from
 16 being the superintendent of those five units into
 17 this ARU turnaround position?
 18 A. That is correct.
 19 Q. And that's where Mr. Logan stepped up to
 20 fill your shoes as the superintendent of those five
 21 units?
 22 A. Yes.
 23 Q. And you were on the BP premises the day
 24 of the explosion?
 25 A. Yes.

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1 Q. Okay. Can you tell us what you were
 2 doing in the one hour before this ISOM unit blew?
 3 A. The one hour before?
 4 Q. Let's just start from noon forward.
 5 A. From noon, I am not going to be able to
 6 tell you exactly, but I am going to -- I am going
 7 to give you a sense of what I recall, where I was
 8 at and what I was doing.
 9 Probably around noontime I was
 10 probably at ARU and had gone to AU2 control room
 11 for a weekly safety meeting that we have in the
 12 area.
 13 Q. Was that -- I am sorry.
 14 Was that control room also the
 15 control room for other units?
 16 A. Yes, it's -- okay. Yeah, it's -- we call
 17 it the AU2 control room. It has the control
 18 boards, excuse me, for ISOM and NDU as well.
 19 Q. And Mr. Briggs was the board operator in
 20 there during this meeting?
 21 A. Yes.
 22 Q. And you are aware that they were starting
 23 up part of the ISOM unit that day?
 24 A. No. The ISOM was actually running that
 25 day. It was the raff splitter that was starting up

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1 that day.
 2 Q. Okay. You understand he was starting up
 3 the raffinate splitter for the ISOM unit?
 4 A. Not at that time, I was not.
 5 Q. When were you made aware that activity
 6 was taking place?
 7 A. After the event.
 8 Q. After the explosion?
 9 A. Yes.
 10 Q. So, you are in the control room where
 11 Warren Briggs was operating and you are not aware
 12 that the raffinate splitter is coming on-line?
 13 A. That is correct.
 14 Q. Okay. How many people were in his
 15 meeting?
 16 A. I can't recall.
 17 Q. Well, more than a dozen, less than a
 18 dozen?
 19 A. Maybe less than a dozen.
 20 Q. What was the purpose of this meeting in
 21 the control room?
 22 A. It's a weekly meeting that we have where
 23 if we have a specific safety issue that we want to
 24 discuss, if operators have a concern, they bring it
 25 up in those meetings. If the maintenance staff

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1 have a concern, then that has me available to
 2 address their concern.
 3 Q. Had somebody expressed to you that they
 4 had a concern that needed to be discussed that day?
 5 A. Not that I recall, no.
 6 Q. Did you normally host these meetings in
 7 the control room?
 8 A. Yes.
 9 Q. Were there other places that you could
 10 have hosted these meetings so that there would not
 11 be a potential distraction to the control board
 12 operator?
 13 MR. PATTERSON: Objection, form.
 14 A. Based on the way the units are set up,
 15 this is where we have them. It's a very common
 16 practice. You can't pull operators off the unit
 17 and the craftsmen off the unit.
 18 Q. (BY MR. COON) So, you could not have --
 19 MR. DEAN: Objection,
 20 responsiveness.
 21 MR. COON: Thank you.
 22 Q. (BY MR. COON) You could not have hosted
 23 this meeting elsewhere?
 24 A. No.
 25 Q. Okay. So, you have the meeting in the

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1 control room. Could you -- well, let me back up.
 2 Could you have delayed and
 3 rescheduled the meeting based on a better
 4 understanding of what the activities may have been
 5 with the control board operator at the time had you
 6 known?
 7 A. I -- I can't say that I would have.
 8 You know, for the raffinate
 9 splitter startup, if the operator is, you know,
 10 involved in something, operators will always step
 11 up to the forefront and tell you that they are
 12 busy. We would -- if that would have taken place,
 13 we would certainly not have had the meeting.
 14 MR. COON: I will object partly
 15 to responsiveness.
 16 Q. (BY MR. COON) I guess the question I had
 17 is: Did you have the authority to postpone that
 18 meeting in the control room?
 19 A. Everybody in this meeting had the
 20 authority to postpone the meeting, yes.
 21 Q. Thank you.
 22 Was there any cause for
 23 celebration in the control room that day associated
 24 with finishing up your ARU turnaround?
 25 A. We had had an earlier meeting on the ARU,

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1 you know, with the -- with the folks at the ARU.
 2 It was an opportunity for me to tell them that they
 3 had done a good job. I am not sure if that's what
 4 you are referring to as celebration.
 5 Q. Well, in fact, I think you had planned on
 6 even going home early because y'all had finished a
 7 long and difficult job?
 8 A. I was -- I was hoping to at some point
 9 that day.
 10 Q. And this was kind of your wrap-up
 11 meeting, thanking everybody for doing a good job
 12 and getting that unit back on-line?
 13 A. No, not at the ISOM it wasn't.
 14 Q. I am sorry. Well, maybe I missed
 15 something. I thought --
 16 A. That was a meeting in the morning at the
 17 ARU that -- that that conversation took place.
 18 Q. Okay. None of those activities went into
 19 the control room meeting at noon?
 20 A. I am not going to say that we didn't
 21 cover the status of the ARU, where they were. I --
 22 I -- I just cannot remember --
 23 Q. Okay.
 24 A. -- what we talked about in that meeting.
 25 Q. Any unusual activities in the control

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1 room while you were in there conducting this
 2 meeting?
 3 A. None. None that I recall.
 4 Q. If there are malfunctions in the -- any
 5 of the units that the control room is charged with
 6 oversight of --
 7 A. Uh-huh.
 8 Q. -- are there alarms that go off in that
 9 room --
 10 A. Yes.
 11 Q. -- that you can hear?
 12 A. Yes.
 13 Q. Okay. Did you hear anything audiblized
 14 in there that would have caused you to draw your
 15 attention to something going on in there, that was
 16 atypical?
 17 A. No. No alarms. No radio traffic.
 18 Nothing.
 19 Q. Everything to be --
 20 A. Everything.
 21 Q. -- business as usual?
 22 A. Everything seemed normal.
 23 Q. Okay. Were you able to casually observe
 24 Mr. Briggs in the operation of the board?
 25 A. No -- when you say "casually," I mean,

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1 could I see him?
 2 Q. Yeah, could you see him?
 3 A. Yes, I could see him.
 4 Q. Sure.
 5 You are all in the same room
 6 together?
 7 A. Yes.
 8 Q. Is there anything that appeared to be
 9 particularly distracting to him? Was he being
 10 pulled aside by other people or phones ringing and
 11 bothering him? Did he have any of those types of
 12 distractions?
 13 A. I can't remember if a phone rang or not.
 14 I can't remember that. Warren did not seem
 15 distracted.
 16 Q. Okay. Well, you would have noticed if he
 17 was on the phone the whole time and not paying
 18 attention to his job?
 19 A. I think I would have noticed because he
 20 would have been talking and I think I would have --
 21 I think I would have noticed that, but I don't
 22 recall that.
 23 Q. Okay. Now, what time did this meeting
 24 break up?
 25 A. I don't -- I don't know. Shortly after

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1 1:00 o'clock.
 2 Q. And where did you go from there?
 3 A. I went from there to the operations
 4 trailer.
 5 Q. And where was the operations trailer
 6 located?
 7 A. It sets -- it sets north -- I am sorry.
 8 I am hung up in this, and I apologize.
 9 It sets to the north, kind of
 10 northwest of the AU2 unit on the -- I don't know
 11 what roadway that is, but right on the road.
 12 Q. And what is conducted in the operations
 13 trailer?
 14 A. There was an office for our maintenance
 15 planner. There was a meeting room for conducting
 16 meetings, PHAs, things of that type.
 17 Did I mention Charlie Logan, yet?
 18 Did I say he had an office in there? Paul Trapp
 19 had an office in there. I had a workstation in
 20 there.
 21 Q. Okay. How far is this operations trailer
 22 from the control room that you were in over the
 23 lunch hour?
 24 You know, we are just looking for
 25 approximations.

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1 Was it 50 yards, a hundred yards,
 2 a mile?
 3 A. No. I'd say 50 yards. I don't even know
 4 if it's that.
 5 Q. Okay. And why would the operations
 6 trailer not have been a suitable alternative
 7 location for the meetings that you had in the
 8 control room?
 9 A. It's difficult to exclude -- typically,
 10 it excludes the board operator and people in the
 11 control room.
 12 Q. So, you had this meeting in the control
 13 room so that you could have Mr. Briggs be a
 14 participant in it?
 15 A. We always include the board, the board
 16 operator.
 17 Q. So, you are going to be asking questions
 18 of the board operator and debriefing him on various
 19 issues going on at the unit while he is supposed to
 20 be watching three different units on-line?
 21 A. Well, that's not the case.
 22 Q. I lost you on why you want to have
 23 Mr. Briggs in there as the control room board
 24 operator so you can talk to him but, at the same
 25 time, not distract him.

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1 Or am I missing something?
 2 A. Yes, sir, you are. I mean, what -- that
 3 gives them the opportunity. If warren had
 4 something, a safety concern, it would allow him,
 5 you know, to bring it up to me.
 6 Q. Okay. Was anything of that nature
 7 discussed that day?
 8 A. No.
 9 Q. Okay. And I take it you were in the
 10 operations trailer when the ISOM unit exploded?
 11 A. Yes.
 12 Q. Who else was in there with you at the
 13 time?
 14 A. Mark Johnson and Charles Logan.
 15 Q. What impact did the blast have on you
 16 guys in the trailer?
 17 A. What impact did it have? Is that what
 18 your question was?
 19 Q. Yes, sir.
 20 A. It knocked us down. It blew the windows
 21 out, and it blew furniture around.
 22 Is that what you are asking?
 23 Q. Yes, sir.
 24 A. I just want to be sure that I am...
 25 Q. And what were your next reactions after

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1 that occurred?
 2 A. What was my reaction?
 3 Q. Yes, sir.
 4 A. Get outside and see what had happened.
 5 Q. And what was the first visual of the
 6 explosion scene?
 7 A. I guess my first would have been -- you
 8 are referring to once I came outside, correct?
 9 Q. Sure.
 10 A. Once I came outside, you could still see
 11 like bits of debris in the air. Smoke. That was
 12 my first, I guess.
 13 Q. Did you go over to the, I guess, ground
 14 zero area?
 15 A. Yes, I did.
 16 Q. What were your observations there?
 17 A. A lot of fire, a lot of smoke, a lot of
 18 chaos.
 19 Q. Were you aware that there were trailers
 20 for the contractors that had been placed in areas
 21 near the ISOM unit?
 22 A. We knew that there were trailers to the
 23 west of the ISOM unit.
 24 Q. Did you have a chance to observe the
 25 condition of those trailers post explosion?

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1 A. Not initially, no.
 2 Q. Okay. Did you stay out there -- how long
 3 did you stay out at the incident scene?
 4 A. I -- I don't know. 9:00 o'clock at
 5 night. I don't know.
 6 Q. The rest of that day?
 7 A. I was there the rest of the day.
 8 Q. Okay. Did you help with the triaging of
 9 the injured people, the fatalities, getting them
 10 out, dealing with the police, anything like that?
 11 A. I was initially involved.
 12 There were -- we hadn't accounted
 13 for everybody on the unit, and going in and -- and
 14 looking for those individuals and try to -- to get
 15 them and talking with the fire department, letting
 16 them know what -- I had a concern on a few
 17 individuals that -- you know, that I knew that
 18 could have possibly been in the area.
 19 Q. This was people --
 20 A. So --
 21 Q. This was people that worked for you?
 22 A. Yes, sir.
 23 Q. Matt Kern, people like that, trying to
 24 find them?
 25 A. Matt Kern was one of them.

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1 Q. And you ended up getting and accounting
 2 for all your BP personnel?
 3 A. Yes.
 4 Q. Okay. Well, let's talk about the
 5 contractors.
 6 Did you know any of the people
 7 that were killed that day?
 8 A. No, I didn't.
 9 Q. Now, you knew that those trailers were
 10 located near the ISOM unit, though?
 11 A. I am sorry. Sir?
 12 Q. Yes, sir. You knew those trailers were
 13 located next to the ISOM unit?
 14 A. Yes, I did. I knew there were trailers
 15 over there.
 16 Q. And you knew those trailers were located
 17 within the 350-foot distance that required some
 18 management of change forms to be completed?
 19 A. I am not sure that -- you know, that
 20 that's -- I knew the management of change --
 21 Q. You knew some of these trailers -- just
 22 by looking at them, you could tell they were within
 23 350 feet of, for instance, the blowdown drums and
 24 stack on the ISOM unit?
 25 A. I mean, I don't know. I can't say that I

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1 am that good with distances that I know exactly how
 2 far it was.
 3 Q. Okay. Well, you could estimate the
 4 difference between 120, 130 feet and 350 feet,
 5 though, can't you?
 6 A. Could I estimate that?
 7 Q. You know, the distance of a football
 8 field by just ballpark estimation, don't you?
 9 A. Yes. Yeah.
 10 Q. Okay. And you could tell by looking at
 11 these trailers they were well within the distance
 12 of inside the boundaries of the length of a
 13 football field?
 14 A. I -- yes.
 15 Q. So, you knew by looking at them that they
 16 were within 350 feet of that unit?
 17 A. I could have made that observation, yes.
 18 Q. Had you --
 19 A. I am not -- I am not saying that I did,
 20 though.
 21 Q. Okay. Well, those trailers had been out
 22 there for months, hadn't they?
 23 A. Some of the trailers. Not all of them, I
 24 don't think.
 25 Q. Some of them --

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1 A. But I don't know. I didn't spend a lot
 2 of time on that area. So, I don't know the exact
 3 timing of placement of all the trailers.
 4 Q. Okay. But you knew a number of those
 5 trailers had been located within 350 feet of that
 6 unit for a number of months before that unit blew?
 7 A. I knew they had placed trailers there.
 8 That is correct.
 9 Q. And you knew that some of those trailers
 10 were occupied by contractors?
 11 A. I know the one trailer, you know -- I
 12 have been asked that question, and I have never
 13 been in those trailers.
 14 I assumed that they were, but I --
 15 I had never been in the trailers or seen people go
 16 into trailers. I am never -- not -- very rarely
 17 that I am over there during this assignment that I
 18 was on.
 19 Q. Well, you are talking about the
 20 assignment that you were on from February of 2005
 21 until the time of the incident, right?
 22 A. Yeah. The pre-turnaround and all of
 23 those activities start, you know, quite a bit
 24 earlier than that.
 25 Q. Okay. The fact is -- Mr. Hawkins, is

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1 that --
 2 A. Uh-huh.
 3 Q. -- you were the superintendent of the
 4 ISOM unit at the time several of those trailers
 5 were placed within 350 feet of the ISOM unit,
 6 correct?
 7 A. I was the superintendent when -- well, I
 8 know when one of them was sited there. I don't
 9 exactly when the other trailers were brought in;
 10 but if they were brought in -- you know, in during
 11 that timeframe, then, yes, I was.
 12 Q. And for all of those trailers that were
 13 brought in from sometime in 2003 --
 14 A. Uh-huh.
 15 Q. -- when you were put in charge of -- the
 16 superintendent of those five units until February,
 17 2005, any of the trailers that were brought into
 18 that area would have all occurred while you were
 19 superintendent of those five units, correct?
 20 A. In 2003? Is that what you are saying?
 21 Q. From sometime in 2003 until February of
 22 2005, that was the time period that you were the
 23 superintendent --
 24 A. Yes.
 25 Q. -- of those --

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1 A. Yes.
 2 Q. -- five units?
 3 A. Yes.
 4 Q. So, any of the trailers that were brought
 5 in over there during that timeframe would have been
 6 brought in there at a time that you were the
 7 superintendent?
 8 A. Yes.
 9 Q. So, for the Merit trailer if it was
 10 brought in in 2004, for any of the other trailers
 11 brought out there in 2004, all of those trailer
 12 sitings would have occurred while you were the
 13 superintendent of those five units?
 14 A. Yes.
 15 Q. Did you have any role in assisting the
 16 injured folks on the date of this explosion?
 17 A. In what capacity?
 18 Q. In any capacity.
 19 A. Directing the fire department and things
 20 of that nature; but no, I have no medical training
 21 like our EMTs on site that were there. No.
 22 Q. Did you see a number of the people that
 23 were killed out there being taken out of the plant
 24 by the paramedics or other emergency personnel?
 25 A. No.

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1 Q. Did you subsequently talk to any of the
 2 management folks for Merit?
 3 A. The management folks?
 4 Q. Yes, sir.
 5 A. There may have been one in the
 6 interviews, but I -- I actually can't remember.
 7 Q. Okay. It is my understanding that the
 8 next day the CEO of BP flew in.
 9 Do you recall that?
 10 A. Yes, it was the next day.
 11 Q. And Lord Browne brought with him a
 12 gentleman named John Mogford.
 13 Did you know Mr. Mogford?
 14 A. Did I know him?
 15 Q. Yes, sir.
 16 A. No.
 17 Q. Did you have an occasion to meet
 18 Mr. Mogford or Lord Browne on that first visit to
 19 Texas City?
 20 A. I remember meeting John Browne, but I
 21 don't remember specifically meeting Mogford.
 22 Q. Okay. Did you play any role in the
 23 investigation into the cause or causes of that
 24 explosion?
 25 A. No.

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1 Q. So, your only role in providing
 2 information or assisting in developing information
 3 would have been what was contained in the reports
 4 that we discussed earlier, those being your
 5 statements?
 6 A. Yes.
 7 Q. Were you made privy to the interim
 8 findings of Mr. Mogford in the preliminary fatal
 9 report in May of 2005?
 10 A. Everybody was. That was published at the
 11 site.
 12 Q. Was there any meeting called by you or
 13 others that you attended regarding a briefing of
 14 the findings of the interim report?
 15 A. I believe it was at the superintendents'
 16 meeting.
 17 Q. When was this?
 18 A. I cannot remember.
 19 Q. Sometime in May?
 20 A. Yeah, possibly. I just -- I can't
 21 remember that.
 22 Q. Okay. Do you recall the termination of
 23 employees occurring after the interim report came
 24 out May 12th?
 25 A. I don't -- I don't remember the timing in

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1 reference to the Interim Report. I do remember the
 2 terminations.
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 25 Q. Now, you knew all these gentlemen from

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1 being a superintendent out at that area prior to
 2 this explosion, correct?
 3 A. Yes.
 4 Q. Were you ever given information as to why
 5 it was that BP made the decision to terminate each
 6 of those six individuals?
 7 A. Not specifically.
 8 Q. Was there any meeting to generally
 9 debrief you and/or others, to your knowledge, about
 10 the reason for the termination of those six
 11 individuals?
 12 A. No, I don't think they would have done
 13 that.
 14 Q. Are you provided with copies of the
 15 termination letters?
 16 A. No.
 17 Q. Did you question the termination of any
 18 of those individuals with anyone in management?
 19 A. Yes, I did.
 20 Q. Which ones and to whom?
 21 A. In a broad sense, I -- I questioned all
 22 of them, wanting to know why they were terminated.
 23 Q. And you just questioned this in your own
 24 mind or was this --
 25 A. No.

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1 Q. -- question placed to higher-ups?
 2 A. I asked -- I asked Willie.
 3 Q. What did Willie say?
 4 A. Willie -- the conversation that I had
 5 with Willie then was around, you know, the decision
 6 was made between him and Kathleen; and there were
 7 many things that, you know, surfaced in the
 8 meetings and discussions they had with the
 9 individuals, and the terminations were warranted.
 10 Q. "Kathleen" being Kathleen Lucas?
 11 A. Kathleen Lucas.
 12 Q. And you understood that Mr. Willis and
 13 Ms. Lucas was undertaking an investigation into the
 14 cause and the determination of firing certain
 15 individuals for their role in this explosion?
 16 MR. PATTERSON: Objection, form.
 17 Q. (BY MR. COON) Did you understand them to
 18 be involved in some investigative role?
 19 A. Yes. For discipline, not necessarily
 20 firing.
 21 Q. All right. Were there any investigations
 22 that you were aware of that were being taken by BP
 23 at that time other than the one being led by
 24 Mr. Mogford and the one that was being conducted by
 25 Ms. Lucas and Mr. Willis?

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1 A. No.
 2 Q. Did you ever have any communications with
 3 Don Parus while you were out there before this
 4 explosion occurred? Was that somebody that was
 5 approachable by you based on your position that you
 6 had out there?
 7 A. Yeah, he was approachable. And I -- I
 8 know I have had conversations with him, but about
 9 maybe work that was going on or things of that
 10 nature but nothing that was just real specific an
 11 issue that I would recall.
 12 Q. Okay. Were you aware that he was removed
 13 from his position as the business unit leader of
 14 that facility the day after the interim fatal
 15 report came out?
 16 MR. PATTERSON: Objection, form.
 17 A. I know that Mr. Parus left.
 18 Q. (BY MR. COON) Do you know why he left?
 19 A. No, I don't have knowledge of that.
 20 Q. You were never told by anyone at that
 21 plant that Chicago headquarters invited Mr. Parus
 22 to remove himself from his position as a BUL?
 23 MR. PATTERSON: Objection, form.
 24 A. No, that's not what I understood.
 25 Q. (BY MR. COON) What did you understand?

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1 A. What I understood was Mr. Parus was going
 2 to work on following up on actions from the interim
 3 report and things of that nature.
 4 Q. And who told you that?
 5 A. I -- I cannot remember.
 6 Q. Do you think you might have read that?
 7 A. It's possible.
 8 Q. Do you think you might have read that
 9 because Mr. Pillari told the press that?
 10 A. It's possible. I wouldn't have read it
 11 in the press.
 12 Q. Do you ever read the paper?
 13 A. No.
 14 Q. Were you ever aware that Mr. Pillari sent
 15 Mr. Parus an e-mail, May 13, through his Blackberry
 16 terminating Mr. Parus' responsibilities as the
 17 business unit leader?
 18 MR. PATTERSON: Objection, form.
 19 A. I wouldn't have knowledge of that.
 20 Q. (BY MR. COON) Wouldn't that be something
 21 that you would want to know in your role and
 22 position at the plant, that executives in Chicago
 23 had made a decision to terminate your business unit
 24 leader?
 25 A. It would not change my role in what I do.

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1 Q. That is not my question, sir.
 2 The question is: Wouldn't you
 3 want to know --
 4 MR. PATTERSON: Objection, form.
 5 Q. (BY MR. COON) -- that your plant manager
 6 had been fired by headquarters?
 7 A. I really don't know how to answer that.
 8 I don't know that I necessarily would want to know.
 9 Are you saying based on these
 10 circumstances --
 11 Q. I am saying --
 12 A. -- or just in general?
 13 Q. I am saying: Under any circumstances
 14 would you ever be curious as to whatever happened
 15 to the leader of the facility that you worked at if
 16 all of a sudden he's just not there one day --
 17 A. Yes, sir.
 18 Q. -- or she's not there one day?
 19 A. Yes, sir, I would be curious.
 20 Q. And wouldn't you want to know the honest
 21 answer from your employer as to why they are no
 22 longer there?
 23 A. I can't say that I would just necessarily
 24 want to know that. I mean, some things are not my
 25 business; and I understand that.

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1 I would have been curious as to
 2 why, though. You are absolutely, correct.
 3 Q. Okay. Now, in this case, you understood
 4 from somewhere that Mr. Parus might have been moved
 5 to an investigative role?
 6 A. Something along that line, to -- or kind
 7 of a follow-up role, to see things through type.
 8 Q. Okay. And since you understood that, is
 9 there anything that has surfaced that you have seen
 10 or heard that would lend you to believe that, in
 11 fact, was the case, that Mr. Parus did, in fact,
 12 undertake some investigative role as opposed to his
 13 removal from the business unit leader position?
 14 A. No, I haven't -- I haven't seen any
 15 evidence of that.
 16 Q. In fact, you haven't seen him out at that
 17 plant since May 13, 2005, have you?
 18 A. No, I have not.
 19 Q. Did you know that BP hired criminal
 20 counsel for the individuals that were terminated in
 21 May of 2005?
 22 MR. PATTERSON: Objection, form.
 23 A. No, I did not know that.
 24 Q. (BY MR. COON) Is that something you
 25 would like to have known?

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1 MR. PATTERSON: Same objection.
 2 A. Not necessarily.
 3 Q. (BY MR. COON) Do you have any reason to
 4 understand why they may have retained a criminal
 5 counsel for those six individuals?
 6 MR. PATTERSON: Objection, form.
 7 A. No, I don't know why.
 8 Q. (BY MR. COON) Now, Joe Barnes, what was
 9 his position at the time of the plant explosion?
 10 A. I think Joe was actually the MDL for the
 11 safety department.
 12 Q. And he was demoted after this incident,
 13 was he not?
 14 MR. PATTERSON: Objection, form.
 15 A. Not that I recall.
 16 Q. (BY MR. COON) Have you ever talked to
 17 him about -- let me back up.
 18 He was an MDL at the time of the
 19 plant explosion on March 23rd; is that correct?
 20 A. That's correct.
 21 Q. And what was he, say, six months later?
 22 A. He was still an MDL.
 23 Q. What is his position now?
 24 A. He is still an MDL.
 25 Q. You are not aware of him ever complaining

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1 that he felt that he had been embarrassed by a
 2 demotion in rank as a result of this explosion in
 3 March, 2005?
 4 A. No.
 5 MR. PATTERSON: Objection, form.
 6 A. I would not be aware of that.
 7 Q. (BY MR. COON) Do you know of any letter
 8 that Mr. Barnes received that may have removed some
 9 of his roles and responsibilities after the March
 10 incident?
 11 A. Stating what he was going to be working
 12 on?
 13 Q. Yes, sir.
 14 A. What areas he was going to be working?
 15 Yeah. I am sure there was a
 16 communication. There were several restructuring
 17 things.
 18 Q. Okay.
 19 A. But specific to Joe, what he was going to
 20 be doing, I -- no, I don't.
 21 Q. Okay.
 22 A. I don't remember that.
 23 Q. Now, he was in health and safety and
 24 moved back into operations after this incident, was
 25 he not?

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1 A. He moved laterally into operations, as I
 2 understand it.
 3 Q. Did you understand that he perceived his
 4 transfer from his roles in health and safety back
 5 into operations to be a demotion that was
 6 embarrassing to him?
 7 MR. PATTERSON: Objection, form.
 8 A. He never communicated that to me.
 9 Q. (BY MR. COON) Do you know Paul Trapp?
 10 A. Yes, I do.
 11 Q. Are you aware of the testimony that he
 12 has given in this case?
 13 A. Am I aware of his testimony?
 14 Q. Yes, sir.
 15 A. No.
 16 Q. Do you believe Mr. Trapp to be a person
 17 who is honest?
 18 A. Do I think he's honest?
 19 Q. Yes, sir.
 20 A. I assume that he's honest, yes.
 21 Q. Do you know he has retained ongoing
 22 communications with all six of the individuals that
 23 were terminated as a result of the BP investigation
 24 into this matter?
 25 MR. PATTERSON: Objection, form.

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1 A. Was I aware that he stays in touch with
 2 all six of them?
 3 Q. (BY MR. COON) Yes, sir.
 4 A. No, I wasn't aware of that.
 5 Q. Do you know he has testified in this case
 6 that he felt that most of those individuals that
 7 were terminated were scapegoats?
 8 MR. PATTERSON: Objection, form.
 9 A. No, I didn't know that he testified to
 10 that.
 11 Q. (BY MR. COON) Do you personally believe
 12 that any of the individuals, based on the
 13 information that you have at this time, were made
 14 scapegoats for BP?
 15 A. No, I do not.
 16 Q. Because as I understand, you don't really
 17 have a good understanding of the nature and details
 18 of the reason any of those individuals were, in
 19 fact, terminated; is that correct?
 20 A. That is correct.
 21 Q. Have you ever had an opportunity to talk
 22 to Mr. Pillari or Mr. Gower in Chicago?
 23 A. Not that I recall.
 24 Q. Okay. Have you ever been to the Chicago
 25 BP headquarters?

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1 A. No.
 2 Q. Do you know this gentleman named
 3 Greg Tonnies that was the chief fireman or a
 4 fireman there at Marathon?
 5 A. No, I don't know that person.
 6 Q. Did you know that he came over as part of
 7 the Marathon fire brigade to assist BP the day this
 8 ISOM unit blew?
 9 A. No, I wasn't aware of that.
 10 Q. Do you know that he took some pictures
 11 out there that day?
 12 A. No, I am not aware of that.
 13 Q. Do you know that your fire marshal -- do
 14 you know Mr. McLemore?
 15 A. John McLemore?
 16 Q. Yes, sir.
 17 A. Yes, I do.
 18 Q. He is y'all's fire chief, isn't he?
 19 A. Yes, he is.
 20 Q. Do you know Mr. McLemore complained to
 21 Marathon and that subsequently Mr. Tonnies was
 22 terminated from his employment with Marathon for
 23 taking those pictures?
 24 A. No, I wasn't aware of that.
 25 Q. Do you personally see anything wrong with

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1 taking pictures of an incident like this?
 2 A. Yeah, I personally do, in some -- in some
 3 ways, yes.
 4 Q. You were not made aware until today that
 5 this gentleman had been fired as a result of going
 6 over and helping with this fire and taking some
 7 photos?
 8 A. No, I wasn't aware of that.
 9 Q. Have you been involved in any strategy
 10 sessions with your employer regarding public
 11 relations or press statements associated with this
 12 incident?
 13 A. Strategy?
 14 No, I have not.
 15 Q. Have you been advised by your employer to
 16 comment or not comment in certain ways regarding
 17 your knowledge of anything associated with this
 18 incident?
 19 A. This incident specifically, no.
 20 Q. What about generally?
 21 A. I mean, you know, Texas City -- and you
 22 are not going to want to hear this, but I am sure
 23 you are going to stop me -- but the path forward
 24 and what we are doing and what we have been doing
 25 is, you know, we are encouraged to, you know, if we

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1 are on board with that, you know, and take the
 2 opportunity with the community and -- and let them
 3 know what we are doing.
 4 So, in that respect, you know, we
 5 have been because there are some positive things
 6 going on out there.
 7 Q. Okay.
 8 MR. COON: Well, I am going to
 9 object to the responsiveness.
 10 THE WITNESS: Okay.
 11 Q. (BY MR. COON) Nothing personal, but I'm
 12 trying to understand.
 13 Are you saying that BP has
 14 encouraged you to go out and talk to the community
 15 about something in particular associated with the
 16 operations of BP Texas City?
 17 A. No, I wouldn't say encouraged.
 18 Q. Okay. Well, you understand -- you
 19 understand public relation strategy with companies,
 20 do you not?
 21 A. No, I do not. Not really.
 22 Q. You understand general public relations?
 23 A. Yes.
 24 Q. Have you been asked by BP to engage in
 25 any type of public relations, one way or the other,

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1 within the community?
 2 A. Not like that, no.
 3 Q. I mean, you are not going to Kiwanis club
 4 meetings and say what great people BP --
 5 A. No.
 6 Q. Okay.
 7 A. If I speak for BP, I wouldn't allow
 8 somebody to do that to me. It would be what I
 9 believe.
 10 Q. Were you aware of any efforts by your
 11 employer to limit adverse publicity associated with
 12 this incident?
 13 MR. PATTERSON: Objection, form.
 14 A. No, I am not aware of things like that.
 15 Q. (BY MR. COON) Were you aware in the
 16 Telos Report of complaints about the morale being
 17 very poor at the Texas City facility prior to this
 18 explosion in March, 2005?
 19 A. Yes, sir.
 20 MR. PATTERSON: Objection, form.
 21 A. I read the report.
 22 Q. (BY MR. COON) Did you tend to agree with
 23 the comments regarding the overall low morale
 24 associated with employees at that facility?
 25 MR. PATTERSON: Objection, form.

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1 A. I believe that some of them were.
 2 I also saw issues that may have
 3 been underpinned by other issues that were going on
 4 at the time.
 5 (Exhibit Number 145 marked for
 6 identification.)
 7 Q. (BY MR. COON) Mr. Hawkins, I am going to
 8 show you next what is marked as Plaintiffs'
 9 Exhibit 145. This is document 21044. It was a
 10 response to us by the duces tecum we provided to
 11 your lawyers for the production of certain
 12 documents associated with your testimony today, and
 13 this was what we received.
 14 This memo says, "Firings will
 15 continue until morale improves."
 16 Did I read that correctly?
 17 A. Yes, you read it correctly.
 18 Q. Okay. And do you know how it is that
 19 this was part of your files that were produced to
 20 us for your deposition today?
 21 A. No, I -- I actually don't.
 22 Q. Is that something that came out of your
 23 individual personnel file?
 24 A. I wouldn't think that would be in my
 25 personnel file.

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1 Q. Is this something that you personally
 2 generated?
 3 A. No. It very well could have been
 4 something that was in the operations trailer.
 5 Q. Were you aware of any of the comments
 6 that Mr. Pillari made to the press, either through
 7 written statements or speeches to the local press,
 8 in May of 2005 after the interim report was made
 9 available?
 10 A. It's possible, but I don't -- I don't
 11 remember the comments, specifically.
 12 Q. And do you recall any of the preliminary
 13 findings associated to the cause of this incident
 14 from the interim report in 2005?
 15 A. On the preliminary report?
 16 Q. Yes, sir.
 17 A. Yes.
 18 Q. One of the criticisms was trailer siting,
 19 was it not?
 20 A. Yes, it was.
 21 Q. Another significant criticism contained
 22 in BP's own report was still having that vent stack
 23 and blowdown drum over there as opposed to a safer
 24 alternative; to wit, a flare.
 25 Do you recall that?

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1 MR. PATTERSON: Objection, form.
 2 A. I don't remember it that way, but I know
 3 that there was -- that was -- part of that was
 4 within the preliminary findings.
 5 Q. (BY MR. COON) Okay. You understood
 6 Mr. Pillari to be the president of BP North
 7 America?
 8 A. Yes.
 9 Q. Now, after the completion of the BP
 10 investigation, which I am going to call the final
 11 report --
 12 A. Uh-huh.
 13 Q. -- you are also aware that there were
 14 continuing investigations being conducted by other
 15 individuals or agencies, correct?
 16 A. Such as?
 17 Q. Well, you had this Baker panel?
 18 A. Yes.
 19 Q. Are you aware of the Baker panel?
 20 A. Yes.
 21 Q. Have you met or conferred with anyone in
 22 the Baker panel?
 23 A. No, I have not.
 24 Q. Do you know who Mr. Baker or the Baker
 25 panel is?

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1 A. Yes.
 2 Q. What's your understanding of who he is?
 3 A. The former Senator.
 4 Q. Do you understand he is an attorney at
 5 Baker & Botts?
 6 A. I don't know what his professional role
 7 is.
 8 Q. Okay. Do you know the circumstances that
 9 he was retained to lead this panel?
 10 A. Do I know the circumstances?
 11 Q. Yes.
 12 A. No, sir.
 13 Q. Okay. You also have an ongoing
 14 investigation being conducted by the Chemical
 15 Safety Board, do you not?
 16 A. Yes.
 17 Q. In fact, that's somebody you gave a
 18 statement to last year, right?
 19 A. Yes.
 20 Q. You understand they will have a final
 21 report later this year?
 22 A. That's my understanding.
 23 Q. Did you attend, or make an effort to
 24 attend, the Town Hall meeting October 27, 2005,
 25 when the Chemical Safety Board was presenting its

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1 interim findings to the community?
 2 A. No, I did not.
 3 Q. Did you have an opportunity to be
 4 educated with respect to their interim findings
 5 through your employer?
 6 A. Have I had an opportunity to be educated?
 7 Q. Yes, sir.
 8 A. Is that -- was that your question?
 9 Q. Yes, sir.
 10 Did your employer ever make any
 11 effort to advise you as to these interim findings,
 12 of the Chemical Safety Board?
 13 MR. PATTERSON: Objection, form.
 14 A. I don't know for a -- I don't know for a
 15 fact that that information was put out there or
 16 not.
 17 Q. (BY MR. COON) Did you -- were you ever
 18 made privy to the findings, that interim findings,
 19 of the US Chemical Safety and Hazard Investigation
 20 Board?
 21 A. I have read reports from them, and I am
 22 not sure that it is the interim findings that you
 23 are referring to. I will take a look at it and let
 24 you know.
 25 Q. Okay. We will take a break in a minute,

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1 and I will let you look over some of these
 2 findings. We will ask you some questions. Okay?
 3 A. Okay.
 4 Q. I think we will break here in just a few
 5 minutes.
 6 A. All right.
 7 Q. Have you been asked to give any
 8 additional statements to the Department of Justice
 9 at the present time?
 10 A. No.
 11 Q. Are you aware of the fact that the EPA
 12 and the FBI are taking statements of individuals
 13 that are in the employ or were in the employ of BP
 14 associated to an ongoing criminal investigation
 15 into this explosion?
 16 A. Yes, that's what --
 17 MR. PATTERSON: Objection, form.
 18 A. That's what I understand.
 19 Q. (BY MR. COON) All right. Who is it --
 20 first of all, how is it that you understood this?
 21 A. I believe it was communicated at a
 22 training session that I was in. Somebody asked the
 23 question to Ron McCracken and -- and he indicated
 24 that the -- the FBI, I believe it was -- I can't --
 25 I can't remember exactly, but there were -- they

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1 were -- talk of having a criminal investigation,
 2 but he didn't have details on that.
 3 Q. Okay. Were y'all admonished by anyone at
 4 BP not to talk to anyone about what you knew about
 5 this unless it was somebody associated with your
 6 employer or their attorneys?
 7 A. I don't understand the question. I am
 8 sorry.
 9 Q. Sure.
 10 Have you been admonished by BP not
 11 to talk to anyone about your knowledge of any of
 12 the things associated with this incident?
 13 A. (No verbal response.)
 14 Q. Have they said don't talk to the press?
 15 A. Yeah.
 16 Q. Don't talk to the investigators?
 17 A. I am sorry. I just didn't understand how
 18 you were -- that was -- have I been told not to
 19 talk to anybody?
 20 Q. Yes, sir.
 21 A. No, I have not.
 22 Q. Okay. Nobody has told you you shouldn't
 23 talk to the press or you shouldn't talk to
 24 investigators or other persons unless BP is present
 25 or their lawyers are present?

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1 A. No.
 2 MR. COON: We'll take a break. I
 3 think we have to change the tape.
 4 THE VIDEOGRAPHER: Off the record
 5 at 2:18 p.m., ending Tape 3.
 6 (Recess taken.)
 7 THE VIDEOGRAPHER: On the record,
 8 2:24 p.m., beginning Tape 4.
 9 Q. (BY MR. COON) Mr. Hawkins, are you
 10 familiar with the Grangemouth incident in 2000,
 11 Scotland?
 12 A. I am aware that there was an event in
 13 2000.
 14 Q. Real briefly, what is your understanding
 15 of what occurred there?
 16 A. I actually wasn't in the operating arena
 17 at that time. I just knew they had a serious
 18 release, an event there and that some people from
 19 BP Texas City were actually pulled in to assist
 20 with that.
 21 Q. Would you agree with the general
 22 statement that in a plant such as yours major
 23 losses of containment, which could lead to an
 24 explosion, is a major accident risk profile?
 25 A. A major list -- a major loss of

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1 containment is a major risk profile, I would agree
 2 with that.
 3 Q. And would you agree that knowledge that
 4 is made available from previous incidents within
 5 your organization assist you to provide better
 6 process safety management?
 7 A. From other areas, is that what you are
 8 referring to? Other events --
 9 Q. Sure.
 10 A. -- in the industry as well?
 11 Q. First -- first, within your own plant, do
 12 all prior events assist you in a better
 13 understanding of what can happen?
 14 A. Yes.
 15 Q. And you can look at your own plant from a
 16 historical perspective to see what things have
 17 occurred in the past, particular atypical
 18 operations, such as upsets, to better inform
 19 yourself as to things that can happen that are not
 20 planned?
 21 A. I would agree with that. I would say
 22 that that was a basis for process safety standards,
 23 things like that.
 24 Q. All right.
 25 A. Lessons learned.

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1 Q. And BP is a -- you would agree they are a
 2 sophisticated petrochemical operator?
 3 A. I would -- I would say that's a fair
 4 statement, yes.
 5 Q. One of the largest petrochemical
 6 companies in the world?
 7 A. Yes.
 8 Q. And they certainly have access to the
 9 information associated to what happens in that
 10 industry?
 11 A. Yes.
 12 Q. With respect to operations and safety?
 13 A. Yes.
 14 Q. I want to talk to you about this whole
 15 issue with this ISOM unit.
 16 A. Uh-huh.
 17 Q. Do you know anything about when it was
 18 built, what was there before?
 19 A. I know it was an ultraformer before it
 20 was an ISOM unit.
 21 Q. And it was converted around 1984?
 22 A. '84, '85 time range, yes. And if --
 23 Q. And you understood they tied that new
 24 ISOM unit into an existing vent stack blowdown
 25 system?

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1 A. Yes.
 2 Q. And you understand the reasons for that?
 3 MR. PATTERSON: Objection, form.
 4 A. No, I don't understand the reasons.
 5 Q. (BY MR. COON) Do you have an
 6 understanding that one of the considerations had to
 7 do with grandfathering in the atmospheric releases
 8 and environmental issues associated with releases?
 9 MR. PATTERSON: Objection, form.
 10 A. I am sorry. I am confused on
 11 grandfathering releases. I don't -- I just don't
 12 understand --
 13 Q. (BY MR. COON) Well --
 14 A. -- the question.
 15 Q. Well, you understand that that vent stack
 16 had been there -- or that vent stack system had
 17 been there 50 years?
 18 A. Yes.
 19 Q. And you understand regulatory events had
 20 changed over the last 50 years, environmental
 21 issues had changed over the last 50 years?
 22 A. Certainly.
 23 Q. And generally, fair to say they have
 24 gotten stricter?
 25 A. Yes.

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1 Q. And that plants that had a vent stack
 2 were allowed to keep them when they modified a unit
 3 as what we call a grandfathering process.
 4 Are you familiar with that?
 5 A. Yes.
 6 MR. PATTERSON: Objection, form.
 7 A. I am familiar with what grandfathering is
 8 in that respect.
 9 Q. (BY MR. COON) Okay. And you would agree
 10 that vent stacks and blowdown drums are part of
 11 what is the safety critical equipment at a
 12 facility?
 13 MR. PATTERSON: Objection, form.
 14 A. Vent stack -- was your question vent
 15 stacks and blowdowns?
 16 Q. (BY MR. COON) Blowdown drums are part of
 17 the safety critical equipment at a petrochemical
 18 plant.
 19 MR. PATTERSON: Same objection.
 20 A. For -- primarily for vapor containment,
 21 yes.
 22 Q. (BY MR. COON) All right. Did you know
 23 that the F-20 in this -- first of all, do you know
 24 what the F-20 is?
 25 A. Yes, I do.

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1 Q. Now, it's my understanding that that F-20
 2 was originally designed for one line; is that
 3 correct?
 4 MR. PATTERSON: Objection, form.
 5 A. No, I don't know that to be true. I know
 6 the original design probably had one line, but I
 7 don't know if that was a design basis.
 8 I can't answer that.
 9 Q. (BY MR. COON) And subsequent to the ISOM
 10 unit tying in to this vent stack, two other units
 11 came on-line and tied in to that same drum, if you
 12 know?
 13 A. No, I don't know that.
 14 Q. Do you know what the capacity ratings
 15 were for that drum?
 16 A. I have seen those in the report, but I
 17 don't remember the numbers.
 18 Q. Do you know if there were ever any
 19 capacity analysis studies done once the three units
 20 were tied in?
 21 A. Can you tell me what three units you are
 22 referring to? That may help me. That's why I am
 23 getting a little confused here.
 24 Q. It is my understanding that the ISOM unit
 25 tied in to this, the NDU unit tied in, and the AR2

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1 tied in.
 2 A. Into the blowdown?
 3 Q. Yes, sir.
 4 A. No, that's not true.
 5 Q. That's not true?
 6 A. No. That's why I was getting confused.
 7 Q. Did the ISOM unit tie in?
 8 A. Yes.
 9 Q. Nothing on the NDU tied in?
 10 A. No.
 11 Q. What about the AR -- AR2 or ARU?
 12 A. ARU no, or AU2.
 13 Q. No as to either one?
 14 A. Yes.
 15 Q. Both of those?
 16 A. Now I am confusing myself. No, to either
 17 one of those.
 18 The ISOM is what tied in there.
 19 Q. Okay. So, your understanding is that the
 20 only thing that is tied in or has been tied in to
 21 that blowdown drum unit was the ISOM unit?
 22 A. Yes, for -- for RVs.
 23 That's what you are referring to,
 24 correct?
 25 Q. Well, for any purpose.

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1 Is there anything else that it
 2 would run to other than for relief?
 3 A. No, I can't answer.
 4 Now, if there is any small vent
 5 system somewhere, maybe from another unit that may
 6 tie in there, I can't answer that; but for RV
 7 relief scenarios, the AU2 is tied in to a flare.
 8 The NDU is tied in to a flare. The ARU is tied in
 9 to a flare.
 10 Q. Okay. Now, talking about RVs --
 11 A. Okay.
 12 Q. -- there had not been a study of the
 13 relief valves out there in 20 years, had there?
 14 A. That's not --
 15 MR. PATTERSON: Objection, form.
 16 You can answer.
 17 Q. (BY MR. COON) I am sorry.
 18 A. That's not correct.
 19 Q. When was the last relief valve study done
 20 on that unit?
 21 A. The current relief valve study was not
 22 completed, but had commenced in 2005. It was about
 23 50 percent complete.
 24 Q. Had a relief valve study of that unit
 25 been completed prior to this explosion?

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1 A. I think that's what you were referring
 2 to, the 1985 was the last one that I am --
 3 Q. 1985 and 1986 was the last time a relief
 4 valve study had been done on the ISOM unit?
 5 MR. PATTERSON: Objection, form.
 6 A. That's not correct.
 7 Q. (BY MR. COON) Okay. When was the last
 8 one?
 9 A. 2005.
 10 Q. There was a relief valve study
 11 completed --
 12 A. No.
 13 Q. -- on the ISOM unit?
 14 A. You didn't say completed. That's why I
 15 was trying to answer your question the way I
 16 thought you wanted me to.
 17 It was not completed. It was in
 18 progress.
 19 Q. On the ISOM unit?
 20 A. On the ISOM unit.
 21 Q. So, they had started one and not
 22 completed one at the time that --
 23 A. Yes --
 24 Q. -- it blew?
 25 A. It was in progress.

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1 Q. Okay. You understood that the tower on
 2 that unit had been derated from 70 to 75 pounds
 3 down to about 40?
 4 A. That's correct.
 5 Q. And that went through a management of
 6 change?
 7 A. Yes, it did.
 8 Q. And the derating was never reflected in
 9 the standard operating procedures for the control
 10 room, was it?
 11 A. I don't know that to be true.
 12 Q. Do you know it to be false?
 13 A. No, I don't know it to be false.
 14 I know it was not correct in the
 15 startup procedure, and I am just trying to
 16 differentiate between standard operating procedure,
 17 startup, shutdown procedures.
 18 Q. Okay. You would agree that in starting
 19 up a refinery that has been in shutdown, that's a
 20 very dangerous time?
 21 MR. PATTERSON: Objection, form.
 22 A. It can be.
 23 Q. (BY MR. COON) And you guys knew that
 24 there were contractor trailers within the general
 25 vicinity of the ISOM unit when they were starting

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1 the splitter back up?
 2 MR. PATTERSON: Objection, form.
 3 Q. (BY MR. COON) I think we discussed that
 4 earlier.
 5 A. Yeah. I didn't -- you've got two things
 6 in there that I have discussed.
 7 Q. Okay.
 8 A. I didn't know they were in startup mode.
 9 Q. Do you know why it is that no one at BP
 10 went out and warned the contractors in those
 11 trailers that they were starting this process up?
 12 MR. PATTERSON: Objection, form.
 13 A. No, I do not know, but hindsight,
 14 certainly you think you should, but it's just been
 15 common practice at BP, we -- we notify and we have
 16 got it in our procedures to notify surrounding
 17 units and it was -- it was never taken into
 18 consideration that something this catastrophic
 19 could ever happen. Never.
 20 Q. (BY MR. COON) Okay.
 21 MR. COON: I object to the
 22 responsiveness.
 23 Q. (BY MR. COON) But you are aware that --
 24 let's start off with some things.
 25 First of all, the raffinate that

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1 was going through there, you agree it's highly
 2 hazardous?
 3 MR. PATTERSON: Objection, form.
 4 A. Flammable, yes.
 5 Q. (BY MR. COON) It's highly flammable?
 6 A. Yes.
 7 Q. And you are aware that this was being run
 8 through a system that vented to atmosphere?
 9 A. That could, yes.
 10 Q. And, in fact, on this date, did?
 11 A. Not as designed, but you are correct.
 12 Q. And that the resulting vapor cloud and
 13 liquid overflow eventually reached an ignition
 14 source and exploded?
 15 A. Yes, that's what I read in the report.
 16 Q. And you don't disagree with that?
 17 A. No, I don't disagree with that.
 18 Q. Okay. Now, you agree that the -- an
 19 overflow of the splitter is something that is
 20 foreseeable, don't you?
 21 MR. PATTERSON: Objection, form.
 22 A. Not based on -- it's not something that
 23 we even considered, no.
 24 Q. (BY MR. COON) Okay.
 25 A. With the safeguards that are in effect.

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1 Q. Okay.
 2 A. In place.
 3 Q. Had you never had occurrences out there
 4 where hydrocarbons have gone through a vent system
 5 and resulted in a vapor cloud that was subject to
 6 an explosion?
 7 A. Okay. Have I --
 8 Q. I'll now refer you --
 9 A. Okay.
 10 Q. Are you aware of any prior upsets where
 11 hydrocarbons were emitted through vent stacks to
 12 form a vapor cloud at ground level?
 13 A. I have personally never seen a vapor
 14 cloud at ground level.
 15 Q. Have you heard of that occurring at that
 16 particular facility before --
 17 A. I have.
 18 Q. -- this explosion?
 19 A. I have heard that vapors have come out of
 20 a blowdown stack.
 21 Q. Have you heard --
 22 A. Yes.
 23 Q. -- of any prior instances where there was
 24 any kind of explosion or ignition associated with a
 25 vapor cloud emitting from a vent stack?

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1 A. Specifically from a vent stack, as was
 2 the case in the ISOM, is that -- other than that,
 3 right?
 4 Q. Other than that one.
 5 A. I personally did not have knowledge of a
 6 vapor release on a vent stack resulting in a
 7 fire -- explosion.
 8 Q. Okay. Are you aware of other vapor
 9 releases out of that same unit on prior occasions?
 10 A. On the ISOM unit?
 11 Q. Yes, sir.
 12 A. Vapor releases?
 13 Q. Yes, sir. Vapor releases to the
 14 extent they --
 15 A. Yes.
 16 Q. -- resulted in a vapor cloud at ground
 17 level?
 18 A. No.
 19 Q. You are not aware that that had occurred?
 20 A. Vapor cloud at ground level?
 21 Q. Yes, sir.
 22 A. I -- as I read in this report, I saw
 23 where that had taken place.
 24 Q. So, in fact, from a historical
 25 perspective, if someone were fully familiar with

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1 the prior activities of that ISOM unit for the
 2 duration of the time that unit had been in place,
 3 there would have been an awareness that vapor
 4 clouds could form at ground level through the vent
 5 system?
 6 MR. PATTERSON: Objection, form.
 7 A. I need to make sure I understand you
 8 there.
 9 Q. (BY MR. COON) Okay. You weren't there
 10 the whole time.
 11 That ISOM went up in '84, and you
 12 weren't there, right?
 13 A. That's correct.
 14 Q. But you were there in 2005 when it blew?
 15 A. Yes.
 16 Q. And you have now been made aware of the
 17 fact that there had been prior releases out of that
 18 same unit that had formed a vapor cloud at ground
 19 level?
 20 A. I am aware of other releases out of that
 21 blowdown stack; but specific knowledge of a vapor
 22 cloud that may have ignited, I am not aware of
 23 that.
 24 Q. Okay. But you are aware that there had
 25 been vapor clouds that had formed?

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1 A. Vapor releases.
 2 Q. As a result of vapor --
 3 A. I will say it in terms of vapor release.
 4 Q. And, in fact, that's something that has
 5 been noted in the fatal report and something noted
 6 with the Chemical Safety Board?
 7 A. There have been previous releases of
 8 vapor through blowdown stacks in Texas City, and
 9 that is how they are designed to operate.
 10 Q. Well, in fact --
 11 MR. COON: I will object to the
 12 responsiveness.
 13 THE WITNESS: Okay.
 14 Q. (BY MR. COON) On this ISOM unit,
 15 Mr. Hawkins, there had been former releases of
 16 vapor out of the vent stack of sufficient magnitude
 17 as to form a vapor cloud at ground level.
 18 Are you familiar with that?
 19 MR. PATTERSON: Objection, form.
 20 A. I have heard that.
 21 I have no personal knowledge of
 22 that, yes.
 23 Q. (BY MR. COON) I understand.
 24 A. Okay.
 25 Q. But you have heard of that occurring in

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1 the past at that unit before the day of this
 2 explosion?
 3 A. Yes.
 4 Q. And you are aware that there have also
 5 been reports of other vapor clouds forming at
 6 ground level from vent stack releases at other
 7 locations at that particular facility?
 8 A. No, I have no personal knowledge of vapor
 9 clouds forming on vent stacks from other
 10 facilities.
 11 Q. Okay. I am talking about that facility.
 12 Have you heard that --
 13 A. I thought you asked -- I am sorry.
 14 Q. Let's talk -- we're talking about
 15 March 23rd --
 16 A. Uh-huh.
 17 Q. -- 2005.
 18 A. Uh-huh.
 19 Q. Had you ever heard of vapor clouds
 20 forming from releases to a vent stack at any of the
 21 other units at that plant?
 22 A. That's what I was --
 23 MR. PATTERSON: Objection, form.
 24 A. That's what I was trying to answer.
 25 That's what I thought you were asking.

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1 Q. (BY MR. COON) Yes, sir.
 2 A. Yeah. I have -- I have no knowledge of
 3 vapor clouds forming from relief valves -- relief
 4 vent systems through blowdown stacks at other
 5 facilities.
 6 Q. Okay. I am asking at other units --
 7 A. Other units --
 8 Q. -- at that facility.
 9 A. Other units at Texas City.
 10 Q. Okay.
 11 A. That's what I am trying to get to.
 12 Q. I am not just asking about your personal
 13 knowledge. I am asking if you have heard of that
 14 occurring at that plant before March 23rd.
 15 MR. PATTERSON: Objection, form.
 16 A. I don't really have any knowledge that I
 17 can recall right now of a vapor cloud forming on
 18 one of the other units within Texas City -- BP
 19 Texas City where it formed a vapor cloud.
 20 Q. (BY MR. COON) Okay. I will follow-up in
 21 a little while.
 22 A. Okay.
 23 Q. Let me finish walking through the issues
 24 associated with that particular ISOM unit.
 25 Do you know anything allegedly

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1 wrong with the alarms on the unit that day?
 2 A. Based on what I read in the report, yes.
 3 Q. Now, that unit did not have interlocks,
 4 did it?
 5 A. On the raff system, is that what you are
 6 referring to?
 7 Q. Yes, sir.
 8 A. Yes?
 9 No, it did not.
 10 Q. Do you know why there was some sort of a
 11 3-pound valve system that had been blocked in? Are
 12 you familiar with that?
 13 A. 3-pound vent system?
 14 Q. Yes, sir.
 15 A. (Nods head.)
 16 Q. Do you know why the vent system had been
 17 blocked out?
 18 A. Had been blocked out?
 19 Q. Yes, sir.
 20 A. What are you saying, blocked out?
 21 Q. Well, do you understand there was
 22 anything that was inconsistent with this original
 23 design so that it was bypassed or otherwise blocked
 24 out?
 25 A. They changed the design of the tower is

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1 what they did. It became -- it operated -- it
 2 began to operate flooded. You wouldn't go into a
 3 3-pound system if -- if you were operating -- if
 4 your condenser are operating flooded. It would
 5 just allow liquid to go to the 3-pound system.
 6 Q. Are you aware of any malfunctions of a
 7 high level alarm in the tower on March 23rd?
 8 MR. PATTERSON: Objection, form.
 9 A. Based on what I read in the report, I --
 10 I am.
 11 Q. (BY MR. COON) Are you aware of any
 12 problems associated with the sight glass, that
 13 10-foot level sight glass being obscured --
 14 MR. PATTERSON: Objection.
 15 Q. (BY MR. COON) -- on the day it occurred?
 16 MR. PATTERSON: Objection, form.
 17 A. I actually don't remember that.
 18 Q. (BY MR. COON) Okay. And there was a
 19 pump out there that is referred to as "mud hog" or
 20 J14 pump.
 21 A. Uh-huh.
 22 Q. Are you familiar with that?
 23 A. Yes.
 24 Q. I understand that wasn't working on the
 25 date in question.

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1 Do you know anything about that?
 2 A. That it was not working --
 3 Q. Yes, sir.
 4 A. -- or it was not in service?
 5 Q. Either one.
 6 A. I understand that it was not in service.
 7 The mud hog takes -- it's -- well...
 8 Q. It takes awhile to get it primed?
 9 A. Yes, that's exactly right. And warm up
 10 the steam and exhaust and get it in service.
 11 Q. Okay. So, you are aware it at least was
 12 not in service?
 13 A. That's what I understand.
 14 Q. Do you know one way or the other whether
 15 or not it was not in service because it was not
 16 working?
 17 A. No, I cannot answer that. I don't know.
 18 Q. Were you made aware of problems
 19 associated with the level indicators?
 20 A. On the blowdown drum or the raff
 21 splitter?
 22 Q. Either one.
 23 A. My understanding, what I read in the
 24 report, was the high level alarm did not operate,
 25 did not activate -- the hard wire high level alarm

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1 did not activate on the raff splitter and the hard
 2 wire high level alarm on the F-20 activated about
 3 the same time as the explosion.
 4 That's what I am aware of.
 5 Q. All right. Mr. Hawkins, had you had any
 6 complaints prior to this explosion about the
 7 staffing levels out at British Petroleum Texas
 8 City?
 9 A. Yes.
 10 Q. I think --
 11 A. From every area I have worked in.
 12 Q. Were you concerned that the employees out
 13 there were being spread too thin?
 14 A. We had -- we were looking into what
 15 our -- our staffing capability was prior to the
 16 incident. So, my answer -- I would say that we
 17 were looking into it, certainly.
 18 Q. Now, one of your statements -- I believe
 19 your September, '05 statement --
 20 A. Uh-huh.
 21 Q. -- isn't it true that you complained
 22 about the production of training personnel that had
 23 gone from 50 people in the 1990s to only a handful
 24 at the time of this explosion?
 25 MR. PATTERSON: Counsel, I am

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1 going to object unless you want to show it to him.
 2 MR. COON: I would be happy to. I
 3 am just asking if he recalls testifying to that.
 4 MR. PATTERSON: Objection, form.
 5 Q. (BY MR. COON) Do you recall making
 6 statements in the past, criticisms with respect to
 7 training, that it had deteriorated greatly? Do you
 8 recall giving those statements in the past?
 9 A. I don't recall saying that it had -- that
 10 it was criticism.
 11 Q. Well, it's not flattering to say that
 12 your employer's training has deteriorated greatly,
 13 is it?
 14 MR. PATTERSON: Objection, form.
 15 A. When -- when did I make that statement?
 16 Q. (BY MR. COON) Here we go, I will walk
 17 you through this.
 18 A. Yeah, it helps me. I am sorry.
 19 Q. I will show you what I am looking at. We
 20 have what is Bates Number 79122, sequential,
 21 however long. It is the interview of Ray Hawkins,
 22 September 1, 2005; interview conducted by Greg Crum
 23 and JoAnne Haven. It indicates it was given
 24 September 1. I am just going to reference certain
 25 pages here.

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1 A. Okay.
 2 Q. And just ask if it was your testimony and
 3 if it still is.
 4 A. Does it have the questions here or --
 5 Q. I am sure it has the question. Go back
 6 up.
 7 A. Right here.
 8 Q. Yeah.
 9 A. You will have to show me how to read this
 10 thing. I don't know where --
 11 Q. Well --
 12 A. -- where the question --
 13 Q. The question is -- you have a pretty long
 14 explanation here.
 15 A. That sounds like me. Okay. Sorry.
 16 Is it back here?
 17 Q. Well, I -- it's --
 18 A. I will just look and --
 19 Q. I mean --
 20 A. -- see what I was answering to. Let me
 21 see if I can get there from here.
 22 Q. Okay. You have been asked a lot of
 23 questions concerning training, and, you know,
 24 Mr. Hawkins, I am not going to try to rush you, but
 25 we have a very limited amount of time. So, I don't

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1 want you -- that's why I was hoping that you read
 2 all of your statements before you came here today,
 3 sir.
 4 A. No.
 5 MR. PATTERSON: Objection, form.
 6 Object to the sidebar.
 7 Q. (BY MR. COON) But with the time
 8 constraints we have, if you look to page 17, is it
 9 your testimony that at the time you gave the
 10 statement that the training programs and processes
 11 had deteriorated greatly? Isn't that your words?
 12 A. Yes, that's the way it reads here.
 13 Q. And you commented that at one time you
 14 had had 50 people in training and that now you only
 15 had a handful.
 16 Again "now" referring to 2005; is
 17 that correct?
 18 A. Yes. And I can't comment on the 50 where
 19 I had that. I don't know if that's an actual
 20 number or not.
 21 Q. Okay. Well, we understand that these
 22 were your guesstimates?
 23 A. Yes.
 24 Q. At the time?
 25 A. Yes.

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1 Q. We won't hold you to it.
 2 A. Yes.
 3 Q. Now, also on that page, you made another
 4 comment. It says, "It's almost been crisis
 5 management."
 6 Did I read that correctly?
 7 A. Yes.
 8 Q. Now, if you turn to page 19 --
 9 A. But that's out of context to what you are
 10 referring to.
 11 Q. Okay. What was "crisis management"?
 12 A. Yeah. It -- it -- well, what it says
 13 here, it's been -- from the day we stepped in, it's
 14 been almost crisis management. You know, we try to
 15 look at all of those things, and that's where we
 16 were going. It wasn't referencing the training
 17 department.
 18 Q. Okay. Just your general activities every
 19 day were almost crisis management?
 20 A. That -- that is -- that is the context
 21 that that was used in.
 22 Q. Okay. So, it was not only dealing with
 23 training. It was just dealing with trying to
 24 complete all your job responsibilities out there?
 25 A. That's correct.

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1 Q. Okay. And if we go to page 19, I think
 2 you made the acknowledgment that as a result of the
 3 crisis management you guys were dealing with, you
 4 said at the end of the day something was going to
 5 fall off the plate?
 6 A. That's correct.
 7 Q. And that's just because you have too much
 8 to do and too few people to do it?
 9 A. That's correct.
 10 Q. And then, at the next page, you go on to
 11 say that you had acknowledgment that you had good
 12 people out there, but BP was just piling more and
 13 more on them?
 14 A. Close, yes. I didn't say BP, but yes.
 15 Q. Okay. Well --
 16 A. "We."
 17 Q. When you say "piling more and more on
 18 them"?
 19 A. Yeah.
 20 Q. BP is, in fact --
 21 A. "We." Okay.
 22 Q. -- who you are referencing there, right?
 23 A. Okay. Yes.
 24 Q. And does that include you?
 25 A. Yes.

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1 Q. That you admired the people that worked
 2 for you, but you had a recognition that you were
 3 asking them to do a whole lot?
 4 A. Right. That's correct.
 5 Q. With the limited resources you had
 6 available?
 7 A. Yes.
 8 Q. And if you go to the page 22, please,
 9 sir. Again, I think you had acknowledgment that
 10 your training resources were inadequate.
 11 A. Yes.
 12 Q. Okay. Are those opinions that you held
 13 that were accurately reflected in your statement
 14 given in 2005?
 15 A. Were those opinions that I held in 2005?
 16 Q. Yes, sir.
 17 A. Those were comments directed towards the
 18 state of things as we were moving forward. And --
 19 and if I could, you know, just try and give you
 20 something around that, you know, that's what we had
 21 recognized, and those were the staffing discussions
 22 that we had, recognizing that, you know, there
 23 wasn't being enough time paid to training. And
 24 when we were asking people to do everything in a
 25 PSM and everything associated with that, that's --

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1 well, that's what -- the reference to things "fall
 2 off the plate."
 3 We had already been approved to
 4 add staffing after -- after this was done -- or
 5 prior to this actually taking place, but that's
 6 what that was about. But that wasn't in place yet.
 7 But we had moved forward and Willie had approved
 8 the PSM coordinators on all the units to alleviate
 9 that.
 10 That referenced more so
 11 supervisory staffing is what that was about.
 12 MR. COON: Object to the
 13 responsiveness.
 14 Q. (BY MR. COON) Let's talk about staffing.
 15 You were aware that there were two
 16 board operators that ran that ISOM unit where
 17 Mr. Briggs was on the date in question at times
 18 prior to 1970 -- 1997.
 19 Were you aware that there were two
 20 board operators in there?
 21 A. For the ISOM unit?
 22 Q. Yes, sir.
 23 A. No, I was not aware of that.
 24 Q. You are not --
 25 A. Can I --

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1 Q. Yes, sir.
 2 A. There were two board operators. One for
 3 ISOM, one for AU2. Okay. I just want to be --
 4 Q. There were two board operators in the
 5 control room where Mr. Briggs was working the date
 6 that you had your meeting?
 7 A. Yes.
 8 Q. At one time, there were two?
 9 A. Yes, there were two.
 10 Q. And BP had a reduction in force on that
 11 unit to make that a one person job?
 12 A. That's correct.
 13 Q. And are you aware that Mr. Trapp, as a
 14 unit supervisor, recommended that BP go back to two
 15 board operators particularly after the NDU unit
 16 went on-line?
 17 A. That he had made that recommendation?
 18 Q. Yes, sir. He made that request?
 19 A. No, I didn't know that he had made that
 20 request to somebody.
 21 Q. You are not aware that Mr. Trapp had
 22 personally made a request to add another board
 23 operator in the control room?
 24 A. When they -- when they were adding the
 25 NDU?

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1 Q. Yes, sir.
 2 A. I'm not -- I wasn't familiar with his
 3 request at that time. That was before my time.
 4 Q. Did Mr. Trapp ever go back to you once
 5 you were put in a position as a superintendent
 6 there to double the resources in the boardroom and
 7 have two control operators in there?
 8 A. We had -- we had conversations around
 9 that at our supervisory team meetings. And it was,
 10 you know, how we resource our operators and what we
 11 have available, you know, having two board
 12 operators on shift available is kind of the
 13 direction we were going to go in.
 14 But -- so, yes, I would say that
 15 we have had those conversations.
 16 Q. Were you aware of a fire at the ISOM unit
 17 in 1986?
 18 A. A fire?
 19 Q. Yes, sir.
 20 Any kind of fire in 1986?
 21 A. No, I am not.
 22 Q. How about the fire at the ISOM unit in
 23 1987?
 24 A. No.
 25 Q. How about a fire on the unit in 1988?

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1 A. No.

2 Q. How about the release of vapors at the

3 F-20 to a vapor cloud at ground level in 1994? Any

4 knowledge of that?

5 A. In a vapor cloud, no.

6 Q. How about just a release of vapors out of

7 the F-20 during the startup in 1994?

8 A. I have read some releases of vapor from

9 the blowdown drum.

10 Q. Okay. What about the release of

11 13,000 pounds of hydrocarbons from the Penex in

12 1999?

13 MR. PATTERSON: Objection, form.

14 Q. (BY MR. COON) Do you know anything about

15 that?

16 A. Specific details, no. I have read those

17 issues, yes.

18 Q. How about another fire at the ISOM unit

19 in 1999?

20 A. Not specifics around it, no.

21 Q. Did you know anything -- any of the

22 details about BP's efforts to bypass the vent

23 system at the ISOM unit and convert it into --

24 either converting it into a flare or tying it into

25 a flare?

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1 A. Was I aware of any of those conversations

2 prior --

3 Q. Yes, sir.

4 Any efforts from BP to tie in that

5 ISOM unit to a flare?

6 A. Other than we had added it to our capital

7 plan.

8 Q. For when?

9 A. In 2005, prior to the incident.

10 Q. Okay. That was because, in part, BP had

11 wanted to get rid of their vent stacks and convert

12 everything out there to a flare?

13 A. Yes.

14 Q. And that was for environmental issues as

15 well as safety issues?

16 A. Yes. Primarily, I -- I think that, you

17 know, prior to March 23rd, things were looked at,

18 you know, in many ways from an environmental

19 perspective because that -- that was our history

20 and that's what we knew about.

21 Q. All right. There was a focus on the

22 environmental components where your capital

23 budgeting was going?

24 A. Environmental and safety. Environmental

25 and safety are primary. It's hard to push through

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1 growth projects.

2 Q. Okay. Do you know why they did not tie

3 the ISOM in, back in 2003, when they had the

4 opportunity to do so as part of the Clean Streams

5 project?

6 MR. PATTERSON: Objection, form.

7 A. Are you referring to the tie-in that they

8 had made on the unit and then didn't go through

9 with it?

10 Q. (BY MR. COON) Yes, sir.

11 A. Okay. That -- I think there is confusion

12 around that.

13 That was for a maintenance drum to

14 relieve to vent vapors to the flare during

15 maintenance activities. It wasn't -- that tie-in

16 didn't tie the ISOM unit to the -- wouldn't have

17 tied the ISOM unit to a flare.

18 Q. Okay.

19 A. But if that's what you are referring to

20 and why that stopped, that was before my time. So,

21 I am not 100 percent sure why it stopped.

22 Q. Wasn't there a signature associated --

23 A. Yes, it was.

24 Q. -- with killing that project?

25 A. Yes, it was.

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1 Q. But you didn't have any knowledge as to

2 any of those activities --

3 A. Oh, that is an accounting function. That

4 prevents anybody else from charging against that

5 charge number.

6 Q. Okay. So that --

7 A. That was actually, officially killed by

8 me and Willie at that time. Otherwise, even though

9 the project is killed, you know, it can still

10 accrue charges. I mean, people can still charge to

11 it. It's a bad system, but you can close it --

12 technically close it and if one charge hits it, it

13 opens it for 90 days. So, that's the only way to

14 officially close it.

15 Q. Okay. So, you had to put your signature

16 on it even though you had nothing to do with it?

17 A. That's correct.

18 Q. Okay. Do you know anything about leaking

19 of hydrocarbons to the sewer during an inventory

20 splitter in February of 2005?

21 A. Yes, I did hear about that.

22 Q. Did you hear anything about a leak to the

23 sewer at the ISOM unit the day before the

24 explosion?

25 A. A leak to the sewer -- in the sewer, no.

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1 Q. Were you familiar with the history of
 2 abnormalities in the prior startups at the ISOM
 3 unit?
 4 MR. PATTERSON: Objection, form.
 5 A. What do you -- when you say
 6 "abnormalities," what and -- what are you referring
 7 to?
 8 Q. (BY MR. COON) Well --
 9 A. Deviations from the startup?
 10 Q. Just anything that's atypical. Excess of
 11 pressure ratings, you have to manipulate valves,
 12 anything like that, anything that would be an
 13 abnormal activity?
 14 A. That could not be executed per the normal
 15 startup procedure?
 16 No.
 17 Q. Okay. Were you aware of the
 18 Chemical Safety Board findings that the vast
 19 majority of the prior startups had abnormal
 20 activities associated with them?
 21 MR. PATTERSON: Objection, form.
 22 A. Activities. Events possibly.
 23 I would have to see what their --
 24 Q. (BY MR. COON) Okay. Well, we will take
 25 a break --

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1 A. Okay.
 2 Q. -- after awhile and go back --
 3 A. Great.
 4 Q. -- and look at it --
 5 A. Okay.
 6 Q. -- and talk about it specifically.
 7 All right. Let's talk about the
 8 flare.
 9 Now, as it is my understanding
 10 from reading your prior statements, you would agree
 11 that everyone should have a flare?
 12 MR. PATTERSON: Objection, form.
 13 Q. (BY MR. COON) You have made that
 14 statement before, haven't you?
 15 A. Yes.
 16 Q. And you would stand by that statement,
 17 that everyone should have a flare?
 18 A. I think that everyone should have a
 19 flare, now.
 20 Q. And that's because flares are an
 21 inherently safer option than a vent stack?
 22 MR. PATTERSON: Objection, form.
 23 A. They can be.
 24 Q. (BY MR. COON) And, in fact, that is
 25 something that your fatal report acknowledged, is

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1 that flares are inherently safe.
 2 MR. PATTERSON: Objection, form.
 3 A. In most cases, yes.
 4 Q. (BY MR. COON) Yeah.
 5 And you recall reading that in the
 6 FAIR report? That was one of the things that was
 7 noted. One of the major things that was noted is
 8 that flares are inherently safer and vent stacks --
 9 A. Yes.
 10 Q. -- could and should be removed.
 11 Do you recall reading that?
 12 A. Yes, I recall reading that.
 13 Q. Do you disagree with your employer in
 14 drawing those conclusions?
 15 A. No. But, you know, if I can answer
 16 what -- what my basis is -- is how I felt on
 17 March 22nd, and how I felt on March 21st or 24th,
 18 there was a huge difference.
 19 I felt comfortable with blowdown
 20 drums. That's what we had been become -- become
 21 accustomed to. And I couldn't -- I can't say the
 22 same if we had had a flare sitting there, that if
 23 they had this same abnormal operation where they
 24 filled with liquid and it wouldn't have puked the
 25 flare. I don't know that. I can't answer that

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1 question.
 2 MR. COON: I will object to the
 3 responsiveness.
 4 Q. (BY MR. COON) Have you ever ridden in
 5 any of those old vehicles that didn't have the
 6 safety -- safety belts in them?
 7 A. Yeah, maybe when I was a kid.
 8 Q. Did you ever ride in vehicles back before
 9 they required air bags?
 10 A. Yes.
 11 Q. Do you feel that vehicles without safety
 12 belts are as safe or safer for individuals in them
 13 than one with safety belts or seat belts?
 14 MR. PATTERSON: Objection, form.
 15 A. My personal opinion is that vehicles with
 16 seat belts would be safer. Vehicles with air bags
 17 would be safer.
 18 That's my personal opinion, and I
 19 have people that argue with me on that.
 20 Q. (BY MR. COON) I doubt it would be anyone
 21 in this room, sir.
 22 A. I would hope not.
 23 Q. Well, you understand that vent stacks are
 24 a type of system that was devised decades and
 25 decades ago?

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1 MR. PATTERSON: Objection, form.
 2 A. I am sure they were.
 3 Q. (BY MR. COON) And that even BP
 4 acknowledged when they build a new unit, they
 5 should go with a flare instead of a vent stack, in
 6 part, for safety considerations?
 7 MR. PATTERSON: Objection, form.
 8 Q. (BY MR. COON) You are familiar with
 9 that, are you not?
 10 A. That's -- that is exactly what BP does.
 11 Q. (BY MR. COON) In fact, that has been
 12 their stated policy since, I think, the early to
 13 mid '80s, that any time there is new construction
 14 or major modification, they were to required to
 15 replace the vent stack with a flare for safety
 16 considerations, correct?
 17 MR. PATTERSON: Objection, form.
 18 Q. (BY MR. COON) Are you familiar with
 19 that?
 20 A. Yes, I am.
 21 Q. It's PSS No. 6.
 22 Are you familiar with that?
 23 A. Yes, I am.
 24 Q. And, in fact, since this explosion, that
 25 policy statement has been accelerated by an

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1 affirmative plan to remove the remaining vent
 2 stacks irrespective of new construction or
 3 extensive modification?
 4 A. Right. I believe that's what you
 5 referred to.
 6 Q. All right. Now, you are aware that the
 7 vent stack that was out at this particular unit was
 8 completely replaced in 1997 when BP had an option
 9 to tie it in to a flare.
 10 MR. PATTERSON: Objection, form.
 11 Q. (BY MR. COON) Were you aware of that?
 12 A. I know it was replaced.
 13 Q. With a same or similar system?
 14 A. Yes.
 15 Q. And they could have tied it in to a flare
 16 at that time and chose not to?
 17 MR. PATTERSON: Objection, form.
 18 Q. (BY MR. COON) Correct?
 19 A. Could they have made a decision to tie it
 20 in to a flare?
 21 Q. Yes.
 22 A. Yes, they could have.
 23 Q. And they chose not to?
 24 MR. PATTERSON: Objection, form.
 25 A. I assume that. I wasn't part of that.

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1 So, I don't know for sure.
 2 Q. (BY MR. COON) Okay. Are you aware of a
 3 citation in 1992 from OSHA involving an atmospheric
 4 release? Do you know anything about that?
 5 A. You will have to refresh my memory here.
 6 MR. COON: Counsel, this is
 7 documents 118723 through 118755.
 8 MR. PATTERSON: Thank you.
 9 MR. COON: I will attach this as
 10 Number 146.
 11 (Exhibit Number 146 marked for
 12 identification.)
 13 Q. (BY MR. COON) Okay. Mr. Hawkins, I am
 14 going to show you what appeared to be a large
 15 number of citations issued by the OSHA investigator
 16 at the Texas City BP facility in early 1992 as a
 17 result of an episode that occurred back in 1991,
 18 October 29, 1991 to be specific.
 19 Let me show you what we are
 20 talking about here and see if you have actually
 21 seen that citation and know what it's talking
 22 about. Then I will ask you some questions and
 23 follow-up with some of the other citations that --
 24 A. This right here? Is that what --
 25 Q. Yes, sir.

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1 A. -- you want me to -- okay.
 2 (Examines documents.)
 3 Yes, I see what you are referring
 4 to now.
 5 Q. (BY MR. COON) Okay. Are you familiar
 6 with that event?
 7 A. I may have had -- heard of it then, but I
 8 don't recall this, no.
 9 Q. Okay. Do you know where that occurred
 10 at?
 11 A. If I am reading it right, it could be
 12 Number 3 Ultraformer.
 13 Q. Did you --
 14 A. If the numbers --
 15 Q. Did you work at the Number 3 Ultraformer?
 16 A. Yes, I did.
 17 Q. Did you work out there in 1991?
 18 A. I think I did or I was in the training
 19 department then. I can't remember.
 20 Q. Do you ever recall any kind of major fire
 21 or any kind of fire in the Number 3 Ultraformer
 22 because of an atmospheric release that ignited?
 23 A. With the blowdown drum? Is that what you
 24 are referring to?
 25 Q. I don't know. I am just asking you if

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1 you were aware any of kind of fire at the Number 3
 2 Ultraformer?
 3 A. Yes.
 4 Q. When and where?
 5 A. I recall a fire in the MOB deck area
 6 during switching the reactors, probably more than
 7 once. I remember a recycled gas line was thin and
 8 blew out and ruptured a thin fan line. I remember
 9 fires in the effluent area, the process effluent.
 10 Q. Are any of those related to the citation
 11 you see in front of you?
 12 MR. PATTERSON: Objection, form.
 13 A. I don't think so.
 14 Q. (BY MR. COON) As I understand from that
 15 one in particular, that had to do with a relief
 16 valve discharge through a vent system that vented
 17 to atmosphere.
 18 Is that your understanding?
 19 MR. PATTERSON: Objection, form.
 20 A. It's possible that it was. I mean, I
 21 just can't remember this specific event.
 22 Q. (BY MR. COON) Okay. You were out there
 23 at the time, weren't you?
 24 MR. PATTERSON: Objection, form.
 25 Q. (BY MR. COON) Didn't you work in that

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1 unit at the time, or no?
 2 A. What was the date on this?
 3 Q. This would have been October, 1991?
 4 A. Actually, I can't -- I don't know. I
 5 don't know when I went into the training
 6 department. And it was around 1990, somewhere
 7 around there.
 8 Q. Okay. Now, did you know Raymond Skinner?
 9 A. That name is familiar. There was a --
 10 there was a PetroSEP inspection. And I don't know
 11 if -- if he was involved in that or not. I don't
 12 really know.
 13 Q. Okay. Well, do you have any personal
 14 recollection of ever dealing with Mr. Skinner as an
 15 occupational safety and health administrator
 16 investigator, anything like that?
 17 A. Let -- let me give you my background with
 18 OSHA. Sometime in the early '90s there was a
 19 PetroSEP inspection in the West Plant, and I was
 20 assigned to escort them around. And it may have
 21 been this Mr. Skinner, but I certainly can't -- I
 22 can't remember who I walked around with.
 23 Q. Okay. Were you aware that the citation
 24 was issued by OSHA as a recommended fine for a
 25 relief valve discharge of hydrocarbons to the

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1 atmosphere through a vent stack system?
 2 MR. PATTERSON: Objection, form.
 3 A. I can't say that I recall seeing that.
 4 Q. (BY MR. COON) If you look at that
 5 paragraph, sir, would you see where Mr. Skinner
 6 states Paragraph A -- or he discusses it and he
 7 lists the pieces of equipment involved there?
 8 A. Yes.
 9 Q. See the fuel gas drum, refractionator,
 10 recycle gas dryers?
 11 A. Yes.
 12 Q. He says the following pieces of process
 13 equipment contain flammable or toxic gases, were
 14 constructed in a manner that allowed to vent to
 15 atmosphere when relief valves open.
 16 Am I reading that correctly?
 17 A. Yes, you are reading that correctly.
 18 Q. It says, "Thus exposing employees to
 19 flammable or toxic gases such as but not limited to
 20 hydrogen sulfide, benzene, toluene, xylene, sulfur
 21 dioxide and hydrocarbons."
 22 Did I read that correctly?
 23 A. Yes, you read it correctly.
 24 Q. Okay. And you are familiar with all
 25 those different chemicals, are you not?

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1 A. Yes.
 2 Q. Several of those are considered hazardous
 3 to the environment and to individuals?
 4 A. Yes.
 5 Q. In fact, benzene and toluene and xylene
 6 are all aromatic hydrocarbons known to cause
 7 cancer, are they not?
 8 MR. PATTERSON: Objection, form.
 9 A. Benzene is an aromatic hydrocarbon, as
 10 well as toluene and xylene and benzene is known to
 11 cure -- to cause cancer.
 12 Q. (BY MR. COON) And what Mr. Skinner
 13 recommended to avoid this in the future was to
 14 reconfigure -- if you look at the second page.
 15 A. Okay.
 16 Q. This is an OSHA officer. He advised BP
 17 at that time, or your predecessor Amoco, to
 18 reconfigure the blowdown to a closed system with
 19 flare, and add the necessary piping to allow the
 20 vessels referenced above to discharge into that
 21 system. Again listing the seven pieces of
 22 equipment that were logged.
 23 Did I read that correct?
 24 A. You read that correctly.
 25 Q. So, it's fair to say that at least back

<p style="text-align: right;">Page 234</p> <p>1 going to 1986 where the Amoco, BP, PSS No. 6 and 2 Mr. Skinner's statements contained in this 1992 3 citation, your employer was advised of alternatives 4 to a vent stack that would reduce the exposure of 5 employees to hydrocarbons? 6 MR. PATTERSON: Objection, form. 7 A. Based on this citation notification that 8 I am reading here, they were notified of that. 9 Q. (BY MR. COON) Okay. And in fact, what 10 Mr. Skinner commented on is that this released 11 products that were flammable. 12 It reflected the concern of a 13 potential explosion or a fire, correct? 14 A. Yes. 15 Q. Now, when you look at this and you look 16 at the PSS No. 6 and you look at the Clean Streams 17 project on the ISOM unit, did it make any kind of 18 sense to you, just looking at it as a 19 superintendent out there, why those kind of 20 projects would have been killed? 21 MR. PATTERSON: Objection, form. 22 Q. (BY MR. COON) Say a project to get rid 23 of the vent system? 24 A. I don't remember seeing this. I mean, I 25 just can't -- I don't have recollection of that.</p>	<p style="text-align: right;">Page 236</p> <p>1 modify that vent system? 2 A. After the ISOM incident, he did, yes. I 3 can't recall prior to that event. 4 Q. Okay. You recall him complaining to you 5 about the failure to get rid of the vent stack but 6 only after it had resulted in this explosion? 7 A. Say that -- ask me that one more time, 8 please. 9 Q. Yes, sir. I asked you if you recalled 10 Mr. Logan complaining to you about the vent stack 11 being out there and not having been replaced to a 12 flare system. 13 And I think your answer was yes, 14 but only after the fire? 15 A. That's the way I recall the comments were 16 made. 17 Q. Do you recall Mr. Logan or anyone else 18 complaining about the continued utilization of a 19 vent stack at the ISOM unit before the explosion? 20 A. Not that I recall. 21 Q. Okay. Do you know anything about the 22 ultracracker upset in August of 2004? 23 A. I'm -- I am not sure. 24 What -- in reference to what? 25 Q. In reference to hydrocarbon venting to</p>
<p style="text-align: right;">Page 235</p> <p>1 So, based on what is your... 2 Q. Do you have an understanding of why they 3 would have killed a project that they had started 4 to get rid of the vent system -- 5 MR. PATTERSON: Objection, form. 6 Q. (BY MR. COON) -- at the ISOM unit? Do 7 you know why they would have killed it? 8 MR. PATTERSON: Same objection. 9 A. I have no knowledge of killing a project 10 that would have got rid of the vent system at the 11 ISOM. 12 It was a -- as I understand it, it 13 was a tie-in off a drum they were going to install 14 on the ISOM. The relief system would have remained 15 the same on the ISOM. 16 Q. (BY MR. COON) Okay. Was Mr. -- 17 A. I am not trying to be difficult. I'd 18 rather not. It's just the way I understand it. 19 Q. Was Mr. Logan involved in the Clean 20 Streams project? 21 A. Yes, he was. I think -- I think at that 22 time he was the -- the unit rep for that project, 23 as I understand it. 24 Q. Did he ever explain to you a frustration 25 or disappointment over the lack of funding to</p>	<p style="text-align: right;">Page 237</p> <p>1 atmosphere and forming a vapor cloud at ground 2 level. 3 A. What equipment was it on? I mean, I 4 don't -- I hear of different things, but -- was 5 this the blowdown drum event? 6 Q. I understand this was a blowdown drum 7 event in August of 2004 at the ultracracker unit, 8 that there was an upset which resulted in a release 9 of hydrocarbons venting to atmosphere from the vent 10 stack system. 11 Are you familiar with that? 12 MR. PATTERSON: Objection, form. 13 A. The only thing that I recall was a -- a 14 hydrocarbon release from the sewer at the blowdown 15 stack. 16 Q. (BY MR. COON) You don't recall any 17 release to atmosphere through the vent stack 18 itself? 19 A. No. Not -- I mean, one would make the 20 assumption that there was a vapor -- some vapor 21 released from the stack, but... 22 Q. Well, didn't this pose a serious risk of 23 explosion? 24 MR. PATTERSON: Objection, form. 25 A. I just don't know the specifics around</p>

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1 the vent, when it took place. I don't -- I
 2 don't -- I don't know.
 3 I do know -- I do remember hearing
 4 of a release of hydrocarbons to the sewer at their
 5 blowdown drum.
 6 Q. (BY MR. COON) Okay. Was this
 7 categorized as a "near miss"?
 8 MR. PATTERSON: Objection, form.
 9 A. I can't answer that.
 10 Q. (BY MR. COON) Do you know what a "near
 11 miss" is?
 12 A. Yes.
 13 Q. Are you, as the superintendent at the
 14 time, informed of near misses at the facility?
 15 A. Near misses in Traction, we do get those.
 16 Q. Sure.
 17 And you want to know about those
 18 as a superintendent to make sure that you are
 19 ameliorating risk at your own unit, aren't you?
 20 A. That's one way of communicating, yes.
 21 Q. Okay. And if you have got a history of
 22 vent stacks releasing vapors to form vapor clouds
 23 at ground level, creating an explosion hazard,
 24 that's something that you would like to be aware
 25 of, correct?

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1 A. If we have a situation where we have
 2 vapor clouds collecting at ground level -- is that
 3 what you said?
 4 Q. Yes.
 5 A. Yes.
 6 Q. That's because vapor clouds at ground
 7 level can find an ignition source and blow up a
 8 unit or the whole plant, right?
 9 MR. PATTERSON: Objection, form.
 10 A. Potentially.
 11 Q. (BY MR. COON) In fact, that is one of
 12 the considerations with flares, is that by going to
 13 flares, you greatly reduce the risk of vapor clouds
 14 forming at ground level from an atmospheric vent
 15 system, correct?
 16 A. Vapor, that's correct.
 17 Q. Did you know anything about the condition
 18 in the baffles in the ISOM unit and the blowdown
 19 drum being completely rusted out back in 2003?
 20 MR. PATTERSON: Objection, form.
 21 A. Not at that time, no.
 22 Q. (BY MR. COON) When did you first find
 23 out that the baffles were completely rusted out?
 24 MR. PATTERSON: Form.
 25 A. Of course, reading it in the report.

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1 That would have typically come to
 2 my attention during our turnaround scope meetings.
 3 I believe the original intent was to leave it and
 4 make the assumption that there was going to be a
 5 flare tied in and not make the repairs. That would
 6 have come back up in our inspection reports and
 7 come back to me for our turnaround work scope
 8 meetings. That's typically when I get notified of
 9 those types of things.
 10 Q. (BY MR. COON) Do you know Norine Stein?
 11 A. I know who she is. I don't know her,
 12 personally.
 13 Q. Do you know who -- of her involvement in
 14 the Telos Report?
 15 A. No.
 16 Q. Do you know that she made comments in the
 17 Telos Report that the potential for major hazards
 18 at BP Texas City is unacceptably high?
 19 MR. PATTERSON: Objection, form.
 20 A. I have no knowledge of her comments.
 21 Q. (BY MR. COON) Were you aware from
 22 reading the summary of the Telos Report or having
 23 it read to you that a number of people in
 24 management made those same concerns known?
 25 MR. PATTERSON: Objection, form.

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1 A. I can't -- you know, I can't remember how
 2 it was, you know, categorized in the report. If it
 3 was management or hourly or what, I don't really
 4 remember how that was communicated.
 5 Some of them are pretty obvious
 6 when people make reference that "management doesn't
 7 care about us" or something along that line. If
 8 you heard something like that, then you would
 9 assume it was an hourly.
 10 Q. (BY MR. COON) Do you know how much --
 11 MR. COON: Objection to the
 12 response.
 13 Q. (BY MR. COON) Do you know how much
 14 profit the BP Texas City facility made in 2004 and
 15 2005?
 16 A. How much money they made?
 17 Q. Yes, sir.
 18 MR. PATTERSON: Objection, form.
 19 A. I could guess, but I couldn't give you a
 20 number.
 21 Q. (BY MR. COON) Give me an estimate of
 22 what you understood the earnings to be at those --
 23 A. 900 million.
 24 Q. 900 million for 2005?
 25 A. For 2004.

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1 Q. And what about 2005?
 2 A. Did I have --
 3 MR. PATTERSON: Objection, form.
 4 A. I don't know.
 5 Q. (BY MR. COON) Okay. Do you know that
 6 irrespective of the earnings that a concern at the
 7 particular Texas City plant was that -- my
 8 understanding -- let me back up.
 9 A. Okay.
 10 Q. You could explain to us the capital
 11 considerations out at this facility.
 12 A. Uh-huh.
 13 Q. And one of the things that I understand
 14 from reading these documents here -- and maybe you
 15 can explain if I am missing the boat on
 16 something -- but BP looked at capital investment
 17 and expenditures based on a return on investment.
 18 That was a consideration, correct?
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. COON) Where they are getting the
 21 most bang for their buck?
 22 A. That would have been on the case of
 23 growth projects. Correct.
 24 Q. And are you aware that the BP Texas City
 25 facility, at least by some accounts, had a lesser

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1 rate of return than other Texas City -- than other
 2 BP facilities?
 3 MR. PATTERSON: Objection, form.
 4 A. Was I aware that we had a lower markup
 5 on -- on -- on what -- what was the rest of it?
 6 Than other...
 7 Q. (BY MR. COON) Than other BP facilities?
 8 A. Yes.
 9 Q. And that was compromising the ability to
 10 have full and adequate budgets for your needs?
 11 MR. PATTERSON: Objection, form.
 12 A. I am not sure -- when you say "full and
 13 adequate budgets for our needs," are you -- are we
 14 still talking about capital?
 15 Q. (BY MR. COON) Well, let's just talk
 16 about just generally.
 17 A. Okay.
 18 Q. Were you being provided with all the
 19 money that you needed as a superintendent for those
 20 five units in 2003 through 2005 to do the things
 21 that you felt needed to be done to promptly run and
 22 efficiently run those five units?
 23 A. Yes.
 24 Did I meet my budget? No.
 25 Was I provided with the money to

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1 spend? In 2003, I think we were about 3 and a half
 2 million over budget to address specific safety
 3 concerns.
 4 2005 turnaround was budgeted at
 5 \$8 and a half million, and we came in at
 6 \$12.5 million, \$12.4 million to address specific
 7 issues on the unit and there was no push back not
 8 to spend.
 9 People like to be out in front of
 10 that sort of thing; but it was at the end of the
 11 day. There was no pressure on me because I did it
 12 because that's what I am going to do.
 13 Q. Okay. So, your testimony is -- is that
 14 you spent whatever you needed to spend even if it
 15 was outside of your budget, to fulfill the needs
 16 and obligations of proper and efficient operation
 17 of the five units that you were in charge with?
 18 A. I -- I spent what I felt I needed to
 19 spend. People brought legitimate concerns to me
 20 and -- and -- yes. Yes, I do.
 21 MR. COON: Let's take a
 22 five-minute break. I guess you might want to make
 23 it a ten-minute, perhaps, instead of five.
 24 MR. PATTERSON: Yeah, let's make
 25 it -- let's do ten.

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1 THE VIDEOGRAPHER: Off the record
 2 at 3:26 p.m., ending Tape 4.
 3 (Recess taken.)
 4 THE VIDEOGRAPHER: On the record,
 5 3:47 p.m., beginning Tape 5.
 6 (Exhibit Number 147 marked for
 7 identification.)
 8 Q. (BY MR. COON) Mr. Hawkins, I want to
 9 show you next what's marked as 147; and we received
 10 that as part of the duces tecum response.
 11 Can you identify what that is?
 12 Have you seen it before?
 13 A. (Examines document.)
 14 Q. The reason I ask is your name is on there
 15 about the fourth or fifth page.
 16 A. Yeah. Let me see if I can -- where you
 17 had it marked, right?
 18 Q. There it is.
 19 Have you seen that document
 20 before?
 21 A. I recall something along this lines, yes.
 22 Q. Can you tell us what that is, please,
 23 sir?
 24 A. This was -- had to do with the people
 25 assurance survey.

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1 Q. Okay.

2 A. And Rich -- Rich Peltier had -- I think

3 his objective was -- was to get into some type of

4 action around, you know, what people's concerns

5 were.

6 And this -- I see the people on

7 here and they're -- it's -- this is probably from

8 the chem plant, is what this is, not the refinery.

9 Q. Okay. So, this would have been something

10 where an individual in supervision or management

11 went and talked to various persons about their

12 opinions, feelings on certain issues, related to

13 their work on the jobsite?

14 A. They --

15 MR. PATTERSON: Objection, form.

16 A. They actually send out a survey and ask

17 the people -- they have specific questions and then

18 comment fields.

19 Q. (BY MR. COON) And that is part of PAS

20 that you talked to us about before?

21 A. Yes.

22 Q. Okay. If I could go back to the ones

23 that -- and this was called the feedback people

24 assurance survey.

25 Do we know what year this was?

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1 A. It would have been 2003 or '04.

2 Q. Is that the only time you participated in

3 one of those?

4 A. That's the only time Rich Peltier's name

5 would have showed up on one of those.

6 Q. Yeah. And if we go to the section that

7 talks about each individual on about the fifth or

8 sixth page, 154599, and go to the first column

9 there. And that would be -- if we can magnify

10 this, that would be your name over in the left

11 margin, "Ray Hawkins."

12 This would be -- if we follow

13 across here, these would be comments that you had?

14 MR. PATTERSON: Objection, form.

15 A. No.

16 Q. (BY MR. COON) No? How does that work

17 then?

18 We see your name in the left

19 column. Then we see "short-term improvements,"

20 "long-term improvements" and "not completed."

21 MR. PATTERSON: Objection, form.

22 Q. (BY MR. COON) So, what are we looking at

23 here?

24 A. This would have been possibly hourly

25 people that had some reporting function to me or to

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1 my supervisors, primarily, is where that would have

2 been. That's not me specifically.

3 Q. Okay. So, under this people assurance

4 survey, the intent here is to go back and talk to

5 the people that are in this left-hand column, and

6 then they respond with respect to the attitudes or

7 emotions of the people that report to them or what?

8 MR. PATTERSON: Objection, form.

9 A. That one confused me. Try --

10 Q. (BY MR. COON) Okay. Well, when we are

11 looking at --

12 A. Yes.

13 Q. -- this people assurance survey --

14 A. Yes.

15 Q. -- this is -- none of these reflect your

16 opinions? They reflect the opinions of people that

17 report to you or tell you about things?

18 A. That's not my -- I didn't do that. No.

19 It just -- when it comes in under

20 the -- when they show the report out of it, you

21 know, they -- it -- it comes from areas. So, if I

22 had that area, that would typically be comments

23 that somebody in my area may have made.

24 Does that make --

25 Q. Okay.

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1 A. -- more sense?

2 Q. So, your PAS is something that is given

3 to you to circulate to your employees or --

4 A. It's --

5 Q. -- how does that work?

6 A. It's sent out electronically to

7 everybody. They do it on the computers, and they

8 can also do it on hard copy if they wanted to.

9 Q. Okay. Do you fill one out yourself?

10 A. Yes, I do.

11 Q. Are any of your opinions reflected here?

12 A. I would have to --

13 Q. I mean, do they include yours?

14 A. I can look through them real quick and

15 tell you.

16 (Examines document.)

17 These aren't comments that I would

18 have made.

19 Q. Okay. So, you believe from looking at

20 this that the comments that are made in the margins

21 to the right of your name would have been the

22 comments of people that worked for you?

23 A. Yes, I -- I believe so.

24 Q. And is that information tracked here by

25 you reflecting that information that the employees

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1 have reported to you or does someone else determine
 2 who works for you and plug their opinions in and
 3 cross-reference it to your name here?
 4 MR. PATTERSON: Objection, form.
 5 A. I will struggle and answer that.
 6 Can I tell you how I think it
 7 works? And I think -- is that what you are asking?
 8 Q. (BY MR. COON) Yes, sir.
 9 A. I will try my best.
 10 But, yeah, it's an anonymous
 11 survey for the person; but in that survey, it may
 12 ask them what unit they report to.
 13 So, I think any of that
 14 information then would be available for the ARU
 15 unit, for instance, or AU2, ISOM, NDU units. And I
 16 don't know who generated this report, if they
 17 just -- they just pulled some of the -- that's not
 18 the -- the whole thing is pretty extensive unless
 19 this was like an interim survey, and I really don't
 20 know what this was.
 21 Q. I don't know, sir. Your attorneys are
 22 providing this to us. So, we don't really know
 23 what it is.
 24 A. Okay.
 25 Q. That's why I'm asking you. I see your

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1 name on it.
 2 A. This might be --
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. COON) Okay. So, anyway, you
 5 believe that where it reflects short-term,
 6 long-term improvements here, is to be comments of
 7 people that work on your unit; and that's why these
 8 comments are put by your name?
 9 A. That would --
 10 MR. PATTERSON: Objection, form.
 11 A. That would be my guess.
 12 Q. (BY MR. COON) Okay. So, if you look at
 13 it -- for this, you believe this is the 2003, 2004
 14 timetable, correct?
 15 MR. PATTERSON: Objection, form.
 16 Q. (BY MR. COON) I think that's when you
 17 said the PAS was done?
 18 A. No, I -- what I said was that -- that's
 19 when Rich Peltier -- and I think I saw his name on
 20 there.
 21 Q. Okay.
 22 A. I think I saw Rich Peltier's name on
 23 there and I just knew that that's when he was
 24 there.
 25 Q. Okay. Well, this may help. If you look

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1 at "not completed," one of the issues over here --
 2 do you know how they determined what goes in what
 3 category, "short-term," "long-term" or "not
 4 completed"? Do you know how those are categorized
 5 by the -- categorized different ways?
 6 MR. PATTERSON: Objection, form.
 7 Q. (BY MR. COON) If you know.
 8 A. I don't know.
 9 Q. That's fine.
 10 A. I don't think this is an official report.
 11 I think this is just something that was summarized.
 12 Q. Some anecdotal information?
 13 A. Possibly. I just --
 14 Q. Okay. Well, if we look at it under the
 15 "not completed" here across your name, it talks
 16 about two things. One is "dissatisfaction in
 17 current health care." The second one I want to
 18 draw your attention to. It says, "The company
 19 doesn't care about real safety due to low staffing
 20 levels. Not enough people to do the work
 21 especially right now." And the "i.e." is an
 22 example. "One board operator for three units."
 23 Did I read that correctly?
 24 A. Yes, you read that correctly.
 25 Q. Okay. So, that would be a complaint by

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1 somebody that worked in your unit that would result
 2 in this being put on the chart by your name?
 3 MR. PATTERSON: Objection.
 4 Q. (BY MR. COON) To the best you understand
 5 it?
 6 MR. PATTERSON: Objection, form.
 7 A. It is possible if that's what this is.
 8 Q. (BY MR. COON) And it's consistent with
 9 your timeframe because we are talking about the
 10 line of questions we had earlier, which is that you
 11 had one board operator working those three
 12 different units?
 13 A. Yes.
 14 Q. That you had your meeting in the day the
 15 plant blew up, right?
 16 A. Yes.
 17 Q. The day the ISOM unit blew up.
 18 So, during that timeframe somebody
 19 was still complaining about staffing levels and
 20 gave you a specific example, which was, again, a
 21 complaint that there was one board operator for
 22 three units?
 23 A. That is correct.
 24 Q. And that's consistent with the complaint
 25 that, for instance, Paul Trapp had when he was

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1 lodging a request for two people in the boardroom
 2 and there was still only one being provided?
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. COON) Do you recall us
 5 discussing that earlier?
 6 A. I -- I remember you saying that he had
 7 said that.
 8 Q. Okay. But you did not know if this
 9 particular comment was one associated with
 10 Mr. Trapp or some other individual at the unit who
 11 just shared in his concern?
 12 A. No, I -- I have no way of knowing that.
 13 Q. Okay. But once that information is
 14 provided here with you listed as, I guess, the unit
 15 superintendent or someone that's somehow connected
 16 with the comments here, how is that information fed
 17 back to you?
 18 A. (No verbal response.)
 19 Q. I mean, does anyone that assimilates --
 20 A. Oh --
 21 Q. -- this information come back to you --
 22 A. Yes.
 23 Q. -- and say --
 24 A. Yes.
 25 Q. -- "Here, Ray. Here's what people are

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1 saying in your unit" --
 2 A. Yeah.
 3 Q. -- just to give you a better idea of
 4 what's going on?
 5 A. It will -- it will -- typically, it's
 6 shared at one of our MALT meetings.
 7 Q. Okay. So, this information that is
 8 reflected, again, being the complaint that you have
 9 only one board operator in there, was that
 10 something that anybody ever went back to you about?
 11 A. When you say went back to me, what
 12 does -- what does that mean?
 13 Q. Well, it means that they went and found
 14 you physically or sent you an e-mail or called you
 15 up, and said one of your employees -- "At least one
 16 of your employees is still complaining about the
 17 staffing level in board operations."
 18 The reason I am asking,
 19 Mr. Hawkins, is that we went through this long
 20 history with the board.
 21 A. Uh-huh.
 22 Q. And you understand that what happened in
 23 that boardroom that day is of significant import,
 24 do you not?
 25 MR. PATTERSON: Objection, form.

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1 Q. (BY MR. COON) Do you understand that
 2 what was going on in that boardroom, in that
 3 control room that day is pretty important?
 4 A. What goes on in the -- at the operations
 5 board is important.
 6 Q. And --
 7 A. That's correct.
 8 Q. And in -- yes, sir.
 9 And in particular, what happened
 10 that day was important because the unit blew up,
 11 correct?
 12 A. Yeah, based on the report that I read,
 13 that was -- absolutely.
 14 Q. And BP made a decision that some of the
 15 fault associated with this was due to what was
 16 going on in the control room with the board
 17 operator?
 18 A. When you say "what was going on," what do
 19 you mean?
 20 Q. Well, do you understand that BP fired the
 21 board operator?
 22 A. Yes, I do.
 23 Q. Do you believe that they had good reason
 24 to do it? Do you know one way or the other?
 25 A. I have to go with what I said earlier.

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1 Kathleen and Willie have more information than I
 2 did.
 3 Q. Okay. And you understand that there had
 4 been a request made by other people in a
 5 supervisory role before this plant explosion to put
 6 two board operators in there where Mr. Briggs was
 7 working alone.
 8 MR. PATTERSON: Objection, form.
 9 Q. (BY MR. COON) Do you understand that
 10 request had been made?
 11 A. We have had that conversation.
 12 Q. Okay. You are not disputing the fact
 13 that one or more people in a supervisory role had
 14 made that request to management at some point in
 15 time before the plant blew?
 16 A. I don't -- I don't --
 17 MR. PATTERSON: Objection, form.
 18 A. I don't know that one or more had made
 19 that.
 20 Q. (BY MR. COON) Okay.
 21 A. This -- this was -- this was brought to
 22 me in a -- in a different manner than what you are
 23 presenting it. So...
 24 Q. Okay. Well, if Mr. Trapp testified that
 25 he had asked to put two people back in there back

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1 in 2003, you are not going to dispute the fact that
 2 he said that, are you?
 3 MR. PATTERSON: Objection, form.
 4 A. I wouldn't dispute that he said it to
 5 those people who were there at that time.
 6 Q. (BY MR. COON) Okay. You are not calling
 7 Mr. Trapp a liar, are you?
 8 MR. PATTERSON: Objection, form.
 9 A. No, absolutely not.
 10 Q. (BY MR. COON) So, if he says that in
 11 2003 he requested to management to put two board
 12 operators in there, you are not going to dispute
 13 that he did, in fact, do so?
 14 MR. PATTERSON: Objection, form.
 15 A. I'm -- I am just telling you that I have
 16 no knowledge of that.
 17 Q. (BY MR. COON) Okay.
 18 A. I am not disputing it.
 19 Q. Okay. And you are not disputing the fact
 20 that people in an hourly role at that unit had made
 21 same or similar requests in dates prior to
 22 March 23rd, 2005?
 23 MR. PATTERSON: Objection, form.
 24 A. I am not going to dispute the fact that
 25 hourly people have made comments about two board

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1 operators.
 2 Q. (BY MR. COON) And you would not contest
 3 a statement made by an hourly person that they
 4 protested going from two persons to one person in
 5 the boardroom in the first place?
 6 A. I can't say that they -- I am sure they
 7 did. I don't --
 8 Q. Okay.
 9 A. -- know what level the protest was.
 10 Q. Okay. Well -- and the reason I am
 11 bringing all this back to you is: You professed
 12 some degree of ignorance earlier about Mr. Trapp's
 13 request to have two board operators put back in
 14 there, correct? Something that you were not aware
 15 of?
 16 A. The way you are stating it is what I
 17 said.
 18 Q. Okay.
 19 A. Yes.
 20 Q. Okay.
 21 A. I mean, we've had these -- we've had this
 22 discussion in supervisory team meetings as I stated
 23 earlier.
 24 You're -- you're referring to the
 25 NDU coming on-line when I wasn't there. So, I just

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1 cannot comment to that. I am not professing
 2 ignorance of it.
 3 Q. All right. Now, after the NDU system
 4 came on, you were still in charge of those five
 5 units for another year, year and a half, were you
 6 not?
 7 A. That's correct.
 8 Q. And you are saying that, to your
 9 knowledge or recollection, Mr. Trapp never went
 10 back to you or it was never called to your
 11 attention of the need for two people in the
 12 boardroom?
 13 A. No, we have had that conversation around
 14 the need for "how do we resource the operating
 15 staff," and we had come up with scenarios on how we
 16 can staff the unit and have two board operators out
 17 there. And that's exactly what we were working on
 18 at the time of the incident.
 19 Q. Well --
 20 A. So -- so, I am not telling you no. I am
 21 just -- you know, around the timing that you are
 22 talking about is what I am referring to.
 23 Q. Okay. Well, in the number of months
 24 prior to this explosion, as I understand from the
 25 testimony earlier, you had the authority to put

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1 somebody else in there with Mr. Briggs or whoever
 2 was operating the board at the time.
 3 Even if it wasn't in the budget,
 4 you could go outside the budget and put someone in?
 5 A. For unit staffing?
 6 Q. Yes, sir.
 7 A. Yeah. I have to get approval for unit
 8 staffing for BP.
 9 Q. Okay. So, you could only get people in
 10 there if they were contract help?
 11 A. Yes.
 12 Q. And that's what you did with an inspector
 13 issue?
 14 A. That's correct.
 15 Q. But if -- you can't bring out somebody
 16 that is a contractor to work in the boardroom, or
 17 can you?
 18 A. No. I think I understand what you are
 19 asking, and a contractor wouldn't be qualified.
 20 Q. Okay. So, to get somebody to work in the
 21 boardroom and assist the other board operator, you
 22 have to go through other persons in management and
 23 obtain permission?
 24 A. Yes. You have to -- you have to
 25 officially change your staffing level on the unit.

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1 But it doesn't mean that we didn't
 2 operate that way and that the supervisors didn't
 3 have, you know, every -- whatever opportunity they
 4 saw where they needed staffing and they needed an
 5 extra board operator, they were always -- they
 6 could always pay the overtime.
 7 There were periods of times when
 8 operations were not stable, where we continually
 9 staffed with two board operators. So, it's not,
 10 you know, the -- if the situation was deemed
 11 necessary, we would do it.
 12 Q. Wasn't the problem already due to limited
 13 staffing out there that you already had your hourly
 14 people spread thin? Wasn't it harder to double up
 15 on them any more than they already were?
 16 For instance, how many days had
 17 Mr. Briggs worked in the month prior to this
 18 explosion?
 19 MR. PATTERSON: Objection, form.
 20 A. I don't know how many days he worked. I
 21 don't have his --
 22 Q. (BY MR. COON) How many hours per day did
 23 he work?
 24 MR. PATTERSON: Same objection.
 25 A. I don't know. I would have to look at

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1 his time card.
 2 Q. (BY MR. COON) Do you know one way or the
 3 other whether he worked every single day for a
 4 month before this for 12 hours a day?
 5 MR. PATTERSON: Objection, form.
 6 A. I know that Mr. Briggs was on a 12-hour
 7 schedule.
 8 I don't know how many days he had
 9 worked and what days he had taken off. I -- I was
 10 not over there. I don't have knowledge of that.
 11 Q. (BY MR. COON) Weren't you aware that
 12 there was a post incident concern associated with
 13 fatigue of the board operators as a result of an
 14 extended period of time that the gentleman was made
 15 to work every day for an extended period of hours?
 16 MR. PATTERSON: Objection, form.
 17 A. I have no knowledge of being made to
 18 work. People can request time off, and they
 19 typically get it.
 20 Q. (BY MR. COON) Okay. Well, who had been
 21 the other board operator to replace Mr. Briggs had
 22 he decided to exercise time off?
 23 A. Andy Tenhaaf was a board operator.
 24 Q. I thought he was an outside operator.
 25 A. He was a board operator.

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1 Q. Okay.
 2 A. He would step up and work both, actually.
 3 Q. Okay. So, then you need somebody to
 4 replace him for the ISOM operator, correct?
 5 A. Yes.
 6 Q. If you bring someone inside, somebody
 7 else has got to work outside. So, then, you go
 8 back and get Mr. Briggs to work outside?
 9 A. I don't believe that's what I said. If I
 10 was giving him time off, why would I do that?
 11 Q. If Mr. Briggs is overworked and you want
 12 to replace him with somebody else, the only person
 13 you could replace him with was someone who had
 14 another job assignment. So, if you bring
 15 Mr. Tenhaaf in -- do you understand Mr. Tenhaaf was
 16 out there working that day?
 17 A. Yes.
 18 Q. He was the outside operator.
 19 You were aware of that, weren't
 20 you?
 21 A. Yes, I was.
 22 Q. So, if you bring him inside, then you
 23 have got to put somebody else outside or are you
 24 saying you don't need somebody outside?
 25 A. No, you have -- you have a lot of

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1 flexibility with control of work issues, and that's
 2 why the extra operators were working 12-hour shifts
 3 so you have additional people. It's just a
 4 matter -- it's just a function of -- of using your
 5 resources to control the work that you have. If
 6 there is jobs that can't get done, they won't get
 7 done.
 8 We gave every one of the operators
 9 hours off with pay, you know, just to let them go
 10 home and get some rest with pay. And they -- they
 11 know going into it -- and we're very clear going
 12 into turnaround schedules, if -- if they are
 13 getting tired or they have got a family function,
 14 we will do what we can to get them off. And it
 15 doesn't mean that somebody's not going to want --
 16 if the opportunity is there, that they are going to
 17 want to work every hour they can.
 18 MR. COON: Object to the
 19 responsiveness.
 20 Q. (BY MR. COON) The reality, sir, is that
 21 you did have people requesting to put two board
 22 operators in there; and on the date in question,
 23 there was only one board operator in there,
 24 correct?
 25 MR. PATTERSON: Objection, form.

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1 A. There were actually two board operators
 2 on the ISOM at that time.
 3 Q. (BY MR. COON) Mr. Hawkins --
 4 A. But there was one board operator that was
 5 working inside on the AU2 control room. That is
 6 correct.
 7 Q. Okay. Have you talked to Mr. Willis
 8 about his knowledge of overflows of hydrocarbon out
 9 of vent stacks around the various units in the
 10 plant?
 11 A. Have I ever talked to him about that?
 12 Q. Yes, sir.
 13 A. I don't have any recall of that right
 14 now.
 15 Q. Do you know Mr. Willis -- did you have an
 16 opportunity to read his deposition?
 17 A. No.
 18 His deposition from here?
 19 Q. Yes, sir.
 20 A. No.
 21 Q. Do you know he talked about the horror
 22 stories, I think were his magic words? He hadn't
 23 told you about the horror stories that he heard,
 24 about overflows at various units through the vent
 25 stacks?

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1 A. Here in Texas City?
 2 Q. Yes, sir.
 3 A. I -- I -- I don't recall that, no.
 4 Q. Okay. Never heard him mention the horror
 5 stories, that's his words, of overflows at the
 6 UU43?
 7 Do you know where that is?
 8 A. No, I don't.
 9 Q. What about horror stories of overflows in
 10 the UU4? Do you know about that?
 11 MR. PATTERSON: Objection, form.
 12 A. When -- when was this? When --
 13 Q. (BY MR. COON) You would have to ask him,
 14 sir.
 15 A. Okay.
 16 Q. I am just telling you it was something he
 17 testified to.
 18 A. Then, I don't --
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. COON) Why would it be a horror
 21 story to have an overflow at those units where you
 22 had releases through the vent stack on vapor
 23 clouds?
 24 MR. PATTERSON: Objection, form.
 25 Q. (BY MR. COON) What's the horror story

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1 about that?
 2 MR. PATTERSON: Same objection.
 3 A. I would have to answer the same way you
 4 answered. You would have to ask Mr. Willis about
 5 that.
 6 I actually don't know. I don't
 7 know what his testimony was based on.
 8 Q. (BY MR. COON) Do you know anything about
 9 the March, 2004 ESI survey?
 10 A. I think that's like almost the same thing
 11 as a PAS.
 12 Q. They are similar.
 13 Do you know if there was a
 14 difference?
 15 MR. PATTERSON: Objection, form.
 16 A. Yeah, I think this is more specific to,
 17 yeah, the West Plant.
 18 The PAS may be something that's --
 19 we have two; and I just can't remember which one is
 20 which, but one of them is sent out globally to all
 21 of BP worldwide.
 22 And then, we have one that's
 23 internal. And I think that the ESI is the one
 24 that's global, I think; but I could be wrong on
 25 that.

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1 (Exhibit Numbers 148 and 149
 2 marked for identification.)
 3 Q. (BY MR. COON) Okay. And as I
 4 understand, this is something you get a copy of --
 5 A. Okay.
 6 Q. -- right?
 7 MR. PATTERSON: Objection, form.
 8 A. This -- that -- that survey?
 9 Q. (BY MR. COON) Yes, sir.
 10 A. That's something that we review.
 11 Q. All right. As a matter of fact, I have
 12 got Exhibits 148 and 149. 149, I think, is the
 13 letter where you actually acknowledge that you have
 14 received it and first reviewed it?
 15 A. (Examines documents.)
 16 Q. I don't want to take a long time,
 17 Mr. Hawkins --
 18 A. I'm just trying to -- there's two things
 19 on here and you are referring to the --
 20 Q. We are referring to the March, '04
 21 survey, which is called the attachment?
 22 A. Right.
 23 Q. And that attachment is what you just
 24 looked at --
 25 A. Uh-huh.

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1 Q. -- which is 148, right?
 2 A. Yeah.
 3 Q. And if we look at that, this is something
 4 you actually were made privy to back in March,
 5 2004 -- actually, April of 2004 at least, right?
 6 A. Yes.
 7 Q. And if we go through just some examples,
 8 a lot of these were very similar to the same kind
 9 of complaints that were lodged in the Telos Report
 10 in January, 2005, right?
 11 And you read the criticisms of a
 12 number of the employees in the 2005 Telos Report,
 13 did you not? We talked about those earlier.
 14 A. Yes.
 15 Q. And if we go back and look at the
 16 2004 ESI survey, if we just go through some
 17 examples -- West Plant, this is the side of the
 18 plant where the ISOM unit is, right?
 19 A. That's correct.
 20 Q. Complaints here -- it doesn't give the
 21 name of the individual but just anecdotal comments.
 22 One is: "Get some people to run
 23 these units that worry more about the unit than
 24 saving a couple of cents on cost cutting."
 25 Is that something that you had

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1 ever heard complained of out at the plant while you
 2 were out in a superintendent's role at those five
 3 units?
 4 A. Yes, I have heard -- I have heard that
 5 before.
 6 Q. Okay. Another one: "Quit waiting for
 7 known possible unit disasters to happen before
 8 correcting the problem and jeopardizing operators'
 9 lives because the manager and superintendents are
 10 safely away from the unit and making their stupid
 11 decisions."
 12 Had you ever heard someone make
 13 that complaint before or make similar complaints?
 14 A. Not to me directly. I hear pretty much
 15 the opposite of that since I have been there. It's
 16 just not been my experience.
 17 MR. COON: Object to the
 18 responsiveness.
 19 Q. (BY MR. COON) Another one: "To actually
 20 see an honest attempt to change the culture within
 21 our area, meaning the necessary changes to become
 22 accountable for our actions or non-actions."
 23 Did anyone make comments of a same
 24 or similar nature to you as a superintendent at
 25 those five units?

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1 A. (Examines documents.)
 2 Q. Mr. Hawkins?
 3 A. I am trying to see if that's a statement
 4 or just a -- what that is, exactly.
 5 Q. Did anybody make the same or similar
 6 comments or statements to you?
 7 A. Not to me personally, no.
 8 Q. Okay. Are those the types of comments
 9 that you heard being made or rumored to have been
 10 made around the plant?
 11 MR. PATTERSON: Objection, form.
 12 Q. (BY MR. COON) At the time that you were
 13 superintendent of those five units?
 14 A. That's something that you would -- you
 15 would typically see in this forum.
 16 Q. Okay. Another one: "The problem was not
 17 in the West Plant. The problems are greed and the
 18 lack of experienced leadership."
 19 Did you hear complaints like that
 20 from some of the hourly people?
 21 A. Yes, I heard some of those.
 22 Q. Okay. Now, those were some of the
 23 comments from the hourly people.
 24 If you look at West Plant staff,
 25 we are now talking about salary people, right?

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1 A. Yes.
 2 MR. PATTERSON: Objection, form.
 3 Q. (BY MR. COON) Okay.
 4 A. That is correct.
 5 Q. One of the complaints: "Superintendents
 6 with more people skills."
 7 Did I read that, correct?
 8 A. Yes, you read that correct.
 9 Q. Any complaints of that nature that you
 10 heard about?
 11 A. Yes.
 12 Q. Another one: "The need for more
 13 operators."
 14 Did you hear that complaint being
 15 made by staff people at BP in 2004?
 16 A. From staff?
 17 Q. Yes, sir, from staff.
 18 A. I had not heard it in a complaint form.
 19 It has been a topic of discussion that we have been
 20 addressing, yes.
 21 Q. Okay. There have been a number of
 22 reductions in the amount of people operating the
 23 day-to-day operations out at that plant, right?
 24 A. Yes.
 25 Q. Okay. We will go to another section just

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1 for some examples. This is -- questions: "What
2 would make the West Plant a better place to work?"
3 Again, you were talking about the
4 site of the plant where your ISOM unit is and where
5 you were a superintendent, right?
6 A. Yes.
7 Q. The comment here -- this is the hourly
8 folks here. "Repair equipment when necessary."
9 Do you hear that kind of complaint
10 being made as a superintendent out there?
11 A. Yes, when I first came into the job, I
12 sure -- I did.
13 Q. And this being 2003, 2004 timeframe?
14 A. Yes.
15 Q. Another one: "Quit thinking about the
16 all mighty dollar or pound and think about their
17 employees."
18 Did you hear that complaint from
19 some of the hourly people out there while you were
20 superintendent?
21 A. Yes. Would you like me to comment on --
22 on these --
23 Q. Not really.
24 A. -- and what we were doing.
25 Q. Not really. We can save that for another

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1 day.
2 A. I thought I would try.
3 MR. COON: Objection.
4 Q. (BY MR. COON) Some more. "Spend the
5 money to repair or replace equipment right the
6 first time."
7 Did you hear that kind of
8 complaint being made?
9 A. Yes.
10 Q. Another one: "Stop penny pinching."
11 Did you hear that complaint being
12 made?
13 MR. PATTERSON: Objection, form.
14 A. Not that specific comment, no.
15 Q. (BY MR. COON) Okay. Let's talk about
16 other staff complaints. "Stop the two-year
17 merry-go-round in key positions. No one is fully
18 productive or makes a lasting impact in only two
19 years."
20 Had you heard about that problem
21 of cycling in and out managers and various
22 positions?
23 A. Yes, I have.
24 Q. Is that something that you personally
25 agreed with and complained of?

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1 A. I think it's a good idea. I personally
2 think it's a good idea to keep people in their jobs
3 longer. I have not personally complained about it,
4 but after being in a few jobs over the last two
5 years -- four years or so, it's not a bad idea. I
6 agree with it.
7 Q. Okay. And do you know why it is that BP
8 had a policy of rotating out all of their
9 management people?
10 A. No, actually, I -- I don't.
11 Q. Have you ever complained to anyone in
12 management that you believe it to be an imprudent
13 process or procedure?
14 A. No, I haven't.
15 Q. Were you aware of a number of problems
16 with the corrosion under insulation at the
17 West Plant?
18 A. Yes, I was.
19 Q. I want to show you an example of -- I am
20 sorry. I think I only have one copy of this. This
21 is a Document 223029. It is to you from
22 Mr. Freeman.
23 A. Uh-huh.
24 Q. It includes some photographs.
25 Do you recall getting that e-mail

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1 and seeing those photos before?
2 A. I remember something similar to this.
3 Q. Do you know who took those photographs?
4 A. No, I don't. I am assuming Larry may
5 have.
6 Q. Do you know why he gave this information
7 to you?
8 A. My guess would be to allow us to budget
9 for addressing these concerns.
10 Q. Okay. And these were photos of some
11 areas of the ISOM unit, aren't they?
12 A. I am not sure, but I think so. That's
13 what it looks like.
14 Q. Well, it says, "These photos were taken
15 at the ISOM unit" --
16 A. Okay. I didn't --
17 Q. -- "in December of '03"?
18 A. I didn't read that. I just --
19 Q. Okay. It says, the bolts are hold down
20 bolts for the L200 filter.
21 Do you know what that is?
22 A. It's a filter on the ISOM. Yes, I know.
23 Q. Okay. And then the concrete is all pipe
24 rack supports.
25 What are pipe rack supports?

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1 A. Pipe rack supports are where your pipe
 2 runs through your structure and you have an I beam,
 3 for instance.
 4 Q. Does it look something like --
 5 A. Yes.
 6 Q. -- that right there?
 7 A. Yes.
 8 Q. It's 223035.
 9 So, you have concrete framework
 10 and your pipes run across it and rest on the
 11 concrete, right?
 12 A. Uh-huh.
 13 Q. And the photos show -- let's find these
 14 photos. This is one of the beams. And he is
 15 talking about concrete falling off of the support
 16 structures.
 17 So, these are chunks of concrete
 18 laying on the ground that have fallen off the pipe
 19 rack supports?
 20 A. That's correct.
 21 Q. Probably a good reason to wear a hard hat
 22 out there, isn't it?
 23 MR. PATTERSON: Objection, form.
 24 A. I can't answer that. I don't know that a
 25 hard hat -- I don't know.

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1 Q. (BY MR. COON) Does everybody that works
 2 in that unit have to wear a hard hat?
 3 A. Yes, they do.
 4 Q. Is one of the reasons so those 100-pound
 5 chunks of concrete that falling support beams don't
 6 knock them out and they don't kill them?
 7 A. I don't know what the basis is for hard
 8 hats.
 9 Q. Okay. Have you ever get struck by one of
 10 the heavy chunks of concrete that fell off the
 11 concrete supports?
 12 A. No, I have not.
 13 Q. You would agree it is generally an unsafe
 14 work practice to have large, heavy chunks of
 15 concrete falling off the concrete supports of ISOM
 16 unit?
 17 A. Of any unit, that's correct.
 18 Q. It is not supposed to happen, is it, sir?
 19 A. No, it is not.
 20 Q. Reflects poor maintenance, doesn't it?
 21 MR. PATTERSON: Objection, form.
 22 A. It could.
 23 Q. (BY MR. COON) Okay. Well, let's look at
 24 another picture we have got here. This is the
 25 bolts for the L200 filter.

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1 Is it important for bolts to be
 2 able to properly secure the equipment out there in
 3 a hazardous facility like an ISOM unit?
 4 A. Yes, it is.
 5 Q. This is 223033. Now, if you wouldn't
 6 have told us that was a bolt, frankly, you would
 7 not be able to tell that was a bolt, would you?
 8 MR. PATTERSON: Objection, form.
 9 A. It may have been difficult.
 10 Q. (BY MR. COON) Okay. In fact, if you
 11 look at that, it is almost completely corroded all
 12 the way through to where the bolt is not -- no
 13 longer securing the bracket, correct?
 14 MR. PATTERSON: Objection, form.
 15 A. Based on that picture, it doesn't appear
 16 to be.
 17 Q. (BY MR. COON) Okay. Well, Mr. Freeman
 18 didn't doctor these pictures to make them look
 19 worse than what they were, did he?
 20 MR. PATTERSON: Objection, form.
 21 A. That's not what I am implying.
 22 Q. (BY MR. COON) Okay. And you don't think
 23 Mr. Freeman took pictures of something other than
 24 what he said he took of?
 25 A. I wasn't implying that either.

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1 Q. Does it take a few days for something to
 2 get that bad or does it take years?
 3 MR. PATTERSON: Objection, form.
 4 A. My guess would be years.
 5 Q. (BY MR. COON) And this is something that
 6 appears to be observable to the casual eye in that
 7 area, doesn't it?
 8 MR. PATTERSON: Objection, form.
 9 Q. (BY MR. COON) This isn't something that
 10 is sealed up under a bunch of stuff where you can't
 11 see it when you walk by?
 12 MR. PATTERSON: Objection, form.
 13 A. I -- I don't know the exact location of
 14 that bolt.
 15 Q. (BY MR. COON) Well, you know where the
 16 filter is, don't you?
 17 A. Yeah, but I don't think it's -- I think
 18 it would more than likely be visible.
 19 Q. Okay. So, this is something that for the
 20 years prior to the time he took this picture,
 21 someone could walk by there and see that this bolt
 22 was very corroded and marginally securing the
 23 bracket?
 24 A. Yes.
 25 Q. And, in fact, these were examples of a

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1 number of problems that were rampant throughout the
 2 ISOM unit back in 2003, are you not?
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. COON) In fact, here's other
 5 pictures of concrete falling off the support
 6 structure.
 7 A. Uh-huh.
 8 MR. PATTERSON: Objection, form.
 9 Q. (BY MR. COON) Do you recall seeing those
 10 photos that Mr. Freeman showed you?
 11 A. Yes. That is concrete falling off of a
 12 support structure.
 13 Q. And that doesn't really reflect very good
 14 maintenance either, does it?
 15 MR. PATTERSON: Objection, form.
 16 Q. (BY MR. COON) I mean, this isn't the
 17 result of a truck losing control and plowing in
 18 that support structure that day, is it, sir?
 19 MR. PATTERSON: Objection, form.
 20 A. I don't know that.
 21 Q. (BY MR. COON) Well, you didn't have any
 22 reason to believe that some blunt trauma caused all
 23 this concrete to fall off suddenly one day, did
 24 you?
 25 MR. PATTERSON: Objection, form.

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1 A. No, I was just answering your question.
 2 Q. (BY MR. COON) Okay. In fact,
 3 Mr. Freeman was just pointing out that there were a
 4 number of infrastructural problems associated with
 5 the unit that he wanted to catch by a photograph
 6 and draw to your attention?
 7 A. Right, because I asked him to.
 8 Q. Okay. Did you ask him to take just three
 9 pictures or just to give you some examples?
 10 A. I asked him to give me some examples of
 11 where our risks were, and -- and this is
 12 specifically around fireproofing is what the
 13 request was.
 14 Q. Okay.
 15 A. I would be proud to show a CUI spend
 16 budget as well, too.
 17 MR. COON: Object to the
 18 responsiveness.
 19 (Exhibit Number 150 marked for
 20 identification.)
 21 Q. (BY MR. COON) Okay. We have another one
 22 here. Let me ask you if you have ever seen that
 23 one before.
 24 A. No, I have not seen this.
 25 Q. Okay. Do you know what they are talking

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1 about here, "No MOC on F-20 upon discovery of
 2 collapsed trays"?
 3 MR. PATTERSON: Objection, form.
 4 A. Let me -- I guess I could read through it
 5 a little bit more. I was just trying to get it
 6 back to you.
 7 Q. (BY MR. COON) Okay. The F-20 is the
 8 blowdown --
 9 A. It's the blowdown drum.
 10 Q. -- drum, isn't it?
 11 A. Yes.
 12 Q. Is there another F-20 at that plant or if
 13 it says "F-20," are we talking about the blowdown
 14 drum on the ISOM unit?
 15 A. There are probably F-20s on the -- in the
 16 refinery.
 17 Q. Is every blowdown drum tank called an
 18 F-20?
 19 A. No, it's not.
 20 Q. Did you have any reason to believe that
 21 when it talks about that one, it is talking about a
 22 blowdown drum anywhere else other than in the ISOM
 23 unit?
 24 A. No, that is what -- it is referring to
 25 it. It says the ISOM on there.

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1 Q. Okay. When you look up, you can see they
 2 are talking about the F-20 at the ISOM?
 3 A. That's correct. Right here.
 4 Q. Okay.
 5 A. It has it right here.
 6 Q. All right.
 7 A. But there are other, yeah.
 8 Q. Okay. And what does it mean where it
 9 says there is no MOC? Is it talking about a
 10 management of change?
 11 MR. PATTERSON: Objection, form.
 12 A. That's what it appears to mean, yes.
 13 Q. (BY MR. COON) Is MOC used as an acronym
 14 at the plant for anything other than for
 15 "management of change," to your knowledge?
 16 A. Not to my knowledge.
 17 Q. So, normally as a superintendent out
 18 there, when you see something that is an MOC, you
 19 presume that to be --
 20 A. Yes.
 21 Q. -- an acronym --
 22 A. Yes, I do.
 23 Q. -- for management of change?
 24 A. Yes, I do.
 25 Q. And it is talking about the fact that

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1 there was no management of change reflecting the
 2 condition of that blowdown drum?
 3 A. I think that's what it's referring to.
 4 Q. Okay.
 5 A. Yes.
 6 Q. And, in fact, there had been a decision
 7 made that even though the baffles were completely
 8 rusted out in that blowdown drum -- and that is
 9 some -- that's a condition that had existed for
 10 years before this explosion -- a decision had been
 11 made to defer repair or replacement until after the
 12 next routine scheduled turnaround?
 13 MR. PATTERSON: Objection, form.
 14 Q. (BY MR. COON) You were aware of that,
 15 were you not?
 16 A. I believe that's what I read in the
 17 report, yes.
 18 Q. And this is a condition in the ISOM unit
 19 that you were aware of while you were
 20 superintendent of that particular unit?
 21 A. No. This would have been raised to my
 22 attention during our turnaround preparation meeting
 23 for work scope.
 24 Q. Okay.
 25 A. Work list. That is with what the unit

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1 engineer and inspector would bring to me --
 2 Q. So, you're saying --
 3 A. -- to replace.
 4 Q. I am sorry. I didn't mean to interrupt.
 5 You are saying you worked out
 6 there as superintendent of that unit for 18 months
 7 or longer without any knowledge that the baffles
 8 were completely rusted out in the blowdown drum?
 9 A. That is correct.
 10 Q. Can't you go back and look at action
 11 items or MOCs that were pending to get an
 12 understanding of what is still outstanding or found
 13 to be infrastructural problems associated with the
 14 units you are responsible for?
 15 A. Can you go back and rephrase it, again?
 16 Q. Yes, sir.
 17 A. But for action items.
 18 Q. For action items in Traction?
 19 A. Yes. You have action items and track.
 20 Q. Can't you go back and look at those?
 21 Aren't those made available to you where you can
 22 look back and see what issues are still outstanding
 23 in units you are responsible for?
 24 A. Yes, you can.
 25 Q. And is that something that you routinely

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1 did?
 2 A. On coming due action items and action
 3 items that were perhaps overdue is where we paid
 4 most of our focus.
 5 Q. Okay.
 6 A. The action item, who it was specifically
 7 assigned to would be the one that would be working
 8 on that on a more routine basis.
 9 Q. Do you know about efforts to replace the
 10 ISOM analyzers back when you were superintendent of
 11 the ISOM unit?
 12 A. Are you referring to a capital project?
 13 Q. Just --
 14 A. Okay. I am sorry.
 15 Q. -- repair replacement of the ISOM
 16 analyzers.
 17 A. Yes, this was a capital project --
 18 Q. Okay.
 19 A. -- is what that was.
 20 Q. Now, if we look at page 2 --
 21 A. Okay.
 22 Q. -- I highlighted that portion for you.
 23 What does it say about the ISOM
 24 analyzers?
 25 A. This is dated March 17th, 2004. It says,

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1 "Currently the ISOM analyzers are not functioning
 2 properly at all. They have been repeatedly pieced
 3 back together with limited success. The unit is
 4 essentially running blind in between lab samples."
 5 Q. All right.
 6 A. Uh-huh.
 7 Q. Now, that's not a condition that you
 8 would like to exist on your unit, is it, sir?
 9 A. From an operability and production
 10 standpoint, no.
 11 Q. Okay. And when the issue was addressed
 12 with respect to funding, to fix the problem.
 13 Again, the problem was you see
 14 the -- they are not functioning properly, if at
 15 all, right?
 16 A. Yes.
 17 Q. And that the unit is essentially running
 18 blind. And we go to the next page, once that
 19 discusses the problem, offers some desire to repair
 20 and replace, I take it, correct? There is a desire
 21 to repair or replace and fix the problem, is there
 22 not?
 23 A. Yes. Yes.
 24 Q. Okay.
 25 A. Yes, that's why we put it in there.

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1 Q. Sure. And then, the answer to fixing
 2 this problem is that there is no funds likely to be
 3 available any time that year.
 4 Did I read that correctly?
 5 A. Yes.
 6 Q. Okay. Well, I thought that you had the
 7 authority to make things happen.
 8 MR. PATTERSON: Objection, form.
 9 A. And what is the cost on this project?
 10 Q. (BY MR. COON) I have no idea, sir. You
 11 are in charge. Not me. I am a lawyer.
 12 MR. PATTERSON: Objection, form.
 13 Object to the sidebar.
 14 Q. (BY MR. COON) What is the cost?
 15 MR. PATTERSON: Objection, form.
 16 A. This -- this is weighted against other
 17 projects and others spent. So, when you look at
 18 issues around improving your production and product
 19 giveaway, they don't weight as high as repairing a
 20 tower that has CUI, for instance. And you have to
 21 make those decisions every day.
 22 If I was going to replace
 23 analyzers, and go over budget on routine or am I
 24 going to address safety concerns, I would -- I
 25 would choose to address safety concerns not a

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1 growth project or a sustaining project.
 2 MR. COON: I will object to the
 3 responsiveness.
 4 Q. (BY MR. COON) Mr. Hawkins, I thought
 5 that you had the authority to spend the moneys
 6 necessary, even if exceeding your budget, to
 7 provide a safe and efficient operation of the unit
 8 that you were charged with running.
 9 MR. PATTERSON: Objection, form.
 10 Q. (BY MR. COON) Did you not tell me that
 11 earlier?
 12 A. I still have to have approval.
 13 Q. So, you don't have --
 14 A. I will do it. I will fight for it, yes.
 15 Q. Okay. Well, there is a difference and I
 16 appreciate that, Mr. Hawkins; but there is a
 17 difference between fighting for something that you
 18 want versus getting everything you want, right?
 19 A. I would agree with that.
 20 Q. And the reality is that there may be
 21 things that you wanted, but you just did not have
 22 the authority nor the ability to get those things
 23 done even if you wanted them. Someone else --
 24 A. I have a --
 25 Q. -- told you --

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1 A. I have a spend limit -- yes, I do -- on
 2 items.
 3 Q. Okay. Now, we talked about Matt Kern
 4 earlier. He was one of the fellows I think you
 5 were actually looking for after the explosion to
 6 make sure he was okay.
 7 Do you recall that?
 8 A. Yes, I recall that.
 9 Q. Okay. There was an ongoing discussion
 10 about the CUI budget; and, again, that's corrosion
 11 under insulation --
 12 A. Uh-huh.
 13 Q. -- at the ISOM.
 14 (Exhibit Numbers 151 and 152
 15 marked for identification.)
 16 Q. (BY MR. COON) I am going to mark this
 17 one 152. Okay. And this contained a string of two
 18 or three e-mails back and forth. So, I guess you
 19 have to read them in reverse order.
 20 A. Okay.
 21 Q. But this looks like a request from
 22 Mr. Kern to you or a note to you regarding CUI
 23 budgets and your response.
 24 Is that an exchange of two
 25 e-mails, one from Matt to you and one from you to

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1 Matt?
 2 A. Yes. Let me go through here.
 3 (Examines documents.)
 4 Yes, I would say that. I actually
 5 read my response, and I might have a flavor of kind
 6 of what Matt is looking at.
 7 Q. Okay.
 8 A. Okay.
 9 Q. And he was talking about corrosion under
 10 insulation, right?
 11 A. Yes.
 12 Q. And your comments -- well, let's do this.
 13 Are these your comments back to
 14 Matt at the top? Right?
 15 A. Yes, that's my comments.
 16 Q. And he talks about the corrosion under
 17 insulation budget.
 18 "When it comes here, it is going
 19 to be very difficult to meet our budget with all
 20 the equipment failures to date, environmental
 21 issues and ARU and AU2 and the ongoing solvent and
 22 oil pumpout repairs each month at ARU."
 23 A. Uh-huh.
 24 Q. Did I read that correct?
 25 A. That's correct.

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1 Q. And then you had another statement that
 2 says, "What I will need from you is a rough
 3 estimate of what we are looking at in cost and what
 4 is our exposure if we choose not to perform the
 5 work."
 6 A. Yes.
 7 Q. Did I read that correct?
 8 A. Yes.
 9 Q. What are the exposure issues that you
 10 would have to deal with?
 11 A. Exposure -- or economic exposure when we
 12 are at -- when we are at risk, when we are going to
 13 have to shut something down and make a repair on it
 14 or there is a possibility that we are going to have
 15 to take something down to repair it, that's --
 16 that's an exposure.
 17 So, it's -- it's a market
 18 exposure. So, that's the context that I use that
 19 in; and I use that quite frequently in -- in my
 20 discussions.
 21 Q. Okay. What are all these equipment
 22 failures you were having on the ISOM unit?
 23 A. The ISOM unit was a recycled gas
 24 compressor that had not been PMed, had not been
 25 PMed in several years.

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1 So, what I -- what we did is:
 2 We -- we built into our budget \$80,000 to PM this
 3 thing. And it ended up costing about \$450,000.
 4 So, that was the equipment issue at ISOM.
 5 The solvent pumpout was actually
 6 a -- a temporary repair. We had a -- a
 7 10 million-dollar, 7.5 million-dollar capital
 8 investment to replace sewers and leaks on the ARU;
 9 and that's what we were working out on that.
 10 And what was the other issue that
 11 you asked me about?
 12 Q. I think I just asked you what the
 13 equipment failures were, why you were having them.
 14 A. Okay. That was it.
 15 Q. Okay. I'm going to show you next
 16 something we were provided. This is called the
 17 overdue action item.
 18 What are "overdue action items"?
 19 A. They could be many things. I will have
 20 to look at it and see which ones.
 21 Q. All right. What is meant by "overdue
 22 action items"?
 23 A. Typically, things around HAZOPs, things
 24 of that nature. That's what I would think of
 25 primarily if -- when you make that statement.

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1 Q. Well, what are action items?
 2 A. Well, there is -- action items can be
 3 generated from meetings you attend, from
 4 investigations, from PHAs, from audits, from PSM
 5 audits. There's -- there is just a multitude of
 6 things that you can generate action items out of.
 7 Q. Okay. Well, if we look at what we have
 8 marked as 153, this is a Document 2002886 through
 9 908.
 10 (Exhibit Number 153 marked for
 11 identification.)
 12 Q. (BY MR. COON) This is dated April, 2005.
 13 So, it would have been shortly after the explosion
 14 at that unit.
 15 Can you identify that document,
 16 please, sir?
 17 I think the title is Overdue
 18 Action Items. And if we note for additional
 19 comment down at the bottom of the page to you from
 20 David Breedlove, it says that the importance is
 21 "high."
 22 Did I read that correct?
 23 A. Yes, you read that correct.
 24 Q. Okay. Now, if we go back and look at the
 25 actual printout that's attached to that e-mail,

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1 there are a number of pages of spreadsheet or
 2 database information where at the top of each one
 3 it says "overdue action" and then lists them all.
 4 Did I read that correctly?
 5 A. What was your title? I am sorry. I was
 6 looking at it.
 7 Are you saying is this from the
 8 database?
 9 Q. Right.
 10 A. Yes, it is.
 11 Q. I will ask the question first from the
 12 database.
 13 A. Yes, it is.
 14 Q. This is information derived from the
 15 database in February of 2005, shortly before the
 16 ISOM explosion, right? If you look up at the top?
 17 A. Yes.
 18 Q. Now, where is this information kept?
 19 A. It's in the -- in that action item
 20 database.
 21 Q. And this is something you and a number of
 22 other individuals in a supervisory role at BP has
 23 access to?
 24 A. Yeah, anybody has access to it.
 25 Q. And by "overdue," we are talking about

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1 things that were pending at the units you were
 2 charged for that had not yet been completed?
 3 A. That's correct.
 4 Q. And we have gone through this through
 5 other witnesses; but as I understand, Mr. Hawkins,
 6 when you have an MOC that requires certain things
 7 to be done, they roll into what you call an
 8 action -- an action item for follow-up?
 9 A. That's correct.
 10 Q. So, you may have one MOC out there that
 11 just has one action item to complete it or it may
 12 have five or ten, right?
 13 A. It's possible, yes.
 14 Q. And if we look at this --
 15 A. Uh-huh.
 16 Q. -- you have a breakdown of several pages
 17 of outstanding and overdue action items on the ISOM
 18 and the ARU and the AU2.
 19 These are all units you were
 20 charged with the responsibility for; is that
 21 correct? Back in 2005, beginning of 2005?
 22 A. Yes, there is 12 of them.
 23 Q. Okay.
 24 I am sorry. 12 what?
 25 A. Is that what you are referring to, the 12

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1 action items here?
 2 Q. Well, I am going to refer to the hundred
 3 and something action items on the three units that
 4 you were responsible for that are listed here.
 5 A. Okay.
 6 Q. It's broken down into three sections:
 7 Things that are overdue in ISOM, things that are
 8 overdue in ARU and things that are overdue in AU2,
 9 correct?
 10 A. Okay.
 11 Q. Am I correct there?
 12 MR. PATTERSON: Objection, form.
 13 A. Yes.
 14 Q. (BY MR. COON) And all three of these
 15 units were ones that you were the superintendent of
 16 at the time this action item spreadsheet was
 17 printed out?
 18 A. That's correct.
 19 Q. Now, overdue is not a good thing, is it,
 20 sir?
 21 A. It depends on how critical that action
 22 item is; but in most cases, it's not. But all of
 23 these are weighted against each other for
 24 resolution.
 25 Q. The preference would be to see them all

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1 done on a timely basis so they don't come out as
 2 being overdue?
 3 A. That's correct.
 4 Q. And, in fact, if you look at these, some
 5 of these action items had been outstanding and
 6 overdue for a year now, hadn't they?
 7 A. Would you give me an example? And I will
 8 look at that with you.
 9 Q. Okay. I think if you look at anything in
 10 2003, that would be well over a year since we are
 11 talking about 2005 being the time this is printed
 12 out, right?
 13 You can look at the bottom of the
 14 first page. There you have an action item that has
 15 sitting out there for a year and a half, since
 16 June, 2003.
 17 A. Yes, I see that one.
 18 Q. And a number of others that had been
 19 outstanding -- and that's target dates.
 20 When you look at target dates --
 21 A. Uh-huh.
 22 Q. -- that's the date that they expected to
 23 have the issue resolved, one way or another?
 24 A. That's the target date. That is correct.
 25 Q. Okay. So, when we look at target date on

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1 that first page, whenever that action item went
 2 into effect, which it looks like it was initiated
 3 in March of 2003, top page, at the bottom, the
 4 overdue action item on the first page.
 5 A. Okay.
 6 Q. If you look at that as an example -- and
 7 make sure I am reading these right. You look over
 8 here, and this shows you what the item is.
 9 That's your action item, right?
 10 A. Yes.
 11 Q. ISOM 2003?
 12 A. Yes. Yes, I see the one that you are
 13 referring to.
 14 Q. Okay. And then it says what the issue
 15 is. And then the superintendent -- again, that
 16 would be you, in this case, Mr. Hawkins?
 17 A. Uh-huh.
 18 Q. And then it gives you a target date here.
 19 If we look over here, it was
 20 initiated in March; and it was targeted to be
 21 completed, one way or another by June? Am I
 22 reading those --
 23 A. That's correct.
 24 Q. And in this case, this action item had
 25 still been outstanding more than a year and a half

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1 after the due date?
 2 A. That's correct.
 3 Q. And the reason you have so many -- and we
 4 have dozens of, if not over a hundred, outstanding
 5 and overdue action items here for your three units,
 6 do we not?
 7 A. We have how many?
 8 Q. We have dozens. There may be over a
 9 hundred. I haven't counted them all.
 10 A. I think you are including the operability
 11 in there, as well, which are just opportunities and
 12 are not required to be closed.
 13 Q. Okay.
 14 A. But I see that in here, too. So...
 15 Q. Okay. Well, you are supposed to close
 16 them in a timely fashion as well if you are not
 17 going to -- if a decision is made not to go through
 18 with it, aren't you?
 19 A. It would -- it's a good idea to, but
 20 it's -- there's -- that -- that is not weighted
 21 very heavy.
 22 Q. Okay. Well, who is supposed to close
 23 them?
 24 A. The names you see here, those are the
 25 responsible parties.

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1 Q. Okay.
 2 A. The name out to the side.
 3 Q. And what kind of diligence were you
 4 initiating with all of the various persons to make
 5 sure that they were properly doing these in a
 6 timely fashion or closing them?
 7 A. Well, that's -- that's where we
 8 recognized that we had a deficiency; and that's
 9 where we went to get PSM coordinators on the unit.
 10 David Breedlove was actually kind
 11 of helping talk with people. And we went to the
 12 MALT meeting to -- to require additional
 13 engineering resources because typically you will
 14 see in here a lot of this. These that are required
 15 to be closed, you see a lot of them that they are
 16 the REs, the Sean Price, the Matt Kern, the Donald
 17 Warnell.
 18 So, that was a request that we
 19 made for additional resources to get these action
 20 items closed.
 21 Q. Okay. And why did you wait two years to
 22 do this? I mean, you had action items that had
 23 been outstanding for a year and a half, two years.
 24 What was taking so long?
 25 A. We -- there are more to many of these

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1 action items -- and I understand the way -- the way
 2 you are looking at it; but there is a lot more to
 3 it. And even though the action item can't be
 4 completed in that timeframe, the way our system is,
 5 it will not allow you to move it out.
 6 It doesn't matter if it's a
 7 turnaround action item. You can't complete it
 8 until you have a turnaround. It's going to show up
 9 as overdue, you know; and there is many cases of
 10 that. And there is many cases of it's dependent
 11 upon completing some other task in the refinery,
 12 but you still can't move the date out.
 13 Q. Okay. So --
 14 A. So, we would have regular meetings in our
 15 MALT meeting, you know, reviewing what the status
 16 is on these, you know, and what resources that we
 17 were needed. That's where we came up with the --
 18 you know, the engineering support that we needed
 19 for these.
 20 Q. Okay.
 21 MR. COON: I am going to object to
 22 the responsive part of that, sir.
 23 Q. (BY MR. COON) The reality is: You had
 24 action items being calendared in this system for
 25 years and years?

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. COON) This has been something
 3 that had been calendared this way for a long time?
 4 A. Yes.
 5 Q. And you were placed in charge as
 6 superintendent of those units sometime in mid,
 7 about, 2003?
 8 A. In July, 2003.
 9 Q. Is this an example of the problems that
 10 you had told us about earlier today where when we
 11 talked about your employees being spread thin and
 12 too many demands being put on them, manpower
 13 issues?
 14 Was this something where there
 15 just wasn't enough hours in the day to go back and
 16 paper trail and clean up loose ends?
 17 A. Well, there is many more of these that
 18 have been closed than that are remaining open here.
 19 If they get closed daily, there is an issue -- I am
 20 sorry.
 21 Q. That was not my question, Mr. Hawkins.
 22 My question was --
 23 A. Okay.
 24 Q. Is this an example of the things that you
 25 complained of earlier, which is not enough manpower

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1 to take care of all the demands that were asked of
 2 you?
 3 A. Of supervisors.
 4 Q. Of whoever was responsible for handling
 5 these activities?
 6 A. Yes.
 7 MR. COON: Thank you, sir. That's
 8 a good place to break.
 9 THE VIDEOGRAPHER: Off the record
 10 at 4:48 p.m., ending Tape 5.
 11 (Recess taken.)
 12 THE VIDEOGRAPHER: On the record,
 13 4:56 p.m., beginning Tape 6.
 14 (Exhibit Number 154 marked for
 15 identification.)
 16 Q. (BY MR. COON) Mr. Hawkins, we now have
 17 Exhibit 154.
 18 Have you seen that document
 19 before?
 20 A. What's the date on here?
 21 I don't have -- it looks familiar,
 22 but I don't remember reviewing it specifically.
 23 Q. Have you seen ones like that before?
 24 A. Yes.
 25 Q. Can you tell me what they are?

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1 A. This looks like maintenance repair
 2 orders.
 3 Q. That would be from the unit that you were
 4 in charge of?
 5 A. Yes.
 6 Q. How do you access copies of what you have
 7 there as 154? Are those kept in the database?
 8 A. Yeah, I don't do that. The maintenance
 9 planner and maintenance supervisor do that, not me.
 10 Q. Do you ever ask for copies of those to
 11 see how many outstanding maintenance items there
 12 are?
 13 A. Periodically. We have maintenance
 14 meetings in the mornings at 7:00 a.m., typically to
 15 discuss items.
 16 Q. Okay. So, this would be an example of
 17 something you could download and meet with your
 18 maintenance group on intermittently?
 19 A. The maintenance group doesn't report to
 20 me.
 21 Q. Okay.
 22 A. John Paduh is the maintenance
 23 superintendent.
 24 Q. Okay. Are you in the loop at all with
 25 respect to what happens out at the units you were

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1 the superintendent for?
 2 A. Yes. Primarily prioritizing daily work
 3 interruptions. The maintenance coordinator would
 4 typically do the weekly planning; and the
 5 maintenance organization would -- would manage the
 6 backlog, if that's what you are referring to.
 7 Q. Okay. And how are issues in the backlog
 8 prioritized or are they prioritized?
 9 A. I have never been in a prioritization
 10 meeting for a backlog. So, I would just be
 11 assuming.
 12 Q. Okay. Well, when you looked at these,
 13 did you ever ask anybody in maintenance or the
 14 people that reported -- were responsible for
 15 maintenance, "Why do we have so many backlog
 16 items?"
 17 (Brief interruption.)
 18 MR. COON: Fulbright is on limited
 19 electricity. They have to close offices at 5:00.
 20 It's an energy efficiency mechanism.
 21 THE WITNESS: That kind of got me.
 22 Could you repeat the question?
 23 Q. (BY MR. COON) Yes, sir.
 24 The question -- I don't know
 25 exactly what that was, but I will concur that was

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1 distracting.
 2 But the question was -- what I
 3 need to know from you is: How was it that you were
 4 made aware of any of the information associated
 5 with these backlogs? Do you ask them? Do you meet
 6 with them? Do you discuss them? Who was
 7 responsible for them?
 8 A. Yeah -- well, typically, for -- for type
 9 of work, depending on the field of work, you know,
 10 I may go to the maintenance superintendent and
 11 request additional resources such as I&E, which we
 12 did at one time.
 13 MR. PATTERSON: Let's take a
 14 break.
 15 (Discussion off the record.)
 16 Q. (BY MR. COON) Mr. Hawkins, in looking at
 17 this, some of these documents include a line item
 18 of 240 something individual, I guess -- I don't
 19 know if "action items" are right, but --
 20 "maintenance backlog issues" may be the more
 21 appropriate vernacular; is that correct?
 22 A. (No verbal response.)
 23 Q. Let me ask you this: Is there something
 24 different between what is reflected on maintenance
 25 backlog on all these items versus action items that

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1 we discussed in the other documents? Are these
 2 different? Are they inclusive of?
 3 A. Than PSM action items?
 4 Q. Yes.
 5 A. Yes.
 6 Q. The action items we went and looked over
 7 awhile ago, including the ones that were
 8 outstanding, those were different from the ones we
 9 see here on this document, right?
 10 A. Yes.
 11 Q. These are just routine maintenance issues
 12 that are in backlog status of some sort?
 13 MR. PATTERSON: Objection, form.
 14 A. Yeah, I would have to look through there,
 15 but I think that's exactly what you have there.
 16 Q. (BY MR. COON) Okay. Do you -- can you
 17 tell us why we are 240 or 250 backlog maintenance
 18 items back in the early 2002 or 2004?
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. COON) Or is that, again, an
 21 issue similar to the one that we had with the other
 22 maintenance items, which is just a staffing issue,
 23 spreading your folks too thin?
 24 MR. PATTERSON: Objection, form.
 25 A. I mean, I see these in here; and I -- I

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1 see some of these as backlogged. I see others as
 2 typical weekly schedule of planned work and things
 3 that aren't backlogged. So, the backlog items are
 4 items that haven't been completed.
 5 The weekly schedule information
 6 that you have in here is, typically, what was
 7 agreed upon to be worked on that week.
 8 I am not saying it couldn't end up
 9 as a backlog item, but, you know, to discuss
 10 specifics around staffing for maintenance, I mean,
 11 I just wouldn't be the person to do that.
 12 Q. (BY MR. COON) Okay. Did it --
 13 A. That's not my area.
 14 Q. Who reported to you in maintenance?
 15 A. Nobody.
 16 Q. Okay. But you are the superintendent and
 17 there was no one in maintenance who reported to you
 18 about maintenance of the units that you are
 19 responsible for? I am losing something here.
 20 MR. PATTERSON: Objection, form.
 21 A. No, I mean, that is correct. There is
 22 nobody in maintenance that reports to me. That
 23 doesn't mean that we don't have maintenance people
 24 there that are providing that.
 25 We have an operations person that

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1 kind of coordinates between the operations side and
 2 the maintenance side, but they report in through
 3 operations.
 4 The way the maintenance
 5 organization is set up in West Plant and all the
 6 areas in the refinery are the same. They report in
 7 to maintenance supervisors and that -- each
 8 supervisor from each unit reports in to the
 9 superintendent for maintenance for West Plant.
 10 Q. (BY MR. COON) And who was that in 2004,
 11 2005?
 12 A. I don't know for sure and the job was
 13 vacant and was on an interim basis by -- I think it
 14 was being filled by Dave Buttram and then I think
 15 it was filled by -- it was filled permanently -- I
 16 don't know the exact timeframe -- by John Paduh.
 17 Q. Okay. So, Mr. Paduh would be the person
 18 to go to to find out more about the particulars of
 19 the maintenance logs and --
 20 A. Yes.
 21 Q. -- what was in them?
 22 A. Yes, it wouldn't be me.
 23 Q. Do you know why you are copied with
 24 these?
 25 A. I get copied on a lot of things. I can't

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1 say specifically.
 2 Q. That explosion did something to a benzene
 3 unit or something around there.
 4 Do you recall that?
 5 MR. PATTERSON: Objection, form.
 6 A. No, I don't.
 7 Q. (BY MR. COON) My recollection was that
 8 when the ISOM unit blew, that there was some sort
 9 of vapor release or atmospheric release of benzene,
 10 something about OSHA or other investigators
 11 couldn't get out there for a little while because
 12 of benzene problems?
 13 MR. PATTERSON: Objection, form.
 14 Q. (BY MR. COON) Do you know anything about
 15 that?
 16 A. The only thing that -- that -- that I am
 17 aware of was a sewer, a -- a separator that would
 18 have had some benzene in it; and it could have had
 19 high readings from benzene.
 20 I did not get involved in any of
 21 the recovery, you know, from after the ISOM.
 22 Q. All right. Do you recall --
 23 A. But I did hear of something around
 24 benzene.
 25 Q. Do you recall anything about a benzene

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1 storage tank or anything being damaged --
 2 A. Yeah.
 3 Q. -- or ruptured?
 4 A. I did hear that, yes.
 5 Q. Do you know anything about the
 6 circumstances associated with that incident?
 7 A. No, I really don't.
 8 Q. Do you know anybody that would know more
 9 about that particular incident?
 10 MR. PATTERSON: Objection, form.
 11 A. Maybe somebody from the oil movements
 12 division that has the tank farm.
 13 Q. (BY MR. COON) Okay. Well, it was my
 14 understanding there might have been structural
 15 damage to some sort of benzene unit or benzene tank
 16 out there that was associated with this explosion,
 17 that shrapnel got it or a piece of structural.
 18 A. I --
 19 Q. Do you know anything about it?
 20 A. I heard similar things around the
 21 benzene -- a benzene tank and that repairs had to
 22 be made to it; but I don't know specifically.
 23 Q. Do you know where that tank is?
 24 A. It would have to be sitting south of the
 25 ISOM.

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1 Q. Do you know who would be in charge of
 2 that one, responsible for oversight of that
 3 particular tank?
 4 A. That job is actually vacant right now.
 5 Are you looking for a contact
 6 person?
 7 Q. Yes, sir. Somebody to talk to about what
 8 happened with the benzene.
 9 MR. PATTERSON: Objection, form.
 10 A. I am just drawing a blank on the
 11 infrastructure manager because there is not a
 12 superintendent in place, right now.
 13 Q. (BY MR. COON) Okay.
 14 A. I will think of his name.
 15 Q. Okay. If you think of it, let me know.
 16 A. (Nods head.)
 17 Q. Okay. Let's talk about the trailers.
 18 A. Okay.
 19 Q. We discussed those a little bit this
 20 morning.
 21 A. Yes.
 22 Q. First of all, do you know about how many
 23 trailers were sited out there in the area around
 24 the ISOM unit at the time of the explosion?
 25 A. I think I read it in the report.

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1 Approximately nine.
 2 Q. And who is responsible for siting those
 3 trailers?
 4 A. Well, that's where there is a lot of
 5 confusion internally around who is responsible for
 6 siting the trailers. So, in turnaround activities
 7 when they are doing things like that, it's
 8 typically the turnaround superintendent.
 9 Q. Okay. Let's talk about each of these
 10 trailers.
 11 There was a Merit trailer?
 12 A. Uh-huh.
 13 Q. And there was a Fluor trailer that was
 14 located very close to the Merit trailer.
 15 Do you recall that one?
 16 A. No, I never actually went --
 17 Q. Okay.
 18 A. -- in the yard over there.
 19 Q. All right. Let's talk about the Merit
 20 trailer first.
 21 Are you familiar with an MOC
 22 associated with that particular trailer for
 23 2004-008?
 24 A. Not the number but the MOC, yes.
 25 Q. Okay. Have you talked to Kyle Seele

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1 about that particular trailer?
 2 A. No, I have not.
 3 Q. Have you talked to anyone else since the
 4 explosion about this particular trailer other than
 5 what you have given in your statements?
 6 A. Yes, I think I have.
 7 Q. To whom and when?
 8 A. The topics of the trailer were just
 9 topics of discussion everywhere in the refinery.
 10 Q. How come?
 11 A. Because it was noted as a concern.
 12 Q. Why?
 13 A. And there was -- well, because there was
 14 a directive shortly after that to remove all of the
 15 trailers from the site.
 16 Q. From which site?
 17 A. Texas City.
 18 Q. Why?
 19 MR. PATTERSON: Objection, form.
 20 A. Because of the ISOM incident.
 21 Q. (BY MR. COON) Because the trailers
 22 tended to disintegrate when the unit blew up?
 23 MR. PATTERSON: Objection, form.
 24 A. I don't know if that was the rationale.
 25 You know, that's -- I could speculate, on what you

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1 are doing, and say that.
 2 Q. (BY MR. COON) Okay. Well, in this case
 3 the Merit trailer did disintegrate when the ISOM
 4 blew up, didn't it?
 5 MR. PATTERSON: Objection, form.
 6 A. I thought you asked me why the decision
 7 was made.
 8 Q. (BY MR. COON) Yeah, but the fact is:
 9 The Merit trailer did disintegrate?
 10 A. I think that's a known fact.
 11 Q. That was your personal observation, too,
 12 wasn't it?
 13 MR. PATTERSON: Objection, form.
 14 A. It's still a fact.
 15 Q. (BY MR. COON) But you went out there and
 16 saw it. I mean, you were out there that day and
 17 you went and observed the -- the impact area and
 18 the damage that was caused?
 19 A. I saw that for several days after it, as
 20 well.
 21 Q. And you knew where that trailer was
 22 located before the incident, and you were able to
 23 observe the lack of its presence after the
 24 incident?
 25 A. Yes.

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1 Q. What role, if any, did you have in siting
 2 the Merit trailer?
 3 A. Would you like me to take you through the
 4 sequence in that?
 5 Q. That may be easiest.
 6 A. It would be easiest for me.
 7 The trailer siting was requested.
 8 That has always been an area that is outside our
 9 battery limits. And we initially chose not to
 10 authorize any proceeding to complete an MOC for
 11 siting.
 12 There was discussions between the
 13 ultracracker and people that were going to be at
 14 the trailer and our operations team, outside
 15 utilities as well, as to whose MOC. The decision
 16 was made, since we were permitting it -- the area,
 17 for -- for other type of activities, mobile
 18 equipment and things of that nature, the MOC
 19 request was sent to our group.
 20 Q. By who?
 21 A. I don't remember the individual's name.
 22 It could have been -- I don't know if it was Kyle.
 23 I don't know if it was -- I -- I -- I don't know.
 24 Whoever initiated the MOC is the one that sends
 25 that out.

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1 Q. Okay. The management of change was to
 2 provide for temporary location to this particular
 3 trailer?
 4 A. Actually, it was for -- for occupancy.
 5 You know, deciding in the placement of the trailer
 6 and the occupancy of the trailer are basically two
 7 separate things.
 8 Q. Okay. You can locate it there before all
 9 the forms have been completed?
 10 A. Yes.
 11 Q. But you can't occupy it?
 12 A. Yes.
 13 Q. You understand this particular trailer
 14 was not only sited, but also occupied in the months
 15 preceding this explosion?
 16 A. Yes.
 17 Q. Okay. And you understood there was a
 18 meeting called by Mr. Seele regarding a management
 19 of change for that particular trailer?
 20 A. Yes, I knew they were doing it and that
 21 they had done an MOC on it.
 22 Q. Were you aware that there were two PACE
 23 representatives at that meeting?
 24 A. I did read that in the report.
 25 Q. Are you aware that they advised the other

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1 representatives at that meeting that persons at the
 2 ISOM unit needed to be brought in because of its
 3 proximity -- that is, the trailer's proximity -- to
 4 the ISOM unit?
 5 A. That was never brought to our attention
 6 at the time, no.
 7 Q. Brought to whose attention at the time?
 8 A. Anybody that I am aware of.
 9 Q. What about the people in the meeting?
 10 You said that wasn't brought to their attention?
 11 MR. PATTERSON: Objection, form.
 12 A. I don't know. I wasn't there.
 13 Q. (BY MR. COON) Okay. Well, you said it
 14 wasn't brought to their attention. I am trying to
 15 figure out who you are talking about.
 16 A. Anybody in -- in our area that would have
 17 brought that to my attention.
 18 Q. Okay. So, what is your understanding of
 19 what happened after this initial meeting?
 20 I say "the meeting." This is the
 21 MOC meeting with Kyle Seele.
 22 MR. PATTERSON: Objection, form.
 23 A. I am not really sure what -- when you say
 24 "the meeting," are you talking about the hazard
 25 analysis?

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1 Q. (BY MR. COON) Okay. Well, there is --
 2 A. I am not sure. I want to make sure I am
 3 talking about the right thing for you.
 4 Q. You -- well, Mr. Seele has been deposed;
 5 and he said there was a meeting of himself and
 6 other people out at the plant, including some PACE
 7 representatives --
 8 A. Uh-huh.
 9 Q. -- about locating this trailer there and
 10 that at the end of that meeting, there were some
 11 things that needed to be done.
 12 A. Action items.
 13 Q. And follow-up. Yes, sir.
 14 A. Yes, that would typically be the -- the
 15 hazard analysis meeting, then.
 16 Q. Okay. Do you know what those action
 17 items were?
 18 A. I know there were a few of them. I know
 19 from reading the report.
 20 Q. And what is your recollection as to what
 21 those were?
 22 A. There was issues around, I think, one of
 23 them was posting an evacuation route and the other
 24 one wasn't -- it slips my mind right now. I am
 25 sorry.

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1 Q. Okay. Do you understand that that
 2 management of change form to occupy those trailers
 3 was never commissioned?
 4 A. No, it wouldn't have been. They didn't
 5 complete what they were supposed to do based on the
 6 hazard analysis.
 7 Q. That's right.
 8 So, that trailer siting and
 9 occupancy was never commissioned by BP?
 10 A. No.
 11 Q. And pursuant to that policy, this trailer
 12 was not to be occupied by anyone until such time as
 13 they had been commissioned, correct?
 14 A. It should not have been.
 15 Q. And yet it was?
 16 A. Yes.
 17 Q. And it was for a number of months before
 18 this explosion?
 19 A. I am not sure exactly how long before it
 20 had been occupied.
 21 Q. Do you have any reason to dispute that it
 22 had been occupied for several months before the
 23 explosion on a regular basis?
 24 A. I don't have any reason to dispute that.
 25 I have no knowledge.

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1 Q. What, if anything, did you do as
 2 superintendent of the ISOM unit immediately
 3 adjacent to where these trailers were being located
 4 and occupied to undertake a determination that the
 5 trailers had, in fact, been properly commissioned?
 6 A. What did I do --
 7 Q. Yes, sir.
 8 A. -- personally?
 9 Q. Yes, sir.
 10 A. It would not have -- it would have needed
 11 to have come back to me.
 12 My expectation is that they would
 13 have come to me and asked me, "We want to occupy
 14 the trailer." Since that didn't happen, there were
 15 assumptions that were made and -- between the
 16 turnaround organization and ourselves that the
 17 turnaround organization had commissioned the MOCs
 18 for siting all of the trailers at the -- in between
 19 the NDU and the -- and the ISOM unit, as well as
 20 across the street at the ultracracker.
 21 Q. Okay. Maybe I missed some things.
 22 A. So, that's -- you know, to me, it was a
 23 misunderstanding in that.
 24 Q. There was misunderstanding --
 25 A. You know, we have been very clear about

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1 that.
 2 Q. Okay. There was misunderstanding between
 3 who and who?
 4 A. Between the turnaround organization --
 5 Q. Okay. Who?
 6 A. -- which was --
 7 Q. Who is the turnaround organization?
 8 A. Would typically be Risinger.
 9 Q. Okay. What was Risinger's responsibility
 10 at the time?
 11 A. The way I see it, the way I read the MOC
 12 policy?
 13 Q. Yes, sir.
 14 A. As the turnaround -- as the turnaround --
 15 I think they worded it -- I -- don't get me on the
 16 wording, but it's around the project manager, who
 17 is typically -- the superintendent will take care
 18 of the MOC process for anything related to projects
 19 on turnaround.
 20 Q. And in this case, you believe that to be
 21 a Mr. Risinger?
 22 A. Yes.
 23 Q. So, you believe he was ultimately
 24 responsible for making sure those trailers were
 25 properly commissioned before occupancy?

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1 MR. PATTERSON: Objection, form.
 2 A. Sorry.
 3 No, I'm -- I am not saying that he
 4 is ultimately responsible. There was several
 5 layers of responsibility that -- I think that broke
 6 down, including within Mr. Seele's organization,
 7 you know, being qualified PHA leaders, I think they
 8 knew, too, that they should have sought approval
 9 before occupying the trailer.
 10 Assumptions were made.
 11 MR. COON: Okay. Well, let's --
 12 let me object to some things.
 13 A. Okay.
 14 Q. (BY MR. COON) Just so I have a running
 15 explanation to things.
 16 A. All right.
 17 Q. With Mr. Seele, do you know why it was
 18 that he was even put in charge of being the leader
 19 for this MOC that day?
 20 A. I have absolutely no idea.
 21 Q. He doesn't even work in that plant, does
 22 he?
 23 A. I have no idea.
 24 Q. You didn't know he --
 25 A. I don't know Mr. Seele.

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1 Q. Did you not know until today that he did
 2 not work in the West Plant?
 3 A. No. I don't know Mr. Seele.
 4 Q. Okay. So --
 5 A. It --
 6 Q. So, would it surprise you to find out he
 7 didn't even work in that West Plant and was just
 8 asked to go over there that day to kind of fill in?
 9 MR. PATTERSON: Objection, form.
 10 A. I don't know.
 11 Q. (BY MR. COON) Is there any reason for
 12 you here today to believe he was a person that was
 13 to follow-up after this initial meeting unless
 14 instructed to by someone at BP?
 15 MR. PATTERSON: Objection, form.
 16 A. You are going to have to repeat that. It
 17 got confusing to me.
 18 Q. (BY MR. COON) Yes, sir.
 19 You know that Mr. Seele from
 20 looking at the MOC and from what you understood was
 21 a leader for convening this meeting for this
 22 JE Merit trailer siting.
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. COON) Correct?
 25 A. He was the PHA leader, I am assuming,

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1 yes.
 2 Q. Okay. Now, once he called the meeting
 3 and action items were put into place, what
 4 responsibility, if any, do you believe Mr. Seele to
 5 have continued to have retained over this trailer
 6 siting in light of the fact he did not even work on
 7 that side of the plant?
 8 MR. PATTERSON: Objection, form.
 9 A. I don't know where Mr. Seele worked. I
 10 don't know how often he was in there; and I
 11 understand what you're -- I think I understand what
 12 you are asking, yes.
 13 Q. (BY MR. COON) Yeah, it's confusing.
 14 A. I understand.
 15 Q. Mr. Hawkins --
 16 A. Yeah.
 17 Q. -- the problem that we are having is --
 18 is that nobody is wanting to accept responsibility,
 19 and we have talked to a bunch of people.
 20 A. I think BP has accepted --
 21 MR. PATTERSON: Whoa, whoa --
 22 objection, form.
 23 Wait for him to ask a question.
 24 Q. (BY MR. COON) We are having difficulty
 25 understanding, in light of how this happened,

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1 where -- where the failures occurred --
 2 A. Okay.
 3 Q. -- and who was ultimately responsible for
 4 making sure that these trailers did not get
 5 occupied until they were properly commissioned.
 6 And yes, I agree with you, sir,
 7 this has been a point of controversy; but we are
 8 having a lot of difficulty understanding how this
 9 happened, 1; and Number 2 is who at the end of the
 10 day at BP was ultimately responsible -- either
 11 individually or maybe multiple people were
 12 responsible for making sure this didn't happen.
 13 And that's where we are at.
 14 Mr. Seele says he was there that day, called the
 15 meeting, had the meeting, action items were left on
 16 the table; and as far as he was concerned, he was
 17 done with it. And I assume he was saying that.
 18 Are you disagreeing and saying
 19 once you start it, you are stuck with it until
 20 you're done?
 21 MR. PATTERSON: Objection, form.
 22 Object to the sidebar comment, ask that it be
 23 stricken from the record.
 24 You can answer to the extent that
 25 there is a question.

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1 A. I couldn't find the question.
 2 Q. (BY MR. COON) Okay. Well, I think the
 3 question was there at the end.
 4 The question is whether you know
 5 that once somebody like Mr. Seele is involved in
 6 this PHA, does the responsibility remain with them
 7 to complete the process?
 8 MR. PATTERSON: Objection, form.
 9 A. The responsibility for completing the
 10 action items goes to the people that they are
 11 assigned to.
 12 Q. (BY MR. COON) In this case, do you know
 13 who the action items were assigned to?
 14 A. I can't remember the names. I could look
 15 it up and show you in there.
 16 Q. Okay. Once the action items are
 17 undertaken, who is responsible for following up and
 18 completing the action items and making sure that
 19 the trailers have been subsequently commissioned?
 20 A. Then that would come back to me or my
 21 delegate, and that would only come back to us for
 22 approval once -- once all the action items were
 23 complete.
 24 Going through that, as you said,
 25 and confirming and following up on it, when you

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1 commission that, it asks you to do a -- if you have
 2 completed a pre-startup safety review.
 3 A pre-startup safety review in
 4 the -- in the Traction database goes to the action
 5 items then and shows the specific action items and
 6 that everything has been complete.
 7 And once you make that review,
 8 then you commission it; and that's what that
 9 language means to me.
 10 Q. Okay. Well, for instance, if one of the
 11 issues was the traffic considerations in the
 12 Avenue F and G and that was assigned a target date
 13 with the superintendent of Charles Logan and an
 14 individual was Randy Osborne, what does that tell
 15 you --
 16 MR. PATTERSON: Objection, form.
 17 Q. (BY MR. COON) -- about who's assigned
 18 that action item?
 19 A. It wasn't assigned to Charlie Logan.
 20 Q. You say it was not?
 21 A. No, it was not.
 22 Q. And how do you know that?
 23 A. If I could show you, I mean, it -- that
 24 may be a lot clearer if I just show you.
 25 Charlie Logan approved the -- the

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1 MOC to proceed and that's what that is saying right
 2 here. The person responsible would then be Randy
 3 Osborne for that. I don't know --
 4 Q. Okay.
 5 A. -- if that makes sense.
 6 Q. Do you know what Mr. Osborne did, if
 7 anything, to complete that action item?
 8 MR. PATTERSON: Objection, form.
 9 A. No, I do not.
 10 Q. (BY MR. COON) Okay. Well, assuming that
 11 that and other action items were still outstanding
 12 at the time of the explosion, where does the
 13 communication break down with respect to this
 14 trailer being occupied?
 15 MR. PATTERSON: Objection, form.
 16 A. Now, what am I assuming here?
 17 Q. (BY MR. COON) Well, we will assume that
 18 the trailer has outstanding action items.
 19 A. Uh-huh, yes.
 20 Q. So, it's not to be occupied.
 21 A. Yes.
 22 Q. But the trailer was put in a location to
 23 be placed and ready for occupancy pending the
 24 action items being approved and being commissioned,
 25 correct?

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1 A. That's correct.
 2 Q. In this case, we know from looking at
 3 documents that this trailer was never commissioned,
 4 correct?
 5 A. That's correct.
 6 Q. So, how is it that it could be occupied
 7 and allowed to be occupied by BP without it ever
 8 having been commissioned by BP?
 9 MR. PATTERSON: Objection, form.
 10 A. I don't think I could -- I don't think I
 11 can answer that question. I would just be making
 12 assumptions.
 13 Q. (BY MR. COON) Well, who -- who are the
 14 persons who would have been responsible for making
 15 sure that this trailer was not occupied without
 16 being commissioned?
 17 A. Let me put it to you this way: The
 18 people that were occupying the trailer that
 19 participated, now they certainly knew they had to
 20 have approval to go in there. That's why they are
 21 in there doing the PHA.
 22 The second thing is: Had it come
 23 to me directly for approval, I would have known it;
 24 and if they had completed these action items, I
 25 would have approved the MOC for occupancy because I

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1 had confidence -- I had to have confidence that
 2 they would have done their job, and the result
 3 would have been the same. That wouldn't have
 4 changed.
 5 The second thing is -- is: It
 6 initial -- it went for -- it went to Charles Logan,
 7 who was -- who approved this.
 8 Q. It was approved --
 9 A. The assumption was made -- he was --
 10 Q. I am sorry. Charles Logan approved what?
 11 A. To proceed for -- to do the MOC.
 12 Q. Okay.
 13 A. That's why his name -- that's why you see
 14 his name there.
 15 Q. He didn't approve the trailer to be
 16 occupied?
 17 A. No, never. Nobody ever approved that.
 18 Q. Okay. We understand that. We agree.
 19 A. Okay.
 20 Q. The question is: Who at BP was
 21 responsible for getting the people back out of the
 22 trailer or keeping them from being in there in the
 23 first place since it had not been commissioned?
 24 MR. PATTERSON: Objection, form.
 25 A. I don't think we have a system in place

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1 that allows that to take place where we have a form
 2 that goes on a trailer that says at the completion
 3 of the MOC, it's been approved. It's just -- what
 4 I -- I tried to make a comment that, you know,
 5 people made assumptions around this and they were
 6 wrong.
 7 I -- I assumed that it had been
 8 approved by somebody else or it wouldn't have been
 9 occupied. I knew it didn't come to me. So, I
 10 assumed it was approved by somebody else, either
 11 somebody in my organization or in the turnaround
 12 organization.
 13 That part was wrong.
 14 Q. (BY MR. COON) Did you ever ask in any of
 15 the meetings that you had every week out there at
 16 that unit who, under your control or supervision,
 17 had approved the utilization of that trailer by the
 18 contractors?
 19 A. Did I ask what, now?
 20 Q. Yes, sir. You had meetings every week
 21 out there, right?
 22 A. Typically, yes.
 23 Q. And you knew the trailers were located
 24 over there. You could see them out there.
 25 They weren't that far from the

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1 ISOM unit, right?
 2 A. Yes, they were quite a ways. They
 3 weren't anywhere near where we had meetings. But I
 4 mean, that's what you are asking. And yes, they
 5 were quite a ways away. They could not be seen
 6 from the control facility at all.
 7 Q. Okay. Are you telling me that you were
 8 not aware that trailers were there before the
 9 explosion occurred?
 10 A. I think I already answered that question.
 11 I told you that I was.
 12 Q. You were aware that they were there. You
 13 walked the premises. As superintendent you would
 14 go out and occasionally walk the perimeter of the
 15 area that you were responsible for, didn't you?
 16 A. Periodically.
 17 Q. And you were aware that those trailers
 18 were there and that they were occupied by
 19 contractors before this explosion?
 20 A. To some extent, that is correct.
 21 Q. It was not only the Merit trailer but a
 22 Fluor trailer and other trailers that were in the
 23 general vicinity of the ISOM unit --
 24 A. Later.
 25 Q. -- all within 350 feet of that unit?

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1 A. Later. That is correct.
 2 Q. You were aware -- well, not just later,
 3 you were aware of those trailers being located in
 4 an area adjacent to the ISOM unit in the number of
 5 months prior to this explosion --
 6 MR. PATTERSON: Objection.
 7 Q. (BY MR. COON) -- including the time when
 8 you were superintendent of the very unit that did
 9 explode?
 10 MR. PATTERSON: Objection, form.
 11 A. I don't remember the exact timing the
 12 other trailers were brought in, but they were there
 13 before the ISOM event.
 14 Q. (BY MR. COON) And they were there before
 15 you relinquished control as superintendent of the
 16 ISOM unit?
 17 MR. PATTERSON: Objection, form.
 18 A. It's quite possible.
 19 Q. (BY MR. COON) In fact, it's a fact?
 20 MR. PATTERSON: Objection, form.
 21 A. It's quite possible.
 22 Q. (BY MR. COON) And you worked and walked
 23 the perimeter of the confines of the ISOM unit and
 24 other units that you were responsible for on a
 25 regular basis?

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1 A. No, I -- I don't walk the confines on a
 2 regular basis.
 3 I have walked through the unit. I
 4 do walk the units, especially when there are
 5 problems going on; but I don't walk the confines of
 6 the unit on a regular basis.
 7 Q. You were aware that those trailers were
 8 there, though, and that they were occupied?
 9 MR. PATTERSON: Objection, form.
 10 A. I think I have answered that question
 11 twice already.
 12 Q. (BY MR. COON) And the answer is "yes"?
 13 MR. PATTERSON: Objection, form.
 14 A. Do you really need me to answer it again?
 15 I will.
 16 Q. (BY MR. COON) I am not trying to be --
 17 A. I mean, I have answered it twice.
 18 MR. PATTERSON: Wait until he asks
 19 a question --
 20 THE WITNESS: Okay.
 21 MR. PATTERSON: -- and answer
 22 the question.
 23 THE WITNESS: I'm sorry. I
 24 apologize.
 25 MR. COON: Okay. I am not trying

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1 to be argumentative.
 2 MR. PATTERSON: Wait for a
 3 question. Let him keep talking.
 4 THE WITNESS: Yes.
 5 Q. (BY MR. COON) We are trying to
 6 understand the person or persons who are
 7 responsible, whether it's one or more in the employ
 8 of BP, for allowing these trailers to be out there
 9 and be occupied by contractors on your premises
 10 without having gone through proper commissioning.
 11 We have established one or more of these trailers
 12 had not been commissioned.
 13 In fact, some of those trailers
 14 did not even have an MOC on them, did they?
 15 MR. PATTERSON: Objection, form.
 16 Object to the sidebar and ask that it be stricken.
 17 Q. (BY MR. COON) Are you aware that some of
 18 the trailers located there had never been MOCed?
 19 A. Is it the ISOM or in the site?
 20 Q. Near the ISOM unit?
 21 A. Yes, I read that in the report.
 22 Q. Are you aware the Fluor trailer that
 23 disintegrated was not MOCed?
 24 MR. BOND: At this point, I need
 25 to cut in.

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1 MR. COON: Okay.
 2 A. I'm sorry. What was that again?
 3 MR. PATTERSON: Read it back.
 4 A. Yes, I read that in the report.
 5 Q. (BY MR. COON) And you are not disputing
 6 that?
 7 A. No, I am not.
 8 Q. And what person or persons do you believe
 9 to have some level of responsibility in the employ
 10 of BP for the location of those trailers to make
 11 sure they were not being occupied until they were
 12 properly commissioned?
 13 MR. PATTERSON: Objection, form.
 14 A. The trailers that were brought in after
 15 the JE Merit trailer.
 16 Q. (BY MR. COON) Well, let's talk about the
 17 Merit trailer.
 18 What person or persons in the
 19 employ of BP were responsible for making sure that
 20 those were not properly -- that they were not
 21 occupied until they were properly commissioned?
 22 MR. PATTERSON: Objection, form.
 23 A. I am confused now.
 24 THE WITNESS: Can I read this? Is
 25 that okay?

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1 MR. COON: Yes, sir.
 2 A. That's what I have been going through
 3 with you. That's where I think there is this
 4 confusion. It's not clear accountability within
 5 our organization.
 6 Q. (BY MR. COON) Okay. Are you saying --
 7 A. You can read the MOC process. It's going
 8 to tell you two different things and that's what I
 9 am going to tell you.
 10 Q. So, you are saying that you can't name --
 11 did you say --
 12 MR. BOND: All right. I've got to
 13 go in. You have eaten 15 minutes of my time here.
 14 MR. COON: I am sorry. I give you
 15 the floor.
 16 MR. BOND: That's all right.
 17 * * *
 18 EXAMINATION
 19 Q. (BY MR. BOND) My name is Trent Bond. I
 20 represent the estate of Ryan Rodriguez and the
 21 mother of Ryan Rodriguez.
 22 Do you know Ryan?
 23 A. No, I do not.
 24 Q. But you know he is one of the people that
 25 were killed in the Merit trailer, don't you?

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1 A. I don't know names specifically in -- if
 2 you are telling me that you are representing the
 3 estate, then I -- yes.
 4 Q. Have you ever heard of Ryan Rodriguez
 5 before?
 6 A. I have heard the name.
 7 Q. Okay. Because he was in one of the
 8 trailers that you didn't commission that Mr. Coon
 9 has been talking about.
 10 Do you bear any responsibility for
 11 that?
 12 MR. PATTERSON: Objection, form.
 13 A. I think everybody at BP bears
 14 responsibility, and that's my comment on that. I
 15 think we all take a piece of that.
 16 Q. (BY MR. BOND) If everybody bears
 17 responsibility, then nobody does.
 18 My question to you is: Do you
 19 bear responsibility for it --
 20 MR. PATTERSON: Objection --
 21 Q. (BY MR. BOND) -- you specifically?
 22 MR. PATTERSON: Object to form.
 23 Object to the sidebar.
 24 A. What is your question? Bear
 25 responsibility for what?

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1 Q. (BY MR. BOND) For the trailer being out
 2 there without having a proper -- without it being
 3 properly MOCed?
 4 MR. PATTERSON: Same objection.
 5 A. I think based on what I know and what
 6 assumptions were made and as I have explained
 7 earlier, no, it was not -- there was nothing
 8 intentional.
 9 Q. (BY MR. BOND) You -- you didn't
 10 intentionally do it, but don't you think that --
 11 Kyle Seele said once he hands the ball off, it's up
 12 to the superintendent.
 13 That's you, right?
 14 MR. PATTERSON: Object to the
 15 form. Object to the sidebar part of the question.
 16 Q. (BY MR. BOND) That's you, right?
 17 A. For what? You are just --
 18 Q. To complete the action item?
 19 A. No.
 20 Q. You said once he does it --
 21 A. No.
 22 MR. PATTERSON: Listen to his
 23 question. You guys are going to talk over each
 24 other.
 25 You need to let him finish his

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1 speech --
 2 THE WITNESS: Okay.
 3 MR. PATTERSON: -- and then --
 4 THE WITNESS: I'm sorry.
 5 MR. PATTERSON: -- let me make my
 6 objection and then you can answer him.
 7 MR. BOND: I have been sitting for
 8 five and a half hours. I have been waiting to --
 9 MR. PATTERSON: I understand.
 10 MR. BOND: So, I am still -- I'm
 11 still a little antsy.
 12 THE WITNESS: Oh, I am sorry.
 13 MR. BOND: That's okay. No, it's
 14 my fault, not yours. I should know better.
 15 Q. (BY MR. BOND) My question is: Mr. Seele
 16 said that, basically, once he completes the MOC,
 17 then he hands the ball off to you, the
 18 superintendent, to make sure the action items are
 19 complete.
 20 MR. PATTERSON: Objection, form.
 21 Q. (BY MR. BOND) Is that true or untrue?
 22 A. I will explain it again.
 23 The action items do not come to me
 24 for completion. It is not my responsible --
 25 responsibility to complete those action items. And

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1 I have tried to explain that.
 2 What happens is: When the
 3 responsible people complete their action items,
 4 then it will come back to me for review before I
 5 approve to proceed. And I do that by completing
 6 what is called a commissioning or pre-startup
 7 safety review that takes me to a tab that allows me
 8 to see that they have been completed and that is --
 9 that is what I understand my responsibility to be.
 10 Q. But you would have sited it anyway? Even
 11 if everything had been done properly, you would
 12 have sited it, correct?
 13 MR. PATTERSON: Objection, form.
 14 Q. (BY MR. BOND) Right?
 15 A. If everything would have done -- been
 16 done properly on the MOC, would it have been
 17 approved to proceed? Is that your question?
 18 Q. Yes.
 19 A. Most likely it would have been.
 20 Q. Okay. And you would have sited this
 21 knowing that -- of these prior incidences at the
 22 ISOM, correct?
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. BOND) And I am talking about the
 25 February, 2005 and March 25th, 2004, upsets.

<p style="text-align: right;">Page 346</p> <p>1 You would have still sited it 2 there? 3 MR. PATTERSON: Objection, form. 4 A. It is quite possible that we would have. 5 We didn't realize the magnitude. We didn't 6 appreciate what happened on March 23rd. 7 Q. (BY MR. BOND) Well, have you -- 8 A. It was much more significant than the 9 events that you are referring to. 10 Q. Well, I mean, are you familiar with a 11 failure tree analysis? Do you know what I am 12 talking about when I say something like that? 13 A. Yes. 14 Q. Okay. Tell me what that is. 15 A. It's the -- looking for branching off and 16 looking at root cause, trying to get to what 17 happened in a failure. 18 Q. Okay. Because basically what you have 19 is -- you look at the unit almost like a tree, and 20 that's kind of the way they do it, right? 21 A. We don't typically use those too much, 22 but I have seen them before. Yeah. 23 Q. All right. You have the roots, which, I 24 guess, is a feedstock coming into the unit, 25 correct?</p>	<p style="text-align: right;">Page 348</p> <p>1 the trunk. 2 You have the process and 3 procedures. Is that fairly accurate? 4 MR. PATTERSON: Objection, form. 5 A. Yeah, I guess you could say that. I mean 6 if -- 7 Q. (BY MR. BOND) And then it branches off 8 into the pipes and the pumps, correct? 9 MR. PATTERSON: Objection. 10 Q. (BY MR. BOND) And eventually, it's going 11 to bear fruit, correct? And that's going to be a 12 product, right? 13 MR. PATTERSON: Objection, form. 14 A. I have never heard it identified -- I 15 understand what you are saying -- 16 Q. (BY MR. BOND) Okay. 17 A. -- in the process but... 18 Q. Now, in this case, you had some -- some 19 breakdowns in the process, correct, sir? 20 MR. PATTERSON: Objection, form. 21 A. And what are you referring to? 22 Q. (BY MR. BOND) Well, blowing up the plant 23 and killing 15 people kind of had been a breakdown 24 in the process, correct, sir? 25 A. I would have to know -- what process are</p>
<p style="text-align: right;">Page 347</p> <p>1 MR. PATTERSON: Objection, form. 2 Q. (BY MR. BOND) And you look at that 3 process? 4 A. You could. 5 Q. Okay. Because basically this is all a 6 process safety management because you are talking 7 about it, correct? 8 A. (Nods head.) 9 Q. Correct, sir? 10 You have to answer out loud. 11 A. Excuse me. Getting dry. 12 It is around safety management? 13 Q. Process safety management? 14 A. Process safety management? 15 Q. Uh-huh. 16 A. What is? Operating a facility? 17 Q. Operating a unit. 18 A. Operating a unit, that's what I am 19 referring to. I wanted to be clear what you were 20 asking. 21 Yes. 22 Q. And -- and you look at this -- in this 23 failure tree analysis, you kind of go through these 24 steps. You have the roots, which is a feedstock 25 that goes up into the unit itself, which could be</p>	<p style="text-align: right;">Page 349</p> <p>1 you referring to? 2 Q. Well, you had, you know, the geyser-like 3 flow out of the F-20 blowdown stack. 4 That wasn't a good thing, was it? 5 A. No, that wasn't a good thing. 6 Q. Okay. And you had prior instances on the 7 ISOM unit where raffinate had been vented to the 8 atmosphere through the blowdown stack, right? 9 A. I am not aware of liquid raffinate. 10 Q. Do you get vapor out there? 11 A. That's the way the drum was designed to 12 operate, yes. 13 Q. Well, but the fact is, it -- it operated 14 pursuant to design, didn't it, sir? 15 MR. PATTERSON: Objection, form. 16 Q. (BY MR. BOND) It overfilled and 17 everything just came right on up. 18 MR. PATTERSON: Objection, form. 19 Q. (BY MR. BOND) That thing acted just 20 exactly right, right? 21 A. You could assume that. 22 Q. Okay. There was no -- was there any 23 interlocks or anything? Do you know what I am 24 talking about with an interlock? 25 A. Yes, I do.</p>

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1 Q. Are those technologically feasible?
 2 A. Are they technologically -- yes, they
 3 are.
 4 Q. Okay. I mean, because basically you
 5 could have a mechanical system that would actually
 6 prevent this from happening, correct?
 7 A. Right.
 8 I mean, that's what you do a
 9 layers of protection analysis for and -- and you
 10 look at your HAZOP and see what your layers of
 11 protection are --
 12 Q. But y'all --
 13 A. -- is that correct?
 14 Q. And y'all didn't have that at this ISOM
 15 unit, did you, sir?
 16 A. Yes, you do.
 17 Q. What -- what -- what mechanical interlock
 18 did you have, sir?
 19 A. Well, I -- I -- I talked about layers of
 20 protection.
 21 Q. Well, what mechanical -- I guess --
 22 A. We had no mechanical interlocks. I have
 23 answered that. You are correct, sir.
 24 Q. So, you had nothing to stop human error,
 25 correct?

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1 MR. PATTERSON: Objection, form.
 2 A. Well, let me think of how you are
 3 phrasing that.
 4 Q. (BY MR. BOND) Sure.
 5 A. Please.
 6 You had nothing to stop multiple
 7 failures in -- in human error.
 8 Q. Okay. And it happened on May 24th, 2004,
 9 correct?
 10 MR. PATTERSON: Objection, form.
 11 Q. (BY MR. BOND) You have read this report,
 12 right?
 13 A. Yes, I have read this report.
 14 Q. Where you had tower relief valves lifted
 15 the F-20 blowdown stack during an upset due to
 16 power failure?
 17 A. Yes.
 18 Q. Okay.
 19 A. Different situation.
 20 Q. I understand it was different --
 21 A. Yes.
 22 Q. -- but you had the same end result?
 23 A. No. No, you didn't have the same result.
 24 Q. What was the difference, other than
 25 people -- the magnitude?

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1 A. The liquid. It was a liquid release
 2 scenario, not a vapor scenario as RV are designed
 3 to operate.
 4 Q. Are you aware that the incident happened
 5 at the ULC?
 6 A. I am not familiar with it, but if you
 7 could refresh me on it --
 8 Q. Sure.
 9 A. -- maybe I can --
 10 Q. I will show you the incident report.
 11 A. Okay.
 12 (Examines document.)
 13 Q. Are you aware of that incident, sir?
 14 A. Not specifically, but I have some
 15 knowledge of this, yes.
 16 Q. Okay. Tell me what happened on that, in
 17 that incident.
 18 A. I will have to --
 19 MR. PATTERSON: Objection, form.
 20 A. I will have to read the report and tell
 21 you. My understanding was that oil overflowed to
 22 the sewer.
 23 Q. (BY MR. BOND) Was that liquid going out?
 24 A. Out the -- no, it didn't go out the --
 25 the -- is the way I understood it.

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1 Q. Why don't you read the summary? I will
 2 give you the chance to read that summary.
 3 A. Okay.
 4 Q. I will find it for you so it will be
 5 quick reading.
 6 A. Okay.
 7 (Examines document.)
 8 Yes.
 9 Q. What happened in that, on that incident?
 10 MR. PATTERSON: Objection, form.
 11 Q. (BY MR. BOND) Go ahead.
 12 A. Just what I said. It overflowed on the
 13 bottom. It did not overflow the top of the
 14 blowdown drum. That's what this report says right
 15 here.
 16 Q. Did it come out of the blowdown drum,
 17 sir?
 18 A. Did it come out?
 19 Q. Uh-huh.
 20 MR. PATTERSON: Objection, form.
 21 A. Where in the blowdown are you asking me?
 22 Q. (BY MR. BOND) It doesn't matter.
 23 I am asking you: Did it come out
 24 of the blowdown drum?
 25 A. It came out.

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. BOND) Go ahead.
 3 A. It came out, as it was designed to
 4 operate, on the gooseneck.
 5 Q. Okay. And you had it venting to --
 6 venting to the atmosphere, correct, sir?
 7 A. I am assuming there was some, yes.
 8 Q. And you had what -- how many barrels?
 9 20 barrels --
 10 A. Something like that.
 11 Q. -- of diesel coming out?
 12 A. Yes.
 13 MR. PATTERSON: Objection, form.
 14 Q. (BY MR. BOND) How close is that ULC --
 15 A. It wasn't 20 barrels. It was 20 pounds.
 16 Q. How close was --
 17 A. Or it may be barrels, I can't read.
 18 Q. Barrels.
 19 How close was that to the ISOM
 20 unit? About a hundred feet?
 21 A. No. It's across the road on the -- I
 22 think this -- I think that's near the -- I am not
 23 real sure where that is physically on the
 24 ultracracker, but I think it's like on the north
 25 road of the ultracracker, possibly.

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1 Q. Do you know how far that is from the
 2 ISOM, the West Plant ultracracker?
 3 A. I know how far the ultracracker is. I
 4 thought you were asking me how far the blowdown
 5 drum was.
 6 Q. Where -- where is -- how far?
 7 A. I am not real sure where the blowdown
 8 drum sits on that unit.
 9 Q. Well, just tell me where the ultracracker
 10 is.
 11 A. The ultracracker is across the street.
 12 Q. About a hundred feet from the ISOM unit?
 13 A. Yeah, approximately.
 14 Q. Okay.
 15 A. Maybe. Maybe -- as far as the battery
 16 limits? Is that what you are referring to?
 17 Q. Uh-huh.
 18 A. Possibly.
 19 Q. All right. And this is a place where
 20 y'all -- or I guess you didn't do an MOC for the
 21 trailers that you put those 15 men in, correct?
 22 MR. PATTERSON: Objection, form.
 23 Q. (BY MR. BOND) This is pretty close to
 24 that, right?
 25 MR. PATTERSON: Same objection.

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1 A. I am not real sure where that blowdown
 2 drum is. I really don't know.
 3 Q. (BY MR. BOND) I am just talking about
 4 the ultracracker where all this originated.
 5 Is that pretty close to where the
 6 trailers were, sir?
 7 A. It was -- yeah, it's relatively close.
 8 It was initiated by -- the ultracracker was the one
 9 that wanted to do that. So, yeah, it was for their
 10 turnaround.
 11 Q. All right. Didn't mean to put the
 12 trailers --
 13 A. Yeah.
 14 Q. -- there in the first place?
 15 A. It had nothing to do with the ISOM.
 16 Q. I understand that.
 17 And, in fact, was it kind of a
 18 surprise to you that the person, the team leader,
 19 didn't even know -- had never been to the ISOM
 20 unit?
 21 MR. PATTERSON: Objection, form.
 22 A. Who are you referring to? I don't
 23 know what you're --
 24 Q. (BY MR. BOND) Mr. Seele, he had never
 25 been to the ISOM unit.

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. BOND) Did that kind of surprise
 3 you?
 4 A. Does that surprise me?
 5 Q. Yes. Does it surprise you?
 6 A. I don't know Kyle Seele. I don't -- I
 7 don't -- does it surprise me in what sense?
 8 Q. As team leader doing an MOC where you are
 9 fixing to put 15 men next to a unit, that he has
 10 never even been there?
 11 MR. PATTERSON: Objection, form.
 12 A. All I know is: It is the practice out
 13 there where people conduct PHAs and hazard analysis
 14 on units they have never worked on.
 15 Q. (BY MR. BOND) That's a pretty bad
 16 practice.
 17 Don't you agree, sir?
 18 MR. PATTERSON: Objection, form.
 19 A. I think there is room for improvement.
 20 Q. (BY MR. BOND) There is a lot of room for
 21 improvement.
 22 Don't you think, sir?
 23 MR. PATTERSON: Objection, form.
 24 A. I think there is room for improvement.
 25 Yes, sir.

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1 Q. (BY MR. BOND) If you were running the
 2 plant out there, you wouldn't have done it like
 3 that, right?
 4 MR. PATTERSON: Objection, form.
 5 A. I would have done it like what?
 6 Q. (BY MR. BOND) Would you have had a team
 7 leader out there that had never been to the ISOM
 8 unit?
 9 MR. PATTERSON: Objection, form.
 10 Q. (BY MR. BOND) Doing the MOC to site
 11 trailers next to it?
 12 A. Prior to March 23rd?
 13 Q. Either way. Both. March 23rd?
 14 A. Prior to March 23rd, that would be real
 15 hard to answer. It was a very common practice, and
 16 that's the way we did our business.
 17 Since then, I wouldn't.
 18 Q. Okay. I guess like some people didn't
 19 wear their seat belts prior to being in a car
 20 accident. It's not a good practice to do, but
 21 people did it anyway.
 22 MR. PATTERSON: Objection, form.
 23 Q. (BY MR. BOND) Fair enough?
 24 A. It could be considered a good analogy.
 25 Q. Okay. Now, as a supervisor of the ISOM,

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1 you were pretty close to -- that day on the
 2 accident, to the trailers?
 3 A. Yes, I was.
 4 Q. But you didn't see anybody, any of the
 5 people that were killed at that time?
 6 A. No, I did not.
 7 Q. Okay. Where did you go?
 8 A. I went to the ISOM unit.
 9 Q. Okay. Just to help in other areas?
 10 A. I beg your pardon?
 11 Q. What were you doing in the ISOM unit when
 12 you went out there?
 13 A. Looking for people.
 14 Q. Okay. You just didn't see anybody or you
 15 did you see just the ones that were injured?
 16 A. I saw some people that were injured.
 17 Q. Okay. Did you see any -- but you didn't
 18 see anyone who were Merit employees, Mr. Rodriguez
 19 or anyone like that?
 20 A. No, I did not.
 21 Q. Did you talk to anybody who might have
 22 seen Mr. Rodriguez after the incident?
 23 A. No, sir, I did not.
 24 Q. Okay. Did you talk to anybody that might
 25 have seen him alive after the incident?

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1 A. No, sir, I did not.
 2 Q. Do you know Pat Nickerson?
 3 A. No, sir, I do not.
 4 MR. BOND: I think Mr. Stevenson
 5 has got some questions.
 6 I am going to pass the witness.
 7 * * *
 8 EXAMINATION
 9 Q. (BY MR. STEVENSON) Good afternoon, sir.
 10 A. How are you doing?
 11 Q. You -- obviously, you are a member of BP
 12 management, right?
 13 A. Yes, sir.
 14 Q. Have been for quite some time?
 15 A. Yes, sir.
 16 Q. You invited people onto your premises out
 17 at Texas City before this explosion occurred.
 18 Correct statement?
 19 A. I don't understand the statement.
 20 Q. You invited contractors, like Ryan
 21 Rodriguez, like Merit, like Fluor, out to your
 22 premises, didn't you?
 23 MR. PATTERSON: Objection, form.
 24 A. I don't -- the invited, I don't know. I
 25 guess I struggle with that.

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1 Q. (BY MR. STEVENSON) They came out there
 2 to do work at your request --
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. STEVENSON) -- right?
 5 A. No.
 6 Q. They came out there to do work at BP's
 7 request, didn't they?
 8 A. Yes.
 9 Q. All right. What I want to ask you and
 10 talk to you about is reasonable expectations.
 11 Okay?
 12 The contractors, could they
 13 reasonably expect BP to comply with the law?
 14 MR. PATTERSON: Objection --
 15 Q. (BY MR. STEVENSON) Was that a reasonable
 16 expectation, sir?
 17 MR. PATTERSON: Objection, form.
 18 A. I would just be speculating on what the
 19 contractors thought.
 20 Is that what you are asking me?
 21 Q. (BY MR. STEVENSON) What I am asking you,
 22 sir, is: When you invite a person out there to do
 23 work at your premises --
 24 A. Yes, sir.
 25 Q. -- is it a reasonable expectation on

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1 their part that you will comply with the applicable
 2 law?
 3 MR. PATTERSON: Objection.
 4 Q. (BY MR. STEVENSON) Is that a reasonable
 5 expectation or not, sir?
 6 MR. PATTERSON: Objection, form.
 7 A. I think I understand, and I -- the answer
 8 is yes.
 9 Q. (BY MR. STEVENSON) Okay. And the answer
 10 is also yes to the question: Are they reasonably
 11 entitled to rely upon the fact that you, BP, will
 12 comply with all applicable OSHA regulations?
 13 True?
 14 MR. PATTERSON: Same objection.
 15 A. It just -- it strikes -- the way you are
 16 asking the question -- is that what we should do?
 17 Yes.
 18 Q. (BY MR. STEVENSON) All right.
 19 A. Okay.
 20 Q. And BP also should comply with reasonable
 21 and appropriate engineering standards and protocol.
 22 Do you agree with that, sir?
 23 A. Yes.
 24 Q. Do you agree with the statement that BP
 25 should conduct an appropriate PHA, or process

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1 hazard analysis, to determine the hazards
 2 associated with their equipment?
 3 Do you agree with that statement,
 4 sir?
 5 A. Yes.
 6 Q. And do you agree that the contractors,
 7 including Mr. Rodriguez when he was out there at
 8 your site before he died, that he was entitled to
 9 rely upon BP operators to follow their own
 10 procedures and rules?
 11 MR. PATTERSON: Objection, form.
 12 Q. (BY MR. STEVENSON) Could he rely upon
 13 that, sir?
 14 A. Could he or should he? What was your --
 15 Q. Both. Could he rely upon you to do your
 16 job and your operators to do their job and follow
 17 their rules?
 18 A. He should.
 19 Q. "Yes" or "no"?
 20 A. He should.
 21 Q. Can he rely -- or could he rely upon BP
 22 to learn from prior occurrences and prior mistakes
 23 that occurred out there at the premises?
 24 MR. PATTERSON: Objection, form.
 25 A. I would say yes.

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1 Q. (BY MR. STEVENSON) Including fires,
 2 explosions, hydrocarbon leakage, things of that
 3 nature, right?
 4 MR. PATTERSON: Same objection.
 5 A. It just seems weird that I am answering
 6 questions for what somebody else -- what you are
 7 saying somebody should expect.
 8 MR. BOND: Objection,
 9 nonresponsive.
 10 Q. (BY MR. STEVENSON) Could Mr. Rodriguez
 11 prior to his death, have reasonably expected BP to
 12 learn from and act upon prior fires, explosions and
 13 hydrocarbon leaks at your Texas City facility?
 14 MR. PATTERSON: Objection, form.
 15 A. I think that would be reasonable.
 16 Q. (BY MR. STEVENSON) Yes, sir.
 17 And what would be reasonable is --
 18 is: Once you have a fire, you have an explosion,
 19 you have a leak, you find out how it occurred and
 20 how to prevent it from happening again, don't you?
 21 A. That is a process, yes.
 22 Q. Yes, sir. That is the appropriate
 23 process. That is a reasonable process. That is
 24 the prudent process that companies like BP should
 25 conform to.

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1 Am I correct, sir?
 2 A. Yes.
 3 Q. So, however many fires, explosions,
 4 hydrocarbon leaks that occurred out there in the
 5 years preceding Mr. Rodriguez's death, BP should
 6 have investigated, find out why those occurred and
 7 how to prevent those from happening again.
 8 Agree with me?
 9 A. I think that's reasonable, yes, sir.
 10 Q. Now, do you agree with me that the
 11 contractors should be warned before the startup of
 12 a unit where they could be exposed to death or
 13 serious or catastrophic personal injury?
 14 MR. PATTERSON: Objection, form.
 15 Q. (BY MR. STEVENSON) Do you agree with me,
 16 sir?
 17 A. Since March 23rd, I absolutely agree with
 18 you on surrounding areas of a process unit. Our
 19 process was to always warn people on the facility
 20 itself. We never looked beyond the boundaries.
 21 MR. STEVENSON: Object to the
 22 responsiveness.
 23 Q. (BY MR. STEVENSON) Do you agree with me,
 24 sir, that prior to this explosion, that the
 25 contractors had a right to be warned about being in

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1 a situation near the startup of a unit that could
 2 cost them their lives?
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. STEVENSON) "Yes" or "no"?
 5 A. Hindsight, I think they should have been
 6 warned.
 7 Q. Well, foresight, hindsight, however you
 8 look at it --
 9 A. Uh-huh.
 10 Q. -- if BP was exercising prudence, they
 11 would have warned these people, wouldn't they? And
 12 they recognize that in their own report, don't
 13 they?
 14 A. They --
 15 MR. PATTERSON: Objection, form.
 16 A. It is --
 17 Q. (BY MR. STEVENSON) Don't they?
 18 A. It is noted in there that the evacuation
 19 horn wasn't blown, and it should have been blown.
 20 Q. You agree?
 21 A. And I agree with that.
 22 Q. All right. And then, do you agree with
 23 me that people like Mr. Rodriguez who are sitting
 24 in a trailer getting -- when you are getting ready
 25 to start up a unit like the one that was being

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1 started up before this explosion, had the right to
 2 expect you to comply with BP rules concerning
 3 appropriate and proper siting of those trailers?
 4 MR. PATTERSON: Objection, form.
 5 A. I go back to the same thing. It's just
 6 the way you are asking your question. I am sorry.
 7 You are asking me to -- what I think Mr. Rodriguez
 8 should have --
 9 Q. (BY MR. STEVENSON) Well, it --
 10 A. -- should expect.
 11 Q. Well, there are 15 people that are dead.
 12 We can agree on that, right?
 13 A. Yes, sir.
 14 Q. And there were people in these trailers
 15 and they were put there in a position where it
 16 violated your own rules and regulations because you
 17 didn't have it properly permitted.
 18 Agreed?
 19 MR. PATTERSON: Objection, form.
 20 A. I am not going to argue semantics. I
 21 think overall what you are saying is correct.
 22 Q. (BY MR. STEVENSON) Yes, sir.
 23 And they had a right before they
 24 were put in harm's way for you to comply with your
 25 own rules and regulations, right?

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. STEVENSON) Right?
 3 A. Repeat the question, please.
 4 Q. Yes, sir.
 5 Before they were put in harm's
 6 way, before they were put in a situation where an
 7 explosion was going to occur and cost 15 lives,
 8 couldn't they reasonably inspect -- expect that you
 9 would follow your own rules?
 10 MR. PATTERSON: Same objection.
 11 A. Yes.
 12 Q. (BY MR. STEVENSON) Now, you were asked
 13 some questions, sir, and shown some memos up here
 14 about some complaints made at the BP facility where
 15 decisions were being made, reportedly, on the basis
 16 of greed.
 17 Do you remember the document you
 18 were shown in that regard?
 19 A. To some extent, yes.
 20 Q. And do you remember that decisions were
 21 also being made without lack of experienced
 22 leadership?
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. STEVENSON) Do you remember that
 25 document, sir?

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1 A. Where comments were made about that?
 2 Q. Yes, sir.
 3 A. I remember seeing that on the document,
 4 yes.
 5 Q. And of course, you've got 15 people out
 6 there who are now dead.
 7 Do you think that they had a right
 8 to reasonably expect that BP's decision out on
 9 these premises were not based on greed?
 10 MR. PATTERSON: Objection, form.
 11 Q. (BY MR. STEVENSON) "Yes" or "no"?
 12 MR. PATTERSON: Same objection.
 13 A. You are going to have to repeat the
 14 question. You got me on that.
 15 Q. (BY MR. STEVENSON) Yes, sir.
 16 We know 15 people are dead, right?
 17 A. We have established that, yes, sir.
 18 Q. All right. We know that complaints were
 19 being made that decisions were being made at those
 20 premises before these people died, decisions being
 21 made on greed?
 22 A. I don't know that.
 23 Q. To save money?
 24 A. I don't know that. I don't have
 25 knowledge of that.

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1 Q. Well, assuming that complaint to be true,
 2 sir, is it reasonable for people that come onto
 3 your premises to expect that BP will act with
 4 prudence and will not act based upon greed?
 5 MR. PATTERSON: Object to the
 6 sidebar part of that and to the question, form.
 7 You can answer.
 8 A. From the beginning, I can't -- I can't
 9 assume because somebody said that, that it's true
 10 and comment on that.
 11 Q. (BY MR. STEVENSON) Well, it wasn't any
 12 of the 15 people that were dead that said it.
 13 It was a BP person that said it,
 14 wasn't it?
 15 MR. PATTERSON: Objection, form.
 16 A. I didn't disagree that it was said.
 17 Q. (BY MR. STEVENSON) Well, when you are
 18 talking about safety, is it proper to make
 19 decisions based on greed, sir?
 20 A. When you are talking about safety?
 21 Q. Yes, sir.
 22 A. Make decisions based on greed?
 23 Q. Yes.
 24 A. No. No.
 25 Q. Now, could Ryan Rodriguez and the other

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1 14 people that died out there have reasonably
 2 expected that there were going to be enough
 3 operators in that control room to properly monitor
 4 that board?
 5 MR. PATTERSON: Objection, form.
 6 A. Based on established procedures, there
 7 were.
 8 MR. STEVENSON: I object to the
 9 responsiveness.
 10 Q. (BY MR. STEVENSON) Could they reasonably
 11 expect that there were going to be enough people to
 12 properly monitor the board?
 13 MR. PATTERSON: Same objection.
 14 A. They should expect that we have our
 15 normal staffing levels.
 16 Q. (BY MR. STEVENSON) And should they
 17 expect that BP's equipment on its board will be
 18 working properly?
 19 MR. PATTERSON: Same objection.
 20 A. Yes.
 21 Q. (BY MR. STEVENSON) Can they expect BP's
 22 alarm systems to work?
 23 MR. PATTERSON: Same objection.
 24 A. I am going to -- you know, I go back to
 25 the same thing. You just -- you just keep asking

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1 me to what --
 2 Q. (BY MR. STEVENSON) Well, should the
 3 alarm systems work?
 4 A. Yes.
 5 Q. Should they be placed in the appropriate
 6 position?
 7 A. Yes.
 8 Q. They weren't -- they didn't work, and
 9 they weren't placed in the appropriate position
 10 here, were they?
 11 A. Not all the alarms worked, but alarms
 12 worked.
 13 Q. Well, not enough of them to prevent 15
 14 deaths.
 15 Agreed?
 16 A. And there were other indications out
 17 there of what was going on, yes.
 18 Q. Well, how about the 15 people that --
 19 that died, could they reasonably expect that your
 20 operators wouldn't ignore obvious malfunctions of
 21 their system during the startup?
 22 MR. PATTERSON: Objection, form.
 23 A. Would they expect it or would I expect
 24 that they wouldn't ignore?
 25 Q. (BY MR. STEVENSON) Well, would you

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1 expect your own operators to ignore an obvious
 2 malfunction of a system during the startup?
 3 A. No.
 4 Q. Do you approve of that, sir?
 5 A. No.
 6 Q. That's what happened here, didn't it?
 7 A. That's -- some of that is what I read in
 8 the report, that something was missed, yes.
 9 Q. And you agree with that, don't you?
 10 MR. PATTERSON: Objection, form.
 11 A. Do I agree with --
 12 Q. (BY MR. STEVENSON) You agree with your
 13 report, the report that was generated by your
 14 company, 150, 160 pages long?
 15 A. I agree with most of the report.
 16 Q. It says that your operators ignored
 17 obvious malfunctions, right? Right?
 18 A. I don't know if those are the exact
 19 words; but if you are telling me those are the
 20 exact words, they -- I agree that things were
 21 overlooked.
 22 Q. And they -- that your operators ignored
 23 problems for three to four hours?
 24 Do you remember reading that in
 25 your report?

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1 A. I remember reading that as well.
 2 Q. And that, apparently, somebody was
 3 talking on a telephone call instead of monitoring
 4 the boards in that unit?
 5 A. I didn't read that.
 6 Q. Well, there were a number of distractions
 7 because people were talking on the telephone
 8 instead of minding to their business.
 9 A. I --
 10 Q. Did you see that in the report?
 11 A. I saw that in the report, but I didn't
 12 see where the board operator was on the phone and
 13 that's what I was referring to.
 14 Q. And of course, all these multiple human
 15 errors, that's why we have engineers that are
 16 supposed to do appropriate testing so that they can
 17 put in place mechanical devices and equipment to
 18 avoid the problems associated with human error.
 19 Do you agree with me, sir?
 20 MR. PATTERSON: Objection, form.
 21 A. Could you break that up into two
 22 different ones for me, please?
 23 Q. (BY MR. STEVENSON) Well, we will start.
 24 A. Yes.
 25 Q. Do your engineers have a responsibility

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1 to know the hazards associated with your equipment?
 2 A. Yes.
 3 Q. Okay. And once they have knowledge of
 4 the hazards of their equipment, if there is a way
 5 to design out that hazard so 15 people don't get
 6 killed and a hundred and something others don't get
 7 hurt, shouldn't they do that, sir?
 8 MR. PATTERSON: Objection, form.
 9 THE VIDEOGRAPHER: Excuse me. We
 10 are out of tape.
 11 MR. STEVENSON: Put another one
 12 in.
 13 MR. PATTERSON: You can answer the
 14 question.
 15 A. They should design out engineering flaws.
 16 MR. PATTERSON: How much time
 17 before the six hours expires?
 18 THE VIDEOGRAPHER: The six hours
 19 is up.
 20 MR. PATTERSON: The depo is over.
 21 MR. BOND: I want to put something
 22 on the record.
 23 MR. PATTERSON: If you guys could
 24 tell me you have got, I mean, relevant questions
 25 for this witness as opposed to engineering

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1 questions and if you can tell me you have a few
 2 more minutes, I would love to just complete it and
 3 not argue about it anymore, but at this point --
 4 MR. STEVENSON: I have just got a
 5 few more minutes. Look, I have only been asking
 6 questions ten minutes, if that.
 7 MR. PATTERSON: I totally
 8 appreciate that. That is not my choice. That is
 9 y'all's choice amongst plaintiffs how you are going
 10 to handle it. We're not going to -- I don't want
 11 to argue about it with you on the record.
 12 MR. STEVENSON: Well, I'm
 13 asking --
 14 MR. PATTERSON: We can discuss it
 15 off the record. If you want to go a few minutes --
 16 MR. STEVENSON: Okay.
 17 MR. PATTERSON: -- we'll be happy
 18 to let you guys go a few minutes.
 19 (Discussion off the record.)
 20 THE VIDEOGRAPHER: On the record
 21 6:03 p.m., beginning Tape 7.
 22 MR. STEVENSON: Ms. Court
 23 Reporter, do you have his last answer on the
 24 screen?
 25 THE REPORTER: No.

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1 Q. (BY MR. STEVENSON) Do you recall the
 2 last question, sir, and your last answer?
 3 A. No.
 4 Q. Well, we got it on the transcript. We
 5 didn't get it on the video.
 6 My recollection is: Your answer
 7 was "They should design it out, if possible" or
 8 words to that effect.
 9 A. Words to that effect.
 10 Q. Now, sir, let's talk about, again,
 11 Mr. Rodriguez and the other people and what they
 12 are entitled to rely upon out there. And I want to
 13 ask you some questions about the conclusions about
 14 the BP report.
 15 Could Mr. Rodriguez and the other
 16 people have relied upon BP to use adequate
 17 leadership?
 18 MR. PATTERSON: Objection, form.
 19 A. And I have the same problem with that,
 20 but I will answer it.
 21 Yes, they should.
 22 Q. (BY MR. STEVENSON) Well, and --
 23 A. They should.
 24 Q. And I am looking at the causal analysis
 25 made by BP.

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1 A. Yes.
 2 Q. "Management system cause, root cause of
 3 this catastrophe"?
 4 A. Yes, sir.
 5 Q. All right. And one of it -- one of them
 6 says -- one of the bullet points put together by BP
 7 says, "inadequate leadership," right?
 8 A. Yes.
 9 Q. And my question to you, sir, is: Could
 10 the people out there that were doing the contract
 11 work out at the BP facility have reasonably
 12 expected BP to use proper leadership?
 13 A. And I answered yes.
 14 Q. Could they have reasonably expected you
 15 to do adequate adjustment, repair and maintenance
 16 on your equipment?
 17 MR. PATTERSON: Same objection.
 18 A. Yes.
 19 Q. (BY MR. STEVENSON) Okay. And your own
 20 report says that you did not.
 21 Am I correct?
 22 A. I will have to read it in the report
 23 where it says that specifically. It made reference
 24 to that, definitely though, yes.
 25 Q. It's page 157 of my copy. "Causal

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1 analysis." It's highlighted.
 2 A. Yes.
 3 Q. "Inadequate
 4 adjustment/repair/maintenance"?
 5 A. Yes.
 6 Q. Do you agree with that?
 7 A. I agree with that.
 8 Q. And then we get over to additional
 9 management causes, "inadequate training effort."
 10 That's under "management," right?
 11 A. Yes.
 12 Q. "Inadequate or lack of safety meetings."
 13 You see that right?
 14 A. Yes.
 15 Q. "Inadequate audit inspection and
 16 monitoring," right?
 17 A. Yes. I see it on there. I don't agree a
 18 hundred percent on that.
 19 Q. Well, you may not agree; but the people
 20 at BP that wrote this report did.
 21 A. I understand. That's my right. I don't
 22 have to agree with everything in there.
 23 Q. They are a lot higher up than you are,
 24 aren't they, the people that wrote this report?
 25 A. Not all of them.

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1 Q. How about Mr. Mogford? He was the one in
 2 charge --
 3 A. Absolutely, he is.
 4 Q. All right. And "inadequate enforcement
 5 of policy standards and procedures," right?
 6 A. Yes.
 7 Q. And back to my question, sir.
 8 These contract workers that are
 9 out there to do work at this facility, could they
 10 expect BP to enforce their own policies, standards
 11 and procedures?
 12 MR. PATTERSON: Objection, form.
 13 A. I think BP should do that, yes.
 14 Q. (BY MR. STEVENSON) Okay. And can the
 15 contractors reasonably expect BP not to ignore
 16 inherently safer systems at their facility?
 17 MR. PATTERSON: Objection, form.
 18 A. Ignore safer systems, is that --
 19 Q. (BY MR. STEVENSON) Yes, sir.
 20 Inherently safer systems?
 21 A. Yeah, I think I understand what you are
 22 saying. Is that installation of safety systems?
 23 Is that what you are referring to?
 24 Q. Yes, I am talking about the inherently
 25 safer systems referred to in the BP report, one of

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1 which is a flare.
 2 A. A flare. Okay. I just wanted to be sure
 3 what you are talking about.
 4 Yes.
 5 Q. And we can agree that BP should not ever
 6 have ignored inherently safer systems.
 7 We can agree on that, can't we?
 8 A. I can't -- I can't totally agree with
 9 that.
 10 Q. You don't agree?
 11 A. I can't -- no, I didn't say that. I
 12 said, but I cannot say if you had a flare sitting
 13 there and you had the same event happen from the
 14 raffinate splitter from a liquid overflow that it
 15 wouldn't have -- that you wouldn't have puked a
 16 flare. I can't say that.
 17 Are you asking me do I think a
 18 flare system is safer?
 19 Q. Yes, sir.
 20 A. I think it is overall, if designed
 21 properly, yes.
 22 Q. Now, sir, you understand, obviously,
 23 people lost husbands, wives, mothers, fathers,
 24 children, right?
 25 A. Yes.

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1 Q. Through the fault of your company?
 2 A. I think BP has accepted that
 3 responsibility, yes.
 4 Q. If you were in their shoes, sir, this was
 5 your kid killed as a result of the findings of BP,
 6 do you think you would have a right to be very
 7 upset with the conduct of your company?
 8 MR. PATTERSON: Objection, form.
 9 A. That would be speculation on my behalf.
 10 I can't speculate on putting myself -- I can't even
 11 pretend to put myself in the position of those
 12 people, nor would I. I am sorry.
 13 MR. STEVENSON: That's all I have.
 14 Pass the witness.
 15 MR. PATTERSON: Just a couple?
 16 MR. BOND: Just a couple.
 17 MR. PATTERSON: Because -- no
 18 seriously --
 19 MR. BOND: I swear.
 20 MR. PATTERSON: I have a meeting
 21 at church at 7:00 o'clock. It's -- you have five
 22 minutes. I have got to go. We are well past six
 23 hours. Seriously.
 24 MR. BOND: I said a couple. Give
 25 me a break.

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1 MR. PATTERSON: I have heard your
 2 couple before.
 3 (Discussion off the record.)
 4 * * *
 5 FURTHER EXAMINATION
 6 Q. (BY MR. BOND) I do have a couple of
 7 questions.
 8 Scaffolding procedure, do you have
 9 them out there? Do you know what I am talking
 10 about?
 11 A. Yes.
 12 Q. If you build a scaffold, you can't get on
 13 it until it is properly inspected and is tagged, it
 14 has a tag on there?
 15 A. Yes.
 16 Q. And that's pretty much standard, right?
 17 A. Yes.
 18 Q. And if a scaffold is out there and there
 19 is no tag on it, I can't climb on it, right?
 20 A. Yeah, you're not supposed to. From the
 21 way I understand the policy, that's correct.
 22 Q. In fact, I would get fired if I did that
 23 because I am breaking a safety rule?
 24 MR. PATTERSON: Objection, form.
 25 A. I -- I don't know what the discipline

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1 would be.
 2 Q. (BY MR. BOND) All right. Now, you could
 3 do that with the trailers, right? You put a
 4 trailer in harm's way and until it is inspected and
 5 tagged, you don't need to go in there.
 6 That's not very hard to do, is it?
 7 MR. PATTERSON: Objection, form.
 8 A. I think that's what I said earlier.
 9 That's what I think that -- you know, hindsight
 10 there needs to be a mechanism in place where it is
 11 tagged where it cannot be occupied. I agree with
 12 you on that.
 13 MR. BOND: Pass the witness.
 14 MR. PATTERSON: We will save ours
 15 until trial.
 16 THE VIDEOGRAPHER: Off the record
 17 at 6:10 p.m., with Tape 7.
 18 (Deposition concluded at
 19 6:10 p.m.)
 20
 21
 22
 23
 24
 25

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1 EXAMINATION
 2 CHANGES AND SIGNATURE
 3 PAGE LINE CHANGE REASON
 4 _____
 5 _____
 6 _____
 7 _____
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 12 _____
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 15 _____
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 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

RAYMOND A. HAWKINS

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

 5 RAYMOND A. HAWKINS
 6

THE STATE OF _____)
 7
 COUNTY OF _____)

8
 9 Before me, _____, on this day
 10 personally appeared RAYMOND A. HAWKINS, known to me
 11 or proved to me on the oath of _____ or
 12 through _____ (description of identity card
 13 or other document) to be the person whose name is
 14 subscribed to the foregoing instrument and
 15 acknowledged to me that he/she executed the same for
 16 the purpose and consideration therein expressed.
 17 Given under my hand and seal of office on this
 18 _____ day of _____, _____.
 19
 20
 21 style="text-align: center;">_____
 NOTARY PUBLIC IN AND FOR
 THE STATE OF _____
 22

My Commission Expires: _____
 23
 24
 25

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1 CAUSE NO. 05CV0337
 2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
 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 CAUSE NO. 05CV0337-A
 9 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
 MARCH 23, 2005)
 10 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
 PROCEEDINGS)
 11) GALVESTON COUNTY, TEXAS
 12 REPORTER'S CERTIFICATE
 ORAL VIDEOTAPED DEPOSITION OF
 13 RAYMOND A. HAWKINS
 FEBRUARY 16, 2006

14 I, Stephanie Barringer, Certified Shorthand
 15 Reporter in and for the State of Texas, hereby
 certify to the following:
 16
 17 That the witness, RAYMOND A. HAWKINS, was duly
 sworn and that the transcript of the deposition is a
 true record of the testimony given by the witness;
 18
 19 That the deposition transcript was duly
 submitted on _____ to the witness or to the
 attorney for the witness for examination, signature,
 20 and return to me by _____.
 21 That the following is the computer-calculated
 amount of time used by each party at the time of the
 22 deposition:
 23 Mr. Coon (5 hours, 42 minutes)
 Mr. Bond (15 minutes)
 24 Mr. Stevenson (21 minutes)
 Attorneys for Plaintiffs
 25

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

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9

10

11 FOR DEFENDANT BP PRODUCTS NORTH AMERICA, INC.:

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Ms. Jessica Gilmore

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17 FOR FLUOR ENTERPRISES d/b/a FLUOR
GLOBAL SERVICES:

18 Mr. Gregory F. Burch

19 Locke, Liddell & Sapp, LLP
3400 JP Morgan Chase Tower

20 600 Travis Street
Houston, Texas 777002-3095
Fax: 713-223-3717
Telephone: 713-226-1200

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22

23

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

25

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1

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

7

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

11

12 Certified to by me on this _____ day of
13 _____, _____.

14

15 _____

16 Stephanie Barringer, CSR

17 Texas CSR 6198

18 Expiration: 12/31/06

19 U.S. Legal Support

20 Firm Registration: 122

21 519 N. Sam Houston Pkwy., Ste. 200

22 Houston, Texas 77060

23 Main number: 713/653-7100

24 Fax number: 713/653-7143

25

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1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

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

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

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

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

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

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

19

20 _____

21 Stephanie Barringer, CSR

22 Texas CSR 6198

23 Expiration: 12/31/06

24 U.S. Legal Support

25 Firm Registration: 122

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