

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

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

13
14
15 *****

16 ORAL VIDEOTAPED DEPOSITION OF
17 KERRY "WILLIE" WILLIS
18 VOLUME 1
19 DECEMBER 14, 2005

20 *****
21
22
23
24
25

Page 2

1 ORAL VIDEOTAPED DEPOSITION OF KERRY "WILLIE"
 2 WILLIS, produced as a witness at the instance of the
 3 Plaintiffs and duly sworn, was taken in the
 4 above-styled and numbered cause on December 14, 2005,
 5 from 10:08 a.m. to 5:51 p.m., before Stephanie
 6 Barringer, Certified Shorthand Reporter in and for
 7 the State of Texas, reported by stenographic means at
 8 the Four Seasons, 1300 Lamar Street, Houston, Texas
 9 77010, pursuant to the Texas Rules of Civil Procedure
 10 and the provisions stated on the record or attached
 11 hereto.
 12 The deposition room was not under the control of
 13 the court reporter. So the appearances stated in the
 14 transcript were provided to the court reporter.
 15 Since this deposition has been realtimed and you
 16 may be in possession of a rough draft form, please be
 17 aware that there may be a discrepancy regarding page
 18 and line numbers when comparing the realtime draft
 19 and the final transcript. Also, please be aware that
 20 the realtime screen and the unedited, uncertified
 21 rough draft transcript may contain untranslated
 22 steno, a misspelled proper name and/or nonsensical
 23 English word combinations. All such entries are
 24 corrected in the final certified transcript.
 25

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18 24 PDP: Willie L. Willis updated 5/13/04, 19

19 Bates BPISOME00089667 through

20 BPISOME00089669

21 25 Resume of Willie Willis, Bates 19

22 BPISOME00089273 through BPISOME00089274

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31 Figure 2-1 Photograph of Raffinate

32 Splitter

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30	News Release dated December 9, 2005, BP Issues Final Report on Fatal Explosion, Announces \$1 Billion Investment at Texas City	54
31	Flow Diagram of Raffinate Splitter Blowdown System	56
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38	Just Culture, Bates BPISOME00003998	233

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39	Draft - Texas City Control of Work Review, Response to Findings, Bates BPISOME00003991 through BPISOME00003999	257
40	Email from Willie Willis to Donald Parus dated 4/28/2005, Subject: Re: CSB Media Update 4.28.05, Bates BPISOME00088808 through BPISOME00088811	302

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1 THE VIDEOGRAPHER: On the record,
2 December 14th, 2005, at 10:08 a.m., beginning
3 Tape 1.
4 KERRY "WILLIE" WILLIS,
5 having been first duly sworn, testified as follows:
6
7 EXAMINATION
8 Q. (BY MR. AMMONS) State your name, sir.
9 A. Kerry Willis.
10 Q. Mr. Willis, what's your address?
11 A. 4019 Elm Crest Trail.
12 Q. What city is that located in?
13 A. Clear Lake.
14 Q. Mr. Willis, you are employed by British
15 Petroleum?
16 A. Yes, sir.
17 Q. You worked for British Petroleum on
18 March 23rd, 2005, when an explosion occurred which
19 killed 15 people and injured hundreds of others?
20 A. Yes, sir.
21 Q. Throughout this deposition, I am going to
22 refer to that incident as the explosion and you
23 will know, of course, what I am talking about when
24 we refer to it that way, correct?
25 A. Yes, sir.

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1 Q. And we also will refer to British
2 Petroleum as either BP or just British Petroleum
3 rather than saying the full name of your employer.
4 Do you understand that?
5 A. Yes, sir.
6 Q. What is the full name of your employer?
7 A. British Petroleum.
8 Q. Okay. So in your mind, you make no
9 distinction between the British Petroleum Global
10 versus the other entities that exist?
11 MR. PATTERSON: Objection, form.
12 A. That's correct. I don't make any
13 distinction between BP North American, LLC, and the
14 figure of BP.
15 Q. (BY MR. AMMONS) Okay. At the time of
16 the explosion, your job title was manufacturing
17 delivery leader?
18 A. Yes, sir.
19 Q. And BP uses the initials MDL to refer to
20 manufacturing delivery leader; is that correct?
21 A. Yes, sir.
22 Q. On March 23rd, 2005, as the MDL or
23 manufacturing delivery leader, what were your job
24 duties and responsibilities?
25 A. I was a member of the leadership team and

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1 responsible for setting strategic direction for the
 2 business for the site and then my piece of it as
 3 the West Plant division manager as well as ensuring
 4 that the tactical execution of that business plan
 5 could be executed on an annual basis.
 6 Q. What does "strategic direction" mean when
 7 you use it in your answer?
 8 A. Thinking about the -- all aspects of our
 9 business. Safety, environmental leadership, people
 10 availability and the financial performance of the
 11 site was the basic model that we had adopted.
 12 Q. In March, 2005, who did you report to?
 13 A. Kathleen Lucas.
 14 Q. Mr. Willis, we are here to take your
 15 deposition today in litigation that has been
 16 brought by the family members of people that have
 17 been killed as well as by the folks that were
 18 injured at the time of the explosion.
 19 Do you understand that?
 20 A. Yes, sir.
 21 Q. You understand that your deposition,
 22 which is being taken here today, is being recorded
 23 both by a court reporter as well as by -- on
 24 videotape?
 25 A. Yes, sir.

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1 Q. You understand the oath that was
 2 administered before we began the deposition is the
 3 same oath that you would take if you were to come
 4 down to the Galveston County Courthouse and testify
 5 live before a jury?
 6 A. Yes, sir.
 7 Q. And you understand the importance of
 8 telling the truth throughout your deposition, that
 9 this is an official proceeding and that you are
 10 officially under oath.
 11 Do you understand that?
 12 A. Yes, sir.
 13 Q. And you know what perjury is?
 14 A. I believe I do, yes.
 15 Q. All right. And you understand that your
 16 testimony is given and can be subject to the pains
 17 and penalties of perjury if you should knowingly
 18 make a false statement?
 19 A. Yes, sir.
 20 Q. Have you had the opportunity to meet with
 21 attorneys to have them explain the process?
 22 A. Yes, sir.
 23 Q. If at any time during the deposition one
 24 of the lawyers asks a question that you don't
 25 understand, let us know. That way we will be sure

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1 that if you have answered a question, you
 2 understood it.
 3 Can we have that agreement?
 4 A. That would be great. Thanks.
 5 Q. All right. Are you currently under the
 6 influence of anything that would prevent you from
 7 understanding any of our questions throughout the
 8 day?
 9 A. No, sir.
 10 Q. Have you reviewed any documents in
 11 preparation for your deposition or for purposes of
 12 refreshing your recollection of events that
 13 occurred on March 23rd, 2005, or even before that?
 14 A. Yes, sir.
 15 Q. What documents have you reviewed to
 16 refresh your recollection?
 17 A. The recent final report from the JIIC or
 18 the Mogford report came out last Friday. I am in
 19 the process of going through that and I looked back
 20 at the witness statements that I had given briefly
 21 and also looked at the notes that I had taken as
 22 part of the interview process for the disciplinary
 23 actions that were taken.
 24 Q. I'm going to talk about the Mogford
 25 report, and I am going to call it the BP

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1 investigation report or the investigation report.
 2 Is that okay?
 3 A. That's fine with me, yeah.
 4 Q. I understand there are other
 5 investigation reports; and to the extent that we
 6 talk about those, we will refer to them
 7 specifically, for example, the CSB report or
 8 something like that.
 9 A. Great, thank you.
 10 Q. Okay. You mentioned that you had made
 11 notes during interviews of the employees.
 12 When were those notes made?
 13 A. To the best of my recollection, it would
 14 have been in the May timeframe of last year when
 15 Kathleen and I ran the investigation.
 16 Q. Okay. When we talk about -- you say "May
 17 of last year," still '05?
 18 A. This year, yeah. I'm sorry.
 19 Q. Okay.
 20 A. 2005.
 21 Q. And you have also reviewed the
 22 investigation report that was issued by British
 23 Petroleum; is that correct?
 24 A. Yes, sir.
 25 Q. Let me ask a little bit of background

Page 18

1 information about you. Let's start with your age.
 2 How old a man are you?
 3 A. 46.
 4 Q. Where are you from?
 5 A. Currently I live in Clear Lake. My
 6 father worked for NASA; and I have lived in many
 7 different places, Florida, Washington, Arkansas,
 8 California, Houston growing up. I eventually ended
 9 up in Washington State, where I graduated from high
 10 school there.
 11 Q. Where did you go to high school? You
 12 went to high school in Washington State?
 13 A. Yes, sir.
 14 Q. Okay. You have -- we have had an
 15 opportunity to review some biographical information
 16 that was provided, and I assume you have looked at
 17 this before. It's called the PDP, and it's on the
 18 monitor there.
 19 It summarizes some of your
 20 background; is that correct?
 21 A. Yes, sir.
 22 Q. What does "PDP" stand for? Help me with
 23 that.
 24 A. Personal Development Plan.
 25 Q. Let me see if I can do this.

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1 And why was this created, this
 2 document known as the PDP?
 3 MR. PATTERSON: Objection, form.
 4 A. The structure or the document was created
 5 to facilitate the management of people's careers
 6 over mid-term and long-term time arising.
 7 Q. (BY MR. AMMONS) All right. And when is
 8 the first time that you created a PDP?
 9 A. To the best of my recollection, it would
 10 have been in the 2003 timeframe.
 11 Q. All right. So while we have a PDP and it
 12 says it's updated May 13th, 2004, which of course
 13 would be after the explosion and after the
 14 litigation, there are PDPs that existed before that
 15 time period?
 16 A. Yes, sir.
 17 (Exhibit Numbers 24 and 25 marked
 18 for identification.)
 19 Q. (BY MR. AMMONS) I may ask you some more
 20 questions about that.
 21 But from my review of that
 22 document and my review of another document, which
 23 we will just show on the monitor which has been
 24 marked as Exhibit Number 25, I have some
 25 familiarity with your background.

Page 20

1 What is this document?
 2 A. This appears to be my resume.
 3 Q. Okay. So this is just sort of a resume
 4 that you have created.
 5 Can you tell me why you would
 6 create a resume or why you have created a resume
 7 which appears to have been fairly recently updated?
 8 A. I was asked to submit a resume in -- when
 9 I was -- applied for the West Plant delivery --
 10 manufacturing delivery leader job.
 11 Q. So when did you apply for that job?
 12 A. I believe it was in August of 2004.
 13 Q. You said in your statement that you took
 14 the job beginning in October of 2004; isn't that
 15 right?
 16 A. I think that's right, yes, sir.
 17 Q. All right. I saw an e-mail that said
 18 that you were the MDL for the West Plant in July of
 19 2004.
 20 Are you a little bit off on your
 21 time periods in your statement?
 22 A. I am not sure what document you are
 23 referencing.
 24 Q. Okay. Well, we'll come back to that.
 25 A. Okay.

Page 21

1 Q. For 26 years you have been working in
 2 refineries; is that correct?
 3 A. Yes, sir.
 4 Q. You started out as an operator for a
 5 different refining company, ARCO; is that true?
 6 A. Yes, sir.
 7 Q. And did you work at -- what plant for
 8 ARCO did you work at?
 9 A. The Cherry Point facility.
 10 Q. That's Cherry Point, Washington State?
 11 A. Yes, sir.
 12 Q. How long were you with ARCO?
 13 A. Until the merger with BP.
 14 Q. And tell me when that took place.
 15 A. 1999 and 2000. It took awhile to get to
 16 the SEC, but I believe the merger was announced in
 17 1999. BP bought Amoco, and a year later it evolved
 18 into British Petroleum.
 19 Q. So ARCO was absorbed into BP?
 20 A. Yes, sir.
 21 Q. And that occurred in the '99, 2000
 22 timeframe?
 23 A. Yes.
 24 Q. And so what happened at that point was
 25 that BP would have taken over what -- they call

Page 22

1 them assets, but what it really is is the plant
 2 there in Cherry Point?
 3 A. Yes, sir.
 4 Q. And you worked at that refinery, the
 5 Cherry Point refinery in Washington, for how many
 6 years?
 7 A. About 23 years.
 8 Q. You held the position at one point of
 9 process supervisor; is that correct?
 10 A. Yes, sir.
 11 Q. You were a process supervisor at the
 12 Cherry Point refinery from '95 through '99.
 13 And I will just show you --
 14 A. Yeah.
 15 Q. -- Exhibit 25, your career history.
 16 A. Uh-huh.
 17 Q. All right. Tell me what process you were
 18 supervising.
 19 A. It was the process supervisor over the
 20 crude unit, the diesel HDS units. I had the
 21 utilities which included the wastewater treatment
 22 facility and the steam production nitrogen
 23 separation and the clay treaters.
 24 Q. And what were your job duties and
 25 responsibilities as a process supervisor?

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1 A. Mostly delivering kind of the annual
 2 tactical plan for the plant. So, you know, running
 3 different crudes and improving safety performance
 4 of the site, improving environmental performance of
 5 the site, improving, you know, availability,
 6 looking at the opportunities that existed within
 7 that piece of the complex and making good
 8 investments on behalf of BP and, before that, ARCO.
 9 Q. Your resume lists one of your career
 10 highlights here as you managing the Dynamic
 11 Simulator Project.
 12 Did I read that correctly?
 13 A. You did, yes, sir.
 14 Q. When did you manage the Dynamic Simulator
 15 Project for ARCO?
 16 A. It was a subset of the 40 million-dollar
 17 crude fractionation improvement project; and so it
 18 would have been in the '98, '99 timeframe.
 19 Q. So back in the '98, '99 timeframe, ARCO
 20 was spending some of its dollars developing a
 21 simulator project for purposes of training people;
 22 is that correct?
 23 A. Yes, sir.
 24 Q. And what a simulator is -- and pilots use
 25 simulators. We have all seen that where they

Page 24

1 practice emergencies and they practice how to fly
 2 the airplane, land the airplane, take -- you know,
 3 takeoff, things like that, right?
 4 A. Yes, sir.
 5 MR. PATTERSON: Objection, form.
 6 Q. (BY MR. AMMONS) And what refineries
 7 do -- that is, caring, responsible refineries -- is
 8 they have these projects with simulators where they
 9 simulate running the plant and they simulate
 10 emergencies and how to appropriately respond to
 11 emergencies at the plant; is that correct?
 12 A. It might be helpful if I provide a little
 13 context around that simulator project. Again, I
 14 will say that it was a subpart of that
 15 40 million-dollar crude fractionation improvement
 16 project. And so one of the primary purposes behind
 17 the Simulator Project at that time was we were
 18 spending -- investing the \$40 million of capital
 19 investment into the crude unit and we were changing
 20 the configuration, the piping configuration and
 21 process condition configurations for that unit.
 22 Which -- which for me, when we --
 23 when we shut that unit down, we shut it down in one
 24 configuration and then some 40 days later we were
 25 going to start it up in a different configuration.

Page 25

1 So the Simulator Project was really approved and
 2 funded on the basis of needing to facilitate the
 3 training from one -- a kit that looked one way when
 4 it shut down and it was going to look a different
 5 way when it came back up.
 6 And so I got -- you know, I got
 7 the funding for that project to ensure that we had
 8 well trained, competent staff on that plant
 9 under -- given the fact that it was going to shut
 10 down in Configuration A and start back up with
 11 Configuration B over a 40-day period.
 12 Q. Is that the only simulator that ARCO was
 13 using at that plant?
 14 A. Yeah, yes, sir.
 15 Q. So what they did is they modernized their
 16 equipment and they included a simulator so that the
 17 operators could be trained how to safely run their
 18 equipment?
 19 A. Yes, sir.
 20 Q. From '99 to 2001, you were employed as a
 21 process manager, correct?
 22 A. Yes, sir.
 23 Q. And what process did you manage?
 24 A. The process superintendents reported to
 25 me as well as the shift directors, and so it was

<p style="text-align: right;">Page 26</p> <p>1 kind of a space in between the tactical execution 2 of the plant and being able to shape the strategic 3 direction for the site. 4 Q. And you mentioned a shift director. Tell 5 me what that position is because you said they 6 reported to you. 7 A. Yeah, those -- during the -- well, all 8 the time; but during the off hours predominantly, 9 we have a single point of contact for who is in 10 charge of the facility. So when the 11 superintendents aren't around on weekends, night 12 shifts and holidays and such as that, you've still 13 got somebody -- a responsible party at the site. 14 They work shift work and work 15 with -- you know, have the foremen reporting to 16 them basically in the off hours. 17 Q. Is that a reasonable thing to do to have 18 a single point of contact in that accountability 19 that you have just described? 20 A. I don't understand the question. 21 Q. Sure. 22 You said that there is a single 23 point of contact, the shift supervisor? 24 A. Yes, sir. 25 Q. Is that reasonable to do that at the</p>	<p style="text-align: right;">Page 28</p> <p>1 A. It was -- at the time we had a production 2 manager in place that had both the maintenance 3 manager and myself as the process manager reporting 4 to a production manager. The production manager 5 job was eliminated, and we created a pure 6 operations manager and a maintenance manager that 7 were directly on the leadership team. 8 Q. As the operations manager, were you 9 responsible for the safe operation of the Cherry 10 Point refinery? 11 A. Yes, sir. 12 Q. You came to Texas City in 2002? 13 A. I thought it was 2003. I guess that's 14 right. It would have been the fall of 2002. 15 That's right. 16 Q. All right. I am just basing it on 17 documents -- 18 A. Yeah, I -- 19 Q. -- I have reviewed. 20 A. Yeah, I know. I am just trying to piece 21 all the dates together, yeah. 22 Q. Came to Texas City in 2002 and you came 23 as BP's -- to BP's Texas City refinery as the 24 operations representative for the transformation 25 project; is that correct?</p>
<p style="text-align: right;">Page 27</p> <p>1 refinery? Do you believe that's reasonable 2 conduct? 3 A. Yes, yeah. 4 Q. And is that for purposes of having 5 accountability at the refinery? 6 A. Yeah, it's for -- 7 Q. That's a term that you had used. 8 A. Yeah, it's for accountability and for 9 making sure that if there was some confusion about 10 the plant or if we were deciding whether we were 11 going to run this crude or that crude that they 12 could be a clearinghouse for those kind of 13 questions and information. 14 Q. All right. So accountability is 15 critically important when you are running a 16 petrochemical refinery. 17 Do you agree with that? 18 A. Yes. 19 Q. Now, from 2001 to 2002, you were the 20 operations manager at BP Cherry Point refinery, 21 true? 22 A. Yes, sir. 23 Q. And what -- it goes from process manager 24 to operations manager. Tell us about that change 25 of your role.</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes, sir. 2 Q. And what was being transformed? What was 3 the transformation project all about? 4 A. As part of that assignment and as part of 5 the continued kind of merger of the BP and Amoco 6 and ARCO assets, an assessment had been done at the 7 site. It's referenced as the VEBA assessment, that 8 we brought in some external folks to look at the 9 underlying performance of the business and identify 10 opportunities. And as a result of that assessment, 11 we put together -- a team was put together that I 12 was asked to be the operations rep to. 13 Q. You used an acronym, I think, for the 14 assessment. What was that? 15 A. VEBA. It actually refers to one of our 16 German sites that -- I am not sure why we came to 17 that kind of a terminology for it, but that's 18 the -- that's the common nomenclature for that 19 assessment was the VEBA Assessment. 20 Q. All right. And spell that for me and for 21 the court reporter. 22 A. I believe it's V-E-B-A. 23 Q. Fair enough. 24 Now, this transformation project, 25 how long did that last?</p>

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1 A. About a year. It was September,
 2 October-ish, I think, when I took over the MDL job
 3 at the West Plant.
 4 Q. And as the transformation operations
 5 manager, did you have interaction with the folks at
 6 the Texas City plant on a regular basis?
 7 A. Yes, sir.
 8 Q. And your role in that interaction was to
 9 do what?
 10 A. Again, the assessment identified some
 11 opportunities; and at that time, we, BP, were in
 12 the process of merging the site. So we had the
 13 Texas City refinery, the Texas City Chemical
 14 Complex, the Chocolate Bayou facility, which is a
 15 chemical complex, and some joint venture with
 16 Solvay in Deer Park. And we were creating the
 17 enterprise that later became known as BP South
 18 Houston.
 19 And within the creation of that,
 20 there was a belief that with scope and scale that
 21 you could capture some additional value.
 22 Q. And as far as these opportunities, are we
 23 referring to business opportunities for BP to
 24 increase its revenues?
 25 A. No. I think the VEBA Assessment looked

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1 at many different facets of the business. There
 2 was a financial piece of that; but at the end of
 3 all of that sort of creation of BP South Houston,
 4 we created what we reference now as the 1000 day
 5 goals. And the 1000 day goals were built upon the
 6 improvement of the safety performance of the site,
 7 the environmental performance of the site, the
 8 people assurance scores and people satisfaction
 9 scores of the site as well as availability and
 10 financial performance.
 11 So kind of five stands there that
 12 the 1000 day goals were built on.
 13 Q. Did the assessment identify the
 14 opportunity to relieve the raffinate splitter in
 15 the ISOM unit into a flare instead of into an
 16 atmospheric blowdown stack?
 17 A. I never saw any documentation like that,
 18 no, sir.
 19 Q. You never saw any -- when was the first
 20 time you saw any documentation about that, about
 21 that opportunity that BP had?
 22 A. I don't understand the question.
 23 Q. When is the first time you saw any
 24 documentation about the opportunity that British
 25 Petroleum had to have the raffinate splitter relief

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1 into a flare system instead of into an atmospheric
 2 blowdown drum and stack? Tell us -- I am just
 3 asking for the date and time period.
 4 When is the first time you knew
 5 about that opportunity?
 6 A. To the best of my knowledge, it wasn't
 7 until after the ISOM event that there were
 8 conversations that occurred prior to that but, you
 9 know, I wasn't aware of anything in play there.
 10 Q. Okay. So just so this jury is clear,
 11 what you, Willie Willis, is telling us is before
 12 the explosion on March 23rd, 2005, you were not
 13 aware of the fact that BP had had the opportunity
 14 to relieve -- to have the raffinate splitter relief
 15 into a flare system instead of into an atmospheric
 16 blowdown drum and stack? That's your sworn
 17 testimony here today?
 18 A. Yeah. It doesn't mean that there wasn't
 19 something that BP was doing about it. It just
 20 means that I hadn't come across it or wasn't aware
 21 of it.
 22 Q. Fair enough.
 23 Now, as part of your resume, you
 24 say you were responsible during this time period
 25 for "developing and implementing key strategies

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1 across South Houston to deliver manufacturing
 2 excellence."
 3 Do you see where I read that?
 4 A. Yes, sir.
 5 Q. What's "manufacturing excellence"? Tell
 6 the jury what that means to BP.
 7 A. Again, I will refer back to refining's
 8 five stands and say that for me, manufacturing
 9 excellence is built on a foundation of excellent
 10 safety performance, environmental leadership and
 11 environmental performance. It's built on people's
 12 satisfaction and what we reference as the ESI
 13 scores as well as plant availability and financial
 14 performance.
 15 Q. So manufacturing excellence would
 16 obviously include the safety of those that are in
 17 the plant working for British Petroleum as well as
 18 the business invitees, the people that British
 19 Petroleum has in their plant working as
 20 contractors?
 21 A. Yes, sir.
 22 Q. All right. I am going to get into your
 23 job as an MDL; but before I do, I want to ask you
 24 some information about your training with British
 25 Petroleum.

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1 First of all, do you belong to any
 2 professional associations or anything like that
 3 outside of BP that have to do with your job?
 4 A. No, sir.
 5 Q. What's your educational background?
 6 A. I have a high school degree, and then I
 7 graduated from Wharton's Executive Development
 8 Program.
 9 Q. And what -- have you taken any formal
 10 courses on process safety management?
 11 A. No, sir. Nothing formal. I mean, we did
 12 do a lot of training when the rule promulgated in
 13 '92; and at that point in my career, I was actually
 14 helping write procedures on behalf of the process
 15 safety regulation for -- I believe back then it
 16 would have been in the coker complex.
 17 MR. AMMONS: I am going to object
 18 to the responsiveness.
 19 Q. (BY MR. AMMONS) Sir, I think my question
 20 was: Have you taken any formal classes on process
 21 safety management?
 22 MR. PATTERSON: Objection, form.
 23 Q. (BY MR. AMMONS) You can answer.
 24 A. No, sir.
 25 Q. As far as books, textbooks that you can

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1 go to and look to for guidance in your job, which
 2 textbooks or authorities do you rely upon?
 3 A. Well, for interpretation of process
 4 safety management at the Texas City site, I would
 5 oftentimes go visit with Bill Ralph, our PSM guy;
 6 and we would pull up regs. Most of that stuff is
 7 available online, you know, or he has many of the
 8 data books in his office.
 9 Q. Are you familiar with any books that you
 10 would go to look to for guidance on how to safely
 11 run this plant?
 12 MR. PATTERSON: Objection, form.
 13 Q. (BY MR. AMMONS) You, personally.
 14 And if you are not, that's okay.
 15 I just want to know.
 16 A. Well, I think there's a lot of
 17 information that's available on the safe operations
 18 for the plant. There's things like safe handling
 19 of steam, safe handling of hydrocarbons, safe
 20 startup, safe shutdowns.
 21 There's lots of different pieces
 22 of information that may be more in pamphlet form or
 23 in today's age, more of an online kind of
 24 availability for people to access as training
 25 guides or information like that, if that's where

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1 the spirit of that question is. I am not exactly
 2 sure.
 3 Q. And I don't want you to ask for the
 4 spirit of my questions. I just want you to answer
 5 my questions as they are asked. Okay? And if you
 6 don't understand, I would appreciate you telling me
 7 you don't understand.
 8 I am just talking about books, you
 9 know. For example, I went to the -- actually I
 10 went to the book store and I found this.
 11 "Guidelines for Safe Process Operations and
 12 Maintenance." It's a nice big, thick book you can
 13 look at and read about things regarding safety.
 14 And I am wondering if there are
 15 any books that you know of that you have looked at
 16 that you can tell the jury about.
 17 A. Yes.
 18 MR. PATTERSON: Objection, form.
 19 Q. (BY MR. AMMONS) Okay.
 20 MR. PATTERSON: And also object to
 21 sidebar.
 22 Q. (BY MR. AMMONS) Tell me what the books
 23 are, what books you rely on when you have a
 24 question or a need or a concern about safety at the
 25 plant.

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1 A. I'd have to look back at the title of the
 2 books but there's a couple in my office, "Safe
 3 Operations, Safe Plant Operations." And, you know,
 4 if we come up against a question, it's been my
 5 experience that we do sufficient research to answer
 6 that question before we take action.
 7 MR. AMMONS: Object to portions of
 8 the answer as nonresponsive.
 9 Q. (BY MR. AMMONS) So you have a couple of
 10 books in your library?
 11 A. In my office.
 12 Q. In your office.
 13 And do you know the titles of any
 14 of those books?
 15 A. Not exactly, no, sir.
 16 Q. What is the OSHA regulation that applies
 17 to process safety management?
 18 A. OSHA 1910.
 19 Q. And what section in 1910?
 20 A. 119, I believe.
 21 Q. And when is the last time you looked at
 22 that or talked about that with anyone?
 23 A. It was -- I pulled up some information
 24 not too long ago, the last month or so, on that
 25 behalf looking because of the job that I have got

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1 now with the control room.
 2 Q. Does BP have any books that they publish
 3 or produce regarding process safety?
 4 A. I don't know the answer to that question.
 5 Q. Okay. How about this: Have you been
 6 given any books from British Petroleum regarding
 7 process safety that BP has actually published?
 8 A. Not that I am aware of, no. I have not
 9 seen anything that BP has published.
 10 Q. Now, in the -- sometime between July and
 11 October of 2003, you took the position as the MDL;
 12 is that correct?
 13 A. Yes, sir.
 14 Q. And you became the -- you became the
 15 division leader for the West Plant at the BP Texas
 16 City refinery?
 17 A. Yes, sir.
 18 Q. And that would be approximately six to
 19 nine months before the explosion that took the
 20 lives of 15 and injured hundreds of others?
 21 A. No, sir. I think it was before that,
 22 right? It was in -- I moved there in 2002. I took
 23 over the West Plant division job in 2003.
 24 I didn't get the -- there was a
 25 restructuring that occurred as part of the selling

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1 of the chemicals assets and that's when I took over
 2 what -- the ISOM piece of that would have been
 3 November of 2004. Does that help?
 4 Q. Sure.
 5 So you were there in charge of the
 6 ISOM unit as early as November of 2004?
 7 A. Yes, sir.
 8 Q. What did you do when you took over?
 9 A. I met with the asset superintendent of
 10 that area, tried to get a feel for what I thought
 11 our biggest challenges were so that we could
 12 structure a 2005 business plan for that area and,
 13 you know, just get into the execution and start to
 14 look at what opportunities may lay in that area.
 15 Q. Who was the asset superintendent that you
 16 met with?
 17 A. Ray Hawkins.
 18 Q. And when did that meeting -- when and
 19 where did that meeting take place?
 20 A. I don't recall the exact time or place.
 21 Q. You don't recall the place?
 22 A. Well, I am sure it was at the site
 23 somewhere but I -- and I met with him, you know, on
 24 several occasions once he knew that we were going
 25 to roll those assets out of the chemicals division

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1 managers and over onto the refinery side.
 2 Q. What were your goals and priorities for
 3 ISOM when you took over?
 4 A. Really just to get that area in -- kind
 5 of in line with my commitments around people,
 6 safety, environmental leadership, availability and
 7 financial performance; and look at the business
 8 from kind of those 5 perspectives and gain some
 9 appreciation for the current state of affairs and
 10 put some plans together to address opportunities.
 11 Q. There are some comments in the
 12 investigation report about the working environment
 13 at the ISOM.
 14 How was the working environment
 15 when you took over in November, 2004?
 16 MR. PATTERSON: Objection, form.
 17 Q. (BY MR. AMMONS) Let me reask --
 18 A. Yeah.
 19 Q. -- my question.
 20 A. Thank you.
 21 Q. Did you read what the investigation team
 22 had to say about the working environment of your
 23 plant?
 24 A. I have not been through the entire
 25 report. If you want to reference a page, if

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1 it's --
 2 Q. Well, I will just reference what BP put
 3 out to the press; and we will talk some more about
 4 this.
 5 A. Okay.
 6 Q. But this is dated December the 9th, 2005;
 7 and I am on page 2 of 5 where it says, "Over the
 8 years, the working environment had eroded to one
 9 characterized by resistance to change, lacking of
 10 trust, motivation and a sense of purpose."
 11 Do you see that sentence?
 12 A. Yes, sir.
 13 Q. All right. And I am asking you: This is
 14 what the investigation team found and reported in
 15 December of 2005. How were things when you took
 16 over in November of 2004?
 17 A. I think it was improving over time. You
 18 know, when I look at -- in my perspective for the
 19 Texas City site, you know, goes back really to the
 20 time of the fall of 2002 when I showed up. And so
 21 it's not a 20-year perspective. I didn't work for
 22 BP or Amoco back before that. All right.
 23 So my perspective from -- from the
 24 2002 timeframe is that we were making investments
 25 in the site. We were working on environmental

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1 issues. There was a program in place that we
 2 referenced as the "Broken Windows Program" to
 3 improve basic environmental conditions, get rid of,
 4 you know, things that didn't need to be at the
 5 site, improve working conditions for people,
 6 improve the infrastructure, you know, just
 7 different -- different parts of that.
 8 So while I think the report has an
 9 accurate reflection, I am not sure -- you know,
 10 from my perspective, I will just say that it's --
 11 you know, it was improving over time.
 12 Q. Were you aware when you took over in
 13 November of 2004 that the working environment had
 14 eroded to one characterized by resistance to change
 15 and lacking of trust, motivation and a sense of
 16 purpose?
 17 Were you aware that that's what
 18 you had at your plant when you took over in
 19 November of 2004? Yes or no?
 20 A. Well, I -- I wouldn't characterize it
 21 like that. I mean, I would say that there are --
 22 there were certainly lots of opportunities for us
 23 to be addressing, and we were working to address
 24 those issues. I, you know -- the -- we had done
 25 some early employee satisfaction scores of that

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1 area to understand who the people were, was looking
 2 at the safety performance, was looking at training
 3 programs, you know, a host of things to put into
 4 place there.
 5 MR. AMMONS: Objection,
 6 nonresponsive.
 7 Q. (BY MR. AMMONS) Sir, when you took over
 8 in November of 2004, did you assess the working
 9 environment at the plant? Did you do that as part
 10 of your job in taking over that area?
 11 A. Yes, sir.
 12 Q. Okay. When you assessed the working
 13 environment at the plant in November of 2004, did
 14 you recognize that it was one that was
 15 characterized by resistance to change and the
 16 lacking of trust, lacking of motivation and lacking
 17 a sense of purpose? Did you recognize those
 18 deficiencies in the working environment that you
 19 were taking over?
 20 MR. PATTERSON: Objection, form.
 21 A. Again, I will say I think that there was
 22 lots of opportunity. I just wouldn't use, you
 23 know, the resistance to change. If you take each
 24 one of those -- there's, I think, four questions in
 25 there -- I think those folks were eager to get

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1 about improving the site.
 2 Q. (BY MR. AMMONS) Did you recognize when
 3 you took over and assessed the working environment
 4 in November of 2004 that rules were not
 5 consistently followed, rigor was lacking, and
 6 individuals felt disempowered from suggesting or
 7 initiating improvements?
 8 Did you, sir, recognize these
 9 things when you took over in November of 2004?
 10 A. Yeah, I think there were parts of that
 11 area where certainly the rules and following policy
 12 and procedure where expectations were needed to be
 13 made more clear; and we were working on those
 14 things.
 15 Q. All right. So those deficiencies were
 16 noted and observed in November of 2004, more than
 17 four months before the plant blew up and these
 18 people were killed --
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. AMMONS) -- true?
 21 A. Again, I'll say I wouldn't characterize
 22 it like that; and it's not that I am trying to
 23 disagree with the report. It's that, you know, if
 24 you are asking me my characterization of the plant,
 25 it was a plant that had a desire to improve.

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1 MR. AMMONS: Objection,
 2 nonresponsive.
 3 Q. (BY MR. AMMONS) What I am asking you
 4 for, sir, is the timing when you knew about these
 5 problems, when you knew that the working
 6 environment was one that had eroded to a point
 7 where there was a resistance to change, lacking of
 8 trust and that rules were not consistently
 9 followed.
 10 And earlier you told me that,
 11 "Yeah, when I came in and assessed things in
 12 November of 2004, I saw that." That's what you
 13 told me --
 14 MR. PATTERSON: Objection, form.
 15 Q. (BY MR. AMMONS) -- true?
 16 A. Yes, sir.
 17 Q. Okay. So then I was just trying to paint
 18 a timeline for the jury, to paint the picture that
 19 four months before this plant blew up and killed
 20 these people, the head of the ISOM unit knew about
 21 these problems that are noted in the report.
 22 MR. PATTERSON: Objection, form.
 23 Q. (BY MR. AMMONS) And you have clarified
 24 that for us that, "Yes, I did see some of that."
 25 That's what you have told me,

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1 isn't it?
 2 MR. PATTERSON: Objection, form.
 3 A. I saw some of that, yes.
 4 Q. (BY MR. AMMONS) Now I want to talk about
 5 some general things so that we can put some things
 6 into context; and I want to talk about the
 7 refinery, sort of just paint a real broad picture.
 8 A refinery is a plant that takes
 9 crude oil and then turns it into other products
 10 like gasoline and jet fuel and other things; is
 11 that correct?
 12 A. Yes, sir.
 13 Q. All right. And Texas City is BP's
 14 largest refinery?
 15 A. Yes, sir.
 16 Q. All right. Have you ever watched Star
 17 Wars?
 18 A. Yeah.
 19 Q. Do you remember that big Death Star that
 20 they had created?
 21 A. Yes, sir.
 22 Q. All right. As far as the Texas City
 23 plant is concerned, how much bigger is it than any
 24 other plant that BP runs?
 25 A. We are about a 460, 480,000 barrel-a-day

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1 crude. It's -- the most typical way to measure a
 2 refinery's capacity is by their crude throughput.
 3 Carson is a 275,000 barrel-a-day
 4 plant. Whiting's three something. Cherry Point's
 5 220. Toledo is, I want to say, in the 170s.
 6 That's the U.S., the five U.S. sites.
 7 Q. So of all the U.S. sites, this site is
 8 50 percent more productive than the next site at
 9 275,000 barrels per day?
 10 MR. PATTERSON: Objection, form.
 11 A. It's not twice as big as Whiting. No,
 12 sir.
 13 Q. (BY MR. AMMONS) Well, we can do the
 14 math. 460. I didn't say twice as big. I said
 15 it's 50 percent bigger.
 16 But 460 versus 275, you are
 17 putting a whole lot more crude through Texas City
 18 than you are these other places, aren't you?
 19 A. Yes, sir.
 20 Q. And when we say 460,000 barrels, how many
 21 gallons are there in a barrel? Do you know?
 22 A. Yes, sir. 42.
 23 Q. 42.
 24 So we would need to multiply 42
 25 times 460,000 to get the number of gallons per day

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1 that are going through this refinery, true?
 2 A. Through the crude units, yes, sir.
 3 Q. And BP's Texas City refinery can produce
 4 up to 11 million gallons of gasoline a day?
 5 A. I don't work much in gallons. I am
 6 sorry. I need to do the math there.
 7 It's normally about
 8 235,000 barrels a day of gasoline.
 9 Q. If the news release and the investigation
 10 report and documents from BP say that this refinery
 11 can produce up to 11 million gallons of gasoline a
 12 day, do you have any evidence to dispute that?
 13 A. No.
 14 Q. All right. Now, the Texas City refinery
 15 has 30 different process units spread over
 16 1200 acres?
 17 A. Yes, sir.
 18 Q. What is a process unit? Explain that for
 19 the folks on the jury.
 20 A. A process unit would be defined as a
 21 specific boundary within which particular pieces of
 22 equipment are designed to, you know, process parts
 23 of the plant. So it's a way of separating out the
 24 kits into kind of manageable pieces.
 25 The crude unit would be -- would

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1 be a process unit.
 2 Q. All right. Your area for -- since
 3 November of 2004, is what's referred to as the West
 4 Plant; is that correct?
 5 A. Yes, sir.
 6 (Exhibit Number 26 marked for
 7 identification.)
 8 Q. (BY MR. AMMONS) And what I would like
 9 you to do is: I have a diagram that I have been
 10 provided. We have marked it as Exhibit Number 26,
 11 and I will show it to the jury. And it just is
 12 sort of a schematic outline of the plant facility.
 13 Is that a diagram -- have you seen
 14 this kind of diagram before?
 15 A. Yes, sir.
 16 Q. All right. What I would like you to do
 17 is to ask you, if you can, I am going to hand you a
 18 pen, to identify on the diagram what's involved in
 19 the West Plant.
 20 A. Okay.
 21 Q. If you are willing to do that?
 22 A. Sure.
 23 Q. Fair enough.
 24 Here you are. You can just use
 25 this highlighter.

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1 A. (Complies.)
 2 Q. Thank you, Mr. Willis.
 3 A. Uh-huh.
 4 Q. We can look on the diagram now, and we
 5 see the things that you have marked with the
 6 highlighter as being the units that are contained
 7 within the West Plant; is that correct?
 8 A. Correct, sir.
 9 (Exhibit Number 27 marked for
 10 identification.)
 11 Q. (BY MR. AMMONS) We have been provided
 12 with a site organizational chart for the West
 13 Plant.
 14 And just so the jury will see what
 15 we have here, is -- we have your name at the top;
 16 is that correct?
 17 A. Yes, sir.
 18 Q. And all these other people and positions
 19 are under you?
 20 A. At that point they were. The hydrogen
 21 plant no longer exists.
 22 Well, it exists; but we don't own
 23 it anymore.
 24 Q. Fair enough.
 25 A. So I didn't highlight the hydrogen plant

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1 on the West Plant.
 2 Q. If the jury wants to know who was at the
 3 top of the chain as far as the West Plant was
 4 concerned in March of 2005, they can look at this
 5 chart and they can see your name at the top; is
 6 that right?
 7 A. It would be me, yes.
 8 Q. All right. Now, the explosion occurred
 9 on the ISOM. And it involved two pieces of
 10 equipment, the raffinate splitter and the blowdown
 11 drum and stack; is that correct?
 12 A. Yes, sir.
 13 Q. If you would, it says here,
 14 "Isomerization Unit" on this drawing.
 15 A. Yes, sir.
 16 Q. All right. That's what blew up?
 17 A. Yes, sir.
 18 Q. All right. And you are in charge of the
 19 part of the plant that blew up?
 20 A. Yes, sir.
 21 Q. Now, ISOM, I-S-O-M, is short for
 22 isomerization.
 23 What does "isomerization" mean?
 24 A. To isomerize a hydrocarbon molecule.
 25 Q. And?

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1 A. I could draw it for you.
 2 Q. That's okay.
 3 And this is a process unit that is
 4 under your control; is that right?
 5 A. Yes, sir.
 6 Q. And within the ISOM unit, there are
 7 distillation towers; and there's one distillation
 8 tower called a raffinate splitter?
 9 A. That's correct, sir.
 10 (Exhibit Number 28 marked for
 11 identification.)
 12 Q. (BY MR. AMMONS) And Exhibit Number 28 is
 13 a photograph which shows the raffinate splitter; is
 14 that right?
 15 A. I can't tell from the photograph, but
 16 yeah.
 17 Q. This is from the BP investigation report.
 18 Does that --
 19 A. Yeah, that's fair.
 20 Q. That's the raffinate splitter that's part
 21 of the ISOM unit that's under your control?
 22 A. Yes, sir.
 23 Q. And the raffinate splitter is a -- is, in
 24 essence, a separator; is that right?
 25 A. C5, C6 separation, yes.

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1 (Exhibit Number 29 marked for
 2 identification.)
 3 Q. (BY MR. AMMONS) All right. Inside the
 4 raffinate splitter, the liquids and vapors separate
 5 into components or fractions according to their
 6 densities and their boiling points; is that right?
 7 A. Yes.
 8 Q. Now, you call the fluid that gets pumped
 9 into the raffinate splitter, before it gets
 10 separated or split, you call the fluid that you put
 11 in there raffinate feed?
 12 A. Or heavy raff.
 13 Q. Heavy raff?
 14 A. Total raffinate, you know.
 15 Q. All mean the same thing?
 16 A. Stick with total raffinate. It will be
 17 simpler if you are reading through.
 18 Q. Okay. So the total raffinate is pumped
 19 into the raffinate splitter and it's then separated
 20 into light raffinate and heavy raffinate?
 21 A. Yep. Yes, sir.
 22 Q. Light comes out the top. Heavy comes out
 23 the bottom?
 24 A. Yes, sir.
 25 Q. Now, at the time of the explosion, this

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1 column, which is 160 something feet in the air,
 2 holds a whole bunch of fluid that was being started
 3 up; is that right?
 4 A. Yes, sir.
 5 Q. Have you -- and you have spoken to the
 6 people and interviewed the people that were
 7 actually involved in that process of starting --
 8 starting up this raffinate splitter?
 9 A. Yes, sir.
 10 (Exhibit Number 30 marked for
 11 identification.)
 12 Q. (BY MR. AMMONS) According to BP's press
 13 release, "The personnel responsible for the startup
 14 greatly overfilled the raffinate splitter tower and
 15 overheated its contents, which resulted in
 16 overpressuring of its relief valves."
 17 Do you see where I have read that?
 18 A. Yes, sir.
 19 Q. And relief valves are valves that are
 20 supposed to open up when there is a certain level
 21 of pressure within the splitter so that you don't
 22 blow up the whole splitter, right?
 23 A. Yes, sir.
 24 Q. All right.
 25 A. They are a protection device.

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1 Q. Okay. And the -- if there's any question
 2 in anybody's mind, you are aware of the fact that
 3 the relief valves did what they were supposed to
 4 do? They opened up; and there was no problem with
 5 the relief valves, correct?
 6 A. That's my understanding, yes.
 7 Q. Now, according to this, at the time that
 8 all of this was happening, the personnel had
 9 overfilled the raffinate splitter and not just a
 10 little bit, but there was at least -- it was at
 11 least 20 times higher, the level in that tower,
 12 than it should have been; is that right?
 13 A. Yes, sir.
 14 Q. So this wasn't just an, "Oops, I meant to
 15 turn that off a minute ago." It got up to 20 times
 16 what it should have been before this explosion
 17 occurred and these people were killed?
 18 A. Yes.
 19 Q. And apparently vaporization of the liquid
 20 low in the tower pushed liquid up the tower and out
 21 of the unit, overpressuring the relief valves and
 22 ultimately overwhelming the adjacent blowdown unit,
 23 correct?
 24 A. Yes, sir.
 25 Q. And there is a diagram that's part of the

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1 report that shows how these things flow at the site
 2 and how if you overfill this raffinate splitter and
 3 the relief valves pop, which they are supposed to,
 4 liquid then flows into what's called a blowdown
 5 drum; is that right?
 6 A. Yes, sir.
 7 (Exhibit Number 31 marked for
 8 identification.)
 9 Q. (BY MR. AMMONS) And Exhibit 31 shows
 10 this process in a schematic form, correct?
 11 A. Yeah, it's missing -- it's missing the
 12 heater, but that's all right.
 13 Q. This is the flow diagram of the raffinate
 14 splitter blowdown system that was provided as part
 15 of the investigation report and what it shows is
 16 that if you -- the raffinate splitter here, if you
 17 overfill it, liquid can come through this way.
 18 There are these three relief valves, which were
 19 overwhelmed.
 20 And then the liquid flows down
 21 into this blowdown drum; is that correct?
 22 A. Yes.
 23 Q. And the blowdown drum is designated as
 24 the F-20.
 25 "F-20," that's an important

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1 number, isn't it?
 2 A. It's -- yeah. That's the number that we
 3 used for determining the vessel at that point.
 4 Yes, sir.
 5 Q. So if the jury sees things referred to as
 6 the "F-20 vessel," it's this blowdown drum that
 7 they're talking about?
 8 A. Yes, sir.
 9 Q. Okay. What is the purpose of the
 10 blowdown drum? Explain that to us, please.
 11 A. It's designed to collect liquid and vapor
 12 hydrocarbons.
 13 Q. "Designed to collect liquid and vapor
 14 hydrocarbons."
 15 Why do you want to have a
 16 collection of those?
 17 A. Well, the relief valves are designed to
 18 pass both liquid and/or vapor.
 19 All right. So if the relief valve
 20 lifts, the way that's designed is that it will pass
 21 liquid or vapor into the blowdown stack where it
 22 will collect. It's got a pump on the bottom of it
 23 that allows you to pump the liquids out and
 24 disburse vapors off the top.
 25 Q. Now, if you overfill the raffinate

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1 splitter because you've got levels that are 20
 2 times what they ought to be, it's no big surprise
 3 that you are going to overwhelm the blowdown stack
 4 and the blowdown drum with fluid, correct?
 5 A. I don't think anybody anticipated us
 6 overflowing the blowdown stack. So your
 7 characterization of it being no surprise, I think,
 8 is -- is -- well...
 9 Q. I understand.
 10 What you -- what I think you are
 11 telling us is that the deviations from the
 12 operating procedures were so severe, so severe by
 13 your men that no one would have ever anticipated
 14 those types of gross deviations. Is that what you
 15 are telling us?
 16 A. Certainly not those kinds of
 17 consequences, yes.
 18 Q. All right. So the men did things so
 19 badly that there were these gross deviations,
 20 filled up the raffinate splitter 20 times, heated
 21 it up more than they should have, fluid flowed into
 22 this blowdown drum all the way full and started
 23 coming down in a vapor cloud that gathered on the
 24 ground.
 25 That's what happened, right?

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1 A. Yes, sir.
 2 Q. And you say it's unanticipated.
 3 Are you telling us that there had
 4 never been any other situations with blowdown drums
 5 at the Texas City refinery where similar incidents,
 6 maybe not with these kinds of consequences, but
 7 similar incidents occurred? Is that what you are
 8 telling the folks on this jury?
 9 A. No, sir.
 10 Q. All right. You know better? You know
 11 that they had occurred in the past, don't you?
 12 A. I do now, yes.
 13 Q. All right. So if there is any question
 14 about whether these types of things had occurred at
 15 the Texas City plant before the explosion that took
 16 the lives of these 15 people and injured hundreds
 17 of others, you, Willie Willis, head of the West
 18 Plant are saying, "I now know that those types of
 19 things had occurred in the past"?
 20 MR. PATTERSON: Objection, form.
 21 Q. (BY MR. AMMONS) Correct?
 22 A. Yes.
 23 (Exhibit Number 32 marked for
 24 identification.)
 25 Q. (BY MR. AMMONS) Now, we talked about the

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1 blowdown drum. We saw what it looked like in the
 2 schematic.
 3 Exhibit Number 32 is a photograph
 4 of it after the explosion; is that correct?
 5 A. Yes, sir.
 6 Q. All right. And does it hold as much
 7 liquid as the raffinate splitter?
 8 A. I don't believe so, no.
 9 Q. All right. According to BP's report,
 10 "About 1100 barrels of liquid was discharged into
 11 the blowdown unit, which has a capacity of
 12 390 barrels."
 13 Did you see that in the report?
 14 A. Yes, sir.
 15 Q. You are putting three times as much
 16 liquid into this blowdown drum and stack as it will
 17 hold. Fair characterization?
 18 A. Yes, sir.
 19 Q. "Liquid hydrocarbons started coming out
 20 of the top of the blowdown stack and caused a
 21 hydrocarbon vapor cloud at ground level."
 22 Is that right?
 23 A. Yes, sir, that's what I read in the
 24 report.
 25 Q. And the overflow of hydrocarbons, like

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1 what happened that day, is what's referred to as a
 2 "loss of containment."
 3 Is that right?
 4 A. Yes, sir.
 5 Q. And when I think of containment, I think
 6 of sort of a lion in a cage. You want to keep him
 7 contained so that the lion doesn't get out and hurt
 8 people.
 9 Do you understand what I mean?
 10 A. Yes, sir.
 11 Q. All right. And these hydrocarbons, you
 12 want to keep them contained so that they don't get
 13 out and hurt people; is that right?
 14 A. Yes, sir.
 15 Q. All right. And you didn't do that --
 16 A. No.
 17 Q. -- on March 23rd, 2005?
 18 A. No, sir.
 19 Q. The lion got away?
 20 MR. PATTERSON: Objection, form.
 21 Q. (BY MR. AMMONS) Now, you recognize from
 22 your years of experience that hydrocarbon vapor in
 23 the presence of oxygen and an ignition source will
 24 result in an explosion.
 25 You recognize that and you said

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1 that in your statement, didn't you?
 2 A. It has the potential to, yes.
 3 Q. And that's nothing new. It's something
 4 you had actual knowledge about not only months, not
 5 only years but decades, decades before this
 6 explosion occurred; isn't that true?
 7 A. Yes, sir.
 8 Q. You are part of management out at this
 9 plant, true?
 10 A. Yes, sir.
 11 Q. You have been part of management at BP,
 12 and even before BP, before they consumed ARCO, for
 13 over a decade?
 14 A. Yes, sir.
 15 Q. One of the things that you list as one of
 16 your strengths is your comprehensive understanding
 17 of operations; is that correct?
 18 A. Yes.
 19 Q. All right. You know what operators,
 20 supervisors and superintendents at a refinery
 21 should do because you have held those positions?
 22 A. That's correct.
 23 Q. You know what a reasonably prudent
 24 operator, what a reasonably prudent supervisor and
 25 superintendent at a refinery should do and how they

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1 should act because you held those positions and you
 2 now have responsibility for managing those
 3 positions, true?
 4 A. Yes, sir.
 5 Q. Part of your job is to get safety and
 6 health controls implemented and enforced at the BP
 7 Texas City plant; is that correct?
 8 A. Yes, sir.
 9 Q. And that was part of your job as of
 10 November, 2004, four months before the explosion,
 11 wasn't it?
 12 A. Yes, sir.
 13 Q. Your job was to get safety and health
 14 controls implemented and enforced at the BP Texas
 15 City plant and, in particular, the West Plant and
 16 the ISOM unit where the explosion happened?
 17 A. Yes, sir.
 18 Q. And you agree that as management of an
 19 organization, it's your responsibility to
 20 implement, to teach and to enforce hazard controls
 21 at your plant, at your refinery, true?
 22 A. To implement and enforce, I would agree
 23 with that. The teaching part is really delegated
 24 from me to other folks.
 25 Q. I understand.

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1 People that report to you, either
 2 directly or indirectly, have a critically important
 3 responsibility to train and teach the guys out in
 4 the field that are actually the operators that are
 5 running the unit, don't they?
 6 A. Yes, sir.
 7 Q. And although they may not be as high in
 8 management as you are, they are management and they
 9 report to you; is that right?
 10 MR. PATTERSON: Objection, form.
 11 A. Yes.
 12 Q. (BY MR. AMMONS) And management must take
 13 the lead when it comes to responsibility for
 14 safety; is that right?
 15 A. Yes, sir.
 16 Q. Now, a refinery is different than other
 17 work sites because the product that you are working
 18 with is very, very flammable and very dangerous,
 19 true?
 20 A. Not all of it.
 21 Q. Well, this raffinate was, wasn't it?
 22 A. I am trying to think of the exact --
 23 there's -- there's a -- within kind of the NFPA, or
 24 the National Fire Protection Agency, there's
 25 actually characterizations of what we would

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1 consider to be flammable liquid and combustible
 2 liquid.
 3 I want to say that there's a flash
 4 point of greater than a hundred degrees or less
 5 than a hundred degrees that distinguish between
 6 flammable and combustible.
 7 Q. All right. And I don't want to get into
 8 semantics, sir.
 9 You are not dealing with milk out
 10 at this refinery, are you?
 11 A. No, sir.
 12 Q. You are dealing with things that are
 13 flammable. They can blow up. They can explode and
 14 kill people.
 15 That's what you deal with every
 16 day, isn't it?
 17 MR. PATTERSON: Objection, form.
 18 A. Yes.
 19 Q. (BY MR. AMMONS) Hazardous substances
 20 with the potential to kill, true?
 21 MR. PATTERSON: Objection to form.
 22 A. Can you define "hazardous" for me so that
 23 I -- I just don't want to mischaracterize. There
 24 are certain characterizations within even like an
 25 OSHA reg that says, "This is a hazardous chemical.

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1 This is a hazardous hydrocarbon." And there's
 2 others that aren't. And so --
 3 Q. Well, was this raffinate hazardous? Tell
 4 the jury whether you as the head of the West Plant
 5 believe the raffinate that blew up and killed 15
 6 people, whether that was hazardous or not. Tell
 7 us.
 8 A. Yeah, it was -- it was combustible, and
 9 it -- and it exploded.
 10 Q. It was hazardous?
 11 A. Not purely by the definition of an OSHA
 12 reg. I don't believe it's characterized as a
 13 hazardous material.
 14 Q. So you do not believe that the raffinate
 15 that was involved in the explosion was hazardous?
 16 MR. PATTERSON: Objection, form.
 17 Q. (BY MR. AMMONS) That's your testimony to
 18 the folks on this jury, true?
 19 A. No, I am trying to help be -- be fair
 20 with what you want to characterize as the
 21 distinguishment of a hazardous chemical and, you
 22 know --
 23 (Brief interruption.)
 24 THE WITNESS: We are done?
 25 Q. (BY MR. AMMONS) No, I am just saying he

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1 is --
 2 MR. PATTERSON: Finish your
 3 answer.
 4 Q. (BY MR. AMMONS) -- giving me five
 5 minutes left on the videotape.
 6 A. Okay. I am trying to distinguish, you
 7 know, and be fair with the distinction between what
 8 would be characterized as a hazardous chemical.
 9 There are specific chemicals and constituents
 10 within those chemicals that are characterized as
 11 hazardous material.
 12 I don't believe that ISOM or total
 13 raffinate is characterized like that because it's
 14 low in benzene and other characters of that that
 15 might be seen as characters of hazardous material.
 16 So did it create a hazard that day? Absolutely.
 17 Is it characterized within some,
 18 you know, federal register as a hazardous chemical?
 19 I don't believe that's true, sir, no.
 20 MR. AMMONS: Objection,
 21 nonresponsive.
 22 We have to change the tape.
 23 THE VIDEOGRAPHER: Off the record
 24 at 11:10 a.m., ending Tape 1.
 25 (Recess taken.)

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1 THE VIDEOGRAPHER: On the record
 2 at 11:23 a.m., beginning Tape 2.
 3 Q. (BY MR. AMMONS) Mr. Willis, we had
 4 referred to a news release earlier in your
 5 testimony from BP, and I have now marked that as
 6 Exhibit Number 30 to the deposition.
 7 Do you see that?
 8 A. Yes, sir.
 9 Q. All right. We were talking about the
 10 refinery and how it's different from other work
 11 sites because the product you are working with has
 12 the potential to blow up, explode and kill people.
 13 Do you recall that discussion?
 14 A. Yes, sir.
 15 Q. All right. Would it be fair to say that
 16 at a refinery that you want to have zero tolerance
 17 for safety risk?
 18 A. Yeah, in this -- in the -- in the vein of
 19 making sure that everybody gets to go home safer --
 20 safe every day and that we provide the right kind
 21 of work environment and work conditions to
 22 facilitate that. Yes, sir.
 23 Q. All right. That should be the goal to
 24 have zero tolerance for safety risks when you are
 25 working and managing and running a petrochemical

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1 refinery. True --
 2 A. Well --
 3 Q. -- or false?
 4 A. I am struggling with your
 5 characterization of "safety risks." And I say that
 6 in kind of the thought that, you know, there are
 7 inherent risks in many things we do. Just driving
 8 a vehicle inside of the plant, being in charge of a
 9 truck has a certain amount of risk associated with
 10 it. And we accept that risk with risk mitigation
 11 plans requiring people to wear seat belts and
 12 asking that they drive 15 miles an hour and things
 13 like that.
 14 But to say that that has now
 15 become zero risk, I think is -- for me is an
 16 inaccurate characterization of the business that we
 17 run.
 18 MR. AMMONS: Objection,
 19 nonresponsive.
 20 Q. (BY MR. AMMONS) I am talking about
 21 safety risks where people's lives are put in
 22 danger.
 23 Do you understand what I am
 24 talking about?
 25 MR. PATTERSON: Objection, form.

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1 A. Not exactly, no, sir.
 2 Q. (BY MR. AMMONS) Okay. How much -- what
 3 is BP's policy with respect to the amount of risk
 4 it will tolerate for the loss of containment of
 5 hydrocarbons at the plant?
 6 A. No accidents, no harm to people and no
 7 harm to the environment.
 8 Q. All right.
 9 A. That's the group's stand on safety, yes,
 10 sir.
 11 Q. That would be -- would that have been the
 12 group's stand before March 23rd, 2005, in other
 13 words, the standard that BP would live by?
 14 A. Yes, sir.
 15 Q. All right. And you agree that part of
 16 your job is to make sure that the plant that you
 17 are running meets BP's standards?
 18 A. Yes, sir.
 19 Q. There are sort of standard operating
 20 procedures. It's a standard of care of what should
 21 be done at the plant, correct?
 22 A. Yes, sir.
 23 Q. All right. Now, would you agree that at
 24 a refinery management and all employees must be
 25 constantly vigilant, constantly on full alert and

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1 constantly watchful to prevent unnecessary risk to
 2 human life?
 3 A. Yes, sir, and I think that's -- I think
 4 that it shows up in what we -- what we call our
 5 duty of care, asking that everyone have the courage
 6 to stop any unsafe act.
 7 Q. Constant vigilance is necessary because
 8 of the tragic consequences that can result if an
 9 incident involving a loss of containment of
 10 hydrocarbons were to occur, right?
 11 A. Yes, sir.
 12 Q. And anything less than constant vigilance
 13 would be unacceptable.
 14 Would you agree?
 15 A. I am not sure I understand that question.
 16 Q. With respect to the loss of containment,
 17 we have talked about the hydrocarbons, the vapors
 18 and, you know, getting outside the process, vessels
 19 and equipment.
 20 Constant vigilance is necessary
 21 and anything less than constant vigilance is
 22 unacceptable, correct?
 23 A. The part of your question that I am not
 24 sure I completely understand is what you mean by
 25 "constant vigilance." Can you help me with that a

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1 little bit?
 2 Q. Sure.
 3 "Vigilance" means to be on alert,
 4 watchful, mindful. That's the definition of
 5 vigilance. All right?
 6 A. Yes, sir. Thank you.
 7 Q. Anything less than that with respect to
 8 loss of containment situations at the refinery is
 9 completely unacceptable.
 10 Wouldn't you agree?
 11 A. Yes, sir.
 12 (Exhibit Number 33 marked for
 13 identification.)
 14 Q. (BY MR. AMMONS) All right. I am going
 15 to ask you some questions today which may use a
 16 term, a term that we lawyers call "negligence."
 17 And I am going to show you what that term means and
 18 ask that when you answer any questions that have
 19 the term "negligence," that you use the definition
 20 on Exhibit 33.
 21 I will read you the definition.
 22 It says, "Negligence means failure to use ordinary
 23 care, that is, failing to do that which a person of
 24 ordinary prudence would have done under the same or
 25 similar circumstances or doing that which a person

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1 of ordinary prudence would not have done under the
 2 same or similar circumstances."
 3 "Ordinary care" is then defined to
 4 mean "that degree of care that would be used by a
 5 person of ordinary prudence under the same or
 6 similar circumstances."
 7 Do you see that definition of
 8 negligence?
 9 A. Yes, sir.
 10 Q. All right. Do you understand those
 11 words?
 12 A. Yes, sir.
 13 Q. Okay. Will you agree that if you are
 14 asked a question that contains the term
 15 "negligence" or "negligent" that you will use the
 16 definition in Exhibit 33?
 17 A. Yes, sir.
 18 Q. All right. Going back to March 22nd to
 19 23rd of 2005, there were turnaround activities that
 20 were taking place in the West Plant which involved
 21 hundreds of contractor employees; is that correct?
 22 A. Yes, sir.
 23 Q. Generally speaking, tell us what the
 24 turnaround activities were.
 25 A. There were two big turnaround activities

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1 going on. One of them in the ultracracker complex,
 2 which was undergoing a cycle ending turnaround,
 3 catalyst change out on the reactors and a big
 4 motorization project for the make-gas compressor as
 5 well as some work on the other recip compressors
 6 and just general piping work that generally occurs
 7 during turnarounds.
 8 There was, I want to say, about
 9 150,000-manhour turnaround occurring on the ARU-A
 10 and B complex and then a small outage that was
 11 occurring to change out the Penex catalyst and do
 12 some maintenance on the ISOM complex.
 13 Q. As far as the raffinate splitter was
 14 concerned, at that point, March 22nd, 23rd, none of
 15 the turnaround activities directly involved the
 16 raffinate splitter or the blowdown drum, true?
 17 A. I think we did some routine maintenance
 18 on the raffinate splitter during that outage. But
 19 we did not go into the tower to the best of my
 20 recollection, and I don't recall any activities
 21 that were occurring on the blowdown stack.
 22 Q. And just so we are clear on this, those
 23 activities that had been done had been completed.
 24 You wouldn't still be doing those activities and
 25 starting it up, right?

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1 A. No, sir.
 2 Yeah, that's correct.
 3 Q. Okay.
 4 A. Yeah.
 5 Q. So if we talk about the time period in
 6 question --
 7 A. Yes.
 8 Q. -- March 22nd and 23rd, it's fair to say
 9 that none of the turnaround activities involved the
 10 raffinate splitter or the blowdown drum as of
 11 that -- those days?
 12 A. Yes, sir.
 13 Q. All right. Now, the hydrocarbons that
 14 overflowed from the blowdown stack, the F-20 in the
 15 diagram, those were under the sole and exclusive
 16 control of British Petroleum, correct?
 17 A. Yes, sir.
 18 Q. The raffinate splitter and the raffinate
 19 that was feed for the raffinate splitter, that was
 20 under the sole and exclusive control of British
 21 Petroleum and its employees, correct?
 22 A. Yes, sir.
 23 Q. None of the contractors or their
 24 employees had any involvement whatsoever in the
 25 activities which led to the overfilling of the

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1 raffinate splitter, true?
 2 A. That's true.
 3 Q. None of the contractors or their
 4 employees caused or contributed to the explosion or
 5 the loss of life, agree?
 6 A. Yes.
 7 MR. PATTERSON: Objection, form.
 8 Q. (BY MR. AMMONS) I am sorry?
 9 A. Yes, sir.
 10 Q. Okay. The loss of containment that led
 11 to the explosion involved conditions and
 12 instrumentalities that were solely under British
 13 Petroleum's control, true?
 14 A. Could you read that last one again,
 15 please?
 16 Q. Sure.
 17 The loss of containment that led
 18 to the explosion involved conditions and
 19 instrumentalities that were under British
 20 Petroleum's sole and exclusive control?
 21 A. Yes, sir.
 22 Q. The contractors' employees that were hurt
 23 and the contractors' employees that were killed
 24 were 100 percent free of any wrongdoing, true?
 25 MR. PATTERSON: Objection, form.

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1 A. To the best of my understanding, yes,
 2 that's true.
 3 Q. (BY MR. AMMONS) Now, normally when you
 4 are putting the raffinate splitter online, in the
 5 absence of any negligence or bad acts, you don't
 6 blow up the plant, right?
 7 A. That's true. We have had many occasions
 8 where we have started that splitter up.
 9 Q. Okay. So this was wholly outside the
 10 ordinary of what would have occurred absence
 11 negligence, true?
 12 MR. PATTERSON: Objection, form.
 13 A. Yes.
 14 Q. (BY MR. AMMONS) All right. Is it common
 15 knowledge that startup is a potentially higher risk
 16 activity at the plant?
 17 MR. PATTERSON: Objection, form.
 18 A. Higher than what? Can you help me with
 19 that?
 20 Q. (BY MR. AMMONS) Well, let me ask you. I
 21 read this in the BP FAIR report on page 140. It
 22 says -- and the jury will see it on the monitor --
 23 "It is common knowledge that," continuing, "startup
 24 is a potentially higher risk activity."
 25 Do you see where it says that?

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1 A. Yes, sir.
 2 Q. Okay. And I am wondering. You have all
 3 of this experience, 26 years in the plant.
 4 What did that mean to you when
 5 your investigation team reports that it's common
 6 knowledge that startup is a higher risk activity?
 7 MR. PATTERSON: Objection, form.
 8 A. Well, my impression when I read that was
 9 that there is a recognition that during normal kind
 10 of continuous operation conditions that represents
 11 one degree of risk and that during startup
 12 activities represents a different degree of risk.
 13 Q. (BY MR. AMMONS) All right. Fair enough.
 14 In other words, I have heard it
 15 said if something's -- it's almost equivalent to a
 16 plane taking off and landing. That is to say,
 17 bringing the unit on line or off line, those are
 18 times when you want to put your seat belt on. You
 19 want to be extra careful, right?
 20 MR. PATTERSON: Objection, form.
 21 A. Yes, sir.
 22 Q. (BY MR. AMMONS) All right. So we know
 23 that this startup is a -- relatively speaking a
 24 higher risk activity; and that's something that you
 25 have known for over two decades, isn't it?

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1 MR. PATTERSON: Objection, form.
 2 A. Relatively speaking, yes.
 3 Q. (BY MR. AMMONS) Okay. You've had actual
 4 knowledge that startup is a relatively higher risk
 5 activity for over two decades even from the time
 6 that you were an operator, correct?
 7 MR. PATTERSON: Same objection.
 8 A. Yes, sir.
 9 Q. (BY MR. AMMONS) All right. As the head
 10 of the West Plant, when did you know that your men
 11 were going to be starting up the raffinate splitter
 12 in your ISOM unit?
 13 A. After the explosion.
 14 Q. All right. Do you know of any of your
 15 men, anyone from the West Plant, anyone associated
 16 with the ISOM, that informed contractors' employees
 17 that were within the zone of danger that the
 18 raffinate splitter was going to be started up?
 19 A. In the investigation there was questions
 20 that we asked about did we think about the amount
 21 of maintenance activity that was going on. My
 22 understanding is that the supervision had limited
 23 the amount of maintenance activity on the, what I
 24 would call, inside battery limits activities for
 25 the ISOM.

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1 At the time of the event, I think
 2 we had -- I know that at that point we were waiting
 3 on a gasket for the Penex reactor inlet; and there
 4 was likely some maintenance guys either waiting
 5 around or over in the maintenance, you know, kind
 6 of staging area waiting to work on that as well as
 7 I believe there was some work that was going on in
 8 the boiler feedwater piping system.
 9 MR. AMMONS: I need to object --
 10 A. Some limited --
 11 MR. AMMONS: Objection,
 12 nonresponsive.
 13 Q. (BY MR. AMMONS) My question is: Do you
 14 know of anyone in ISOM or that had management
 15 responsibilities at the -- in the West Plant that
 16 informed the contractors' employees, the people
 17 that were killed, the people that were hurt, that
 18 y'all were starting up the raffinate splitter?
 19 A. Yeah, and so my answer to the question
 20 was I believe those were contract people that we
 21 had actually working. It wasn't BP proprietary
 22 force. So I believe that there was a contract with
 23 those guys, a conversation.
 24 I don't recall the exact details
 25 of who may have had that conversation, but it's my

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1 understanding that there was a conversation with
 2 some of those folks around the startup activities.
 3 Q. Do you believe that they told the Merit
 4 people? Is that what you are telling the ladies
 5 and gentlemen of the jury? That BP informed Merit,
 6 the folks in the double-wide trailer that lost
 7 their lives, that y'all were starting up the
 8 splitter?
 9 A. No, sir.
 10 Q. Okay.
 11 A. I don't believe they -- we had a
 12 conversation with the JE Merit guys. They were
 13 actually working on the ultracracker.
 14 Q. And that's who I'm talking about. I'm
 15 talking about the people in the ultracracker and
 16 the people that were in the trailers and the people
 17 that were hurt and killed.
 18 You understand the people I am
 19 talking about?
 20 A. Yes, sir.
 21 Q. Do you know of anyone from BP that ever
 22 told those folks, the ones that you said were a
 23 hundred percent innocent of any wrongdoing, do you
 24 know of anyone who ever told those folks that you
 25 were starting up the raffinate splitter?

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1 MR. PATTERSON: Objection, form.
 2 A. Not to my knowledge, no.
 3 Q. (BY MR. AMMONS) All right. Now, was it
 4 your responsibility to inform the people in the
 5 adjacent process units or others in the immediate
 6 vicinity of the ISOM that the splitter was being
 7 started up? Was that your responsibility?
 8 A. No, sir.
 9 Q. All right. Can you tell the ladies and
 10 gentlemen of the jury: Who is it with British
 11 Petroleum, who had responsibility to advise the
 12 adjacent process units or others in the immediate
 13 vicinity of the ISOM that the splitter was being
 14 started up? Who had that responsibility?
 15 A. At the time of the explosion, there was
 16 no formal structure in place that would have
 17 facilitated the communications to the adjacent
 18 units and the contract folks working in the
 19 vicinity of the ISOM complex.
 20 Subsequent to the explosion, we
 21 have put a structure in place to ensure that
 22 adjacent units inform each other about startup and
 23 other activities so that we can keep everybody
 24 inside the plant adequately informed.
 25 MR. AMMONS: Objection to portions

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1 of that as nonresponsive.
 2 Q. (BY MR. AMMONS) You just told us that at
 3 the time of this explosion there was no structure
 4 in place to inform adjacent process units or others
 5 in the immediate vicinity of the ISOM that the
 6 splitter was being started up. No process in place
 7 at BP to communicate that information, correct?
 8 A. At the Texas City site, yes, sir.
 9 Q. All right. At other sites they do have
 10 those processes in place? They do have those lines
 11 of communications, don't they?
 12 A. I am not sure.
 13 Q. All right. You didn't have that up at
 14 Cherry Point?
 15 A. We would routinely take the people off
 16 the unit that we were starting up, but we wouldn't
 17 have taken everybody off the complex during an
 18 ultracracker startup or a reformer startup or we
 19 would have -- we would have done what they did that
 20 day on the ISOM complex, which is limit the amount
 21 of maintenance activity on the inside battery
 22 limits of that.
 23 MR. AMMONS: I need to object as
 24 nonresponsive.
 25 Q. (BY MR. AMMONS) Isn't it true, sir, that

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1 at Cherry Point and at other BP refineries there
 2 was a structure in place where the heads of these
 3 units communicate with one another and tell each
 4 other about startups and when they are going to
 5 take place?
 6 MR. PATTERSON: Objection, form.
 7 Q. (BY MR. AMMONS) Those lines of
 8 communication are open at other places, aren't
 9 they?
 10 MR. PATTERSON: Objection, form.
 11 A. Yes, sir.
 12 I am sorry. I thought your other
 13 question was -- your prior question was about how
 14 contractors were informed and how units -- adjacent
 15 units are communicated.
 16 Q. (BY MR. AMMONS) I am just talking about
 17 the adjacent units, and you have told me about
 18 other BP refineries where they do have those lines
 19 of communication.
 20 My next question is: Should there
 21 have been a structure in place on March 23rd, 2005,
 22 where folks in adjacent process units and others in
 23 the immediate vicinity of the ISOM would have been
 24 advised that the splitter was being started up?
 25 Should there have been that structure in place when

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1 this occurred?
 2 A. So let me see if we can back up, and this
 3 will be a bit more helpful.
 4 Q. I just want an answer to my question. I
 5 don't need help.
 6 MR. PATTERSON: Objection, form.
 7 Q. (BY MR. AMMONS) Your lawyer will get a
 8 chance to ask you --
 9 A. Okay.
 10 Q. -- all the questions and explain your
 11 answers.
 12 Do you remember my question?
 13 A. Yes.
 14 Q. Okay. Can you answer my question?
 15 A. Yeah. On --
 16 Q. Should there have been a structure in
 17 place?
 18 A. I will say that there was a structure in
 19 place on the day of the 23rd to inform adjacent
 20 units. Your point about making sure that that
 21 structure was -- had enough kind of reach to reach
 22 out into the contract community, that's the part
 23 that was missing.
 24 But we have had in place for a
 25 number of months a shift directors' meeting that's

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1 conducted twice a day, at 7:00 a.m. and 7:00 p.m.,
 2 where activities are talked about for kind of
 3 what's going to go on this day in this unit.
 4 MR. AMMONS: Objection,
 5 nonresponsive.
 6 Q. (BY MR. AMMONS) Sir, should others in
 7 the immediate vicinity of the ISOM been advised
 8 that the unit, that the splitter was being started
 9 up? Should they have been given that information?
 10 Yes or no?
 11 MR. PATTERSON: Objection, form.
 12 A. Yes, they should have been given that
 13 information.
 14 Q. (BY MR. AMMONS) All right. And as I
 15 take it now, there is a standard in place that
 16 would require BP to give that information --
 17 MR. PATTERSON: Objection, form.
 18 Q. (BY MR. AMMONS) -- to those in the
 19 vicinity; is that true?
 20 A. You mean a group standard?
 21 Q. A standard. I mean a standard operating
 22 practice, a standard of procedure, a way of doing
 23 business, a policy. Call it whatever one of those
 24 words you want.
 25 You tell people now if they are in

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1 that immediate vicinity, that you are going to be
 2 starting something up, don't you?
 3 A. Yes, sir.
 4 Q. Okay. And you could have done that. You
 5 could have told the people, the people in the
 6 double-wide trailers, you know, the people like
 7 Pedro Navar who had just left the double-wide
 8 trailer, you could have told them that you were
 9 going to be starting up this splitter, couldn't
 10 you?
 11 A. Yes.
 12 Q. And the failure to do that, the failure
 13 to inform those folks that they were in the zone of
 14 danger, that you were starting this unit up
 15 resulted in catastrophic consequences, didn't it?
 16 MR. PATTERSON: Objection, form.
 17 Q. (BY MR. AMMONS) Yes or no?
 18 A. Yeah. I mean, if we had have had, you
 19 know, nobody in the trailers when we were -- you
 20 know, when that event occurred, it would have been
 21 a very different day.
 22 Q. And the failure to advise these folks,
 23 these folks that were 100 percent wrong -- scratch
 24 that.
 25 The failure to advise these folks

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1 that were 100 percent innocent of any wrongdoing,
 2 these folks in the immediate vicinity of the ISOM
 3 that got injured and killed, the failure to advise
 4 them that this splitter was being started up was
 5 negligence, wasn't it?
 6 MR. PATTERSON: Objection, form.
 7 A. I disagree with the characterization of
 8 that because I don't think on that day that anybody
 9 would have anticipated and in -- in, you know,
 10 exercising what would have been ordinary care and
 11 common practice at that site, we would have -- and
 12 we did. We limited the amount of maintenance
 13 activity that was going inside of battery limits
 14 that day.
 15 And so I -- you know, it doesn't
 16 feel fair to characterize that as negligence.
 17 Q. (BY MR. AMMONS) All right. Do you
 18 accept responsibility for the failure to inform and
 19 advise the folks in the trailer, to give them that
 20 information that you were starting up a splitter on
 21 the day they were killed? Do you accept
 22 responsibility for that decision?
 23 A. Yes. We look back and we wished that we
 24 would have informed them and I think that, you
 25 know, the whole industry has learned from this

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1 event. And we conduct our business very
 2 differently now.
 3 Q. Did it take the deaths of 15 people and
 4 hundreds of others to be injured for you to begin
 5 to communicate with the folks you have invited onto
 6 your plant about what you are doing and the danger
 7 it poses to them?
 8 Is that what it took?
 9 MR. PATTERSON: Objection, form.
 10 A. I mean --
 11 Q. (BY MR. AMMONS) Is that what it took --
 12 MR. PATTERSON: Objection, form.
 13 Q. (BY MR. AMMONS) -- or were there plans
 14 in place before you blew up the plant and killed
 15 the people?
 16 MR. PATTERSON: Objection, form.
 17 A. Well, the way you have phrased the
 18 question suggests that we had no communications at
 19 all with anybody and I don't think that that's a
 20 fair characterization of the relationships that we
 21 had with the contractors and folks working.
 22 You know, did we have a process in
 23 place that we reached out to the JE Merit folks and
 24 let them know that we were going to start up the
 25 raffinate splitter that day? The answer to that is

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1 no.
 2 Q. (BY MR. AMMONS) All right. And you
 3 didn't have that process in place, but you are not
 4 willing to say or you are not willing to accept
 5 responsibility for negligence for failing to have
 6 that process in place.
 7 That's what you have told the
 8 folks on this jury? You deny negligence in that
 9 area?
 10 A. The way we have defined negligence as
 11 ordinary care to me suggests that you had a common
 12 practice of doing one thing and chose to do
 13 another, and I don't think that that's a fair
 14 characterization of what happened that day.
 15 Q. What negligence means, sir, and we've
 16 already talked about and the jury has seen,
 17 "Failure to exercise ordinary care, that is,
 18 failing to do that which a person of ordinary
 19 prudence would have done under the same or similar
 20 circumstances or doing that which a person of
 21 ordinary prudence would not have done under the
 22 same or similar circumstances."
 23 It doesn't say that you do it all
 24 the time or anything like that. What it just says
 25 is you didn't do what you were supposed to do,

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1 essentially.
 2 Do you see that?
 3 A. Yeah.
 4 MR. PATTERSON: Objection, form.
 5 A. I guess I just take a different
 6 definition away. What I read there is ordinary
 7 care is failing to do that which a person of
 8 ordinary prudence would have done. And what
 9 defines ordinary prudence is what has been kind of
 10 common practice, what have people done in the past
 11 and then what determines negligence from that is
 12 doing something different --
 13 Q. (BY MR. AMMONS) Okay. So if --
 14 A. -- and we didn't --
 15 Q. -- everybody else is doing it that way,
 16 it must be okay?
 17 Is -- what did your junior high
 18 school teacher say when you told her that?
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. AMMONS) That's what you have
 21 just told the jury. You are saying, "If we did it
 22 that way all the time, it must be okay. Everybody
 23 else is doing it that way."
 24 Wouldn't you agree with me that's
 25 sort of a -- that's a little bit of a juvenile

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1 explanation for things, isn't it?
 2 MR. PATTERSON: Objection, form.
 3 A. Well, what I would say is my -- my
 4 understanding of the definition of negligence
 5 distinguishes -- is trying to distinguish between
 6 what an ordinary prudent person would have done.
 7 And our experience at the site was to stop
 8 maintenance activities inside the battery limits of
 9 the units that were starting up and to not have,
 10 you know, a process in place that tells people on
 11 the outside of battery limits and adjacent units
 12 that that's what was about to take place.
 13 And so I am struggling with your
 14 characterization of saying that it's negligence,
 15 not that we haven't changed our practices. We have
 16 changed our practice. The entire industry has
 17 changed its practice as a result of this event.
 18 Q. (BY MR. AMMONS) Just to be clear on this
 19 for the ladies and gentlemen of the jury, you, as
 20 the head of the West Plant at BP, deny that your
 21 company was negligent in failing to inform others
 22 in the immediate vicinity of the ISOM unit that the
 23 splitter was being started up. You deny negligence
 24 as to that particular claim, true?
 25 MR. PATTERSON: Objection, form.

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1 A. I think we have accepted responsibility.
 2 The whole definition of negligence and trying to
 3 distinguish between what ordinary prudent care --
 4 Q. (BY MR. AMMONS) True or false, sir?
 5 MR. PATTERSON: Object -- I object
 6 to that.
 7 He can answer the question.
 8 Q. (BY MR. AMMONS) True or false, do you
 9 deny negligence? Do you as the head of the West
 10 Plant at BP deny negligence for failing to advise
 11 people in the immediate vicinity of the ISOM unit
 12 that the splitter was being started up?
 13 You either accept negligence for
 14 failing to do that, or you deny negligence. Which
 15 is it?
 16 MR. PATTERSON: Objection, form.
 17 A. I will deny negligence given the current
 18 definition of negligence and what I consider to be
 19 ordinary prudent care.
 20 Q. (BY MR. AMMONS) What are the battery
 21 limits of the ISOM? Can you -- I will give you a
 22 red pen and just draw on this diagram for us. This
 23 diagram is Exhibit 26.
 24 A. There is not a terrific amount of
 25 granularity in this drawing, so I am going to do it

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1 to the best of my ability.
 2 I believe that these -- I will put
 3 this back on here for you.
 4 Q. Thank you, sir.
 5 A. You will see it's a little hard to read,
 6 but I believe these are the cooling towers. And
 7 that would not be considered within battery limits.
 8 This is the raffinate splitter,
 9 which would be considered to be inside of battery
 10 limits. I think this is a -- well, I am not sure
 11 if that's -- exactly what that represents there.
 12 Q. Where were the trailers located? Can you
 13 identify that?
 14 Just point out the general area
 15 for the folks on the jury.
 16 A. Yeah. They would have been in this area
 17 here (indicating).
 18 Q. Okay.
 19 A. By the catalyst warehouse.
 20 Q. And now, the trailers were there and you
 21 recognize that people worked in the trailers and
 22 people came out from the units where they were
 23 working and had to go into the trailers on
 24 occasion.
 25 You knew that, right?

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1 A. Can you repeat the last part of that
 2 question?
 3 Q. Sure.
 4 People work inside the trailers.
 5 There were people inside there working at computers
 6 and at their desk on a regular basis, correct?
 7 A. Yes, sir.
 8 Q. There were also employees that needed to
 9 go into the trailer from time to time to see the
 10 people that worked inside the trailers?
 11 A. Yes, sir.
 12 Q. Okay. So you've got activity including
 13 people right here where you have identified and I
 14 have written the word "trailers" and they were not
 15 informed that the isomerization unit, particularly
 16 the splitter, was being started up, correct?
 17 A. Just to be clear, the isomerization unit
 18 was not in startup activity. The raff splitter
 19 was. Yes, sir.
 20 Q. All right. And my real question, though,
 21 is: You didn't inform these folks that were right
 22 here that you were starting up the raffinate
 23 splitter?
 24 A. I don't know of any communication that
 25 they had, no, sir.

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1 Q. You didn't inform those folks there, nor
 2 did you inform any of the hundreds of other
 3 contractors' employees that were anywhere outside
 4 the red line that you have identified, correct?
 5 A. I can't say whether there was
 6 communications with folks on -- you know, in every
 7 instance in an absolute way. I don't know of any
 8 communication that we had with the Altair Strickland
 9 guys that were working on the ultracracker
 10 turnaround or, you know, anybody else. I am not
 11 aware of that.
 12 Q. Do you have any evidence that there was
 13 communication, yes or no?
 14 A. No.
 15 Q. Generally speaking -- and okay. Let me
 16 change subjects.
 17 Let's talk about startup
 18 procedures for separators that are at the Texas
 19 City refinery. Okay?
 20 A. By "separators," do you mean splitters?
 21 Q. Splitters, sure.
 22 A. Yes, sir.
 23 Q. The purpose of starting that up is to
 24 bring it online, correct? Or is that the same
 25 thing, starting it up, bringing it online?

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1 A. It's the same thing.
 2 Q. Okay. You are doing that, and we have
 3 talked about there being an increased potential for
 4 danger during the startup.
 5 Do you have any procedures or
 6 anything that these guys are supposed to follow
 7 when they start it up?
 8 A. Yes, sir.
 9 Q. Okay. What do you call those procedures
 10 that the operators in the unit are supposed to
 11 follow when they start up a raffinate splitter?
 12 What do you call them generally?
 13 A. Startup procedures.
 14 Q. Startup procedures.
 15 What is the purpose of having
 16 startup procedures?
 17 A. To ensure the safe restart of process
 18 equipment in process units.
 19 Q. On a one to ten, how important is it for
 20 your employees to follow the startup procedures?
 21 With a one being not very important, and a ten
 22 being, "Oh, that's real important," how important
 23 is it?
 24 A. It's a ten.
 25 Q. It's a ten.

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1 If you don't follow the startup
 2 procedures, bad things happen, correct?
 3 A. The potential increases, yes, sir.
 4 Q. Potential increases.
 5 And when bad things happen at a
 6 petrochemical refinery, then people get killed.
 7 There is that potential, isn't there?
 8 A. Yes, sir.
 9 Q. Now, you have known, you have had actual
 10 knowledge about the fact that it's important to
 11 follow startup procedures when bringing a raffinate
 12 splitter online for over two decades, haven't you?
 13 A. Well, the procedures didn't materially
 14 exist until the OSHA rule promulgated in '92.
 15 Q. All right. Let's go back to '92.
 16 You've had over a decade, over ten
 17 years of actual knowledge about the fact that it's
 18 critically important to follow startup procedures
 19 when bringing a splitter online, correct?
 20 A. Yes, sir.
 21 Q. Would you agree that all operators at BP
 22 should be trained to know that it's important to
 23 follow startup procedures when they are bringing a
 24 splitter online?
 25 A. Yes.

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1 Q. Should the BP operators out there in your
 2 isomerization unit be told that if they don't
 3 follow the startup procedures, there is a
 4 significant potential of catastrophic consequences?
 5 Should they be given that information?
 6 A. Yes, sir.
 7 Q. Were they given that information before
 8 the explosion on March 23rd, 2005?
 9 A. Yes. I will say that I think I made my
 10 expectations very clear with the front line leaders
 11 and the superintendents and to the operations folks
 12 about the importance of following procedures and,
 13 in particular, my commitment around ensuring that
 14 if they came across a procedure that didn't fit the
 15 activities that they were about to engage in that
 16 my commitment to them in support would be that they
 17 get the procedure right before they engage in the
 18 activity.
 19 Q. My question was --
 20 A. So --
 21 Q. I am sorry.
 22 A. I think we have made it clear that that's
 23 an important element of operating the plant.
 24 Q. So if there's any question in the jury's
 25 mind about where the people under you, whether the

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1 superintendents and the operators knew, whether
 2 they had actual knowledge that it was critically
 3 important to follow startup procedures or
 4 catastrophic events would follow, you are telling
 5 us, "I told them that. They did know. They were
 6 told to tell everybody," right?
 7 A. I think they did know, yes, sir.
 8 Q. Okay. So actual knowledge of your
 9 operators and your employees is there. They know
 10 how important it is to follow the startup
 11 procedures.
 12 Now, the failure to follow startup
 13 procedures, you would agree, involves an extreme
 14 degree of risk, doesn't it?
 15 MR. PATTERSON: Objection, form.
 16 A. The question the way you have worded it
 17 is incredibly broad given the nature of different
 18 kinds of startup activities and -- you know. So
 19 there's degrees in there where I think it's -- it's
 20 difficult to answer the question the way you have
 21 asked it.
 22 Q. (BY MR. AMMONS) All right. Well, is it
 23 a small degree of risk if you don't follow the
 24 startup procedures that have been given to you that
 25 your managers have said you have to follow? Is it

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1 a small risk, or is it a big risk? Tell the jury.
 2 MR. PATTERSON: Objection, form.
 3 A. The degree of risk is a function of what
 4 step you are taking and what activity you are
 5 engaging in.
 6 Q. (BY MR. AMMONS) All right. The
 7 potential for harm is great because if you don't
 8 follow the startup procedures, an explosion can
 9 occur.
 10 You know that, don't you?
 11 A. Yeah. Yes, sir.
 12 Q. And when you have an explosion at a
 13 petrochemical refinery, the magnitude of that harm
 14 can be extreme, can't it?
 15 A. Yes, sir.

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21 Q. (BY MR. AMMONS) All right. A reasonably
 22 prudent -- a reasonably prudent shift supervisor
 23 should never direct a trainee operator to sign off
 24 on steps on the startup procedure that the operator
 25 did not witness, true?

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1 Q. I want to ask you if you have attempted
 2 to determine the specific departures from the
 3 startup procedure that your employees had
 4 committed.
 5 Have you done that?
 6 A. Yes, sir.
 7 Q. And they are contained in the report as
 8 well, aren't they?
 9 A. I believe they are, yes.
 10 Q. Let me show you page 73 of the report and
 11 ask you some questions.
 12 Are there alarms that should be
 13 tested before startups?
 14 A. Yes, sir.
 15 Q. All right. Do reasonably prudent
 16 operators and those that are running a refinery
 17 test the alarms in a splitter prior to startup?
 18 A. That is also a very, you know, broad
 19 statement. So if you are talking about critical
 20 alarms or alarms that are, you know, part of the
 21 startup and shutdown procedure, that would be true,
 22 yes.
 23 Q. All right. All alarms that are part of
 24 the startup -- that are part of the startup
 25 procedure should be tested; is that true?

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1 A. Yes, sir.
 2 Q. Are you aware of the fact -- and would
 3 you agree -- let me say this.
 4 Are you aware of the fact that the
 5 board and outside operators disregarded or
 6 otherwise did not follow the operating startup
 7 procedure?
 8 A. Yes, sir.
 9 Q. Would you agree that the board and
 10 outside operators' decision that they would not
 11 follow the startup procedure, that that decision
 12 was negligent?
 13 A. Yes, sir.
 14 Q. Are you aware of the fact that that was a
 15 cause of the explosion which killed 15 people and
 16 injured hundreds of others?
 17 A. Yes.
 18 Q. BP's employees acting in the course and
 19 scope of their employment on that occasion were
 20 negligent and that negligence was a cause of the
 21 explosion that killed people and injured hundreds
 22 of others --
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. AMMONS) -- true?
 25 A. Yes.

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1 And let me tell you what I am
 2 asking. I am reading this from the report. It
 3 says, "The startup on March 23rd deviated from the
 4 above normal startup procedure in a number of
 5 areas." And then it lists them as bullet points.
 6 Do you see that?
 7 A. Yes, sir.
 8 Q. And we talked about you said ordinary
 9 care is standard operating procedures.
 10 Do you remember telling me that's
 11 how you read it?
 12 A. Yes, sir.
 13 Q. Okay. And what they are saying is that
 14 your folks didn't test all alarms, and that was a
 15 deviation.
 16 Do you see that?
 17 A. Yes.
 18 Q. All right. And that was -- deviation was
 19 negligence, wasn't it?
 20 A. Well, without some context into that and
 21 I think it's -- there are hundreds of alarms that
 22 you can put into the system, deviation alarms from
 23 set points. And so when a statement comes out that
 24 all alarms were not tested prior to startup, you
 25 know, I'm not -- it's not clear to me today exactly

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1 what they are pointing at. Right. So --
 2 Q. Have you asked anybody?
 3 A. Not yet, no.
 4 Q. No?
 5 A. No, sir.
 6 Q. Do you care?
 7 A. I do, yes.
 8 Q. All right. Do you plan to ask that
 9 question?
 10 A. Yes.
 11 Q. Did you ask that question? Have you
 12 asked it since May when the interim report came
 13 out?
 14 A. Well, the alarms that they were
 15 referencing in May, the conversations that I have
 16 had centered around did they check the critical
 17 alarm on the F-20 blowdown stack; and the
 18 information that I got back is they had.
 19 There are level -- there's level
 20 instrumentation on the raffinate splitter that is
 21 not on the critical alarm list, and I don't know
 22 whether that was checked or not.
 23 Q. So there are -- you, as the head of the
 24 West Plant, to this day still don't know what
 25 alarms were checked and weren't checked by your

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1 folks before they blew up the plant?
 2 MR. PATTERSON: Objection, form.
 3 Q. (BY MR. AMMONS) Still don't know, do
 4 you?
 5 A. Still don't know what alarms were
 6 checked. That's correct, yes, sir.
 7 Q. Okay. And if the standard is that all
 8 alarms should be tested prior to startup, you don't
 9 believe that that's a good thing. You don't have a
 10 problem with them not checking all alarms, right?
 11 MR. PATTERSON: Objection, form.
 12 A. I just wouldn't characterize it like
 13 that, sir. I would talk about it in terms that
 14 would be specific enough that it would be
 15 meaningful. All critical trip alarms, all low flow
 16 trips and something that was more specific because
 17 when you say "all alarms," you broaden the scope
 18 out to every alarm on the DCS panel.
 19 And I don't believe that it's
 20 common practice for everybody to check every
 21 deviation alarm on every set point, you know, for
 22 what -- you know, for all the control points.
 23 Q. Okay. Well, what you're -- what the
 24 folks on this investigation team -- and they are
 25 pretty smart people, aren't they?

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1 A. Yes, sir.
 2 Q. Did you see who it was?
 3 A. Yes, sir.
 4 Q. Okay. You talked to him, too?
 5 A. Yes, sir. I know him.
 6 Q. They are pretty smart fellows?
 7 A. Yes, sir.
 8 Q. Okay. They said here that important
 9 steps were omitted or a different action taken as
 10 follows, and it lists the preparatory activities
 11 that deviated from what they believe should have
 12 been done.
 13 Do you see that?
 14 A. Yes, sir.
 15 Q. Okay. And so you take issue with them
 16 when they say that all alarms were not tested prior
 17 to startup. You don't believe that all alarms
 18 needed to have been tested or should have been
 19 tested, right?
 20 A. I am just trying to be clear about the
 21 characterization of "all alarms" and hoping that
 22 you and the jury and everyone involved understands
 23 what that term means.
 24 All alarms is all alarms and there
 25 are hundred of alarms that wouldn't be tested as

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1 part of a normal startup procedure because they are
 2 deviation alarms.
 3 Q. Were there important alarms in this
 4 particular case that were not tested that should
 5 have been tested?
 6 A. The critical trips that I have seen were
 7 tested.
 8 Q. Okay. So you --
 9 A. Prior to startup.
 10 Q. You don't believe that any of your
 11 employees or BP was negligent in failing to test
 12 alarms prior to startup, correct?
 13 A. Well, as it relates to the alarms, there
 14 was a step in the procedure when they had filled
 15 the tower where they should have noticed that the
 16 hard wire high level alarm did not come in. And at
 17 that point, the procedure -- they should have
 18 paused and waited to have the I&E guys fix that
 19 alarm.
 20 So if that rather broad statement
 21 is aimed at that particular event, I think it's a
 22 fair characterization.
 23 Q. All right.
 24 A. And I think that that was a particular
 25 point in the process that should have required --

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1 in reasonable, prudent care would have required an
 2 intervention. They would have waited for the I&E
 3 guys to fix the alarm.
 4 Q. The failure to get that intervention was
 5 negligence, wasn't it?
 6 A. Yes, sir.
 7 Q. All right. And that negligence resulted
 8 or was a cause of the explosion, correct?
 9 A. A contributing factor, yes, sir.
 10 Q. All right. All trips were not tested
 11 prior to startup. That is an important step that
 12 the investigation team says were omitted or a
 13 different action was taken.
 14 Do you have an opinion as to
 15 whether the failure to test the "all trips" prior
 16 to startup was negligence or not?
 17 A. If it was on the critical alarm trip
 18 testing, I would have characterized that as
 19 negligence, yes. I can't recall whether those
 20 are -- whether those trips are on the critical
 21 alarm list or not, sir.
 22 Q. Are the control valves supposed to be
 23 tested prior to startup?
 24 A. In that particular case, it's common
 25 practice for us, when we say tested, what we

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1 typically do is we go out and we stroke the control
 2 valves to ensure that you've gotten them, you know,
 3 hooked up in a proper way and that you get proper
 4 valve outputs and proper value opening giving a --
 5 given a specific output.
 6 The term "tested" is, again, a
 7 very broad kind of word; and I don't know what that
 8 means. Does that mean we should have taken them
 9 off site and x-rayed them all? That would
 10 certainly not be a common, ordinary practice.
 11 Q. The HSE department was not notified
 12 14 days prior to the startup.
 13 Is it important to notify the HSE
 14 department prior to the startup? Yes or no?
 15 A. Yes.
 16 Q. All right. And your people under your
 17 watch didn't do that, did they?
 18 A. No, sir.
 19 Q. Who is the HSE department? Who heads
 20 that?
 21 A. Joe Barnes.
 22 Q. What are Joe Barnes' qualifications to be
 23 head of HSE?
 24 MR. PATTERSON: Objection, form.
 25 A. I am not sure I understand the

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1 qualifications question.
 2 Q. (BY MR. AMMONS) Well, yesterday I was
 3 listening to Mr. Barnes; and he told us that you
 4 were part of a team that named him to be head of
 5 HSE.
 6 A. Yes.
 7 Q. Do you remember that?
 8 A. Yes.
 9 Q. Okay. Well, as part of that team, what
 10 did you understand his qualifications to be?
 11 A. Joe is a very experienced employee that
 12 had a long history at the Texas City site. He had
 13 worked in, to the best of my knowledge, into the
 14 upstream for a bit, and deeply committed to HSSE
 15 activities across the site and committed to
 16 improving the site in the domain of HSSE
 17 performance.
 18 Q. Did you know that Joe Barnes had never
 19 taken one class in process safety management? Did
 20 you know that?
 21 A. No, sir.
 22 Q. So you are part of a team that appoints
 23 him as head of process safety; but you weren't
 24 aware of the fact that he had no formal training in
 25 process safety management, correct?

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1 A. Yes, sir.
 2 Q. Is Joe Barnes the guy you look to for
 3 guidance on process safety management?
 4 A. I probably look more to Bill Ralph, who
 5 is more of a subject matter expert underneath Joe
 6 Barnes, on process safety management.
 7 Q. The next bullet point, going back to our
 8 discussion of the bullet points, "Review of
 9 procedure with all crew members not done."
 10 Well, is there supposed to be a
 11 review of procedure with all crew members?
 12 A. Yes, sir.
 13 Q. Want everybody to know what's going on,
 14 how to do it, what the procedures are, how to
 15 follow the steps, right?
 16 A. Yes, sir.
 17 Q. Didn't do that?
 18 A. No, sir.
 19 Q. That's negligence, isn't it?
 20 A. Yes, sir.
 21 Q. "Unit emergency horn was apparently not
 22 checked prior to startup although the step is
 23 signed off but not dated in the startup procedure."
 24 Do you see where I have read that?
 25 A. Yes, sir.

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1 Q. So you have people falsifying records.
 2 They don't check things, but they are signing off
 3 that they are checked.
 4 That's falsification, isn't it?
 5 A. Yes, sir.
 6 Q. People go to jail for falsifying records.
 7 Do you know that?
 8 MR. PATTERSON: Objection, form.
 9 A. No, sir.
 10 Q. (BY MR. AMMONS) Your people under your
 11 watch falsified the records, falsified the startup
 12 procedure in your ISOM unit. That's what happened,
 13 isn't it?
 14 MR. PATTERSON: Objection, form.
 15 A. Yes, sir.
 16 Q. (BY MR. AMMONS) And that's negligence,
 17 isn't it?
 18 A. Yes, sir.
 19 Q. It was not verified that all
 20 instrumentation was in service and that functional
 21 checks were complete. It refers to numerous steps
 22 in the SOP. Some instrument checks were conducted
 23 but not completed.
 24 Let me ask you this: If an
 25 instrument check is important enough to conduct,

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1 should you complete the check or just do it
 2 halfway?
 3 A. If it's in the procedure, we should do it
 4 completely.
 5 Q. The investigation team found you didn't,
 6 correct?
 7 A. Yes, sir.
 8 Q. Your people know better than that, don't
 9 they?
 10 A. I believe they do.
 11 Q. They made a conscious decision that they
 12 weren't going to do the things they knew they
 13 should do and they falsified the records?
 14 MR. PATTERSON: Objection, form.
 15 Q. (BY MR. AMMONS) That's what happened,
 16 isn't it?
 17 A. I can't speak to the decision process
 18 that the operations and supervisors used around the
 19 procedures.
 20 Q. Well, let's talk about whether any
 21 important steps were omitted or different actions
 22 taken during the actual startup.
 23 "Line up 3" -- is that pound?
 24 A. Yes, sir.
 25 Q. -- "vent system with pressure control

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1 valve open on manual was not done."
 2 Should that have been done?
 3 A. Yes, sir.
 4 Q. Was the failure to do that negligence?
 5 Was the failure to line up the 3-pound vent system
 6 with a pressure control valve open on manual, was
 7 that failure, that decision not to do that
 8 negligence?
 9 A. That particular step in the procedure is
 10 out of sequence with the current operating mode of
 11 the unit. And so while it's true that they could
 12 have and should have vented the thing into the
 13 3-pound system, the pressure control valve, to the
 14 best of my knowledge, was -- had -- was no longer
 15 in use. The bypassers on it would have been a
 16 perfectly acceptable way for them to depressure the
 17 nitrogen out of the raffinate splitter.
 18 Q. So what you are telling the jury is that
 19 "Our standard operating procedure, this critically
 20 important procedure that we want these men to
 21 follow and that they know they should follow was
 22 out of date."
 23 That's what you just told us,
 24 isn't it?
 25 A. Yes.

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1 MR. PATTERSON: Objection to form.
 2 A. Yes, sir.
 3 Q. (BY MR. AMMONS) Out of date.
 4 Is the failure to have your
 5 standard operating procedures up to date a good
 6 practice?
 7 A. No, sir.
 8 Q. That's negligence, isn't it?
 9 A. Yes, sir.
 10 Q. Next night shift -- the night shift put
 11 in excess of 100 percent in the splitter tower
 12 versus 50 percent required in the procedure. All
 13 right. They know to follow the procedure. They
 14 know that the procedure says 50 percent, but they
 15 put in a hundred percent.
 16 That's what the investigation team
 17 found, correct?
 18 A. Yes, sir.
 19 Q. Was that decision negligence?
 20 A. Yes, sir.
 21 Q. The next point, "The day shift filled the
 22 splitter tower above 100 percent level versus
 23 50 percent required in the procedure."
 24 The negligence we talked about the
 25 night shift, now we are talking about the day

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1 shift. Was their actions in filling the splitter
 2 tower above the 100 percent level negligence?
 3 A. Yes.
 4 Q. So this isn't just a couple of select few
 5 employees. We've got a night shift that has done
 6 things that you have characterized as negligence;
 7 and we have the day shift doing things that you
 8 have characterized as negligence, correct?
 9 MR. PATTERSON: Objection, form.
 10 A. It would be the two people that were
 11 running the board that were responsible for those
 12 steps.
 13 Q. (BY MR. AMMONS) Who was responsible for
 14 monitoring those two people?
 15 A. The night shift foreman and the day shift
 16 foreman.
 17 Q. What are they doing while these guys are
 18 filling things twice the level they ought to be?
 19 MR. PATTERSON: Objection, form.
 20 Q. (BY MR. AMMONS) What were they doing?
 21 A. I can't answer that question, sir.
 22 Q. So were -- the investigation team was
 23 critical of them for failing to properly monitor
 24 these board operators?
 25 A. Yes.

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1 Q. So we've got the board operators and
 2 we've got the board operators' supervisors, none of
 3 whom are doing their job the way they should be
 4 doing it while this plant is being started up.
 5 That's the situation we had?
 6 A. Yes, sir.
 7 Q. That's negligence, isn't it?
 8 A. Yes, sir.
 9 Q. "The day shift did not establish heavy
 10 raffinate rundown to tankage until just before the
 11 incident."
 12 You are supposed to do that. You
 13 are supposed to turn on or establish the heavy
 14 raffinate rundown and send it to the tanks, right?
 15 A. Yes, sir.
 16 Q. They didn't do that?
 17 A. No, sir.
 18 Q. That was negligence?
 19 A. Yes, sir.
 20 Q. That caused an explosion?
 21 A. Yes, sir.
 22 Q. "The day shift did not set the splitter
 23 tower level of control to auto with 50 percent set
 24 point until just before the incident."
 25 They were supposed to do that,

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1 weren't they?
 2 A. Yes, sir.
 3 Q. The failure to do that was negligence,
 4 wasn't it?
 5 A. Yes, sir.
 6 Q. The failure of the day shift to set the
 7 splitter tower level control to auto with
 8 50 percent set point until -- timely, in a timely
 9 manner, was negligence, true?
 10 A. Yes, sir.
 11 Q. "The day shift started adding heat to the
 12 splitter at 1000 hours without first establishing
 13 rundown to the tankage."
 14 They were supposed to have
 15 established rundown to the tankage before they
 16 started adding heat to the splitter, true?
 17 A. I believe that's true, yes, sir.
 18 Q. That's what the procedure says, right?
 19 A. Yes, sir.
 20 Q. Everybody had knowledge of that. They
 21 knew that. It's in the procedure, the one that
 22 they have been signing, right?
 23 MR. PATTERSON: Objection, form.
 24 A. Yes, sir.
 25 Q. (BY MR. AMMONS) Everybody certainly

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1 should know that, right?
 2 A. Yes.
 3 Q. Okay. And they didn't do it; and that's
 4 negligence, isn't it?
 5 A. Yes.
 6 Q. "The splitter temperatures were raised at
 7 approximately 75 degrees Fahrenheit versus
 8 50 degrees Fahrenheit as specified in the
 9 procedure."
 10 You are turning it up -- the heat
 11 up too fast. Isn't that what that means?
 12 A. Yes.
 13 Q. In common every day language, I mean, if
 14 you put a skillet on the front -- on the stove and
 15 you are supposed to be at medium and you put it on
 16 high, that's what we are talking about, right?
 17 A. Well, it's a firing rate to the furnace.
 18 So the actual burner pressure is a function of what
 19 your reboiler outlet temperature set points are.
 20 Q. All right. Bottom line is there are
 21 instruments that tell you how high and how fast the
 22 temperature is going up. There is a procedure in
 23 place that says 50 degrees Fahrenheit per hour and
 24 your men under your watch did not follow the
 25 procedure, correct?

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1 A. Yes, sir.
 2 Q. And that was negligence?
 3 A. Yes, sir.
 4 Q. They should have followed the procedure
 5 and not raised the temperature approximately
 6 75 degrees Fahrenheit. They should have been
 7 raising it at 50 degrees Fahrenheit, true?
 8 A. True.
 9 Q. "The Reboiler furnace outlet temperature
 10 was raised to 307 degrees Fahrenheit versus
 11 275 degrees Fahrenheit, the maximum required in the
 12 procedure."
 13 Do you see that?
 14 A. Yes, sir.
 15 Q. Again, they are not following the
 16 procedure that's been provided to them; and that's
 17 negligence, isn't it?
 18 A. Yes, sir.
 19 Q. We talked about supervisory personnel;
 20 and that's mentioned in the report as well, isn't
 21 it?
 22 A. Yes, sir.
 23 Q. It says, "The absence of supervisory
 24 presence on the unit probably contributed to the
 25 failure to establish rundown."

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1 Do you see where I have read that?
 2 A. Yes, sir.
 3 Q. And what that means is the guys that know
 4 this unit know how to run -- to start it up, know
 5 how to start up the splitter weren't there, and the
 6 failure to have the supervisors there probably
 7 contributed to this explosion; is that right?
 8 A. Probably, yes.
 9 Q. Who at your -- under your watch from
 10 November, 2004 through March, 2005 was responsible
 11 for telling those supervisors that they are to be
 12 there and monitor the startup of things like this
 13 raffinate splitter? Who had that responsibility,
 14 Mr. Willis?
 15 A. The asset superintendents.
 16 Q. The asset superintendents?
 17 A. Yes, sir.
 18 Q. Do you bear any responsibility for making
 19 sure that that message got through to those men?
 20 A. Yes, sir.
 21 Q. The failure of that message to get
 22 through to the supervisory personnel on the unit,
 23 that was negligence, wasn't it?
 24 MR. PATTERSON: Objection, form.
 25 A. Yes. Yes, sir.

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1 MR. AMMONS: We have five minutes
 2 left.
 3 THE VIDEOGRAPHER: Off the record
 4 at 12:23 p.m., ending Tape 2.
 5 (Lunch recess taken.)
 6 THE VIDEOGRAPHER: On the record
 7 at 1:14 p.m., beginning Tape 3.
 8 Q. (BY MR. AMMONS) Mr. Willis, you had told
 9 us about a work executive program at Wharton
 10 college?
 11 A. Yes, sir.
 12 Q. Tell me the classes that you took as part
 13 of that executive certification or whatever it is
 14 that you obtained.
 15 A. There were classes around financial
 16 performance, classes around strategic investment,
 17 marketing and basic team building strategy setting,
 18 strategy development, to the best of my
 19 recollection.
 20 Q. And Wharton is a university or college
 21 school of business in Pennsylvania?
 22 A. The University of Pennsylvania, yes.
 23 Q. Okay. What -- did you live at the
 24 University of Pennsylvania for a while while you
 25 were in that program?

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1 A. Yeah. In a campus -- a little dorm room,
 2 yes.
 3 Q. How long were you in the little dorm
 4 room?
 5 A. Two weeks, two and a half weeks.
 6 Q. All right. Have you had any college
 7 courses or training or classes in plant safety or
 8 anything like that?
 9 A. No, sir.
 10 Q. At the Wharton school of business where
 11 you took the executive program that you described
 12 for us, did you -- were you taught any classes on
 13 how to make sure that the refineries that you were
 14 working in were as safe as possible for the working
 15 people and the contractor employees that were
 16 brought onto the site?
 17 A. No, sir.
 18 Q. It sounded to me like those classes were
 19 business classes.
 20 You talked about finances; is that
 21 right?
 22 A. Yes, sir.
 23 Q. And that means money, how to manage the
 24 money, right?
 25 A. Yes.

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1 Q. Okay. Now I want to ask you if or --
 2 scratch that.
 3 I want to ask you: Who has
 4 control over expenditures at the plant? In other
 5 words, someone has to decide whether equipment is
 6 updated or whether it's left in its old condition.
 7 Those decisions have to be made; is that right?
 8 A. Yes, sir.
 9 Q. And I will assume that it's not the
 10 lowest level operators that are making the
 11 decisions in whether you update equipment and
 12 modernize the plant. That's made at a much higher
 13 level?
 14 A. Yes.
 15 Q. Who would participate in those decisions
 16 at the Texas City plant?
 17 A. Predominantly the leadership team.
 18 Q. And I want to ask you who the members of
 19 the leadership team were in March of 2005 before
 20 the explosion.
 21 A. Don Parus was the site director.
 22 Kathleen Lucas was the operations manager. Susan
 23 Dio was the commercial manager. Walt Wundrow was
 24 the technical manager. Paula Sharp was the HR
 25 manager. Doug White was the financial officer, and

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1 then there were MDLs.
 2 I had the West Plant. Ken Panozzo
 3 had the east plant. Norine Stein had the chemicals
 4 piece.
 5 Q. Don Parus was fired after the explosion?
 6 A. I don't believe that's true. No, sir.
 7 Q. Okay. He wasn't fired.
 8 He is still working out there at
 9 the plant?
 10 A. He still works for BP to the best of my
 11 knowledge. He does not work at the plant.
 12 Q. He doesn't work at the plant?
 13 What does Don do these days
 14 working for BP?
 15 A. To the best of my knowledge, I think he
 16 is working on incident investigation and the
 17 follow-up activities surrounding the ISOM unit.
 18 Q. So he is investigating the explosion at
 19 the plant, but he doesn't work at the plant. Is
 20 that what you are telling the jury?
 21 A. He is not part of the investigation team.
 22 He is part of the whole incident team. I don't
 23 think I can actually speak to exactly what Don is
 24 doing these days.
 25 Q. The board operator -- and we have talked

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1 about in the control room, there is a control
 2 board; is that right?
 3 A. Yes, sir.
 4 Q. I have been to one of those, and there
 5 are all kinds of lights and instruments and things
 6 that the board operator has to focus on to do his
 7 job; is that right?
 8 A. Yes, sir.
 9 Q. Have you ever looked in the cockpit of a
 10 plane when you took a trip and saw all those
 11 instruments?
 12 A. Yep. Yes, sir.
 13 Q. If you are not a pilot -- and I am not a
 14 pilot -- you don't know what any of them mean.
 15 But a control room has a lot of
 16 those instruments too; and the board operator has
 17 to know what they mean, doesn't he?
 18 A. Yes.
 19 Q. All right. You know what they mean
 20 because you have been a board operator in the past?
 21 A. Many of them, yes.
 22 Q. All right. And one of the things that's
 23 critically important is that when a person is
 24 involved in the starting up of a piece of equipment
 25 like a splitter, that they pay attention to what

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1 they are doing. That's critically important, isn't
 2 it?
 3 A. Yes, sir.
 4 Q. You don't want to have -- I mean, just
 5 like it's -- like a pilot in control of an
 6 aircraft, you don't want to have a lot of comings
 7 and goings and interruptions for the control board
 8 operator. That would not be an ideal situation,
 9 would it?
 10 A. Yes, that's true. The way that control
 11 room is configured, it's got a kitchen off to one
 12 side. The board is kind of arced back so that the
 13 board guys can look at the board, but their back is
 14 to a conference table and then the wall.
 15 So there is -- there can be some,
 16 you know, traffic through that control room that
 17 is -- you insulate the board guys from it to some
 18 degree.
 19 Q. In this case the BP superintendent -- one
 20 of the BP superintendents actually decided to have
 21 a big meeting in the boardroom while the splitter
 22 was being started up. That's what happened, isn't
 23 it?
 24 A. It was standard practice for us to have
 25 our safety meetings -- for that group to have their

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1 safety meetings on Wednesdays at noon.
 2 Q. Was the splitter being started up on
 3 Wednesday at noon?
 4 A. Yes, sir.
 5 Q. Well, is there a board operator in the
 6 control room that had the responsibilities of
 7 running the controls Wednesday at noon?
 8 A. Yes, sir.
 9 Q. Was the investigation team critical of
 10 that practice where you were going to have meetings
 11 in the control room during critical points during
 12 the startup?
 13 A. Yes, sir.
 14 Q. Who is the one that set that practice and
 15 that allowed that practice to continue before this
 16 explosion, where you had your meetings in the board
 17 room while the control board operator, Mr. Briggs,
 18 was trying to bring the unit online? Who called
 19 those meetings?
 20 A. It was just a standard meeting that
 21 occurred every Wednesday at noon, sir.
 22 Q. And so who would be at the meeting
 23 where -- in the control room while the board
 24 operator was trying to do his job? How high up the
 25 chain did it go?

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1 Did you ever go to those meetings?
 2 A. From time to time, yes, sir.
 3 Q. Okay. So any question about whether you
 4 had actual knowledge of meetings in the control
 5 room while board operators were trying to do their
 6 job, you did have actual knowledge because you were
 7 there?
 8 A. Yes, sir.
 9 Q. All right. And the people under you had
 10 actual knowledge that that was the practice at the
 11 BP plant, was to have your meetings in the control
 12 room while the board operator was trying to do his
 13 job?
 14 A. Yes, sir.
 15 Q. And you saw where the investigation team
 16 took note of that and was critical of that practice
 17 that you had been involved with. You saw that,
 18 didn't you?
 19 A. Yes, sir.
 20 Q. Do you continue to hold your meetings in
 21 the control room during -- scratch that.
 22 Do you believe as you sit here
 23 today that it's a good idea to have meetings in the
 24 control room while your board operator is involved
 25 in a startup? Do you believe that that is a good

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1 practice?
 2 A. I think judgment should be used and, you
 3 know -- and I will say that I think it is important
 4 to have safety meetings. It's an important
 5 opportunity for us to exchange ideas and -- any
 6 ideas. And so the practice of having safety
 7 meetings in the control rooms has not been stopped.
 8 There is a heightened awareness
 9 around what kinds of activities the board people
 10 would be engaging in where that practice should be
 11 suspended for that week.
 12 Q. What was the message that was delivered
 13 to everyone during this meeting in the control
 14 room?
 15 A. It largely centered around the fact that
 16 we had just finished up the ARU-A and B turnaround
 17 and had done so without any OSHA recordable
 18 frequencies and two first aids. They were
 19 celebrating the safety performance of that 35 or so
 20 day turnaround.
 21 Q. So the meeting when it was held in the
 22 control room while Warren Briggs was trying to do
 23 his job and they were trying to bring the raffinate
 24 splitter online was a celebration because nobody
 25 had gotten hurt over in a different part of the

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1 plant.
 2 Is that what you are telling me?
 3 A. Yes, sir.
 4 Q. Do you think celebrations are necessary
 5 when you have critical pieces of equipment when you
 6 are in startup that have the potential to explode
 7 and kill people? Do you think you ought to be
 8 having celebrations in the same room when the board
 9 is trying to do his job?
 10 A. In retrospect, I am sorry that we had the
 11 meeting there that day.
 12 Q. That was a bad decision, wasn't it?
 13 A. Yeah.
 14 Q. And again, tell me: Who made that bad
 15 decision? Who at BP made the bad decision and
 16 called the meeting and to go forward with the
 17 meeting?
 18 A. I don't -- I don't know when the standard
 19 operating practice of having Wednesday safety
 20 meetings was established in that complex. It would
 21 have required an intervention for somebody to stop
 22 it. It was a standard meeting that occurred every
 23 Wednesday at noon.
 24 Q. Let's discuss the equipment that is
 25 involved in this explosion, and we have referred to

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1 the raffinate splitter and the blowdown drum.
 2 Who at British Petroleum has
 3 responsibility to make sure that equipment at the
 4 plant is adequate?
 5 A. I am not sure I understand the question.
 6 Q. Well, I mean, somebody has to decide
 7 whether the equipment that you are using and the
 8 processes that you are using are adequate, whether
 9 they are adequate to do the job, whether they are
 10 adequate as far as safety.
 11 Someone has to have responsibility
 12 for making that decision, true?
 13 A. Well, it's a bit more complex than that.
 14 We have standard engineering design practices in
 15 which things are constructed to. We have operating
 16 envelopes in which we operate the equipment within
 17 the design parameters. And so I can't point to one
 18 person to say, you know, if it's a design question,
 19 I'd say that was more of a technical question, then
 20 I would point that into the technical department,
 21 if that's where you are headed with it.
 22 (Exhibit Number 34 marked for
 23 identification.)
 24 Q. (BY MR. AMMONS) Let me tell you where I
 25 am headed with it. It's where your investigation

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1 team was headed with it when they did their causal
 2 analysis, which I am handing it to you.
 3 It is marked as Exhibit 34, and
 4 it's the Appendix 34 to the report. I will put it
 5 on the monitor for the jury to see. And I am going
 6 to draw your attention to the bottom of the page
 7 where it talks about inadequate equipment.
 8 Do you see where I have pointed
 9 that out and am pointing that out for the jury?
 10 A. 6.2?
 11 Q. Yes.
 12 A. Yes.
 13 Q. First of all, they are talking there
 14 about the raffinate splitter.
 15 Who owns the raffinate splitter?
 16 Whose equipment are they describing as being
 17 inadequate?
 18 A. That would be me.
 19 Q. Your equipment owned by British
 20 Petroleum, correct?
 21 A. Yes, sir.
 22 Q. All right. It says, "The raffinate
 23 splitter did not have a model emergency shutdown
 24 system comprising critical alarms or trips linked
 25 to an automated heat off and feed shutdown system."

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1 Do you see where I have read that?
 2 A. Yes, sir.
 3 Q. Now, these symptoms exist, these modern
 4 emergency shutdown systems do exist at some plants;
 5 is that correct?
 6 A. Yes, sir.
 7 Q. And someone at British Petroleum has to
 8 make the decision as to how they are going to use
 9 their corporate dollars, whether they are going to
 10 spend it on equipment or whether they are going to
 11 do something else with it? Someone has to make
 12 those decisions, don't they?
 13 A. Yes, sir.
 14 Q. And I know it's not the operators that
 15 make those decisions, the hourly folks. It's much
 16 higher than that, isn't it?
 17 ATM. Yes, sir.
 18 Q. It would be people like you. It would be
 19 people like Kathleen Lucas. It would be people
 20 like Don Parus, correct?
 21 A. Yes, sir.
 22 Q. And apparently this group, this
 23 leadership team, made the decision that the
 24 raffinate splitter did not -- well, scratch that.
 25 Did you know that the raffinate

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1 splitter did not have a modern emergency shutdown
 2 system comprising critical alarms or trips linked
 3 to a automated heat off and feed shutdown system?
 4 Did you know about that condition
 5 at your plant before this explosion occurred and
 6 lives were lost?
 7 A. Prior to the accident, I couldn't have
 8 told you where the relief valves were linked to or
 9 what sort of automated shutdown systems were
 10 attached to that piece of equipment.
 11 Q. Okay. So you, Mr. Willis, what you are
 12 telling the ladies and gentlemen of the jury is "I
 13 personally did not know."
 14 Can you tell us: Is there someone
 15 at British Petroleum whose job it would be to know
 16 what type of shutdown system the raffinate splitter
 17 had? Would that be somebody's job to keep up on
 18 things and see whether equipment is adequate and
 19 modernized when it needs to be?
 20 A. For me, there's two questions in there.
 21 The first question is around are there people that
 22 know what sort of safety systems that we have in
 23 place on the units, and to that I'll answer:
 24 Depending on the level of detail that you are
 25 looking at. We certainly expect the operations --

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1 the operators and the front line supervisors and
 2 the foremen to have a very deep and complete
 3 understanding of all the emergency shutdown systems
 4 and control schemes for that.
 5 We expect that the superintendent
 6 would have a fairly good understanding, maybe not
 7 to the detail -- in most cases not to the detail
 8 that the operator would have. So that's the answer
 9 to the first question.
 10 Q. All right. Well, what about you? Do you
 11 make it your business to know whether or not the
 12 equipment in your unit is adequate or inadequate?
 13 Do you make it your business to know that?
 14 MR. PATTERSON: Objection, form.
 15 A. The process that we would use to identify
 16 equipment limits is the process safety management
 17 unit, the HAZOPS that we conduct, I believe, on a
 18 five-year basis to evaluate units to ensure that
 19 systems are looked at and that the process design
 20 equipment continues to operate within its limits.
 21 Q. (BY MR. AMMONS) At British Petroleum, no
 22 one ever made the decision to update or modernize
 23 the raffinate splitter so as to include an
 24 emergency shutdown system; isn't that true?
 25 A. We did not make a decision to put a flare

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1 in, if that's the question that you are asking
 2 about. I don't know whether there was a
 3 conversation whether we should put a flare in or
 4 not.
 5 Q. Did anyone in operations ever suggest to
 6 the higher-ups at British Petroleum, whether it's
 7 you or the person that you replaced, that the
 8 raffinate splitter should have an emergency
 9 shutdown system comprising of critical alarms,
 10 trips linked to an automated heat off and feed
 11 shutdown system?
 12 MR. PATTERSON: Objection, form.
 13 Q. (BY MR. AMMONS) Did anyone ever suggest
 14 that to the higher-ups at British Petroleum?
 15 A. Subsequent to the event, the explosion
 16 that occurred, that operations folks and
 17 supervisors had asked questions about the potential
 18 to tie some relief valves into a flare system; and
 19 it was -- and that's pretty much all I know about
 20 that.
 21 Q. Okay. So there was discussion about
 22 modernizing the raffinate splitter in a way that
 23 has been described in this document?
 24 A. Well, that document is fairly broad again
 25 or that -- because it talks about critical alarm

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1 trips being linked to automated feed shutdown
 2 systems, I will say that to the best of my
 3 knowledge there is a trip system for the furnace on
 4 low flow. So that piece exists today. The
 5 automated heat off is a function of that.
 6 Critical alarm trips, I am not
 7 exactly sure what they are looking at; and if you
 8 are referencing that back to the raffinate
 9 splitter, I have not been privy to any
 10 conversations associated with kind of critical
 11 alarm trips to the raffinate splitter. The piece
 12 that I have heard is conversations about tying some
 13 relief valves into a flare system.
 14 Q. Well, we will talk about that. We are
 15 going to get to that. Trust me.
 16 I am talking about the raffinate
 17 splitter and the finding that it did not have a
 18 modern emergency shutdown system. Do you know
 19 whether or not operations ever -- the people out
 20 there in the field ever suggested to the higher-ups
 21 of British Petroleum that that unit should have a
 22 modern emergency shutdown system?
 23 MR. PATTERSON: Objection to form.
 24 A. Not to my knowledge, sir, no.
 25 Q. (BY MR. AMMONS) This -- it continues.

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1 It says, "The severity of the incident would have
 2 been reduced if the raffinate splitter had relieved
 3 into a flare system instead of an atmospheric
 4 blowdown drum and stack."
 5 Do you see that?
 6 A. Yes, sir.
 7 Q. And of course, the severity of the
 8 incident would mean that the explosion would not
 9 have been as severe. Is that what you say that to
 10 mean?
 11 A. Yes, sir.
 12 Q. Perhaps lives would have been saved?
 13 A. Yes, sir.
 14 Q. Perhaps people would not have been
 15 injured that are injured?
 16 A. Yes, sir.
 17 Q. All right. And what you have told us is
 18 that at no time before this had you or were you
 19 ever aware of anything about any problems or
 20 suggestions that the raffinate splitter should be
 21 relieved to a flare system? No time before the
 22 explosion?
 23 A. Yeah. Yes, sir.
 24 (Exhibit Number 35 marked for
 25 identification.)

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1 Q. (BY MR. AMMONS) Okay. Let me ask you
 2 about this document here, Exhibit 35. And just
 3 first let me ask -- first let me ask this question.
 4 Do you recognize that signature
 5 that I am pointing to?
 6 A. Yes, sir. It's mine.
 7 Q. And it's under the heading, "Gatekeeper's
 8 Stage Decision."
 9 Do you see where that is?
 10 A. Yes, sir.
 11 Q. And you understand a gatekeeper to be one
 12 who monitors or oversees the actions of others?
 13 A. Yes, sir.
 14 Q. All right. And apparently in this case
 15 you are overseeing the actions of some team.
 16 Do you know which team it was?
 17 A. You would have to flip it up so I could
 18 see what --
 19 Q. Sure.
 20 A. -- actual DSP you are referencing there,
 21 sir.
 22 Q. Does that help you at all or not, the
 23 team members?
 24 A. No. There's a -- there should be a
 25 project description in the very beginning of it.

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1 Something...
 2 The wet and dry maintenance drum
 3 project. Yes, sir.
 4 Q. All right. What team was it that was
 5 involved in the ISOM new wet and dry maintenance
 6 drum?
 7 A. At the time that was brought to me, I
 8 believe my interactions were with David Harlan.
 9 The project had already been killed, and they were
 10 cleaning up some documentation. And I want to say
 11 sometime later in the year 2004, we were cleaning
 12 up the documentation around it and I took a look at
 13 it and it had been killed.
 14 MR. AMMONS: Objection,
 15 nonresponsive.
 16 Q. (BY MR. AMMONS) Who was the team for
 17 which you signed a document verifying that you were
 18 the gatekeeper? Who were you monitoring? What was
 19 this team that you were monitoring or overseeing
 20 the actions of? Tell the jury.
 21 MR. PATTERSON: Objection, form.
 22 A. Again, I will say I met -- to the best of
 23 my recollection, I met with one person for a very
 24 brief period of time; and it was around cleaning up
 25 the documentation. The project was already killed.

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1 I did not meet with the team to discuss whether the
 2 project should be moved on to the next stage or
 3 not.
 4 Q. (BY MR. AMMONS) And what we have here is
 5 a situation where you are telling us you are
 6 signing off on something that you didn't really
 7 participate in.
 8 Is that what you are telling us?
 9 A. That was --
 10 MR. PATTERSON: Objection to form.
 11 A. With the transition of the job with the
 12 aromatic assets coming into the West Plant, there
 13 was some documents that needed to be cleaned up
 14 around some projects. And I don't remember whether
 15 it was David or exactly who that brought this to me
 16 but -- and I believe someone in there asked and
 17 then referenced the fact that this project had
 18 already been killed and we were merely cleaning up
 19 the documents.
 20 Q. (BY MR. AMMONS) So you've got folks out
 21 in the operating units that are falsifying
 22 documents and signing off on things as being
 23 checked when they weren't. We have already talked
 24 about that, haven't we?
 25 A. Yes, sir.

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1 MR. PATTERSON: Objection, form.
 2 Q. (BY MR. AMMONS) Now we have executive or
 3 the head of the West Plant signing off as the
 4 gatekeeper on a document that he claims he didn't
 5 participate in. That's what we have here, don't
 6 we, sir?
 7 MR. PATTERSON: Objection, form.
 8 A. I think it's unfair to characterize that
 9 as falsifying documents. It was a project that was
 10 killed.
 11 Q. (BY MR. AMMONS) Sir, I didn't say that
 12 you falsified the document. Sir, what I have said
 13 is you signed off on a document as the gatekeeper
 14 when you tell us you didn't participate in the
 15 decisions; and you didn't -- and you weren't
 16 involved in it.
 17 That's what you have told the
 18 jury?
 19 A. The decision had been made to kill the
 20 project before it got to me; and in a world where
 21 projects are going on, you know, there's always
 22 transitional issues.
 23 MR. AMMONS: Objection,
 24 nonresponsive. Read my question back, please.
 25 (The requested testimony was read

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1 by the reporter.)
 2 Q. (BY MR. AMMONS) You can answer.
 3 MR. PATTERSON: Objection, form.
 4 A. I don't understand the question.
 5 Q. (BY MR. AMMONS) Did you participate in
 6 the decision to kill this project? "Yes" or "no"?
 7 A. The decision to kill that project was
 8 made prior to my taking over those assets.
 9 MR. AMMONS: Objection,
 10 nonresponsive.
 11 Q. (BY MR. AMMONS) Did you participate in
 12 the decision to kill this project? "Yes" or "no"?
 13 MR. PATTERSON: Objection, form.
 14 A. No.
 15 Q. (BY MR. AMMONS) Did you monitor or
 16 oversee the actions of the folks that did
 17 participate in this decision? "Yes" or "no"?
 18 MR. PATTERSON: Objection, form.
 19 A. The project was killed when it was
 20 brought to me.
 21 MR. AMMONS: Objection,
 22 nonresponsive.
 23 Q. (BY MR. AMMONS) Did you monitor or
 24 oversee the project for which you signed as the
 25 gatekeeper? "Yes" or "no"?

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1 MR. PATTERSON: Objection, form.
 2 A. There was no project when it came to me.
 3 It was already dead.
 4 Q. (BY MR. AMMONS) So you are signing as a
 5 gatekeeper on a project that's already dead before
 6 it ever gets to you is what you are telling the
 7 jury?
 8 MR. PATTERSON: Objection, form.
 9 A. I don't understand the question.
 10 Q. (BY MR. AMMONS) Let me ask you this
 11 question: How is this any different than Scott
 12 Yerrell telling the operator trainee to go sign off
 13 on the standard operating procedure?
 14 How is this any different, you
 15 signing off on something you are claiming now you
 16 didn't participate in?
 17 MR. PATTERSON: Objection, form.
 18 A. It's grossly different in my opinion.

 22 Q. Okay. But you think it would be unfair
 23 to fire you for signing off on projects as the
 24 gatekeeper that you didn't participate in. That
 25 would be unfair; is that right?

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1 MR. PATTERSON: Objection, form.
 2 A. My understanding of this project is it
 3 was an environmental project that was looked at
 4 around environmental emissions and when they got to
 5 the point where they were ready to execute the
 6 project, it didn't fit anymore and it was
 7 unnecessary to move the project forward. That's
 8 the way it was explained to me.
 9 I asked in the body of that to
 10 reflect the fact that the project had already been
 11 killed, and I was merely cleaning up the paperwork
 12 and documentation trail around that.
 13 MR. AMMONS: Objection,
 14 nonresponsive.
 15 Q. (BY MR. AMMONS) Where in the body of it
 16 does it say that the body -- the project had
 17 already been killed?
 18 I am handing you the document.
 19 A. "General: This project was stopped
 20 during the defined stage in 2003. The purpose of
 21 this DSP is to close the financial records and to
 22 communicate accepted HSE risk to asset management.
 23 Currently there are no plans to restart this
 24 project. Funds spent on installation tie-ins have
 25 been capitalized. Select and defined stage

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1 engineering costs have been expensed in line with
 2 the financial department requirements."
 3 The project was killed in 2003.
 4 Q. You were part of a transition team in
 5 2003?
 6 A. In 2000 -- it depends on what point in
 7 2003. I was either the transformation manager or
 8 West Plant division manager.
 9 Q. Is this a West Plant project?
 10 A. At that time, no, sir. It was an I&E
 11 project.
 12 Q. Well, it talks about the project name
 13 referred to as ISOM. Isn't that part of the West
 14 Plant, sir?
 15 A. It is now. It was not in 2003.
 16 Q. And what this project was going to do is
 17 it was going to relieve the raffinate splitter to a
 18 flare, wasn't it?
 19 MR. PATTERSON: Objection, form.
 20 A. I am not familiar with the details of
 21 this project. It's defined as an ISOM new wet and
 22 dry maintenance drum project and my -- my
 23 understanding is that it was an environmental
 24 project.
 25 Q. (BY MR. AMMONS) Now, I --

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1 A. To modify the ISOM blowdown.
 2 Q. So you don't know whether or not it had
 3 anything to do with venting products to a flare?
 4 You don't have any knowledge one way or the other;
 5 is that right?
 6 A. The stated goals of this project were to
 7 modify the ISOM blowdown stack facilities to ensure
 8 compliance with BWON regulations and to minimize
 9 contributions to the 2 megagrams per year site
 10 limit on uncontrolled benzene. It was an
 11 environmental project.
 12 Q. You told the investigation team that you
 13 were aware of a project in which they were going to
 14 divert the raffinate splitter relief to a flare;
 15 and you told them that, didn't you?
 16 A. After the ISOM explosion, a couple of the
 17 supervisors came forward to me and said had we have
 18 finished this project up that it might have
 19 facilitated the -- the ability to put the raff
 20 splitter PSVs into the AU2 flare, and I told that
 21 to the investigation team.
 22 Q. Now, the AU2 flare, of course that's
 23 mentioned in this document, isn't it?
 24 A. Yes, sir.
 25 Q. All right. And other than you, is there

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1 anyone else that has signed off as the gatekeeper
 2 for having killed the project?
 3 MR. PATTERSON: Objection, form.
 4 Q. (BY MR. AMMONS) Is there anyone else
 5 that --
 6 A. No, sir.
 7 Q. And of course, this was your
 8 recommendation, wasn't it?
 9 MR. PATTERSON: Objection, form.
 10 A. Again, I will state in the project
 11 overview, the project was stopped during the
 12 defined stage in 2003. I was merely cleaning up
 13 the paperwork around a project that been stopped
 14 for -- to the best of my knowledge, it was an
 15 environmental project prior to the ISOM event.
 16 Q. (BY MR. AMMONS) If it wasn't you that
 17 recommended that the project be killed, who killed
 18 the project?
 19 A. I can't answer that.
 20 Q. Was it your custom and practice as the
 21 head of the West Plant to sign off on documents and
 22 to sign off as documents being recommended by you
 23 when you hadn't participated in the decisions or
 24 hadn't made the decisions? Is that your practice?
 25 MR. PATTERSON: Objection, form.

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1 A. No, sir. And that's specifically why I
 2 asked for that comment, "This project was stopped
 3 during the defined stage in 2003," to be put into
 4 the DSP so that it was clear that the project was
 5 killed prior to getting to me, and that they
 6 weren't coming to me for a decision. They were
 7 coming to me to clear up the project DSP.
 8 MR. AMMONS: Objection,
 9 nonresponsive.
 10 Q. (BY MR. AMMONS) Did anybody hold a gun
 11 to your head or force you to sign this?
 12 MR. PATTERSON: Objection, form.
 13 A. No, sir.
 14 Q. (BY MR. AMMONS) Okay. You signed it
 15 voluntarily?
 16 A. Yes, sir.
 17 Q. All right. You signed it as part of your
 18 job duties and responsibilities?
 19 A. Yes, sir.
 20 Q. Was that your common practice, to sign
 21 things as being recommended by you when you weren't
 22 involved in the decisions or in the gatekeeping?
 23 MR. PATTERSON: Objection, form.
 24 A. I think that common practice --
 25 Q. (BY MR. AMMONS) "Yes" or "no"?"

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1 MR. PATTERSON: Objection, form.
 2 A. It's not a "yes" or "no" question.
 3 Q. (BY MR. AMMONS) It either is your common
 4 practice to sign off on things as being your
 5 recommendation when you haven't participated in
 6 them, or it's something that's not your common
 7 practice. Which one was it?
 8 MR. PATTERSON: Objection to form.
 9 A. I think it's my common practice to do
 10 just what I did here, which was to ask them to put
 11 documentation in the DSP that made it clear that
 12 the decision to kill this project was done prior to
 13 my taking over the assets; and that was common
 14 practice for me. And I asked specifically for the
 15 project manager to put that opening comment, "This
 16 project was stopped during the defined stage in
 17 2003."
 18 The purpose of this DSP is to
 19 close the financial records and to communicate
 20 accepted HSE risk to the asset management.
 21 MR. AMMONS: Objection,
 22 nonresponsive. Move to strike.
 23 Q. (BY MR. AMMONS) When we saw your
 24 signature on the last document -- let me ask you
 25 about this. This is Exhibit 34.

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1 "Improper decision-making or lack
 2 of judgment." It talks about process safety
 3 standard Number 6. That's for Amoco; is that
 4 right?
 5 A. Yes, sir.
 6 Q. And that was a process safety standard
 7 that called for the elimination of blowdown stacks,
 8 true?
 9 A. Elimination of the blowdown stacks where
 10 major unit modifications were made, yes, sir.
 11 Q. Of course that, for you folks, was seen
 12 as a "low priority" according to the investigation
 13 team.
 14 Do you see where they recorded
 15 that?
 16 A. Yes, sir.
 17 Q. Also a lack of judgment in not connecting
 18 the ISOM to the AU2 flare when it was connected in
 19 '95 or when NDU was connected to the AU2 flare in
 20 2002.
 21 Do you see where the investigation
 22 team found a lack of judgment on the part of BP?
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. AMMONS) Do you see that reported
 25 in the --

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1 A. Yes, sir.
 2 Q. -- document?
 3 Whose judgment was lacking? Do
 4 you know? Whose judgment was lacking in the
 5 failure to connect the ISOM to the AU2 flare?
 6 Whose judgment was lacking?
 7 MR. PATTERSON: Objection, form.
 8 A. I don't know.
 9 Q. (BY MR. AMMONS) What individual?
 10 A. I don't know, sir.
 11 MR. PATTERSON: Objection, form.
 12 Q. (BY MR. AMMONS) Do you know any
 13 individual at British Petroleum that will take
 14 personal responsibility for making the decision
 15 that they would not spend corporate dollars on
 16 connecting the ISOM to a flare? Instead, they
 17 would do something else with that money?
 18 Do you know anyone that will
 19 accept responsibility for that decision?
 20 MR. PATTERSON: Objection, form.
 21 A. I think from --
 22 Q. (BY MR. AMMONS) "Yes" or "no"? Who?
 23 MR. PATTERSON: Objection, form.
 24 A. The way I will answer your question is
 25 that I believe that I have heard John Browne accept

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1 responsibility for the ISOM event, Ross Pillari,
 2 Mike Hoffman. Certainly as a member of the
 3 leadership team, I am accepting responsibility for
 4 the events that led up to the ISOM event.
 5 I was not part of BP in 1995, and
 6 I am not sure when the NDU conversations around AU2
 7 flare connections or exactly what decision
 8 processes were being used at that point.
 9 Q. (BY MR. AMMONS) Let's talk about that.
 10 You were the MDL. You are
 11 mentioned in this document. It talks about trailer
 12 siting.
 13 You were unclear that you were
 14 accountable for the location where the trailers
 15 were sited; is that right?
 16 MR. PATTERSON: Objection to form.
 17 A. The management of change process utilized
 18 at the time for bringing in temporary trailers did
 19 not require any interaction with the MDL.
 20 Q. (BY MR. AMMONS) MDL, that's you; is that
 21 correct?
 22 A. That's correct.
 23 Q. All right. Tell the ladies and
 24 gentlemen: Were you clear or unclear that you were
 25 accountable for the location where the trailers

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1 were sited?
 2 A. I am clear on the process that we used to
 3 site trailers in the facility and it had no
 4 connection back to an MDL. The MDLs weren't part
 5 of the hazard assessment that was conducted to site
 6 the trailers.
 7 Q. So now you are clear that you are not
 8 accountable for the location of where the trailers
 9 are sited -- were sited? Is that what you are
 10 telling the folks on this jury?
 11 A. I am trying to be clear about the process
 12 that we used to site trailers in the facility.
 13 There's a management of change process required
 14 when we bring in a temporary trailer, and that
 15 process did not require my attendance.
 16 Q. Well, let me show you what you said to
 17 the investigation team. It says, "Question: So we
 18 are not exactly clear who is accountable for that
 19 plot of land?"
 20 Your answer was "Right."
 21 MR. PATTERSON: Objection --
 22 Q. (BY MR. AMMONS) Do you see where I have
 23 read that?
 24 MR. PATTERSON: Objection, form.
 25 A. I see where you have read that. I would

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1 like to add some context to that.
 2 I think if you go back into the
 3 statement they are talking about who owned the plot
 4 around the catalyst warehouse. And as the MDL
 5 responsible for the West Plant, my primary
 6 responsibilities in terms of geographical
 7 responsibility are inside battery limits.
 8 The catalyst warehouse sits
 9 outside of the battery limits. There were some
 10 questions directed to me about which person on site
 11 was responsible for what I would consider to be
 12 outside battery limits or who had responsibility,
 13 in particular, for the catalyst warehouse; and I
 14 didn't know the answer to that question, sir.
 15 MR. AMMONS: Objection,
 16 nonresponsive after the first couple of words of
 17 the answer where I think you said -- I don't
 18 remember what you said now.
 19 Q. (BY MR. AMMONS) Previous incidents
 20 involving the blowdown stack, tell the ladies and
 21 gentlemen of the jury what you did from the time
 22 you took over the West Plant to before this
 23 explosion to investigate previous incidents
 24 involving the blowdown stack. Tell the folks on
 25 the jury what you did.

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1 A. I can't recall doing anything around the
 2 blowdown stacks prior to the event.
 3 Q. So the answer would be, "Ladies and
 4 gentlemen, I did nothing to investigate the prior
 5 incidents involving the blowdown stack"? That's
 6 the true answer to the question, isn't it?
 7 MR. PATTERSON: Objection, form.
 8 A. My answer would be I can't recall doing
 9 anything associated with the blowdown stacks.
 10 Q. (BY MR. AMMONS) "I was in charge. There
 11 were prior incidents involving the blowdown stack.
 12 I did nothing to investigate them. I did nothing
 13 to correct the problem."
 14 That's your position, isn't it,
 15 Mr. Willis?
 16 MR. PATTERSON: Objection, form.
 17 A. Well, the way you have stated that
 18 suggests that I had knowledge of prior events; and
 19 I wasn't aware of the events that occurred prior to
 20 my being on the site.
 21 Q. (BY MR. AMMONS) What did you do to try
 22 to determine whether there had been prior events?
 23 Tell the jury what you did.
 24 A. Prior events should be identified in
 25 process hazard analysis and the PHA that's

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1 conducted on a five-year basis. I relied on that
 2 process to identify work conditions and issues like
 3 that.
 4 MR. AMMONS: Objection,
 5 nonresponsive.
 6 But let me ask you about that.
 7 Q. (BY MR. AMMONS) The process, I guess,
 8 kind of failed because you didn't know about any of
 9 the prior events involving equipment that was under
 10 your management and control, did you?
 11 MR. PATTERSON: Objection, form.
 12 A. The process safety hazard analysis to the
 13 best of my knowledge did not identify the blowdown
 14 stack as an issue; and so, I'd say, yes, at that
 15 point the process let us down, sir.
 16 Q. (BY MR. AMMONS) "The process let us
 17 down."
 18 Who is in charge of making sure
 19 that the process hazard analysis system identifies
 20 those problems, conveys that information to the
 21 decision-makers like yourself? Who has the
 22 responsibility to make sure that is followed up on?
 23 A. In terms of ensuring that the work
 24 process is robust enough, I'd say that that's a
 25 leadership team commitment.

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1 Q. All right.
 2 A. In terms of communicating the output of
 3 an individual process hazard analysis, that
 4 depends. It's generally the process hazard
 5 analysis leader that writes up the report, and he
 6 sends it to the appropriate people in the
 7 organization. Meaning I wouldn't read a process
 8 hazard analysis on a unit that was outside my
 9 jurisdiction or authority.
 10 MR. AMMONS: Let's -- can we take
 11 a break?
 12 MR. PATTERSON: Sure.
 13 THE VIDEOGRAPHER: Off the record
 14 at 1:54 p.m.
 15 (Recess taken.)
 16 (Exhibit Number 36 marked for
 17 identification.)
 18 THE VIDEOGRAPHER: On the record
 19 at 2:05 p.m., beginning Tape 4.
 20 MR. AMMONS: I will pass the
 21 witness.
 22 * * *
 23 EXAMINATION
 24 Q. (BY MR. KEBODEAUX) Mr. Willis, my name
 25 is Keith Kebodeaux.

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1 Very briefly, before I move into
 2 something else, you indicated you reviewed some
 3 statements in preparation for your deposition?
 4 A. Yes, sir.
 5 Q. More than one?
 6 A. Yes, sir.
 7 Q. How many statements that you gave did you
 8 review?
 9 A. Two.
 10 Q. Okay. I only have one statement, and I
 11 am going to mark it as Exhibit 37 and ask you to
 12 identify that as your statement -- as one of your
 13 statements.
 14 (Exhibit Number 37 marked for
 15 identification.)
 16 A. Yes, sir.
 17 Q. (BY MR. KEBODEAUX) Okay. Was that
 18 statement that is marked Exhibit 37 given to the
 19 investigation committee with a court reporter
 20 present?
 21 A. Yeah, I believe so. Yes.
 22 Q. Now, you said you had another statement
 23 that you reviewed?
 24 A. Yeah.
 25 Q. Is that right?

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1 A. Yes, sir.
 2 Q. What other statement have you given?
 3 A. I was interviewed twice.
 4 Q. Okay. By the same investigation
 5 committee?
 6 A. Yes, sir.
 7 Q. All right. Did you review anyone else's
 8 statements in preparation for this deposition?
 9 A. No, sir.
 10 Q. Okay. You said you read the entire final
 11 FAIR report or parts of it?
 12 A. I have not read through the whole thing.
 13 Q. When did you read the portion that you
 14 did review?
 15 A. The report came out on Friday and I tried
 16 to access it over the weekend, and I couldn't get
 17 it because of the size of it through an IRIS
 18 connection and printed it. Actually there was a
 19 problem with software stuff at the plant on Monday,
 20 but I got my admin to print it for me on Monday.
 21 Q. The part that you did read, do you recall
 22 disagreeing with anything that was contained in the
 23 part that you reviewed?
 24 A. I think in principle the report was aimed
 25 at helping us improve BP, the BP refinery and the

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1 industry.
 2 Q. How far did you get into the report? How
 3 many pages did you review?
 4 A. Well, I read the executive summary; and
 5 then I was using the table of contents to kind of
 6 page around through the thing looking at some of --
 7 Q. So the conclusions in the executive
 8 summary of the final FAIR report you agree with?
 9 A. Yes, sir.
 10 Q. The findings that are set forth in the
 11 executive summary, you also agree with?
 12 A. In principle, yes, sir.
 13 Q. Well, what do you mean by "principle"?
 14 Do you agree with them, or do you not?
 15 A. I agree with them in principle.
 16 MR. PATTERSON: Objection, form.
 17 A. Yes, sir.
 18 Q. (BY MR. KEBODEAUX) Were there parts of
 19 them that you do not agree with?
 20 A. Not specifically, no, sir.
 21 Q. Now, I was not clear earlier. Do you
 22 admit that raffinate is a highly hazardous chemical
 23 or not?
 24 MR. PATTERSON: Objection, form.
 25 A. The point that I made earlier was that

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1 there are different characterizations, and so when
 2 you -- when you asked me if I can characterize
 3 raffinate, total raffinate, light raffinate, heavy
 4 raffinate as a highly hazardous chemical, I would
 5 have to refer back to what specific index are you
 6 referencing? An OSHA reg? An EPA reg? Exactly
 7 what?
 8 Q. (BY MR. KEBODEAUX) So right now, based
 9 on what I have asked you, you cannot agree or
 10 disagree with me as to whether raffinate is a
 11 highly hazardous chemical?
 12 A. Without a more defined definition of what
 13 you mean by "hazardous," yes, sir.
 14 Q. Are you aware that BP was cited by OSHA
 15 for violations in connection with highly hazardous
 16 chemical regulations in connection with this
 17 explosion?
 18 A. I have not looked at all of the findings,
 19 no, sir.
 20 Q. Okay. I didn't ask if you looked at the
 21 findings. I am asking you if you are aware that
 22 OSHA cited BP for violations in connection with
 23 highly hazardous chemicals?
 24 MR. PATTERSON: Objection, form.
 25 A. I have not heard it stated like that, no,

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1 sir.
 2 Q. (BY MR. KEBODEAUX) Let's talk about your
 3 definitions of highly hazardous chemicals.
 4 What definitions would you want me
 5 to give you so that you would have sufficient
 6 information to either agree or disagree with me
 7 that raffinate is a highly hazardous chemical?
 8 MR. PATTERSON: Objection to form.
 9 A. Generally within the industry when we
 10 characterize something as, you know, being within a
 11 certain group, it would list components or
 12 constituents that would be part of a subpart of
 13 that molecule. And you would say that molecules or
 14 hydrocarbons containing the following, you know,
 15 things are deemed to be highly hazardous.
 16 Q. (BY MR. KEBODEAUX) Well, what
 17 regulations would you go to? OSHA?
 18 A. OSHA and EPA.
 19 Q. EPA. Okay.
 20 Now, would you concede me that
 21 raffinate is highly flammable?
 22 A. Yes, sir.
 23 Q. Okay. Is it particularly flammable when
 24 it's in a vapor cloud?
 25 A. Only a vapor can burn, sir.

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1 Q. Would you agree with me that a vapor
 2 cloud of raffinate at ground level close to an
 3 ignition source is extremely dangerous?
 4 A. Yes, sir.
 5 Q. And presents a very extreme degree of
 6 risk to people, human beings?
 7 A. Yes.
 8 Q. All right. Would you agree with me that
 9 in a process unit a vapor cloud of raffinate at
 10 ground level is going to find an ignition source --
 11 MR. PATTERSON: Objection, form.
 12 Q. (BY MR. KEBODEAUX) -- that is, something
 13 to make it explode and burn?
 14 MR. PATTERSON: Objection, form.
 15 A. It would depend on the location inside
 16 the unit and, in particular, it would be largely
 17 influenced by the dispersion modeling as a function
 18 of how high it's released into the atmosphere and
 19 wind speed.
 20 Q. (BY MR. KEBODEAUX) Would you look at
 21 your statement that I have marked Exhibit 37 and
 22 specifically, would you look at page 21, line 11.
 23 A. Yes, sir.
 24 Q. Beginning on line 11, would you read to
 25 the jury your answer to the question?

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1 A. "It's going to find the source of
 2 ignition somewhere. If you've got light vapor
 3 coming out or vapor coming out or stuff like that,
 4 it doesn't have to go very far."
 5 Q. Now, that was your statement given to the
 6 investigation team, correct?
 7 A. Yes, sir.
 8 Q. And you were being asked about ignition
 9 sources for raffinate; is that correct?
 10 MR. PATTERSON: Objection, form.
 11 A. I believe the question is, "I'm guessing
 12 that if you think it should be operated if there
 13 were a lot of vapors coming out of the stack, if it
 14 was liquid also," appears to be the question in
 15 front of that answer.
 16 Q. (BY MR. KEBODEAUX) Were there -- do you
 17 agree that a release of raffinate to the atmosphere
 18 presents danger and risk of a vapor cloud?
 19 A. Yes, sir.
 20 Q. And then once you have a vapor cloud, you
 21 have a risk -- a high degree of risk of an
 22 explosion, correct?
 23 A. Yes, sir.
 24 Q. And the magnitude and extent of an
 25 explosion has a high probability of injuring human

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1 beings, correct?
 2 A. Given the size of the vapor cloud, yes,
 3 sir.
 4 Q. Now, the first rule -- I think the CSB,
 5 the Chemical Safety Board, investigated this
 6 accident, correct? Have you reviewed their
 7 findings?
 8 A. No, sir.
 9 Q. Okay. I think they said that the first
 10 rule in hydrocarbons is to contain it within
 11 piping.
 12 Do you agree with that?
 13 A. Yes, sir.
 14 Q. That's the concept of loss of
 15 containment, true?
 16 A. Yes, sir.
 17 Q. And once you have lost containment, then
 18 you have a problem, true?
 19 A. Yes, sir.
 20 Q. Now let's talk about potential ignition
 21 sources that were present in the ISOM unit on the
 22 day of this explosion.
 23 Were there potential ignition
 24 sources in the unit itself?
 25 A. Yes, sir.

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1 Q. Okay. Inside what you have called the
 2 battery limits?
 3 A. Yes, sir.
 4 Q. So once there was this vapor cloud, one
 5 potential source of ignition was within the unit,
 6 the ISOM?
 7 A. Yes.
 8 Q. All right. What type of or what types of
 9 ignition sources were in the ISOM unit on the day
 10 of this explosion?
 11 A. I don't -- I don't recall the exact auto
 12 ignition temperature of raffinate, but any piece of
 13 process equipment that -- or piping that was
 14 running at or above the auto ignition temperature
 15 would have been a sufficient source of ignition as
 16 well as the furnaces that were operating in the
 17 complex.
 18 Q. And then there were other -- so that was
 19 a known source of ignition if a vapor cloud formed,
 20 correct?
 21 A. Yes.
 22 Q. I mean, that was no secret. Supervision
 23 on the unit understood that there were potential
 24 ignition sources on the ISOM unit --
 25 A. Yes.

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1 Q. -- that day?
 2 A. Yes, sir.
 3 Q. Then were there potential ignition
 4 sources where the trailers were placed between the
 5 ISOM and the NDU unit?
 6 A. I can't speak to the electrical
 7 classification wiring that was put in place on the
 8 trailers, if that's the question, the trailers
 9 being a source of ignition. And --
 10 Q. Were -- let me stop you for a moment.
 11 Were you aware that OSHA cited BP
 12 for allowing trailers with electrical systems that
 13 posed ignition hazards to be present?
 14 A. No, sir.
 15 Q. This is the first time you have heard
 16 that?
 17 A. Yes, sir.
 18 Q. Okay. Is there some reason that you
 19 haven't reviewed the OSHA citations?
 20 MR. PATTERSON: Objection, form.
 21 A. Not -- no. I have been going through
 22 some of them and trying to get through them. I
 23 want to say there was an excess of 300. The
 24 Chemical Safety Board, I don't know that there's
 25 been a report released on that.

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1 Q. (BY MR. KEBODEAUX) One of the things you
 2 are trying to do now is to make this unit safer
 3 than it was before the explosion, correct?
 4 A. I am not the West Plant division manager
 5 today, sir.
 6 Q. That was not --
 7 A. I am working on a controller work project
 8 around the safe work execution for maintenance
 9 activities.
 10 Q. So is one of your objectives at this
 11 point to try to make the West Plant safer, whether
 12 you are in charge of it or not?
 13 A. My objective was to make the entire site
 14 and all of BP refining safer.
 15 Q. And you don't believe that reviewing the
 16 OSHA citations would assist you in doing that?
 17 A. I do believe it will, yes.
 18 Q. When do you plan to finish reviewing the
 19 OSHA citations?
 20 A. I can't give you the specific time or
 21 date that I think I will be done with that.
 22 It's --
 23 Q. And the ones you have reviewed --
 24 A. -- part of --
 25 Q. -- you had not gotten to the citations

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1 for electrical systems in trailers, then, I take
 2 it?
 3 A. That's correct, sir.
 4 Q. What about the presence of trucks and
 5 automobiles close to the ISOM unit? Did that pose
 6 an ignition hazard on the date of the explosion?
 7 A. Yes, sir.
 8 Q. Okay. And again, a truck, a car in the
 9 vicinity of a vapor cloud of raffinate, there's no
 10 secret to understanding that that poses an ignition
 11 hazard, is there?
 12 A. No, sir.
 13 Q. Okay. Now let's distinguish for a moment
 14 that there's vent to atmosphere systems. That's
 15 what we were dealing with in this case. A
 16 raffinate splitter, that when it overpressured,
 17 overfilled, it vented to the atmosphere, correct?
 18 A. Through the F-20 blowdown stack, yes,
 19 sir.
 20 Q. And then the liquids would vent, what, to
 21 the sewer system?
 22 A. The liquids should have been pumped off
 23 into a light raff.
 24 Q. Should have been pumped off by what pump?
 25 A. I believe there was a pump at the bottom

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1 of the blowdown stack.
 2 Q. Was that pump sufficient to pump out the
 3 liquids on that day?
 4 A. Not on that day, sir. No.
 5 Q. Why was that pump insufficient to pump
 6 out the liquids from the blowdown stack?
 7 A. The blowdown stack was overwhelmed with
 8 liquid.
 9 Q. Do you know what the capacity of the pump
 10 was?
 11 A. No, sir.
 12 Q. Now, in a vent to flare system, the
 13 overflow would vent to a knock-out drum and then
 14 the vapors would go to a flare? They would be
 15 burned?
 16 A. That's the design premise, yes, sir.
 17 Q. Okay. And then in the design where would
 18 the liquids go?
 19 A. Generally we pump those back into a light
 20 slop tank or some other safe location.
 21 Q. So the point of a vent to flare system is
 22 that you don't end up with raffinate or hazardous
 23 chemicals vented to the atmosphere where they can
 24 form a vapor cloud and ignite and kill people,
 25 correct?

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1 A. The point is to burn them off at the top
 2 of the flare, yes, sir.
 3 Q. Now, would it be true that overpressuring
 4 and overfilling the raffinate splitter -- well,
 5 strike that.
 6 Would you agree that
 7 overpressuring and overfilling vessels is something
 8 that is foreseeable?
 9 MR. PATTERSON: Objection, form.
 10 A. I don't think anybody intended to
 11 overflow that vessel that day, sir, if that's the
 12 question.
 13 Q. (BY MR. KEBODEAUX) It's not --
 14 MR. AMMONS: Objection,
 15 nonresponsive.
 16 Q. (BY MR. KEBODEAUX) It's not the
 17 question.
 18 I am asking you whether, based
 19 upon your experience of 20 some odd years of
 20 working in refineries, that overpressuring and
 21 overfilling of a vessel causing it to have to go to
 22 a vent system is something that is foreseeable? It
 23 happens?
 24 MR. PATTERSON: Objection, form.
 25 A. It happens, yes, sir.

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1 Q. (BY MR. KEBODEAUX) Is it foreseeable?
 2 MR. PATTERSON: Objection, form.
 3 A. When you -- when you suggest that it's
 4 foreseeable, you are suggesting that you see it
 5 coming and you are choosing to not do something
 6 about it; and I don't think that was the case, sir.
 7 Q. (BY MR. KEBODEAUX) Well, let me go about
 8 it this way.
 9 Why do you have a vent system? To
 10 vent when it overpressures and overfills, correct?
 11 A. It's a layer of protection, yes, sir.
 12 Q. So what you are doing when you have a
 13 vent system is you are anticipating that there is
 14 going to be an overpressure or overfill episode or
 15 incident and then in that situation, it's going to
 16 serve as a safety device hopefully and vent the
 17 liquids and the vapor, correct?
 18 A. I wouldn't characterize it as an
 19 anticipation. I would say in the event that you do
 20 have an overpressure or an overfilling of a vessel
 21 that it provides a layer of protection.
 22 Q. Well, in all of your experience over
 23 these years, you have been in refineries where
 24 systems had to vent to a flare or to the
 25 atmosphere, have you not?

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1 A. Yes, sir.
 2 Q. And have some of those incidents occurred
 3 as a result of overpressure or overfilling?
 4 A. Yes, sir.
 5 Q. It's a safety device, isn't it?
 6 A. Yes, sir.
 7 Q. In fact, isn't it called "safety critical
 8 equipment"?
 9 A. Flares?
 10 Q. No. This blowdown stack, the F-20 and
 11 the vent system in this refinery that we are
 12 talking about today where the people were killed.
 13 A. Yeah. I believe that's true, yes, sir.
 14 Q. Okay. What does it mean to call
 15 something "safety critical equipment" at the BP
 16 plant in Texas City?
 17 A. I don't know what definition or how we
 18 have characterized certain pieces. It's clear to
 19 me that that one was, but I haven't seen a
 20 definition of safety critical equipment. And all
 21 equipment that falls under this category is now put
 22 on this list versus some other list.
 23 Q. Okay. Wait a minute.
 24 Was the blowdown stack called
 25 safety critical equipment before the explosion?

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1 A. I am not -- I wasn't familiar with
 2 whether it was or it wasn't before the ISOM event,
 3 sir.
 4 Q. So you don't know?
 5 A. That's -- before the ISOM event, I did
 6 not know whether it was identified as safety
 7 critical or not.
 8 Q. Was some equipment in this plant
 9 designated as safety critical equipment before the
 10 ISOM explosion?
 11 A. Yes, sir.
 12 Q. Okay. Do you know what the designation
 13 of safety -- first of all, safety critical
 14 equipment is not my term. It's BP's, true?
 15 A. Yes, sir.
 16 Q. Okay. It's not something I am making up,
 17 is it?
 18 A. No, sir.
 19 Q. Okay. So what does BP mean when it
 20 designates a piece of equipment as safety critical
 21 equipment?
 22 A. I'd have to reference their definition to
 23 give you an answer.
 24 Q. Well, you are in charge of the West Plant
 25 or were, correct?

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1 A. Yes, sir.
 2 Q. Did you have any safety critical
 3 equipment in the West Plant?
 4 A. Yes, sir. Flares.
 5 Q. Okay. Flares.
 6 And how did you know that this
 7 equipment was safety critical equipment?
 8 A. It was a prerequisite to the unit being
 9 able to operate.
 10 Q. Safely?
 11 A. Period. Safely or --
 12 Q. Now, who designates equipment as safety
 13 critical equipment?
 14 A. I don't know who does that, sir.
 15 Q. If I wanted to find out -- if I was
 16 working out at the West Plant and I wanted to find
 17 out what equipment out there is safety critical
 18 equipment, where do I go to find that out?
 19 A. I would start with a set of P&IDs and
 20 then ask Bill Ralph for the definition for safety
 21 critical equipment.
 22 Q. Is there a list, a database that has the
 23 safety critical equipment designated in?
 24 A. I have not seen a list of safety critical
 25 equipment. I have seen the critical

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1 instrumentation checklists for that piece of it.
 2 But I have not seen just a list of what we would
 3 distinguish as safety critical equipment.
 4 Q. What is the implication of -- or the
 5 importance of something being designated as safety
 6 critical equipment by BP at the Texas City
 7 refinery?
 8 A. Again, I haven't seen the definition of
 9 what -- how we have distinguished safety critical
 10 equipment.
 11 Q. So you don't know?
 12 A. I don't know the answer to that, sir.
 13 Q. So you know there's a term out there for
 14 things called safety critical equipment and you
 15 don't know why and you don't know the implications?
 16 A. Well, the implications for me are that we
 17 don't operate the unit without all safety critical
 18 equipment being in place. The questions have been
 19 around the lists and where they exist, and I don't
 20 know how we -- you know, what specific sort of
 21 typed definition we have around whether this would
 22 be deemed as safety critical or not.
 23 Q. So you do know that it's important that
 24 safety critical equipment be able to operate as
 25 intended, true?

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1 A. Yes, sir.
 2 Q. Did the blowdown stack operate as
 3 intended on March 23rd when this explosion
 4 occurred?
 5 A. The investigation findings that I have
 6 looked at said that the rapid depressuring of the
 7 raffinate splitter into that didn't facilitate the
 8 hard wire high level alarm coming on.
 9 Q. So your answer is it did not operate as
 10 intended?
 11 A. The hard wire level alarm did not come on
 12 until -- my recollection was until some minutes
 13 after the explosion. Subsequent testing said that
 14 it was okay, is my recollection.
 15 Q. Is it true that the oil and gas refining
 16 industry is moving away from vent to atmosphere
 17 systems?
 18 MR. PATTERSON: Objection, form.
 19 A. Yeah, and I will say that it's also been
 20 difficult to permit flares along the way as well.
 21 So...
 22 Q. (BY MR. KEBODEAUX) How do you know that
 23 the industry has been moving away from vent to
 24 atmosphere systems? How did that knowledge -- how
 25 did you acquire that knowledge?

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1 A. Well, certainly this ISOM event has
 2 heightened the awareness of everybody in the oil
 3 industry and petrochemical business to be taking a
 4 much deeper look at, you know, what relief valve
 5 systems you have that either go directly to the
 6 atmosphere or relying on some other sort of
 7 liquid/vapor separation when an atmospheric relief
 8 drum might be intertwined.
 9 Q. Are you telling me that you had no
 10 knowledge that the industry was moving to vent --
 11 away from vent to atmosphere systems before the
 12 March 23 fire and explosion?
 13 A. Well, I think we were; and I think, you
 14 know, I think it's -- it is, you know, looked at
 15 from multiple perspectives and looking at getting
 16 relief valves that blow to the atmosphere in the
 17 closed vent systems.
 18 Q. Okay. So you are telling me that before
 19 the explosion, it is correct that BP was moving
 20 away from vent to atmosphere systems; is that true?
 21 A. Yes.
 22 Q. And how did you know that?
 23 A. You would see, you know, flare projects.
 24 I mean, there wasn't a specific flare project for
 25 me in the West Plant. But prior to leaving the

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1 Cherry Point facility, we knew we were coming close
 2 to the limits of the AU2 flares there and there
 3 were, you know, discussions about adding a third
 4 flare there.
 5 Q. Okay. Were you involved in any of those
 6 flare projects at Cherry Point?
 7 A. Yeah. Yes, sir.
 8 Q. At the Cherry Point facility, had there
 9 ever been incidents where any of the process units
 10 that vented to atmosphere actually vented to
 11 atmosphere?
 12 A. Yes, sir.
 13 Q. Okay. Had there ever been any incidents
 14 or occasions where, when that happened, a vapor
 15 cloud formed?
 16 A. Yes, sir.
 17 Q. Okay. A vapor cloud at ground level?
 18 A. I don't believe so.
 19 Q. When that happened and you were at Cherry
 20 Point, was there concern about the potential for
 21 ignition, explosion and fire?
 22 A. Yes, sir.
 23 Q. Were those incidents investigated at
 24 Cherry Point?
 25 A. Yes, sir.

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1 Q. Were you part of the investigation?
 2 A. No, sir.
 3 Q. Was part of the investigation concern for
 4 safety and human beings?
 5 MR. PATTERSON: Objection, form.
 6 A. Yes, sir.
 7 Q. (BY MR. KEBODEAUX) It wasn't just
 8 worrying about environmental regulations, was it?
 9 MR. PATTERSON: Objection, form.
 10 A. No, sir.
 11 Q. (BY MR. KEBODEAUX) Okay. So you had
 12 knowledge of vents to atmosphere that had produced
 13 vapor clouds at Cherry Point before you ever came
 14 to Texas City; is that right?
 15 A. Yes, sir.
 16 Q. And you understood that that presented
 17 dangers to human beings and ignition -- explosion
 18 and fire dangers, correct?
 19 A. Yes, sir.
 20 Q. Now, was it the danger, the risk of vent
 21 to atmosphere systems that was moving Cherry Point
 22 away from vent to atmosphere systems to flares?
 23 MR. PATTERSON: Objection, form.
 24 Q. (BY MR. KEBODEAUX) Was that one of the
 25 reasons?

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1 A. I can't speak on projects that they've
 2 got in place. When I left there, there was still
 3 two flares. So I don't -- today I can't tell you
 4 whether they ever built that third flare or not.
 5 Q. How many vent to atmosphere systems
 6 existed when you were at Cherry Point, if you know?
 7 A. I have no idea.
 8 Q. Okay. And while you were there, two
 9 flare systems were built?
 10 A. They were already -- they were built as
 11 part of the original construction.
 12 Q. Okay.
 13 A. In 1969, sir.
 14 Q. '69. All right.
 15 And then a third was going to be
 16 built?
 17 A. Yeah. As the refinery continued to grow,
 18 there was a need to add additional flare capacity.
 19 Q. And are you aware of any vent to
 20 atmosphere systems being built or constructed while
 21 you were at Cherry Point?
 22 A. Yes, sir.
 23 Q. In Cherry Point?
 24 A. Yes, sir.
 25 Q. Okay. Beginning in what year?

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1 A. When we -- when the last one that was
 2 built?
 3 Q. No, the first one that you recall knowing
 4 about.
 5 A. I guess it would have been when I got
 6 into more of the project side of the role,
 7 including the modernization project, in the mid
 8 Nineties.
 9 Q. When you were at Cherry Point, did you
 10 ever read any articles or any literature that
 11 discussed the hazards of vent to atmosphere
 12 systems; that is, the dangers that they posed to
 13 human beings?
 14 A. Yeah, there was a -- I don't know if it
 15 was quarterly, exactly what sort of publications
 16 that came out but it would talk about industry
 17 incidents, and from time to time there would be a
 18 relief to atmosphere event in there.
 19 Q. You understood when you were at Cherry
 20 Point that one of the dangers of vent to atmosphere
 21 was a vapor cloud, ignition, explosion, fire and
 22 death, right?
 23 A. Yes, sir.
 24 Q. All right. The publication that you
 25 believe you read, was it an internal BP

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1 publication; or was it something that BP bought for
 2 you to read?
 3 A. At that time we were ARCO, and it was --
 4 it would have been like an oil and gas journal kind
 5 of thing.
 6 Q. And that information was still available
 7 after it became BP at Cherry Point, right?
 8 A. As far as I know, yes, sir.
 9 Q. Now, would you agree with me that a vent
 10 to atmosphere system is more dangerous to human
 11 beings than a flare system, in a vent to flare
 12 system?
 13 A. A properly designed flare system, yes,
 14 sir.
 15 Q. Mr. Ammons touched on this with you a
 16 bit, but in the final -- the FAIR report, there was
 17 mention of inherently safer options; that is,
 18 inherently safer than vent to atmosphere systems.
 19 Do you know what those options are?
 20 Obviously one would be a flare
 21 system, correct?
 22 A. Yes, sir.
 23 Q. Would another inherently safer option be
 24 an automatic shut off or interlock system so if the
 25 raffinate splitter began overpressuring,

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1 overfilling, it would automatically shut down?
 2 A. It could have been had it been very well
 3 thought out and properly designed.
 4 Q. You are not an engineer, are you?
 5 A. No, sir.
 6 Q. Okay. But you do know that there is such
 7 technology there?
 8 A. Yes, sir.
 9 Q. Okay. And you knew that before March 23
 10 of 2005?
 11 A. Yes, sir.
 12 Q. You probably knew that when you were at
 13 Cherry Point, right?
 14 A. Yes, sir.
 15 Q. Now, there's no doubt but that -- one
 16 reason why you have a vent or a relief system --
 17 would a vent system be a relief system? Is that an
 18 appropriate way to refer to it? It's a form of
 19 relief system?
 20 A. A vent system, yeah. When you say "vent
 21 system," it doesn't -- it doesn't specifically
 22 reference a flare. If you want to talk about a
 23 flare system, it would be easier for me to
 24 reference it --
 25 Q. Okay.

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1 A. -- if you referenced it as a flare.
 2 Q. On the raffinate splitter, if it
 3 overpressured and overfilled, the intent was that
 4 it would vent to the blowdown stack, the F-20?
 5 A. Yes, sir, intent in design.
 6 Q. So BP, when it designed and ran this
 7 unit, intended that in the case of an overpressure
 8 or overfilled -- it intended that it would be
 9 vented to atmosphere and to the sewers, right?
 10 A. I can't speak on the intent of the
 11 project people that designed that unit back when it
 12 was designed.
 13 Q. Well, by allowing it to run every day,
 14 that's what you intended, was it not?
 15 A. All I can say is that it was designed
 16 that way. Again, you are asking me to speak about
 17 a project manager that I am not even sure who it
 18 was back then and the intentions they had when they
 19 were modeling and designing the unit. I just don't
 20 think that's a fair question for me to try to speak
 21 to somebody else's intention.
 22 Q. Let's see. On the blowdown stack, was
 23 there a gooseneck on it?
 24 A. Yes, sir.
 25 Q. Where was that on the blowdown stack?

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1 A. It comes off the bottom and it goosenecks
 2 up to hold the liquid level in the base of the
 3 stack before it overfills and runs to the sewers.
 4 Q. And if liquid goes through the gooseneck,
 5 it goes where? To the sewer?
 6 A. To the sewer system.
 7 Q. And is that a sewer system that it was
 8 safe for flammable hydrocarbons to go to, or did
 9 venting to the sewer system also present an
 10 ignition risk like a vapor cloud?
 11 MR. PATTERSON: Objection, form.
 12 A. Well, the venting -- it's actually a
 13 liquid that should be overflowing that gooseneck
 14 going into the sewer; and the sewer system, it was
 15 not designed to take, you know, that sort of
 16 sudden -- sudden, instantaneous load of hydrocarbon
 17 through it, if that's the question.
 18 Q. (BY MR. KEBODEAUX) Not quite. Let me
 19 try to help you.
 20 A. Okay.
 21 Q. You know that the liquids would go
 22 through the gooseneck into the sewer if there is a
 23 vent condition sufficient --
 24 A. Yes, sir.
 25 Q. -- to make that happen?

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1 And was this sewer designed to be
 2 explosion proof if those liquids vented into it?
 3 MR. PATTERSON: Objection, form.
 4 A. I don't know the design conditions of the
 5 sewer, whether it was designed to be intrinsically
 6 safer than closing --
 7 Q. (BY MR. KEBODEAUX) So --
 8 A. -- to a flare.
 9 Q. You don't know the answer to that and you
 10 didn't have the answer on March 23rd either, right?
 11 A. No, sir.
 12 Q. You are agreeing with me?
 13 A. Yes, sir.
 14 Q. Okay. Now, back to the gooseneck for a
 15 moment.
 16 Was there a valve on it?
 17 A. I don't believe so, no, sir.
 18 Q. I thought that there was and that it was
 19 chained open all the time. Maybe I am wrong.
 20 Does that --
 21 A. If I had a diagram in front of me, I
 22 could look at a P&ID and show you --
 23 Q. That doesn't jog your recollection?
 24 A. No. I just -- it was designed to be open
 25 and provide overflow protection on a liquid level.

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1 Q. The 8-inch valve, are you familiar with
 2 it?
 3 A. You are referencing the 8-inch bypass,
 4 sir, in the PSV's upstream condenser?
 5 Q. Yes.
 6 If you open the 8-inch valve, what
 7 would that accomplish? It would relieve pressure?
 8 A. It drops the pressure upstream --
 9 Q. And it --
 10 A. -- going to both places.
 11 Q. And then the 8-inch valve sends, what,
 12 liquid or vapor?
 13 A. In normal operating conditions, it would
 14 send vapor.
 15 Q. Okay. Where does it send it?
 16 A. To the blowdown stack.
 17 Q. Now, are you -- were you aware on
 18 March 23, 2005 that the blowdown stack serviced
 19 three process lines for process units?
 20 A. No, sir.
 21 Q. Are you aware of that now?
 22 A. Yeah.
 23 Q. Well, how is it that you didn't know that
 24 on March 23? Didn't you walk through there
 25 periodically?

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1 A. Yes, sir.
 2 Q. Okay. Wasn't it your job to know the
 3 unit?
 4 A. Not to that level of detail, sir.
 5 Q. You know now that it was designed -- the
 6 blowdown stack was designed to service one process
 7 line, correct?
 8 A. That's what I've read in the report.
 9 Q. In fact, it was servicing three, correct?
 10 Is that right?
 11 A. Yes, sir.
 12 Q. And you know now that no one ever did a
 13 capacity analysis of the blowdown stack to even
 14 determine whether or not it could handle three
 15 process lines, correct?
 16 A. I am not familiar with what analysis they
 17 did within -- through the course of time and what
 18 happened in -- for the evaluation of that.
 19 Q. But the blowdown stack could only handle
 20 390 barrels; is that right?
 21 A. I'd have to look at the design data
 22 around it.
 23 Q. Okay.
 24 A. You stated earlier that that's the --
 25 that's the liquid capacity of it but that's --

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1 well...

2 Q. Well, if no capacity analysis had ever

3 been done on the blowdown stack, then as of

4 March 23, 2005, BP had a piece of safety critical

5 equipment and did not know whether or not it would

6 work.

7 Is that a true statement?

8 MR. PATTERSON: Objection, form.

9 A. I don't know whether any capacity

10 evaluation had been done on the blowdown stack or

11 not.

12 Q. (BY MR. KEBODEAUX) Would a capacity

13 evaluation be necessary to know whether or not this

14 piece of safety critical equipment would work under

15 anticipated conditions?

16 A. Yes, sir.

17 Q. So you think a capacity analysis should

18 have been done before March 23rd, 2005, correct?

19 A. Yes, sir.

20 Q. Okay. And if one was not done, then that

21 would not -- you wouldn't be able to know whether

22 the equipment would work or not, right?

23 A. Yes, sir.

24 Q. Okay. Now, to kind of digress for a

25 moment, you keep, I think, saying that things

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1 weren't anticipated, weren't foreseen.

2 My question to you is: Isn't one

3 of the things that you are supposed to do in

4 process hazard analysis is to think about "what if"

5 scenarios?

6 MR. PATTERSON: Objection, form.

7 Q. (BY MR. KEBODEAUX) Is that right?

8 A. "What if" scenarios are --

9 MR. PATTERSON: Same objection.

10 You can answer.

11 Q. (BY MR. KEBODEAUX) Go ahead and answer.

12 A. Yes, sir.

13 Q. You were going to say something else,

14 though.

15 A. Yeah, "what if" scenarios are part of a

16 process hazard analysis.

17 Q. In fact, you are supposed to envision

18 catastrophic things when you do process hazard

19 analysis, right?

20 A. To the best of the people that are

21 conducting the analysis' ability.

22 Q. As I understand the raffinate splitter

23 and the alarm system, you have an alarm that goes

24 off at 72 percent of the liquid fill, right?

25 A. Off of the level transmitter.

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1 Q. Okay. And let me back up for a moment.

2 A hundred percent is about

3 10 feet, right?

4 A. I would have to look at the drawings, but

5 I think that's -- you are right in there.

6 Q. I just don't want anybody to think --

7 100 percent is not to the top of that raffinate

8 splitter, is it?

9 A. No. It's a level column --

10 Q. All right.

11 A. -- that goes from zero to --

12 Q. And the raffinate splitter is, what,

13 164 feet?

14 A. 168, I believe.

15 Q. 68. Okay.

16 Now, but it's a hundred percent in

17 terms of the controls when it's at 10 feet or so,

18 as we have discussed?

19 A. A hundred percent of its normal liquid

20 level.

21 Q. So, you've got an alarm that's supposed

22 to go off at 72 percent of that 10 feet, right?

23 A. Yes, sir.

24 Q. And did that alarm go off? Do you know?

25 A. The level transmitter high level alarm

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1 went off, yes.

2 Q. Okay. But there's another one that's

3 supposed to go off at 78 percent, right?

4 A. The hard wire alarm, yes, sir.

5 Q. The hard wire, yeah.

6 Did it go off?

7 A. It did not.

8 Q. Why did it not go off? Do you know?

9 A. I don't know.

10 Q. Okay. Once you exceed 100 percent, the

11 10 feet, there is no alarm -- is there an alarm or

12 a level indicator that would tell the board

13 operator that you -- where you are in that column

14 with liquid fill?

15 A. Well, there is certainly indications that

16 the board --

17 Q. I didn't ask you that.

18 A. Okay.

19 Q. I am asking if there's alarms or clear

20 buttons or something that tell you you are over

21 10 feet?

22 MR. PATTERSON: Objection, form.

23 A. Can you -- can you ask that question

24 again, please?

25 Q. (BY MR. KEBODEAUX) Yeah, I sure will.

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1 Once the operator -- once the
 2 operator is over 100 percent -- that is, over the
 3 10 feet of fill, liquid fill in the raffinate
 4 splitter -- is there any kind of visual device or
 5 alarm or audible alarm that tells the operator how
 6 much liquid he's got in the raffinate splitter,
 7 whether it's 20 feet, 30 feet or 100 feet?
 8 A. In terms of -- yeah, I think there are
 9 other indications at the board that would lead you
 10 to believe that the tower was filling. I think
 11 they did --
 12 Q. Is there something that says it's "X"
 13 feet high?
 14 A. It doesn't recalculate a new liquid level
 15 for you, but you will see delta temperatures and
 16 delta pressures and items --
 17 Q. I understand.
 18 A. -- stating pressures that would be --
 19 Q. My question is this, though: Is there
 20 anything that just tells you how many feet of
 21 liquid you've got in there once you are past
 22 10 feet?
 23 A. No, sir.
 24 Q. Okay. And so the operator has got to
 25 figure it out, right?

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1 A. Yes, sir.
 2 Q. And to figure it out, he's got to be
 3 trained correctly, right?
 4 A. Yes, sir.
 5 Q. And he's got to have the proper
 6 procedures, right?
 7 A. Yes, sir.
 8 Q. And the proper environment?
 9 A. Yes, sir.
 10 Q. I mean, it's kind of like -- this whole
 11 process safety thing is kind of like being in the
 12 Army. If you are a buck private, you've got to
 13 have the right equipment, right?
 14 A. Yes, sir.
 15 Q. You've got to have the right training,
 16 right?
 17 A. Yes, sir.
 18 Q. And you've got to have the right
 19 leadership, right?
 20 A. Yes, sir.
 21 Q. Because you can't do a whole lot on your
 22 own if you don't have those three things, do you?
 23 Would you say that process safety
 24 management is sort of the same?
 25 A. Yes, sir.

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1 Q. Okay. Have you ever been in the service?
 2 A. No, sir.
 3 Q. Do you know what it would cost to have a
 4 level meter installed that would tell you how much
 5 liquid you had in there, just an easy device so
 6 that you can see -- the operator can see, "I've got
 7 a hundred feet of liquid"?
 8 MR. PATTERSON: Objection, form.
 9 A. Not exactly, no -- no, sir.
 10 Q. (BY MR. KEBODEAUX) You don't know?
 11 A. Not exactly, no.
 12 Q. Well, what -- well, when you say "not
 13 exactly," it makes me say, "Okay. Give me your
 14 estimate."
 15 MR. PATTERSON: Objection, form.
 16 A. I mean, you would need to modify the
 17 tower, which would require welding taps into a
 18 coded vessel. That would require, you know,
 19 potentially a complete rerate and rehydro of the
 20 vessel.
 21 Q. (BY MR. KEBODEAUX) Do you think it's a
 22 hundred thousand dollars?
 23 MR. PATTERSON: Objection, form.
 24 A. I couldn't speculate on it.
 25 Q. (BY MR. KEBODEAUX) 500,000?

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1 A. Less than that.
 2 Q. Less than 500,000.
 3 Less than three hundred?
 4 MR. PATTERSON: Objection to form.
 5 A. I can't speculate.
 6 Q. (BY MR. KEBODEAUX) Okay. Is there any
 7 thought about doing that now? Has anyone discussed
 8 it?
 9 A. We have focused all of our efforts and
 10 the safe op in the inventory of that unit. It's
 11 not clear to us whether we will even run that unit
 12 again, sir.
 13 Q. When you were at Cherry Point, did you
 14 ever express an opinion or viewpoint that a flare
 15 system should be used as opposed to a vent to
 16 atmosphere?
 17 A. I am sure I was in conversations about
 18 flare systems and vent systems and things that
 19 relieved to atmosphere in the couple of projects
 20 that I was over. The specifics around those, I
 21 can't recall at this second.
 22 Q. So you don't know if you expressed that
 23 opinion or not, or do you think you did?
 24 A. I am sure that I was in conversation and
 25 dialogue about the pros and cons of whether this --

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1 where should this relief valve system be routed to.
 2 Q. You -- your personal opinion is that
 3 flares -- before March 23 of 2005, before this
 4 explosion, did you have a personal opinion that
 5 flares were safer than vent to atmosphere systems?
 6 MR. PATTERSON: Objection, form.
 7 A. Yes, sir.
 8 Q. (BY MR. KEBODEAUX) Okay. The reason I
 9 am asking you that is: If you will look in your
 10 statement, I think it's page 21. I am sorry. It's
 11 16.
 12 Earlier Mr. Ammons talked to you
 13 or with you and you indicated that you were -- the
 14 project had been killed to run -- to create a
 15 blowdown drum for the raffinate splitter back in
 16 2003 and that you signed off on it in 2004, right?
 17 A. Yes, sir.
 18 Q. But in your statement at page 16,
 19 line 11 -- or line 9, you said: I looked at that
 20 project from the environmental perspective and made
 21 a copy of the front of it and said, quote, sit this
 22 right here, semicolon, and after the turnarounds, I
 23 am going to have another conversation with Kathleen
 24 and Don about how we go about killing this project
 25 because it's not clear to me that it's actually

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1 what we wanted to have done.
 2 You said that, true?
 3 A. Yes, sir.
 4 Q. Now, first of all, that suggests to me
 5 that you had some personal opinions or some
 6 opinions about whether this project should have
 7 been killed?
 8 A. It was an environmental project. Yes,
 9 sir.
 10 Q. Okay.
 11 A. And it wasn't clear to me, based on the
 12 DSP that I had in front of me, that -- you know,
 13 why it was killed.
 14 Q. Did you have also a personal view that
 15 going to a knock-out drum and a flare system would
 16 be safer than staying with the existing vent to
 17 atmosphere system? Is that part of what was going
 18 on in your head?
 19 A. You know, at that point in December, as I
 20 looked at the DSP when the project was brought to
 21 me, it was really brought to me as an environmental
 22 project and stated as one that had been killed
 23 based on environmental emission reductions that
 24 we'd be able to accomplish given the completion of
 25 this project.

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1 When I looked at it, it still
 2 suggested that we were -- by not moving the project
 3 forward, that there was some environmental risk in
 4 having killed this project; and I wanted to make
 5 sure that Don and Kathleen and that the rest of the
 6 site leadership had endorsed that.
 7 Q. Now --
 8 A. But the project was -- you know, it
 9 wasn't under my remit at the time that it was --
 10 Q. You stated --
 11 A. -- in --
 12 Q. -- "I am going to have another
 13 conversation with Kathleen and Don."
 14 When did you have the first
 15 conversation with Kathleen and Don about whether to
 16 kill the blowdown drum project that would have
 17 resulted in a flare on the raffTMinate splitter?
 18 MR. PATTERSON: Objection, form.
 19 A. Again, I will say, you know, you are
 20 suggesting that I had an original conversation with
 21 them about a blowdown project that would have tied,
 22 you know, the PSVs to the flare. That is not a
 23 conversation that existed between Kathleen and I.
 24 My assumption at that point in
 25 this conversation is that the site leadership team

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1 that had endorsed kind of the environmental project
 2 from beginning to end, it had an understanding of
 3 what was being moved forward and what was being
 4 killed. And the fact that this would have been
 5 killed prior to my coming in, you know, the rest of
 6 those assets being folded into the West Plant, I
 7 just wanted to make sure that we had, you know, a
 8 follow-up conversation with those guys.
 9 Kathleen at the time -- it wasn't
 10 another one. She just moved to the site. I just
 11 wanted to make sure that we were --
 12 Q. (BY MR. KEBODEAUX) Here's my question:
 13 Did you or did you not have a conversation with Don
 14 and/or Kathleen Lucas, Don Parus and/or Kathleen
 15 Lucas, about the wet and dry blowdown drum project
 16 before this fire in March of 2005?
 17 A. I can't recall whether I showed that DSP
 18 to Kathleen or not. I may have as part of the
 19 original -- kind of her coming into the plant. I
 20 know I made a copy of the DSP specifically so that
 21 I could hold it and after the turnarounds, wanted
 22 to reassess whether the environmental reductions
 23 associated with this project warranted pulling the
 24 project back to life or not.
 25 Q. Tell me what DSP stands for.

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1 A. Decision support package.
 2 Q. So it's possible that you showed it to
 3 Kathleen, the DSP on killing the wet and dry
 4 blowdown drum project?
 5 A. Yes, it was possible.
 6 Q. Before the fire and explosion?
 7 A. I just can't recall.
 8 Q. Okay. Now, I want to -- on this issue
 9 of -- is it your testimony that it really just
 10 wasn't anticipated, couldn't be anticipated -- let
 11 me start over.
 12 Was it your testimony that it
 13 could not be anticipated that you would have a vent
 14 to the blowdown stack, the F-20, of sufficient
 15 magnitude to create a vapor cloud in the ISOM unit?
 16 MR. PATTERSON: Objection, form.
 17 A. I don't think anybody anticipated a vapor
 18 cloud of that magnitude prior to the ISOM event,
 19 no.
 20 Q. (BY MR. KEBODEAUX) Certainly people
 21 anticipated the vapor cloud of some magnitude,
 22 correct?
 23 MR. PATTERSON: Objection, form.
 24 A. You know, my understanding is subsequent
 25 to the event and as part of the investigation that

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1 there had been other cases where they had releases
 2 to the blowdown stack.
 3 Q. (BY MR. KEBODEAUX) Before this fire on
 4 March 23, had you ever witnessed any vent condition
 5 to the blowdown stack that resulted in a release to
 6 atmosphere?
 7 A. Not personally witness, no.
 8 Q. Okay. Had you ever heard of such a thing
 9 happening before March 23, 2005?
 10 A. Yes, sir.
 11 Q. Okay.
 12 A. A release in the ultracracker.
 13 Q. A release in the ultracracker?
 14 A. Yes, sir.
 15 Q. Okay. When did that occur?
 16 A. I don't recall the exact date for that,
 17 sir.
 18 Q. And did it form a vapor cloud?
 19 A. No, sir.
 20 Q. How did you hear about the release in the
 21 ultracracker?
 22 A. I was listening to the radio and they
 23 were talking about a diesel leak and I called the
 24 superintendent and asked Rod what was going on.
 25 Q. This was a vent to atmosphere?

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1 A. This was a relief valve that tied in to
 2 the blowdown stack.
 3 Q. Okay. What about on the ISOM unit? On
 4 the F-20 blowdown stack, had you ever before
 5 March 23, 2005 heard about any relief to the
 6 blowdown stack that went to atmosphere?
 7 A. Not to my recollection, sir.
 8 Q. Did you look at the FAIR report in that
 9 regard?
 10 A. Are you referencing the Mogford report,
 11 sir?
 12 Q. I call it FA -- it's your acronym.
 13 Yes, the Mogford report.
 14 A. Yes, I have been through parts of that;
 15 and I recognize that it references prior releases.
 16 Q. The Chemical Safety Board said there were
 17 four incidents between 1995 and 2005 in the
 18 blowdown where there was a vapor cloud at ground
 19 level. Are you aware of that?
 20 A. I am now, sir, yes, sir.
 21 Q. Is it your position that what the
 22 Chemical Safety Board found is not true or
 23 incorrect?
 24 A. I have not -- I don't have any access to
 25 the kind of the data and stuff that they are using.

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1 My assumption is that it's fair and accurate.
 2 Q. I mean, you are not denying that it
 3 happened?
 4 A. No, sir.
 5 Q. Okay. So you are not denying that in
 6 1994 there was a release of vapors to the F-20 when
 7 they were starting up the DIH tower, correct?
 8 MR. PATTERSON: Objection, form.
 9 A. I am not denying that that's in the
 10 report, no, sir.
 11 Q. (BY MR. KEBODEAUX) You are not
 12 denying --
 13 A. Or that it's true. I just didn't do the
 14 research myself.
 15 Q. All right. And you are not denying that
 16 in 1999, 13,000 pounds of hydrocarbons were vented
 17 to the F-20 from the Penex?
 18 MR. PATTERSON: Objection, form.
 19 Q. (BY MR. KEBODEAUX) Same answer?
 20 A. Yes, sir.
 21 Q. What about in January of 2003? Was there
 22 a vent to the F-20 that you have heard about?
 23 MR. PATTERSON: Objection, form.
 24 A. Not -- not prior to the event.
 25 Q. (BY MR. KEBODEAUX) Did you hear about it

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1 after the event and before March 23, 2005?
 2 A. When I say "the event," I am referencing
 3 March 23rd .
 4 Q. Okay.
 5 A. So it would have been after that, yes,
 6 sir.
 7 Q. And then did you hear after the event,
 8 after March 23, about a February, 2005 leak of
 9 hydrocarbons to the sewer system?
 10 A. I am not sure what you are referencing
 11 there. If it was in Traction, I am sure I read it.
 12 If you have it, I could to take a look at it.
 13 Q. Well, now the --
 14 MR. AMMONS: Object to the
 15 responsiveness.
 16 Q. (BY MR. KEBODEAUX) If it was in the
 17 Traction database?
 18 A. Yeah, if it was -- if it was listed as an
 19 incident, then I would have seen it in the morning
 20 when I come in and I go through all Traction
 21 reports.
 22 Q. Okay. Now, the Chemical Safety Board, so
 23 far as you know, didn't make up four incidents
 24 between 1995 and 2005 where the blowdown stack
 25 vented and a vapor cloud formed, did it?

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1 MR. PATTERSON: Objection, form.
 2 A. No, sir. I am just suggesting I didn't
 3 do the research.
 4 Q. (BY MR. KEBODEAUX) Well, and they did --
 5 that information was knowable and it was
 6 information that BP had before March 23 of 2005,
 7 true?
 8 MR. PATTERSON: Objection, form.
 9 A. They were able to access it somehow.
 10 How -- what -- what databases they used and how it
 11 was captured, I can't speak on that.
 12 Q. (BY MR. KEBODEAUX) That's what I was
 13 going to ask you.
 14 Where was this information about
 15 these four releases that formed a vapor cloud at
 16 ground level, where was that information stored or
 17 maintained at BP?
 18 A. I don't know, sir.
 19 Q. Who would -- who should know that?
 20 A. Bill Ralph.
 21 Q. Bill Ralph should?
 22 A. (Nods head.)
 23 Q. Okay.
 24 A. That would be my first place.
 25 Q. Because there are databases where these

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1 types of incidents are to be reported, correct?
 2 A. Yes, sir.
 3 Q. Now, based upon your habits and your care
 4 about safety, if you became aware of a vapor cloud
 5 that had formed at the blowdown stack, the F-20, in
 6 the ISOM unit while the ISOM unit was operating,
 7 would that be something of concern to you?
 8 MR. PATTERSON: Objection, form.
 9 A. A major concern, yes, sir.
 10 Q. (BY MR. KEBODEAUX) Okay. And major
 11 because it's a risk of explosion, fire and people
 12 being burned and killed, right?
 13 A. Yeah. Yes, sir.
 14 Q. And so whoever had that knowledge at BP
 15 should have also been concerned before March 23 of
 16 2005, correct?
 17 MR. PATTERSON: Objection, form.
 18 A. I can't speak on the behalf of other
 19 people that were in my job prior to me.
 20 Q. (BY MR. KEBODEAUX) Well, I didn't ask
 21 you to speak on their behalf. I am asking that
 22 whoever had that knowledge should have exhibited
 23 concern about it. That would be part of their duty
 24 of care, to use your term, right?
 25 MR. PATTERSON: Objection, form.

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1 A. Yes, sir.
 2 Q. (BY MR. KEBODEAUX) Okay. Now, are you
 3 aware of documentation of startups from April of
 4 2000 to March 23 of 2005 that were deemed abnormal
 5 startups by the investigation committee that BP put
 6 together?
 7 A. Just what I have seen post ISOM event,
 8 sir.
 9 Q. How did the investigation committee get
 10 that information? That wasn't the Chemical Safety
 11 Board either, was it?
 12 A. No, sir.
 13 Q. That was BP's --
 14 A. The Mogford report.
 15 Q. -- investigation.
 16 So BP, when it began looking at
 17 the information that BP had, found evidence of
 18 abnormal startups during this period, right?
 19 A. Yes, sir.
 20 Q. And where would they have been able to
 21 find that information? Where would that knowledge
 22 reside?
 23 A. I don't know exactly when BP Amoco
 24 transitioned to Traction. So the -- but those kind
 25 of events today, you know, and at some point going

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1 backwards, it would have been captured in our
 2 Traction database.
 3 Prior to that, I am unaware of
 4 what databases they used and what systems that were
 5 in place to capture data going all the way back to
 6 1995.
 7 Q. Would you agree that pressure --
 8 increased pressures and relief valve lifts would
 9 suggest to a prudent operator of the ISOM unit that
 10 there was a likelihood of vent to the blowdown
 11 stack?
 12 A. Can you restate the question for me?
 13 Q. Yeah.
 14 Shouldn't a prudent operator of
 15 the ISOM unit with knowledge of abnormal startups,
 16 relief valve lifts, think about a situation where
 17 it would vent to the blowdown stack, the F-20?
 18 MR. PATTERSON: Objection, form.
 19 A. Yeah, the design and the startup
 20 procedures should facilitate a startup of that unit
 21 without any release to the blowdown stack.
 22 Q. (BY MR. KEBODEAUX) So abnormal startups
 23 should have been a warning signal to management,
 24 correct?
 25 MR. PATTERSON: Objection, form.

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1 A. Yes, sir.
 2 Q. (BY MR. KEBODEAUX) Okay. But to sort of
 3 sum up, you don't know where BP found the
 4 information on the prior abnormal startups and you
 5 don't know where BP found the information on the
 6 prior incidents at the F-20?
 7 A. Anything prior to the Traction system
 8 that's in place and was in place when I showed up
 9 at the site, I am just unfamiliar with what
 10 database or archive structure they have.
 11 Q. Before March 23, 2005, did any person in
 12 the West Plant ever suggest to you or make a
 13 recommendation that any vent to atmosphere system
 14 should be tied in to a flare?
 15 A. I can't recall.
 16 Q. Are you familiar with the -- I call it
 17 the "MARS report," but the major assessment -- what
 18 does it stand for? Do you recall?
 19 A. Major -- it's a major risk assessment.
 20 Q. Did you have any involvement in that?
 21 A. No, sir.
 22 MR. KEBODEAUX: We can go ahead
 23 and break.
 24 THE VIDEOGRAPHER: Off the record
 25 at 3:03 p.m., ending Tape 4.

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1 (Recess taken.)
 2 THE VIDEOGRAPHER: On the record
 3 at 3:20 p.m., beginning Tape 5.
 4 Q. (BY MR. KEBODEAUX) Would you look at
 5 your statement again, page 19?
 6 A. (Complies.)
 7 Q. We were earlier talking about situations
 8 where there had been vent to atmosphere conditions.
 9 I think you told me about one that had occurred in
 10 either UU3 or UU4?
 11 A. I believe I said the ultracracker, sir.
 12 Q. Okay. And that's not -- what's the
 13 designation for ultracracker, ULC?
 14 A. Yes, sir, ULC.
 15 Q. Ultracracker is part of the West Plant?
 16 A. Yes, sir.
 17 Q. What is UU3 and UU4?
 18 A. Ultraformers. One's 75,000 barrels a
 19 day. The other one is 65,000 barrels a day.
 20 Q. Okay. And are they in the West Plant?
 21 A. Yes, sir.
 22 Q. Okay. Now, on page 17 of your statement
 23 given to BP, you said that subsequent to the 23rd,
 24 "I've got people telling me horror stories about
 25 the time that they overflowed it in UU43 and the

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1 time that they overflowed it in UU4 and all that
 2 stuff."
 3 Who told you these horror stories?
 4 A. Operators and foremen.
 5 Q. Can I have some names?
 6 A. I don't recall the specific names. It
 7 was a pretty emotional time. It still is really in
 8 many ways for those of us that are at the plant
 9 every day.
 10 Q. So you can't tell me who told you that?
 11 A. No.
 12 Q. Okay. And can you tell me what they told
 13 you, how they described the events?
 14 A. The one that sticks in my mind the most
 15 is an event that was associated with ultraformer 3
 16 where they had put in some automated safety
 17 shutdown device, if I am not mistaken. And in the
 18 startup activities, they had a small process upset.
 19 They activated the emergency shutdown switch, and
 20 it resulted in a pretty significant release into
 21 the blowdown stack and a fire.
 22 You know, it sort of gets
 23 anecdotal for those guys over time; but that's the
 24 story that I remember.
 25 Q. And there was a fire?

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1 A. Yes, sir.
 2 Q. So a vapor cloud obviously formed and was
 3 ignited?
 4 A. Yes, sir.
 5 MR. PATTERSON: Objection, form.
 6 Q. (BY MR. KEBODEAUX) And do you know when
 7 this occurred?
 8 A. Not specifically, no, sir.
 9 Q. All right. Certainly that was known to
 10 BP before March 23 of 2005, correct?
 11 MR. PATTERSON: Objection, form.
 12 A. I can't answer that. To the best of my
 13 recollection, it was prior to the merger. So it
 14 might have been known to Amoco; but I am not sure
 15 that it was known to BP, sir.
 16 Q. (BY MR. KEBODEAUX) You don't know
 17 whether there were records maintained of this
 18 situation or incident?
 19 A. I don't know what kind of fire records or
 20 past investigation systems that we've kept in
 21 place.
 22 Q. When you came to the West Plant, did you
 23 review any process hazard analyses or managements
 24 of change?
 25 A. I conducted a management of change for

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1 the job change from myself to Bob Smith.
 2 Q. Okay. What did you review in that
 3 connection?
 4 A. It requires that I look -- review the
 5 process safety overviews, breach of the assets and
 6 have a general understanding of the process
 7 conditions, you know, kind of limits around what
 8 the units operate on, on a normal operating basis.
 9 Q. Were there specific MOCs, management of
 10 change, or HAZOPS that you reviewed at the time of
 11 the transition?
 12 A. No, sir.
 13 Q. Okay. Earlier you said you had training
 14 in process safety management?
 15 A. Yes, sir.
 16 Q. Do you have any external training in
 17 process safety management; that is, sponsored or
 18 taught by entities outside of BP?
 19 A. No, sir.
 20 Q. Have you received all of the training in
 21 process safety management from BP internally then?
 22 A. And Arco.
 23 Q. And Arco.
 24 Now, so you haven't taken any
 25 formal outside courses in process safety

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1 management, correct?
 2 A. That's correct, sir.
 3 Q. Is there some way that we can go back and
 4 determine exactly what courses you took in process
 5 safety management and when? Is there a record of
 6 that?
 7 A. There should be, yes, sir.
 8 Q. Okay. Do you know where that record
 9 would be?
 10 A. You can check with the BTA database
 11 within the Texas City site and I can't recall the
 12 name of the training databases at the Cherry Point
 13 facility, but it should be part of my personnel
 14 record.
 15 Q. Let's start with Texas City.
 16 Have you had any courses in
 17 process safety management since coming to Texas
 18 City?
 19 A. Yeah, I think there are kind of the
 20 overview stuff that's populated into my -- there is
 21 a cue, if you will, for scheduling of training
 22 assignments that come up for me and I stay very
 23 current on all of my training requirements.
 24 Q. How many hours of process safety
 25 management have you -- training have you had at

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1 Texas City?
 2 A. I can't answer that, sir. I don't know.
 3 Q. Okay. And we would have to go into the
 4 database to figure that out?
 5 A. And even --
 6 Q. What would it tell us?
 7 A. I don't know if the database tells you.
 8 It's a computer database that spits out some
 9 information for you to review and then you take a
 10 test verifying knowledge and understanding.
 11 Q. What I am trying to find out if there is
 12 a certificate or a record, somewhere where we could
 13 verify how much training you have had at Texas City
 14 in process safety management. Can you tell me
 15 that?
 16 A. All I can offer is if you look at my
 17 training curriculum that's been assigned to me in
 18 the jobs that I have had both at Texas City and
 19 going back to the Cherry Point facility, I think
 20 that's the best we'll be able to do in terms of
 21 training documentation.
 22 Q. Is there any type of certification that's
 23 available in process safety management?
 24 A. I don't know the answer to that, sir.
 25 Q. Have you ever looked at the 1998 HAZOP on

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1 the ISOM unit?
 2 A. No, sir.
 3 Q. Did you know that it considered a major
 4 release to blowdown, an environmental release, as
 5 one of the "what if" analyses?
 6 A. No, sir.
 7 Q. Is that 1998 HAZOP available to you?
 8 A. If I requested it, yes, sir.
 9 Q. Was it available to you before March 23,
 10 2005?
 11 A. Yes, sir.
 12 Q. Do you feel confident that someone in
 13 management at BP was aware of the contents of the
 14 1998 HAZOP before March 23, 2005?
 15 A. Certainly the team members that
 16 participated in the HAZOP.
 17 Q. Have you looked at the analysis of the
 18 1998 modification to the -- to the splitter?
 19 A. No, sir.
 20 Q. Okay. Did you know that the "what if" --
 21 A. Let me back up for a second.
 22 Are you referencing when we went
 23 to a flooded reflux drum?
 24 Q. Yes.
 25 A. Yeah, not -- prior to the ISOM event, I

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1 had not reviewed that. Post ISOM event, I have
 2 seen documents around when we went from the -- from
 3 the level control that was giving us some problems
 4 with pressure to the flooded reflux drum.
 5 Q. Did you see that the "what if" analysis
 6 in that PHA considered an overpressure of the tower
 7 and the tower rupture?
 8 A. No, sir.
 9 Q. You don't recall that?
 10 A. No, sir.
 11 Q. Was that information that was available
 12 to BP and known by someone in BP before March 23 of
 13 2005?
 14 A. Certainly members that participated in
 15 the HAZOP.
 16 Q. Have you ever looked at the MOC to rerate
 17 the splitter in 2003?
 18 A. Not with any great detail. Again, post
 19 ISOM event, when I was made aware of the fact that
 20 we had derated the tower.
 21 Q. You didn't look at it before --
 22 A. No, sir.
 23 Q. -- the incident?
 24 A. No, sir.
 25 Q. Are you now aware that an ISO 14001 study

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1 considered a blowdown drum at the F-20 during
 2 shutdown the second highest impact ranking?
 3 A. I am not sure what study you are
 4 referencing. So no, sir.
 5 Q. Have you ever looked at the ISO 14001
 6 studies on the ISOM unit?
 7 A. Not specifically on the ISOM unit. When
 8 we go through our certification process, there is
 9 always a feedback session that is facilitated by
 10 the company that we use to conduct the audit for
 11 us; and I sit through those.
 12 Q. What company does the 14001 audit?
 13 A. I can't recall, but I am sure that
 14 information is available.
 15 Q. The 2003 HAZOP on the ISOM, is that the
 16 one that you believe that you -- do you know
 17 whether you looked at it before the fire?
 18 A. Before the fire, I don't believe I did,
 19 sir, no.
 20 Q. Since the fire, you did?
 21 A. I think I have glanced -- yes, I have
 22 glanced at it.
 23 Q. Did you observe that it required a full
 24 study of the unit relief valves with a closure date
 25 by March 31 of 2005?

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1 A. I can't recall that.
 2 Q. Was there a full study of the unit relief
 3 valves on the ISOM with a closure date of -- by
 4 March 23 of 2005?
 5 A. I know that there were -- there was a
 6 relief valve study going on across the site, and
 7 many of the units in the West Plant were part of
 8 that. Where we were with the specifics on the ISOM
 9 event, I can't answer, sir.
 10 Q. So you don't know whether a relief valve
 11 study had been completed pursuant to the 2003 HAZOP
 12 on the ISOM unit at the time of the fire; is that
 13 right?
 14 A. That's correct, sir.
 15 Q. Before March 23 of 2005, were you aware
 16 that there was an opportunity to tie the splitter,
 17 the raffinate splitter into the flare system for
 18 the AU2?
 19 A. If you are referencing the raffinate
 20 splitter to the AU2 flare.
 21 Q. Yes.
 22 A. Prior to the isomerization event, I was
 23 not aware of that.
 24 Q. You have become aware of that since the
 25 March 23 explosion?

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1 A. Yes, sir.
 2 Q. How did you become aware of that?
 3 A. Post event, the -- again, you know, a
 4 very emotional time for folks. There was some -- a
 5 lot of conversations about we could have tied that
 6 vessel in at an earlier date.
 7 Q. Who did you hear talking about the
 8 possibility of having tied that vessel in earlier
 9 than March 23 to the AU2 flare?
 10 A. The only one in specific that I can
 11 remember is Charlie Logan.
 12 Q. Is Charlie Logan working for BP anymore?
 13 A. No, sir.
 14 Q. Okay. What was his position on March 23,
 15 2005?
 16 A. He was the ISOM superintendent.
 17 Q. Was that his regular position, or was it
 18 a step-up?
 19 A. He was stepped up into that job.
 20 Q. His regular position would have been
 21 what?
 22 A. Training coordinator.
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8 Q. You have notes of those interviews?
 9 A. Yes, sir.
 10 Q. Okay. Handwritten notes?
 11 A. Yes, sir.
 12 Q. Okay. And was it during one of the
 13 interviews that Charlie Logan said something about
 14 having the opportunity to tie the raffinate
 15 splitter into the flare system for AU2?
 16 A. I can't recall. I know a conversation
 17 had occurred earlier on that, though.
 18 Q. All right. Tell me about any
 19 conversation that you recall with Charlie Logan
 20 where he discussed the opportunity to have tied in
 21 to the AU2 flare in 1995.
 22 A. I don't know if it was in 1995, sir, or
 23 not.
 24 Q. Okay.
 25 A. I believe it was connected with the wet

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1 and dry maintenance project. That would have been
 2 later than that. And after the explosion, it's --
 3 you know, it was just a lot of healing and
 4 conversation.
 5 I spent a lot of time just out in
 6 the plant being with the employees, the operations
 7 and maintenance guys and technical folks. And
 8 there was, you know, a lot of remorse in the time
 9 and in the conversation.
 10 I don't recall the exact words
 11 that were used and exactly how Charlie
 12 characterized it. But he mentioned to me that we
 13 had -- we had an opportunity to tie those relief
 14 valves, get them out of the blowdown stack and into
 15 the flare. And I said, well, you know -- I don't
 16 remember exactly what my comment was. But I made
 17 that information available as part of, you know,
 18 just being open and honest with everybody for the
 19 Mogford report.
 20 Q. Has anyone else besides Charlie Logan
 21 told you about opportunities to tie into the AU2
 22 flare that existed before this tragedy?
 23 A. Can you restate the question, sir?
 24 Q. Yes.
 25 What we are talking about is

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1 people who have told you about opportunities that
 2 existed to tie the raffinate splitter into the AU2
 3 flare.
 4 A. Yes, sir.
 5 Q. And one person who has discussed that
 6 with you or told you was Charlie Logan?
 7 A. Yes.
 8 Q. Anyone else?
 9 A. I don't believe that Charlie and I were
 10 alone when we had that conversation.
 11 Q. Who else was there?
 12 A. I can't recall whether Ray Hawkins was
 13 around at the time or not. He is the permanent
 14 asset superintendent; and there may have been, you
 15 know, a couple of foremen around or something like
 16 that. I just can't recall.
 17 Q. Has anyone else observed that there were
 18 opportunities to tie the raffinate splitter into
 19 the AU2 flare?
 20 MR. PATTERSON: Objection, form.
 21 Q. (BY MR. KEBODEAUX) In your presence?
 22 MR. PATTERSON: Same objection.
 23 A. I can't answer whether anyone else has
 24 observed that opportunity.
 25 Q. (BY MR. KEBODEAUX) Now, Charlie Logan

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1 was a member of management on March 23, 2005,
 2 correct?
 3 A. Yes, sir.
 4 Q. And --
 5 A. In a broader sense, I mean, if you want
 6 to include everybody in salary as part of
 7 management, I think that's fair, yeah.
 8 Q. He was acting as the ISOM superintendent
 9 right?
 10 A. Yeah, yeah.
 11 Q. And the superintendent is how many levels
 12 below you?
 13 A. One.
 14 Q. In fact, the superintendents on the
 15 various units in the West Plant all report directly
 16 to you or did at that time, correct?
 17 A. Yes, sir.
 18 Q. Okay.
 19 A. Yes.
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1 from expectations or not meeting expectations. And
 2 one of the principals in the Just Culture is
 3 founded in this idea that for people to think that
 4 actions and reactions to events are fair that they
 5 must be predictable.
 6 So that tool helped us, utilizing
 7 that tool and asking a series of questions to kind
 8 of arrived at the same place given --
 9 Q. There is a decision tree, basically, for
 10 Just Culture, is there not?
 11 A. Yes, sir.
 12 Q. Okay. And one of the things that you try
 13 to do is determine whether someone's actions were
 14 intentional or reckless, correct?
 15 A. Yes, sir.
 16 Q. And disciplinary action, including
 17 termination, is reserved primarily for people whose
 18 actions are willful, intentional or reckless,
 19 correct?
 20 MR. PATTERSON: Objection, form.
 21 A. Well, there's -- there is two parts --
 22 Q. (BY MR. KEBODEAUX) Is that correct or
 23 not?
 24 A. Well --
 25 MR. PATTERSON: Same objection.

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 12 Q. (BY MR. KEBODEAUX) Okay. Now,
 13 termination is the harshest disciplinary action out
 14 at BP basically, isn't it?
 15 A. I mean, I guess so. I am not -- it's --
 16 it's --
 17 Q. Well, what's "Just Culture"? Just
 18 Culture is one system for determining
 19 responsibility, correct?
 20 A. Yes, sir. We --
 21 Q. And --
 22 A. We -- we brought in the Just Culture
 23 work, again, as part of the site's desire to want
 24 to improve the business and get kind of centered
 25 around what people should expect from deviating

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1 A. I guess I would like to answer the
 2 question with some context, and that's that there's
 3 really two parts to the administering of the Just
 4 Culture. The decision tree part helps you kind of
 5 understand what happened and, you know, what
 6 actions and decisions or indecisions people made.
 7 The other piece of deciding on
 8 appropriate positions -- or appropriate discipline
 9 is the consequences of the actions or inactions
 10 that the people took.
 11 MR. AMMONS: Objection,
 12 nonresponsive.
 13 Q. (BY MR. KEBODEAUX) Is this the decision
 14 tree that's used in the Just Culture?
 15 A. Yes, sir.
 16 MR. ALVAREZ: Is this marked as an
 17 exhibit?
 18 MR. KEBODEAUX: No. It's about to
 19 be. It's 38 now.
 20 (Exhibit Number 38 marked for
 21 identification.)
 22 Q. (BY MR. KEBODEAUX) Is this the decision
 23 tree that's used for Just Culture?
 24 A. Yes, sir.
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1 A. What we try to utilize it for is to
2 accomplish the tasks of having -- when discipline
3 is required in the organization that it's
4 consistently applied and that it becomes
5 predictable for the workforce, and this is a
6 decision tree that an asset superintendent or a
7 front line leader or anybody else can use to
8 assess, you know, would I -- you know, just follow
9 through the decision tree process with the intent
10 of commonly kind of arriving at a similar outcome
11 so that you don't have one discipline set of
12 actions in one area and a different set of
13 discipline actions in another area.
14 Again, I will say I think it's an
15 important element of a culture to have consequences
16 for actions and inactions that lead to problems;
17 but I also think it's important that it's
18 predictable.
19 Q. Who else did you participate in
20 terminating?
21 A. The two guys that were stepped up, the
22 one hourly board guy and the three salaried people.
23 Q. Who were the other salaried people?
24 A. Scott Yerrell, Larry Davidson, Charlie
25 Logan.

17 MR. PATTERSON: Objection, form.
18 MR. AMMONS: I am sorry?
19 THE WITNESS: Yes, sir.
20 MR. AMMONS: Yes, it was reckless?
21 THE WITNESS: Yes.
22 MR. AMMONS: Okay.
23 Q. (BY MR. KEBODEAUX) So this is a system
24 that BP uses to assess blame if appropriate on the
25 actions of its employees and supervision?

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1 Q. Yerrell and Davidson were management?
2 A. They were foremen, yes, sir.
3 Q. And where did Yerrell end up on this
4 chart in your analysis?
5 MR. PATTERSON: Objection, form.
6 A. I mean, Scott -- Scott didn't make proper
7 relief. And asking somebody to sign off on those
8 procedures, knowing that he wasn't -- he was, you
9 know, both a new person and not in a position to
10 have actually verified that he had physically, you
11 know, done those steps himself, he was in the -- I
12 mean, I don't think it was malicious on his part;
13 but it was -- you know, there was a possible
14 reckless violation, was terminated as well.
15 Q. (BY MR. KEBODEAUX) Have you -- have you
16 received any discipline by BP?
17 A. No, sir.
18 Q. Has there been any indication or
19 suggestion to you that you are going to suffer any
20 disciplinary action?
21 A. Not that I am aware of, sir.
22 Q. Has anyone at BP evaluated your conduct
23 the way these gentlemen's conduct was evaluated?
24 A. Yes, sir.
25 MR. PATTERSON: Objection, form.

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1 A. Yes, sir.
 2 Q. (BY MR. KEBODEAUX) Who has done that?
 3 A. I believe Kathleen Lucas has done that in
 4 conjunction with the investigation.
 5 Q. Who else participated in evaluating your
 6 conduct using the just blame culture -- I mean, the
 7 Just Culture -- let me start over.
 8 Who else participated with
 9 Kathleen Lucas in evaluating your conduct using the
 10 Just Culture matrix?
 11 MR. PATTERSON: Objection, form.
 12 A. I can't answer who Kathleen had
 13 conversations with about what actions and roles
 14 that --
 15 Q. (BY MR. KEBODEAUX) And to this date --
 16 A. -- I --
 17 Q. -- she has not admonished you for
 18 anything that you did or failed to do in the West
 19 Plant before March 23 of 2005?
 20 A. I mean...
 21 Q. Well, has she or has she not?
 22 A. I guess, no. I mean, there has been no
 23 discipline action given to me as a result of the
 24 ISOM event.
 25 Q. Have you, in a reflective moment, tried

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1 to assess your own contribution to this tragedy and
 2 thought about that?
 3 MR. PATTERSON: Objection, form.
 4 A. It keeps me awake every night.
 5 Q. (BY MR. KEBODEAUX) What is it that you
 6 could have done differently in your opinion?
 7 MR. PATTERSON: Objection, form.
 8 A. Certainly given my background, you
 9 know -- and I will say that at the moment of the
 10 event, I was in the process of putting my boots on;
 11 and I was going to take a tour of the ISOM event.
 12 So, you know, but for the grace of God and a few
 13 minutes of time, I would have been in the middle of
 14 that event myself.
 15 It -- I -- I have worked very hard
 16 to make it abundantly clear in the plant and in,
 17 you know, as much of refining as I can have
 18 conversations with that, you know, in the grand
 19 scheme of things, we -- there's -- we should be
 20 patient and take our time and start things up
 21 according to process and procedures. I -- you
 22 know --
 23 Q. (BY MR. KEBODEAUX) Have you any
 24 criticisms of yourself and your conduct before
 25 March 23, 2005?

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1 MR. PATTERSON: Objection, form.
 2 A. It's incredibly hard not to be critical
 3 of yourself given the event.
 4 Q. (BY MR. KEBODEAUX) What are your
 5 criticisms of yourself?
 6 MR. PATTERSON: Objection, form.
 7 A. I wish that those people would have
 8 followed the procedure. I wish that it would have,
 9 you know, been more -- you know, I wish that --
 10 when I look back, I wish that there would have been
 11 more thought into the way we evaluate process
 12 safety versus personal safety; and while I think we
 13 were making, you know, progress on some of the
 14 aspects of personal safety, clearly we missed some
 15 stuff around process safety and --
 16 Q. (BY MR. KEBODEAUX) And the failures in
 17 process safety are failures of the system, the
 18 organization, right?
 19 A. I think --
 20 Q. At the root --
 21 A. I think we all share in it, yeah.
 22 Q. But process safety management is a
 23 system. It's not one person, right?
 24 A. Yes, sir.
 25 Q. And the -- those failures are traceable

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1 back to leadership and management of the BP
 2 refinery, correct?
 3 A. Yes.
 4 MR. PATTERSON: Objection, form.
 5 Q. (BY MR. KEBODEAUX) Because ultimately
 6 it's the management and the leadership that has to
 7 instill a system and an organization that promotes
 8 process safety management, right, and enforces it?
 9 A. I think it is our responsibility as
 10 leadership to promote and enforce process safety.
 11 Q. Has anyone at BP criticized your conduct
 12 who is above you in -- not seniority but in
 13 management?
 14 MR. PATTERSON: Objection, form.
 15 A. I have had no conversations with anybody
 16 at a level above me or levels above me about being
 17 critical of my actions or inactions that led to the
 18 ISOM even or any sort of discipline.
 19 Q. (BY MR. KEBODEAUX) Has anyone below you
 20 criticized you or confronted you?
 21 I am asking because I got a hint
 22 of that in your statement.
 23 MR. PATTERSON: Objection, form.
 24 A. I think we are all critical of each other
 25 and deeply regret what happened and, you know, you

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1 just don't go through something like this and not
 2 question yourself and become incredibly critical of
 3 what happened and what things that we could have
 4 done to prevent it and I can't -- I can't speak to,
 5 you know, what other people may have said or
 6 thought or believed.
 7 MR. AMMONS: Objection,
 8 nonresponsive.
 9 Q. (BY MR. KEBODEAUX) Do you know who made
 10 the decision not to proceed with the wet and dry
 11 drum project?
 12 A. To the best of my knowledge in the
 13 timeframe that it was -- the decisions were made,
 14 it would have been Rich Peltier.
 15 Q. Who?
 16 A. Rich Peltier.
 17 Q. Okay. Where is Rich Peltier now?
 18 A. He is in our heavy Canadian crude project
 19 team.
 20 Q. Have you -- and physically where is he
 21 located? Still at Texas City or somewhere else?
 22 A. No, sir. He's in the Jacobs office, I
 23 believe. He is in Houston.
 24 Q. Okay. And his position at the time that
 25 the -- can we just call that the flare project for

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1 shorthand, the wet and dry drum?
 2 A. Well, I think if you do that you stand
 3 the opportunity to sort of mislead everybody about
 4 that project.
 5 Q. What do you want to call it?
 6 A. I would have called it an environmental
 7 project.
 8 Q. No, I -- you are saying --
 9 A. It was --
 10 MR. PATTERSON: Whoa, whoa, whoa,
 11 wait for him to --
 12 Q. (BY MR. KEBODEAUX) You are saying
 13 that --
 14 MR. PATTERSON: I'm sorry. Just a
 15 second.
 16 Mr. Willis, would you to wait for
 17 him to finish the question, and then answer what he
 18 asks. Okay?
 19 THE WITNESS: Yes, sir.
 20 Q. (BY MR. KEBODEAUX) You are saying he
 21 was --
 22 MR. PATTERSON: Do you want to
 23 read it back, or do you want --
 24 MR. KEBODEAUX: No, I'll just
 25 start over.

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1 MR. PATTERSON: -- to start a new
 2 one? Okay.
 3 Q. (BY MR. KEBODEAUX) You are saying that
 4 the wet and dry drum project was only
 5 environmental? That's your testimony?
 6 A. It's listed as an environmental. I don't
 7 have the DSP in front of me.
 8 Q. Look at the boxes. Doesn't DSP check
 9 off --
 10 A. Health, safety --
 11 Q. -- environment?
 12 A. Health, safety, sustaining an
 13 environmental project.
 14 Q. Is there a box for environmental?
 15 A. Yes, sir, right here.
 16 Q. Is there a separate box for health and
 17 safety?
 18 A. Yes, sir.
 19 Q. Are both boxes checked?
 20 A. Yes, sir.
 21 Q. Okay. So it's something beyond just
 22 environmental, correct?
 23 A. Yes, sir.
 24 Q. Were you involved in any of the
 25 discussions where the project was conceived?

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1 A. Not to my knowledge, sir, no.
 2 Q. Do you know what the cost of the project
 3 was anticipated to be?
 4 A. No, sir.
 5 Q. Did you know that the tie-ins were
 6 actually installed during the January, 2003
 7 turnaround?
 8 A. I was told that after the explosion.
 9 Q. You didn't know that before?
 10 A. No, sir.
 11 Q. Was there any monetary benefit to -- when
 12 the -- when BP evaluates a project such as the wet
 13 and dry drum, it is -- would that have been a
 14 capital project or a maintenance project or is that
 15 a meaningful --
 16 A. No, it's --
 17 Q. -- discussion?
 18 A. Yeah, it's -- the way the rules exist
 19 today, I would have said that that would have been
 20 a capital project.
 21 Q. Now, when BP evaluates a capital project,
 22 does it look at the future monetary benefits and
 23 discount them back?
 24 A. The net present value calculation, yes,
 25 sir.

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1 Q. Right.
 2 At a certain internal rate of
 3 return?
 4 A. 9 percent typically.
 5 Q. And then compares that NPV or net present
 6 value to the present day cost of the project?
 7 A. Yes, sir.
 8 Q. Now, what was the future monetary value
 9 or revenue from the wet and dry drum project?
 10 A. I don't know. I don't know.
 11 Q. Was there any?
 12 A. I don't know, sir. I wasn't on that
 13 project team. I am sorry.
 14 Q. On a project that is implemented only for
 15 safety or environment -- let me ask you it this
 16 way.
 17 The wet and dry drum project,
 18 would it have increased revenues for the company?
 19 A. It's not clear to me how it could have
 20 done that, sir.
 21 Q. It looks like unlikely, doesn't it?
 22 A. Yes, sir.
 23 Q. Okay. So then how does BP value the
 24 future benefit of a project when it does not or is
 25 not likely to result in increased revenue?

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1 A. Based on other potential implications.
 2 Health, safety, sustaining -- we have process
 3 safety standards out that would help influence
 4 whether, you know, things should be funded or not.
 5 Compliance.
 6 Q. Have you ever been involved in the
 7 analysis of a capital project where the only
 8 benefits were environmental and safety?
 9 A. Yes, sir.
 10 Q. Okay. And is it the routine practice of
 11 BP to try to put a monetary value on the benefits,
 12 the future benefits of that type of project; or do
 13 you just leave that blank zero?
 14 A. Well, if there is any collateral benefit,
 15 they'll -- it will be part of the calculation. If
 16 it's -- my experience has been that they'll at
 17 least run the calculation. But it may be a zero
 18 economic kind of benefit.
 19 Clearly we have spent a lot of
 20 money on that site on sustaining and compliant
 21 projects.
 22 Q. That's what I am trying to determine,
 23 though.
 24 When you are calculating a capital
 25 project and net present value of it and the only

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1 future benefit is environmental or safety, how do
 2 you arrive at a number to put on the future
 3 benefit?
 4 A. You don't.
 5 Q. Okay.
 6 A. It just becomes part of your license to
 7 operate.
 8 Q. So then, in that situation, the costs
 9 always are greater than the net present value?
 10 Well, there is no net present value, is there?
 11 A. That's correct, sir.
 12 Q. Okay. Because it's only a cost?
 13 A. Right.
 14 Q. And the wet and dry drum maintenance
 15 project wasn't going to increase revenue. It was
 16 only going to be a cost, correct?
 17 MR. PATTERSON: Objection, form.
 18 A. I -- I can't speak for -- I mean, if you
 19 look at, you know, kind of the project goals of
 20 trying to get to, you know, modify the ISOM
 21 blowdown stack facilities to ensure compliance with
 22 the BWON regulation and to minimize contribution to
 23 the 2 megagrams per site limit for uncontrolled
 24 benzene, my guess is -- and this is, you know, a
 25 guess is that they were looking at how to -- where

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1 all the different sources were and how to capture
 2 benzene and get it out of the environment to get us
 3 in with compliance with the regulation.
 4 Q. (BY MR. KEBODEAUX) As we sit here, you
 5 don't know of a monetary benefit to BP of
 6 implementing the wet and dry drum maintenance
 7 project?
 8 A. No.
 9 MR. PATTERSON: Objection, form.
 10 A. No --
 11 Q. (BY MR. KEBODEAUX) Is that --
 12 A. -- I do not.
 13 Q. -- true? Okay.
 14 Now, there's some indication that
 15 there is now a line item in the 2005 PDS for the
 16 removal of the F-20. What is the PDS?
 17 A. That's probably a -- it's probably a PR,
 18 a project request form.
 19 Q. Okay.
 20 A. But that would be my guess.
 21 PDS, I am not sure what that
 22 means.
 23 Q. Well, is there a line item for the
 24 removal of the F-20 at this time?
 25 A. We have made -- to my understanding, we

<p style="text-align: right;">Page 250</p> <p>1 have made no decisions about the disposition, the 2 ultimate disposition of the ISOM unit, whether it 3 will ever be started again or whether we will ever 4 run that unit again. 5 What we have committed to is if we 6 do make the decision to rebuild it, modify it or 7 ever restart it that it will be started up in a 8 flare. 9 Q. Have you ever heard what the cost would 10 have been to tie the raffinate splitter into the -- 11 into the flare, the AU2 flare? 12 A. No, sir. 13 Q. Have you -- when you signed off as 14 gatekeeper on the -- killing the project, you did 15 that in 2004? 16 MR. PATTERSON: Objection, form. 17 A. December 2nd, 2004, yes, sir. 18 Q. (BY MR. KEBODEAUX) And who told you to 19 do that? 20 A. The project guys brought me the project 21 and said, "This project has been killed and we are 22 trying to clean up some documentation." And I took 23 a look at it for some relatively short duration of 24 time and said, "I am not going to kill this project 25 unless you bring it back to me stating that this</p>	<p style="text-align: right;">Page 252</p> <p>1 at it in the future." 2 Q. What is HSE risk? 3 A. Health, safety and environment. 4 Q. Okay. And what language did you require 5 them to put in about acceptance of HSE risk? 6 A. "The purpose of this DSP is to close the 7 financial records and communicate accepted HSE risk 8 to the asset management." 9 Q. Do you know where the money was -- how -- 10 was money actually appropriated for the wet and dry 11 drum project? 12 A. You know, again, I don't know the 13 specifics of this project and you are just far 14 better served asking the people that were managing 15 it. 16 Q. So who would be the best people to ask? 17 Mr. Peltier? 18 A. Yeah, I would start with Rich. 19 Q. Have you spoken with him since the 20 March 23 fire? 21 A. Yes, sir. 22 Q. What have you discussed with Rich Peltier 23 since the March 23 fire? 24 A. I went to Rich Peltier after I had had 25 conversations with the operators and said, "Hey</p>
<p style="text-align: right;">Page 251</p> <p>1 project was stopped during the defined stage in 2 2003 and the purpose of this DSP was to close 3 financial records to communicate accepted HSE risk 4 to asset management." 5 Q. What does accepted -- 6 A. I specifically asked for that to be put 7 in there because the project was dead when it was 8 brought to me. 9 Q. Why did you not want to be the one to 10 sign off as having killed it? 11 A. Because the decision wasn't mine. It was 12 already made. The project was dead. 13 Q. Were you worried about any consequence of 14 terminating the project? 15 A. I made a copy of it because it looked 16 like a reasonably good environmental project from 17 the outset that we should, you know, have another 18 conversation about it. I said that in the -- 19 referred to it in the Mogford report as well that 20 this is something that on the surface, "Okay, it's 21 been killed. It's not going to the line. Maybe 22 there's a perfectly valid explanation for all that. 23 At this moment in time, I don't have, you know, the 24 time to dive into this thing; but I am going to 25 make a copy of it and hang on to it and take a look</p>	<p style="text-align: right;">Page 253</p> <p>1 Rich, there's some conversation about this and I 2 want you to know that, you know, I am going to 3 bring it to the investigation team because it's not 4 clear to me what they are saying about having this 5 thing been tied in to flare system." 6 Q. And what did he say to you? 7 A. "That's fine." 8 Q. Have you had any other discussions with 9 him about it? 10 A. No. Rich is -- you know, at the time of 11 the ISOM event, he was still on site. He is now 12 working off site. 13 Q. I want to go back and talk with you about 14 when you came to the West Plant. 15 You had various ways of obtaining 16 knowledge when you came to the West Plant about the 17 units and the process, correct? 18 A. Yes, sir. 19 Q. I want to understand the different 20 sources of knowledge to you about the West Plant 21 when you came to that position. 22 First of all, were there databases 23 that were available to you? 24 A. Many, yes. 25 Q. Okay. Let's talk about what they are,</p>

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1 what they were before March 23.
 2 What databases were available to
 3 you to learn about the West Plant and its
 4 operations?
 5 A. So to be clear, I think, you know, the
 6 databases were available. What -- you know, having
 7 like access into the level of database where we
 8 track critical alarm trips and stuff like that, I
 9 am not sure whether I have access into it. I could
 10 get others working for me to retrieve information
 11 out of it; and I would receive e-mails from time to
 12 time, you know, about critical trip alarm
 13 compliance, PM compliance, Traction action items,
 14 HSE action items, audit -- you know, any audit
 15 finding that created a Traction finding, training
 16 compliance was sent out, I think, on a quarterly
 17 basis.
 18 That, you know -- in the first, I
 19 want to say six months or so, it became clear to me
 20 that we were, you know, in need of some additional
 21 infrastructure to support that. So I was putting
 22 people in place to help facilitate, you know, the
 23 more meaningful management information system.
 24 Q. Would it be fair to say that when you
 25 came to the West Plant there was a problem with the

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1 safety culture?
 2 MR. PATTERSON: Objection, form.
 3 A. The personal safety performance of the
 4 West Plant was certainly not up to my standard or
 5 desires in terms of performance.
 6 Q. (BY MR. KEBODEAUX) And how did you
 7 determine that?
 8 A. In a gross way, using the OSHA recordable
 9 rate.
 10 Q. And were there some audits performed on
 11 the West Plant after you arrived?
 12 A. Yes, sir.
 13 Q. Was one the ESI Audit?
 14 A. That is a survey, not necessarily an
 15 audit.
 16 Q. All right.
 17 A. It's an electronic survey, yes, sir.
 18 Q. And do you know when the ESI Survey was
 19 conducted?
 20 A. My recollection is they were done -- BP
 21 does them every -- we do them now every other year
 22 in the fall. After taking over the division and
 23 getting the scores back, I started to conduct my
 24 own internal ESI audit on a quarterly basis.
 25 Q. Did you conclude that there was a

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1 tolerance for risk in the West Plant after you
 2 arrived?
 3 MR. PATTERSON: Objection, form.
 4 A. Can you restate the question?
 5 Q. (BY MR. KEBODEAUX) Did you conclude that
 6 there was a tolerance for risk in the West Plant
 7 after you arrived?
 8 MR. PATTERSON: Objection, form.
 9 A. The way you have stated that question,
 10 sir, I would say that everyone has a tolerance for
 11 risk. It's what helps you determine how fast to
 12 drive or whether to go outside.
 13 MR. AMMONS: Objection,
 14 Nonresponsive.
 15 Q. (BY MR. KEBODEAUX) Was there -- was
 16 there a Control of Work Review performed after you
 17 came to the West Plant?
 18 A. Yes, sir.
 19 Q. Tell us what the Control of Work Review
 20 was.
 21 A. This is the control of work audit that is
 22 predominantly sponsored by groups chief executives
 23 John Manzoni to access sites, kind of current state
 24 of affairs, mostly centered around the golden rules
 25 of safety.

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1 (Exhibit Number 39 marked for
 2 identification.)
 3 Q. (BY MR. KEBODEAUX) What is the document
 4 that I am showing you?
 5 A. This looks like the draft report, the
 6 findings to their audit.
 7 Q. Okay. The actual audit, what document
 8 does it exist in? What would it be called?
 9 A. I don't know. Probably the control of
 10 work --
 11 Q. Okay.
 12 A. -- audit.
 13 Q. And the document that I have marked as
 14 exhibit, what, thirty --
 15 A. 39.
 16 Q. -- nine is a draft response to the
 17 findings, correct?
 18 A. Yes, sir.
 19 Q. Did you participate in drafting this
 20 response?
 21 A. Not necessarily in writing it. I mean,
 22 did we -- we sat through the feedback sessions that
 23 the control of work team that had come in and did
 24 their accessing. They kind of go through the
 25 organization over a couple of days and then they

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1 would sit down with the leadership team and say,
 2 "Here are the things that we found that you should
 3 keep doing and here are the things that we found
 4 that are opportunities and gaps for you guys."
 5 Q. Did -- when did you become head of the
 6 West Plant?
 7 A. September, October-ish of 2003.
 8 Q. Okay. So you were head of the West Plant
 9 when the Control of Work Review took place and you
 10 saw the review, correct?
 11 A. Yes, sir.
 12 Q. And you saw the document that's
 13 Exhibit 39?
 14 A. Yes, sir.
 15 Q. And if you will look at it, it says that,
 16 "The review findings support our objective to
 17 change our culture to have zero tolerance for
 18 willful non-compliance to our safety policies and
 19 procedures by both BP and contract personnel
 20 working on our site."
 21 Do you see that?
 22 A. Yes, sir.
 23 Q. All right. I take it that the safety
 24 culture that existed before this Control of Work
 25 Review tolerated willful non-compliance to safety

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1 policies?
 2 MR. PATTERSON: Objection, form.
 3 A. I don't think that there was a tolerance
 4 for it. I think that there was a range of
 5 practices. I'd say that in my experience when I or
 6 other members of the leadership team had
 7 opportunities to find people that we thought were
 8 not complying with either a policy or procedure, we
 9 would intervene immediately.
 10 Q. (BY MR. KEBODEAUX) Was it determined
 11 that there was a need to take a zero tolerance
 12 stand on willful violations of safety policies as a
 13 result of the Control of Work Review?
 14 A. Yes.
 15 Q. Would you -- when you came to the West
 16 Plant, you had access to the Traction database,
 17 right?
 18 A. Yes, sir.
 19 Q. And the Traction database tracks what?
 20 A. Open action items.
 21 Q. Okay. And open action items arise as a
 22 result of what?
 23 A. Incident investigations, HAZOP findings,
 24 management of change and audits.
 25 Q. Did you review those when you came to the

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1 West Plant, the Traction database?
 2 A. No, sir.
 3 Q. When did you first review the Traction
 4 database to determine unclosed action items?
 5 A. Within the first month, I'd say, I
 6 started to look at the -- the way the report is
 7 generated, it's by exception. So if you have an
 8 action item that's overdue, it -- you know, that's
 9 where I would start to see the stuff.
 10 The stuff that was being closed on
 11 time was being managed and required no intervention
 12 on my behalf.
 13 Q. Did you -- did you review any of the
 14 HAZOPS or the process hazard analyses for the West
 15 Plant when you took the job?
 16 A. The process unit hazard analysis was part
 17 of a five-year validation. No, sir.
 18 Q. You did not?
 19 A. No, sir.
 20 Q. When did you first review any of them?
 21 A. The first one that I can recall -- I
 22 can't recall which one came out. I think once they
 23 were completed, I would look at the findings from
 24 them.
 25 Q. Did you look at any before the March 23,

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1 2005 fire?
 2 A. I may have.
 3 Q. You don't know if you did or not?
 4 A. I can't recall.
 5 Q. Okay. You got an ESI Survey that showed
 6 that there was low morale among the employees in
 7 the West Plant, correct?
 8 A. Yes.
 9 Q. And there were a lot of complaints,
 10 correct?
 11 A. Yeah.
 12 Q. Were there complaints about the training?
 13 A. Yes, sir.
 14 Q. Staffing?
 15 A. I can't recall.
 16 Q. What about the band-aid procedure? Were
 17 there complaints about that?
 18 A. I am not sure what that is referencing.
 19 Q. Have you ever heard of "band-aid
 20 procedure"?
 21 A. I hear people use the term "putting a
 22 band-aid" on things versus fixing it in a more
 23 complete way.
 24 Q. Were there complaints of thin pipe or
 25 thinning of pipe being a problem in the West Plant?

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1 A. I believe so, yes.
 2 Q. Okay. Somewhere around January of 2005 a
 3 report came out from Telos or Telos, correct?
 4 A. Yes, sir.
 5 Q. And there were a number of complaints
 6 documented in that report, true?
 7 A. Yes, sir.
 8 Q. Do you recall one of the Telos comments
 9 being that the plant was a "catastrophe waiting to
 10 happen"?
 11 A. I don't recall that specifically.
 12 Q. But you became familiar with a low morale
 13 and various complaints from the Telos Report,
 14 right?
 15 A. Yes, sir.
 16 Q. And you knew about both the Telos Report
 17 and the ESI Survey before this fire in March of
 18 2005, correct?
 19 A. And we were doing stuff about it, yes.
 20 Q. And did you actually review the Telos
 21 Report?
 22 MR. AMMONS: Objection to the
 23 nonresponsiveness of the answer.
 24 Q. (BY MR. KEBODEAUX) Did you actually
 25 review the Telos Report?

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1 A. We --
 2 Q. You read it?
 3 A. We sat down with all of the front line,
 4 about 450 people, over the course of a week or so
 5 and shared the report findings with a big piece of
 6 the site because it was our desire to utilize this
 7 group and the Telos Group to help us improve the
 8 safety culture of the site.
 9 Q. So the results of the ESI Survey, the
 10 Telos Report and the Control of Work Review, all of
 11 that was information that you thought was useful to
 12 rely upon to determine how to run the West Plant?
 13 A. Yeah. And in fact, the Telos work was an
 14 output of trying to access the people in a way that
 15 would improve the safety performance of the site in
 16 a way that, you know, we thought it would help us.
 17 So we -- we contracted with Telos to come in to
 18 help us get after the safety piece of it and
 19 improve the whole site.
 20 Q. If you take the Control of Work Audit,
 21 the ESI Survey, and the Telos or Telos Report, did
 22 those disclose that there were problems with
 23 routine deviations from standard procedures or
 24 normalized deviations --
 25 MR. PATTERSON: Objection, form.

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1 Q. (BY MR. KEBODEAUX) -- in the West Plant?
 2 MR. PATTERSON: Same objection.
 3 A. Can you restate the question?
 4 Q. (BY MR. KEBODEAUX) Yeah.
 5 You have in hand information from
 6 the Control of Work Review, from the ESI Survey and
 7 from the Telos Report, correct?
 8 A. Yes, sir.
 9 Q. And did you report all this stuff to
 10 Kathleen Lucas?
 11 A. I believe that we had the -- the Telos
 12 work that we were doing and bringing them into the
 13 organization and that effort had started -- I know
 14 it started before she got there. I can't recall
 15 whether Kathleen was participating in those kind of
 16 broad sharing of information with the rest of the
 17 site or not. I am sure she had access to it at
 18 some point. But, you know, I don't know what kind
 19 of transition she had.
 20 Q. I want to ask you. I am going to go
 21 through a list of things and I am going to ask you
 22 if based upon the information you had from these
 23 studies you were aware of complaints regarding the
 24 following matters before March 23 of 2005. Okay?
 25 A. Yes, sir.

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1 Q. Routine or normalized deviations from
 2 standard procedures?
 3 A. Yes.
 4 Q. Thinning of pipe in the plant?
 5 A. I guess I don't know how to respond to
 6 that. When we found pipe that was thin, we would
 7 react and repair it and in some cases, shut the
 8 unit down. So, you know, I think it's -- it's not
 9 a fair characterization to say that we had pipe
 10 that was running below discord and did nothing
 11 about it.
 12 Were we concerned about the
 13 inspection department and work process? We were in
 14 the process of fixing that as well, sir.
 15 Q. Well, was there so much thin pipe in the
 16 plant that you would have had to shut the plant
 17 down to fix it all? Is that the problem, or was
 18 that the problem?
 19 MR. PATTERSON: Objection, form.
 20 A. No, sir.
 21 Q. (BY MR. KEBODEAUX) What about complaints
 22 about an outdated control boards and DSC (sic)?
 23 A. Yeah. We -- you know, much of that
 24 equipment is -- there is newer technology out
 25 today, and there is a project in place to bring the

<p style="text-align: right;">Page 266</p> <p>1 DCS up to --</p> <p>2 Q. I am talking you before March 23, before</p> <p>3 the fire and explosion, you were aware of</p> <p>4 complaints about the outdated control boards in the</p> <p>5 DSCs, right?</p> <p>6 A. And we were in action about that, sir.</p> <p>7 Q. Okay. And --</p> <p>8 MR. AMMONS: Objection,</p> <p>9 nonresponsive.</p> <p>10 Q. (BY MR. KEBODEAUX) Had any of that</p> <p>11 action been taken in the control room for the ISOM?</p> <p>12 A. Not yet, no.</p> <p>13 Q. Okay. And this information disclosed</p> <p>14 problems with low morale in the West Plant, also,</p> <p>15 correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And what about complaints about the</p> <p>18 sufficiency of operating training -- operator</p> <p>19 training? Were there those type of complaints</p> <p>20 before March 23, 2005?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What about staffing? Same answer?</p> <p>23 A. Yes, sir.</p> <p>24 Q. What about temporary claiming -- I am</p> <p>25 sorry, temporary clamping? Were there complaints</p>	<p style="text-align: right;">Page 268</p> <p>1 distribution list or not.</p> <p>2 Q. What is the risk matrix for the West</p> <p>3 Plant?</p> <p>4 A. There's a more structured approach to</p> <p>5 evaluating risk to look at, you know, what's the --</p> <p>6 when we in BP think about risk, we think about</p> <p>7 probability and impact and that helps us kind of</p> <p>8 define levels of risk. We -- not we but someone in</p> <p>9 the system created a numerical matrix that allowed</p> <p>10 you to assign numerical values that helped us put,</p> <p>11 you know, high risk stuff in the high risk quadrant</p> <p>12 and lower risk stuff and lower probability or lower</p> <p>13 impact in the lowest quadrant.</p> <p>14 Q. What is the risk matrix -- what kind of</p> <p>15 document or database does it reside it?</p> <p>16 A. For the West Plant, it lives in an Excel</p> <p>17 database.</p> <p>18 Q. Okay. And if I was going to try to get a</p> <p>19 copy of that, what would I ask for? The risk</p> <p>20 matrix for the West Plant?</p> <p>21 A. Yes, sir. Yeah, essentially that's taken</p> <p>22 a much different form. So you would need to be</p> <p>23 specific about the dates that you are looking for,</p> <p>24 sir.</p> <p>25 Q. All right. So before March 23, it would</p>
<p style="text-align: right;">Page 267</p> <p>1 about that?</p> <p>2 A. I can't recall.</p> <p>3 Q. Were you on the HSE committee before</p> <p>4 March 23, 2005?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What is the HSE committee?</p> <p>7 A. Well, the West Plant -- the HSE committee</p> <p>8 was -- well, the one that I participated on was the</p> <p>9 joint safety and health council committee and it --</p> <p>10 it met with the hourly workforce, the union safety</p> <p>11 reps, and different -- in kind of a cross diagonal</p> <p>12 slice of management to talk about issues that were</p> <p>13 emerging in the workforce so that we could react to</p> <p>14 them. There wasn't --</p> <p>15 Q. Was Kathleen Lucas on that committee?</p> <p>16 A. Kathleen Lucas was not.</p> <p>17 Q. Did the committee report any of its</p> <p>18 findings to Kathleen?</p> <p>19 A. We had meeting minutes that we made</p> <p>20 available to everybody, and they are available on</p> <p>21 the web. So --</p> <p>22 Q. Were the minutes provided to her or just</p> <p>23 made available on the web or do you know?</p> <p>24 A. I don't know if they mailed the minutes</p> <p>25 to her or not. I don't know if she was on the</p>	<p style="text-align: right;">Page 269</p> <p>1 be the risk matrix?</p> <p>2 A. It's still referenced as a risk matrix,</p> <p>3 but it's taken a different form.</p> <p>4 Q. How has it changed?</p> <p>5 A. It is managed more at the site at a</p> <p>6 division level.</p> <p>7 Q. What is the MALT? Were you on it?</p> <p>8 A. Yeah. That's the manufacturing area</p> <p>9 leadership team, yes.</p> <p>10 MR. KEBODEAUX: Let's take a</p> <p>11 break.</p> <p>12 THE VIDEOGRAPHER: Off the record</p> <p>13 at 4:19 p.m., ending Tape 5.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: On the record</p> <p>16 at 4:33 p.m., beginning Tape 6.</p> <p>17 Q. (BY MR. KEBODEAUX) We talked about</p> <p>18 people that were terminated by you and Kathleen</p> <p>19 Lucas. We did not talk about people who were</p> <p>20 demoted.</p> <p>21 Who was demoted?</p> <p>22 A. I don't believe we demoted anybody.</p> <p>23 Q. Did you demote Mr. Barnes?</p> <p>24 A. No, sir.</p> <p>25 Q. Okay. What happened with Mr. Barnes?</p>

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1 What is he? What's his position now?
 2 A. He is the cracking manufacturing and
 3 delivery leader.
 4 Q. You don't think that's a demotion,
 5 correct?
 6 A. Well, let me be clear. That's not within
 7 my -- Joe didn't work for me. He worked for Don
 8 Parus.
 9 Q. Did you and Kathleen Lucas make the
 10 decision for Barnes to transfer his job position?
 11 A. No, sir.
 12 Q. Okay. Who made that decision? Do you
 13 know?
 14 A. I don't know, sir.
 15 Q. Do you know whether Mr. Barnes believes
 16 or has expressed a view that he has been demoted?
 17 MR. PATTERSON: Objection, form.
 18 A. I believe Joe was disappointed, but I
 19 don't know whether he's -- he has never expressed
 20 an opinion about whether that was a demotion or
 21 not.
 22 Q. (BY MR. KEBODEAUX) Whenever you and
 23 Ms. Lucas terminated any of these men from BP, was
 24 there any mention of their needing criminal
 25 lawyers?

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1 MR. PATTERSON: Objection, form.
 2 A. Not to my recollection.
 3 Q. (BY MR. KEBODEAUX) Now, the
 4 investigation that you and Kathleen Lucas did was
 5 independent of the investigation by the team that
 6 has produced the final report, correct?
 7 A. Yes, sir.
 8 Q. And it was an investigation of the cause
 9 of the incident or personnel issues or what?
 10 A. Well, let me be clear. We had access to
 11 witness statements that were provided as part of
 12 the Mogford investigation as well. So we had -- we
 13 utilized some of that information in our own
 14 investigation. The policy and the practice within
 15 BP and, in fact within the union contract, the
 16 union will not participate on an investigation that
 17 may lead to disciplinary action.
 18 So by contract, we're required to
 19 conduct one investigation and the root cause and
 20 then a separate investigation into actions and
 21 inactions that may have been taken on behalf of
 22 people that might lead into disciplinary action;
 23 and that's what we did.
 24 Q. Is there a file that contains the
 25 investigation and the results of the investigation

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1 that was conducted by you and Kathleen Lucas?
 2 A. I have my copy of the notes and my copy
 3 of the termination letters that were given to the
 4 employees.
 5 Q. And does she have a file, also?
 6 A. I believe so.
 7 Q. Okay. And was there any formal report
 8 prepared, based on the notes, of the investigation?
 9 A. No. This investigation was looking into
 10 the actions and inactions of the folks that may
 11 lead to disciplinary actions, and we conducted that
 12 investigation.
 13 Q. After the -- earlier you said you had
 14 given two statements to the investigation team,
 15 correct?
 16 A. I believe that's true, yes, sir.
 17 Q. Okay. I only have one. Is there another
 18 statement that is typewritten just as the one we
 19 have looked at today?
 20 A. It appears --
 21 Q. What's the exhibit number?
 22 A. This is Exhibit Number 37. And yeah.
 23 Q. There is another statement?
 24 A. Yes, sir.
 25 Q. And when did you last look at it?

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1 A. This week.
 2 Q. Okay. It's in typewritten form?
 3 A. Yes, sir.
 4 Q. Okay. After you came to the West Plant,
 5 did the maintenance budget increase or decrease?
 6 A. The spending increased, and the budget
 7 was decreased.
 8 Q. So there was a variance? There were
 9 variances over the budgeted amounts?
 10 A. I spent about \$10 million a year over the
 11 budget.
 12 Q. Okay. You were trying to cut the
 13 maintenance budget?
 14 A. No, sir.
 15 Q. Well, your budgets decreased. Isn't that
 16 what you just told me?
 17 A. The budget allocation was decreased. It
 18 was not an attempt to try to cut the maintenance
 19 budget. We were looking at the --
 20 Q. Well, who cut the budget allocations?
 21 A. Well, it was a site allocation that said,
 22 "This is what's the piece of the West Plant." But
 23 those budgets are set up very much in sort of an
 24 aspirational model; and it's designed to help
 25 people, you know, say, "In a perfect world and in

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1 a, you know, best in class kind of facility" --
 2 Q. Right.
 3 A. -- "with nothing going wrong, this is
 4 kind of what you would spend." And, you know, we
 5 spent what we needed to repair stuff.
 6 Q. Did you participate in preparing the
 7 maintenance budgets after you came to the West
 8 Plant?
 9 A. Yes, sir.
 10 Q. Okay. And as you have just said, it was
 11 an aspirational amount, correct?
 12 A. Yes, sir.
 13 Q. And there were smaller or decreasing
 14 allocations in the budget to maintenance in the
 15 West Plant during your tenure at the West Plant,
 16 correct?
 17 I am not asking about actual
 18 spending. I am asking about what you planned to
 19 spend.
 20 A. Yeah, I am trying to remember what the
 21 budget was for 2003 and 2004 and 2005 and now, you
 22 know, it's -- well, I have to look at the data but
 23 I know that we -- the plan was to, with improved
 24 availability, that there would be less maintenance
 25 spend required and we put an aspirational plan

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1 together around that.
 2 Q. Right.
 3 You were trying to reduce the
 4 budget allocable to maintenance, but you were not
 5 successful. Is that what you are saying?
 6 A. I would say I was trying to improve plant
 7 availability that would have resulted in a lower
 8 maintenance spend; and I was trying to improve the
 9 repair structure such that, you know, the amount of
 10 repeat failures would go down.
 11 Q. But from above, the momentum was to try
 12 and cut maintenance budgets, correct?
 13 A. Not for me, sir, no. The momentum was to
 14 try to improve plant availability; and as an
 15 outcome of that, you would have gotten -- you would
 16 have had less maintenance demand and, therefore,
 17 less maintenance spent.
 18 Q. If you had to exceed your maintenance
 19 budget in a given year, what did you have to do in
 20 order to exceed it? Did you have to obtain
 21 approval from someone?
 22 A. We approved -- we got approval for
 23 capital spend through -- you know, through a
 24 process but routine spend was talked about,
 25 forecasted and explained on a monthly basis.

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1 Q. You are saying that you didn't have to
 2 confer with anyone before you exceeded the budget
 3 on the maintenance, the budget amount?
 4 A. I would try my best not to surprise my
 5 bosses with the maintenance spend and let them know
 6 in particular if I had some advanced warning; but
 7 it was not an approval. There was no formal
 8 process that says, "Here's your delegation of
 9 authority to spend an extra million dollars in the
 10 West Plant."
 11 Q. With that -- when you say, "Let your
 12 superiors know," are you talking about Kathleen
 13 Lucas?
 14 A. And Don Parus prior, Don Parus.
 15 Q. Now the aspirational budget, did that --
 16 was that a message from the top down?
 17 A. The financial performance was expressed
 18 in the 1000 day goals; and we would share that with
 19 the broader organization, yes, sir.
 20 Q. Have you ever acted as a PHA leader --
 21 A. No, sir.
 22 Q. -- at Texas City?
 23 What's a PHA leader?
 24 A. Process hazard analysis.
 25 Q. Okay. Is there a such thing as a MOC

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1 leader, management of change leader?
 2 A. To the best of my knowledge, they are the
 3 same.
 4 Q. Were you familiar with PSS 6 before the
 5 fire of March 23, 2005?
 6 A. No, sir.
 7 Q. Were you familiar with API 521 before the
 8 fire?
 9 A. No, sir.
 10 Q. Have you reviewed PSS 6 since the fire?
 11 A. Briefly.
 12 Q. Okay. And if the facility -- under
 13 PSS 6, a blowdown stack was not permissible if the
 14 facility had been outgrown?
 15 A. My -- well, I would need to see. I would
 16 need to see the regulation. I thought it was built
 17 upon if you -- if you had, you know, major
 18 renovations in a process unit that you would do
 19 something different with the blowdown stack.
 20 Q. What I am trying to find out is your
 21 understanding of PSS 6, the major modifications or
 22 the major modifications to the entire ISOM that
 23 trigger the elimination of the blowdown stack or to
 24 the raffinate splitter or to the F-20 blowdown
 25 stack?

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1 A. I would have interpreted that reg to mean
 2 to the -- to any capacity increase that was tied to
 3 the blowdown stack. So if you had the potential,
 4 if you had done something, made some modification
 5 into the unit that was going to increase the
 6 loading in the blowdown stack that you should do an
 7 evaluation.
 8 Q. Well, more than that, if you were going
 9 to change the capacity, PSS 6 would prohibit use of
 10 the blowdown stack, right, if it were going to
 11 increase?
 12 A. That was the way I would interpret that.
 13 If you were changing the capacity of a piece of
 14 equipment that was tied in to the blowdown stack,
 15 yes, sir.
 16 Q. Well, in fact, that did happen before
 17 March 23 of 2005, correct? Because the blowdown
 18 stack used to service one process line and it was
 19 changed to service three, correct?
 20 A. I can't speak to the evaluations that we
 21 did around the process hazard analysis and what we
 22 did when we tied in to the deiso-hexonizer,
 23 raffinate splitter --
 24 Q. Do you --
 25 A. -- the ISOM unit --

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1 Q. Do you have an opinion as to whether or
 2 not going from one process line to the blowdown
 3 stack to three would be a major modification under
 4 PSS 6?
 5 MR. PATTERSON: Objection, form.
 6 A. I guess, without looking at the
 7 modifications and the decision processes those guys
 8 used, I can't assert whether they met their
 9 criteria of a major modification and whether the
 10 blowdown stacks would have been eliminated or
 11 should have been eliminated at the point of those
 12 modifications being made or not. I can only speak
 13 to the work that I have done.
 14 Q. If we wanted to determine who made the
 15 analysis of whether a blowdown stack or
 16 specifically the F-20 blowdown stack was prohibited
 17 by changes pursuant to PSS 6, what group or person
 18 should we go to to ask those questions?
 19 A. I would look within our project community
 20 and ask for the project files on the modifications.
 21 Q. And what should have happened is during
 22 the modifications there should have been
 23 consideration of whether PSS 6 called for the
 24 elimination of the blowdown stack?
 25 A. I don't even know when Process Safety

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1 Standard 6 was issued. So you need to put all the
 2 pieces together and ask yourself, did this -- "When
 3 did the standard exist and when did this project
 4 come into place" and get with the project guys.
 5 Q. Do you have an opinion today as to
 6 whether any of the modifications or changes to the
 7 ISOM, the blowdown stack or raffinate splitter
 8 called for elimination of the blowdown stack under
 9 PSS 6?
 10 A. I haven't looked back through the
 11 projects of the ISOM unit and don't have an opinion
 12 about what sort of modifications they made and
 13 whether they should have triggered that requirement
 14 or not.
 15 Q. Is any of your pay, your compensation,
 16 based upon -- I am not asking your salary. But are
 17 you straight salaried, or do you get a bonus or
 18 some sort of incentive pay?
 19 A. Both.
 20 Q. Okay. So you get a bonus and incentive
 21 pay?
 22 A. Yes, sir.
 23 Q. Is any part of your bonus or incentive
 24 pay geared in any way to the costs, expenditures --
 25 costs or expenditures on the West Plant or was it

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1 while you were head of the West Plant?
 2 A. Yeah, the bonus has a safety element, an
 3 environmental element, a cost limit and
 4 availability element and people element. The same
 5 five stands we have been using for the refining the
 6 SPU.
 7 Q. All of the things being equal, if you
 8 were able to reduce costs at the West Plant, it
 9 would have had -- have had a favorable impact on
 10 your incentive and bonus pay?
 11 MR. PATTERSON: Objection, form.
 12 A. It's still up to the discretion of the
 13 person who administers my bonus at the end of the
 14 day what they want to use. They use that structure
 15 as a guideline, but it's fair to say that there is
 16 an element of that that's calculated in the bonus.
 17 Q. (BY MR. KEBODEAUX) Well, I mean, in
 18 general it would be a favorable thing for your
 19 bonus or incentive pay to reduce costs -- to have
 20 reduced costs in the West Plant, true?
 21 A. Yes.
 22 MR. KEBODEAUX: I will pass the
 23 witness.
 24
 25

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1 * * *

2 FURTHER EXAMINATION

3 Q. (BY MR. AMMONS) Mr. Willis, I have some

4 additional questions I would like to ask you; and

5 first of all, let's talk about the investigation of

6 incidents, whether they are process upsets, near

7 misses or incidents in which people are hurt and

8 killed.

9 Do you understand what I am

10 talking about?

11 A. Yes.

12 MR. PATTERSON: Objection, form.

13 MR. AMMONS: Clarify.

14 MR. PATTERSON: It was vague.

15 MR. AMMONS: Okay.

16 Q. (BY MR. AMMONS) Well, if you understand

17 it, then we are communicating.

18 Let me ask you this question: How

19 long have you been aware of the importance of

20 investigating incidents at refineries?

21 A. 26 years.

22 Q. 26 years.

23 Over two and a half decades, you

24 have had actual knowledge of the fact that it's

25 important that when things happen at the refinery

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1 that you would look into it, that you would

2 investigate them; is that right?

3 A. Yes, sir.

4 Q. Would you agree that the ultimate purpose

5 of investigating incidents is to prevent the

6 reoccurrence of the incident?

7 A. Yeah. Yes, sir.

8 Q. Okay. In other words, if you are running

9 a refinery, you don't want to make the same mistake

10 twice and you definitely don't want to have

11 something bad happen if it could have been

12 prevented by learning a lesson from the prior

13 incident, right?

14 A. Yes, sir.

15 Q. And one of the things that people may be

16 questioning is whether British Petroleum

17 appropriately looked into other incidents involving

18 blowdown stacks at this refinery.

19 Do you understand that?

20 A. I understand your statement.

21 Q. Okay. And you would agree with me that

22 it would have been critically important that if

23 there had been prior incidents at the BP refinery

24 in Texas City, it would have been important that

25 they be reported and that management investigate

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1 these incidents, that they form a team and look

2 into things to try and prevent future tragedies

3 from occurring, right?

4 A. Yeah. Again, I think it's important you

5 investigate all incidents, yes, sir.

6 Q. Okay. And you have known that and the

7 folks that run this plant have known that for

8 decades, decades of past knowledge regarding the

9 importance of investigating?

10 MR. PATTERSON: Objection, form.

11 Q. (BY MR. AMMONS) True?

12 A. I can't speak --

13 MR. PATTERSON: Same objection.

14 A. -- for the knowledge of other people at

15 the plant. Your assertion that I have known that

16 for 26 years is fair, but I can't -- I can't assert

17 whether everybody else in the plant has known that

18 and for how long.

19 Q. (BY MR. AMMONS) Well, what about

20 Kathleen Lucas? Do you think she knows that?

21 MR. PATTERSON: Objection, form.

22 A. Yeah. I believe Kathleen understands the

23 value of incident investigation, yes, sir.

24 Q. (BY MR. AMMONS) Okay. If she told us

25 under oath two days ago that she did, you would

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1 have no reason to dispute that to the folks on this

2 jury, would you?

3 A. No, sir.

4 Q. All right. So at least Kathleen Lucas

5 and the head of the West Plant knew about the

6 importance of investigations.

7 Is that something that BP has

8 attempted to convey to others to your understanding

9 and knowledge?

10 A. Yeah. We have a structure in place that

11 provides major incident announcements to be

12 circulated throughout the entire group, refinery

13 incidents to -- you know, germane to the refinery

14 to be circulated within the refining, and pass as

15 much information along in the spirit of learning

16 and sharing information as best we can.

17 Q. It's critically important that there be

18 an effective system in place to report and

19 investigate process upsets.

20 Would you agree with that?

21 A. Yes, sir.

22 Q. And that's management? That's BP

23 corporate's responsibility to make sure that that

24 system is there for the health, safety and welfare

25 of the workers, including the contract employees;

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1 isn't that right?
 2 A. I would state it a little differently. I
 3 would say it's the group's commitments to no
 4 accidents, no harm to people and no harm to the
 5 environment. It's site leadership's responsibility
 6 and refining leadership's responsibility around
 7 making sure that sufficient infrastructure and
 8 processes, work process are in place to support
 9 that.
 10 Q. All right. And we have talked about the
 11 importance of that.
 12 Were you aware of what the
 13 investigation team found? Were you aware of the
 14 fact that they found with respect to
 15 investigations, quote: There is not an effective
 16 system nor are the behaviors in place to report or
 17 investigate process upsets such as relief valves
 18 lifting during a startup, although local policy
 19 requires they should also be reported in Traction
 20 and investigated.
 21 Were you aware of that finding?
 22 A. Yeah, it says above incidents recorded,
 23 you know, records after 1999; and I can't read what
 24 was there but --
 25 Q. It's in the report, sir.

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1 A. Yeah, are generally captured. And let's
 2 see. A few near misses also recorded in Traction.
 3 Q. "There is not an effective system in
 4 place." They are talking about there is not an
 5 effective system in place at your refinery. Did
 6 you realize that?
 7 A. No, sir.
 8 Q. Okay. "Not an effective system in place
 9 to report or investigate process upsets." And it
 10 says, "But local policy required that they should
 11 have been reported."
 12 That's what it says, correct?
 13 A. Yeah. And, you know, my assertion is
 14 they are taking exception with the Traction system;
 15 and I would say that, you know, it's -- it's a
 16 system that does provide information available and
 17 to send updates to people when, you know, reports
 18 are due and actions need to be closed. So I can't
 19 speak to the exact intent of what that report is
 20 specifically aiming at.
 21 Q. In fact, they note that about you. They
 22 say, "It's unclear how cognizant the MDL,
 23 superintendent, engineering staff and shift
 24 supervisors were of the previous startup history
 25 but some of the previous incidents involving the

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1 blowdown drum and process upsets were not fully
 2 investigated nor documented with corrective actions
 3 identified to prevent reoccurrence."
 4 Do you see where I read that?
 5 A. Yes, sir.
 6 Q. All right. And that's you, the MDL; is
 7 that correct?
 8 A. Yes, sir.
 9 Q. And so you weren't -- you weren't
 10 cognizant about the fact that there were these
 11 prior problems or incidents involving the blowdown
 12 drum because they weren't fully investigated nor
 13 documented with corrective action, true?
 14 A. You are suggesting that I wasn't
 15 cognizant because they weren't fully investigated.
 16 I can't speak to the level of investigation of
 17 prior incidents or not. I mean...
 18 Q. Did you try to look? Did you care enough
 19 to look to see whether there were prior incidents
 20 in your unit that you were supposed to be managing
 21 regarding this blowdown drum? Did you ever bother
 22 to look before March 23rd, 2005?
 23 MR. PATTERSON: Objection, form.
 24 A. The way -- the way our system works is
 25 once an incident investigation has been conducted

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1 and completed, there potentially are a list of
 2 action items that are generated out of that
 3 incident investigation and those go into the
 4 Traction database and it requires them to be closed
 5 in a timely manner. And so by exception, those
 6 reports were sent to me for past due inspections or
 7 incidents that were overdue.
 8 The premise is that if an
 9 investigation was conducted, at some point prior in
 10 the future that it was conducted in an appropriate
 11 and sufficient way and that if the action items had
 12 been closed that they were closed in an appropriate
 13 way as well and so you don't --
 14 Q. (BY MR. AMMONS) Tell me when you are
 15 done with the speech. Just let me know. Okay?
 16 MR. PATTERSON: Objection, form.
 17 Move to strike the sidebar.
 18 You can answer the question,
 19 Mr. Willis.
 20 Q. (BY MR. AMMONS) Just let me know when
 21 you are done.
 22 MR. PATTERSON: Object to the
 23 sidebar. Move to strike.
 24 Mr. Willis you can complete your
 25 answer.

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1 A. I am done.
 2 MR. AMMONS: Objection,
 3 nonresponsive.
 4 Q. (BY MR. AMMONS) "There appeared to be no
 5 effective feedback loop to capture the lessons
 6 learned from previous incidents and process upsets
 7 into operating procedures and training programs."
 8 Do you see where I have read that
 9 from your company's own investigation team about
 10 your plant that you were running? Do you see that?
 11 A. Yes, sir.
 12 Q. You didn't even know about the previous
 13 startup history of the raffinate splitter, did you?
 14 A. No, sir.
 15 Q. You didn't know that these people were
 16 not fully investigating or reporting these
 17 incidents like they were supposed to, did you?
 18 MR. PATTERSON: Objection, form.
 19 A. No, sir.
 20 Q. (BY MR. AMMONS) Okay. And if you don't
 21 report them and you don't investigate them, you
 22 can't learn from the prior mistakes and BP couldn't
 23 learn from its prior mistakes, could they?
 24 MR. PATTERSON: Objection, form.
 25 A. Not reporting an incident is considered a

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1 white card offense. It's subject to termination.
 2 Q. (BY MR. AMMONS) All right. And, sir --
 3 A. So our stance has been that people should
 4 report everything.
 5 Q. And I am not saying or placing the full
 6 plate of blame in front of you, Mr. Willis, because
 7 it's clear that before your time others were not
 8 doing their job. They were not properly
 9 investigating and reporting these incidents,
 10 according to the investigation report; is that
 11 true?
 12 MR. PATTERSON: Objection, form.
 13 A. The report suggests that the startup
 14 incidents were not completely investigated, yes,
 15 sir.
 16 Q. (BY MR. AMMONS) So someone made a
 17 decision, someone made a corporate decision whether
 18 they were going to fully investigate an incident or
 19 not and that wasn't you, was it?
 20 MR. PATTERSON: Objection to form.
 21 A. I don't believe it was a corporate
 22 decision either.
 23 Q. (BY MR. AMMONS) Tell me then. Tell the
 24 ladies and gentlemen of the jury who made the
 25 decisions. Who at BP made the conscious decision

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1 that they would not investigate these abnormal
 2 startups that were recurring with this raffinate
 3 splitter? Who made that choice?
 4 MR. PATTERSON: Objection, form.
 5 A. I think for me the only fair way to
 6 answer that is to reconstruct the incidents, look
 7 at the incidents they are referencing and try to
 8 work with the people that were, you know, in the
 9 system at the time and ask them.
 10 You are asking me to, you know,
 11 guess about what decision models and making -- what
 12 processes people were using in the time before I
 13 was there.
 14 Q. (BY MR. AMMONS) What about the time when
 15 you were there? Was there an incident in which
 16 three people were killed when you were head of the
 17 West Plant or two incidents in which there were a
 18 total of three fatalities?
 19 A. I was not in charge of the aromatic
 20 assets when Israel Trevino was killed. I was in
 21 charge of the UU3 when Ray Gonzalez and Bo Moore
 22 were killed, yes, sir.
 23 Q. So there were three fatalities in the
 24 West Plant prior to the explosion on March 23rd,
 25 2005, but one of the units was not under your

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1 control; is that right?
 2 A. Yes, sir.
 3 Q. And the unit in question for this
 4 incident, the ISOM, I saw where that unit had been
 5 delegated to Charlie Logan. He was the delegated
 6 authority for the ISOM prior to the startup of the
 7 raffinate unit, correct?
 8 A. Yes, sir.
 9 Q. Now, y'all have a system in place where
 10 you give yourself report cards, report cards for
 11 the online reporting of 1000 day goals; is that
 12 true?
 13 A. Yes, sir.
 14 Q. All right. And who gives the grades?
 15 Because it looks like, you know, when I was in
 16 school the teacher gave the grades. I am wondering
 17 who gives the grades for this online reporting of
 18 the 1000 day goals.
 19 A. Can you show me --
 20 Q. Sure, I will hand you one.
 21 And let's let the jury see it.
 22 This is from before the explosion. It's dated
 23 February 7th, 2005.
 24 A. I don't recall exactly who set up the
 25 metrics here, but there were predetermined targets

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1 for each one of these goals. And you would either
 2 be in above, below or, you know, far below the
 3 target would determine the level of grade that you
 4 would have gotten.
 5 Q. Well, we just heard about three people
 6 dying prior to our incident; and there is a section
 7 on "Don't Hurt Anyone."
 8 A. Yes, sir.
 9 Q. With three people dying, what was the
 10 grade that you got under "Don't Hurt Anyone"?
 11 MR. PATTERSON: Objection, form.
 12 Q. (BY MR. AMMONS) I mean, was it a C,
 13 "Needs more effort" or was it a B, "Close to
 14 Achieving Goal" or A, "On or ahead of goal"?
 15 A. Well, under the recordable incident
 16 frequency, it was a B. The near miss recordable
 17 frequency, it was a rate -- it was an A.
 18 Q. Okay.
 19 A. Action item closure was an A.
 20 Q. So with three people getting killed, the
 21 grade for BP that they gave themselves was an A or
 22 a B. That's what we see on the document.
 23 When is the next report card?
 24 When does that come out?
 25 MR. PATTERSON: Objection, form.

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1 A. The grading system, I think, requires a
 2 bit of context. It is --
 3 Q. (BY MR. AMMONS) I am asking for a date.
 4 When is the next report card due
 5 for this jury so the jury can see it?
 6 A. We have retired the 1000 day goals, sir.
 7 Q. Okay. So after having an explosion in
 8 the ISOM under your watch where 15 people were
 9 killed, hundreds of others injured, you decided
 10 that perhaps it wasn't such a good idea to grade
 11 yourself with respect to whether or not you hurt
 12 anyone? Is that what has happened at BP?
 13 A. No, sir.
 14 MR. PATTERSON: Objection, form.
 15 Q. (BY MR. AMMONS) Okay. Now --
 16 A. We still monitor all those items; but in
 17 the construct of the 1000 day goals, they no longer
 18 exist. But we still look at recordable incident
 19 frequently, near miss to recordable incident
 20 Traction action, item closure, PSM action item
 21 closure and have added some things to that as well.
 22 Q. All right. Well, let's give yourself a
 23 grade.
 24 How do you grade yourself for this
 25 past term with respect to "Don't Hurt Anyone" with

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1 RIF? What does that stand for?
 2 A. Recordable incident frequency.
 3 Q. Okay. What would the grade be for this
 4 term following the explosion?
 5 MR. PATTERSON: Objection, form.
 6 A. An F.
 7 Q. (BY MR. AMMONS) What would the grade be
 8 for near miss recordable incidents?
 9 A. I don't know.
 10 MR. PATTERSON: Same objection.
 11 A. I don't know.
 12 Q. (BY MR. AMMONS) Wasn't there a situation
 13 where you had a big fire in the plant even after
 14 March 23rd, 2005, a pipe broke or something?
 15 A. Yes, sir.
 16 Q. All right. Is that what's called a near
 17 miss, when you have a huge fire; or is that
 18 considered -- how do you categorize that?
 19 A. That was a -- I believe either a Level A
 20 or Level B investigation was done on that.
 21 The belief there is that the
 22 more -- there is a thought out referenced as the
 23 safety triangle and the more activities that you
 24 engage in at the bottom of the triangle, getting at
 25 the near misses and trying to understand what's

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1 happening in the organization, the higher
 2 likelihood you have of reducing the more
 3 significant accidents and OSHA injuries on the
 4 site.
 5 And so the reason that we look at
 6 the near miss to recordable incident rate is our
 7 desire to try to improve the base of the triangle,
 8 basically improve the safety performance of the
 9 site.
 10 Q. Well, while you are getting these As and
 11 the Bs on the 1000 day report card, the
 12 investigation team, of course, came to some
 13 conclusions about accountability at this plant.
 14 Are you aware of those
 15 conclusions?
 16 MR. PATTERSON: Objection, form.
 17 A. Large complex organization...
 18 Q. (BY MR. AMMONS) Yeah, we can read it
 19 together.
 20 MR. PATTERSON: Objection, form.
 21 Q. (BY MR. AMMONS) It says, "This large
 22 complex organization has many interfaces requiring
 23 clear accountabilities and good communication both
 24 horizontally and vertically throughout the
 25 organization. In reality, the investigation team

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1 found examples of a lack of accountability, unclear
 2 roles and responsibilities and poor communication
 3 with employees tending to work within silos. This
 4 in turn created confusion around some of the many
 5 interfaces," and then it goes on to explain the
 6 meaning, including the siting of the trailers.
 7 As far as a good neighbor -- well,
 8 let me -- I am sorry. Let me ask you this
 9 question.
 10 You saw these things and we talked
 11 about them at the beginning of your deposition
 12 before the explosion. You noted many of the same
 13 things that the investigation team found, didn't
 14 you?
 15 MR. PATTERSON: Objection, form.
 16 A. We are aware of many of those issues and
 17 we are working on them, yes, sir.
 18 Q. (BY MR. AMMONS) All right. You were
 19 aware of many of the problems before the explosion
 20 occurred, many of the problems that the
 21 investigation team documented in their findings,
 22 correct?
 23 A. Yes, sir.
 24 Q. The other thing that happened is this, is
 25 your operators, they sensed something was wrong.

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1 They saw it with their own eyes. They saw
 2 hydrocarbons coming out of this blowdown stack.
 3 Even a trainee operator saw the vapors from the
 4 blowdown stack and he told them the more
 5 experienced Operator B, but the warbler alarm was
 6 not sounded. "Alarm not sounded when liquid
 7 discharged from the blowdown stack."
 8 Do you see where I read that?
 9 A. Yes, sir.
 10 Q. Okay. Your folks on the unit are seeing
 11 this. It's happening in front of their own very
 12 eyes, and they have a choice to make. "Do we sound
 13 the alarm and alert the people in the trailers and
 14 alert the people in adjacent areas or not?"
 15 That's the decision that they had
 16 to make, and they chose not to not to sound the
 17 alarm. That's what the report says, doesn't it?
 18 MR. PATTERSON: Objection, form.
 19 A. It's not clear to me that the decision
 20 processes that they used was to, you know, "Should
 21 I sound the alarm or not?" I think they -- I can't
 22 speak to the judgment that those guys were
 23 exercising at that time. I don't know what -- no.
 24 I will say that the warble horn
 25 was not sounded, yes, sir.

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1 Q. (BY MR. AMMONS) And it should have been
 2 sounded? It should have been sounded by this
 3 experienced Operator B?
 4 Who was that that should have
 5 sounded the alarm?
 6 MR. PATTERSON: Objection, form.
 7 A. I don't have access to the legends that
 8 would identify what Operator B and the different
 9 ones are.
 10 Q. (BY MR. AMMONS) Well, you did an
 11 investigation and fired people?
 12 A. Yes, sir.
 13 Q. And I assume you had enough knowledge to
 14 know whether or not the people you fired were the
 15 guys that chose not to sound the alarm, didn't you?
 16 MR. PATTERSON: Objection, form.
 17 A. Can you restate that question, sir.
 18 Q. (BY MR. AMMONS) Sure.
 19 Did you fire the guy that made the
 20 decision that he wasn't going to sound the alarm?
 21 MR. PATTERSON: Objection, form.
 22 A. Again in the investigation that I ran,
 23 there was never a conscious thought process,
 24 "Should we or shouldn't we?" At the end of the
 25 day, you know, my investigation revealed the

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1 operator that mentions to the more experienced
 2 board operator that we had vapors coming out of the
 3 stack and that more experienced operator was
 4 terminated, yes.
 5 Q. (BY MR. AMMONS) You mentioned you were
 6 not familiar with the CSB findings?
 7 A. No, sir.
 8 Q. Let me show you what we will mark as the
 9 next exhibit.
 10 MR. WERNER: Excuse me,
 11 Mr. Ammons, I would like to point out that I think
 12 at this point there is some time reserved.
 13 MR. AMMONS: There is. How much
 14 time do we have?
 15 THE VIDEOGRAPHER: About 25 more
 16 minutes.
 17 MR. PATTERSON: Total? You are
 18 five minutes into everybody else's time.
 19 MR. AMMONS: All right. I will
 20 ask this question and then I will pass but, you
 21 know, somebody needs to tell me. I appreciate you
 22 telling me.
 23 And if you are going to hold us to
 24 the six hours strictly and they don't get done, we
 25 will go in front of the judge because this guy has

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1 been unresponsive. So that's not a problem really.
 2 (Exhibit Number 40 marked for
 3 identification.)
 4 Q. (BY MR. AMMONS) Sir, Exhibit Number 40
 5 shows that you were aware of the CSB findings.
 6 This is one of your e-mails, isn't it?
 7 A. Yes, sir.
 8 Q. All right. In fact, if we put this in
 9 context, it's talking about you need to read the
 10 CSB statement below to be made at a Houston news
 11 briefing at 11:00 p.m. -- 11:00 today. And it
 12 contains the CSB's statement.
 13 A. I guess I would say that's more of a
 14 media release than -- I mean, when you are
 15 referencing kind of their report, I am thinking
 16 that you are meaning the final CSB report, sir.
 17 Q. What do you mean by "Yikes" and "any word
 18 from London yet"? What did you mean when you were
 19 putting that into your e-mails?
 20 A. I would have to read the statement, read
 21 the -- read what was written. I can't recall what
 22 CSB put in their media update.
 23 Q. "Yikes," explanation point --
 24 MR. AMMONS: That's all the
 25 questions I have. I will pass the witness.

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1 * * *
 2 FURTHER EXAMINATION
 3 Q. (BY MR. KEBODEAUX) Real quick, the Telos
 4 study and the right -- or the control of work
 5 studies, both of those were done as a result of the
 6 three deaths at the West Plant, correct?
 7 A. The control of work, I think if you look
 8 at the date, was done -- well, I want to say --
 9 Q. If you don't know, just tell me you don't
 10 know.
 11 A. I believe Israel Trevino's death was
 12 May 27th, 2004. This control of work report is
 13 dated the week of May the 10th, 2004.
 14 Q. Was the Telos survey done as a result of
 15 the deaths?
 16 A. Yes, sir.
 17 MR. KEBODEAUX: Okay. Pass the
 18 witness.
 19 * * *
 20 EXAMINATION
 21 Q. (BY MR. WERNER) Mr. Willis, there has
 22 been some discussion about the two statements that
 23 you gave. And you had been questioned today about
 24 one of those statements; is that correct?
 25 A. Yes, sir.

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1 Q. Is that the first or the second in sort
 2 of chronological order?
 3 A. I believe it was the first one.
 4 Q. Okay. About how much later was it that
 5 you gave a second statement?
 6 A. A couple of months ago.
 7 Q. And who did you give the second statement
 8 to? In other words, who was that in the presence
 9 of?
 10 A. I believe it was Mike Broadribb, Jo Anne
 11 Haven and I can't remember if there was -- I am
 12 pretty sure there was a third person and I can't
 13 recall the name.
 14 Q. And how did it come about that you heard
 15 that there would be a second statement a couple of
 16 months after the first statement?
 17 A. They called me on my cell phone and said
 18 they wanted to.
 19 Q. About how long was that statement, in
 20 terms of duration?
 21 A. Maybe a couple of hours.
 22 Q. And was that also recorded?
 23 Actually, you have seen the
 24 transcript; is that correct?
 25 A. Yes, sir.

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1 Q. For these two statements, were you
 2 actually placed under oath or just asked questions
 3 without being sworn in?
 4 A. Just asked questions. I was not placed
 5 under oath, sir.
 6 MR. PATTERSON: Let me ask you
 7 real quick. First, could you identify yourself for
 8 the court reporter?
 9 MR. WERNER: Sure. This is John
 10 Werner, with Reaud, Morgan & Quinn.
 11 MR. PATTERSON: Thanks, John. And
 12 secondly, we have produced both of those. Let me
 13 read the Bates numbers of both statements.
 14 The first one was 125769. The
 15 second statement is 126888. So y'all should have
 16 them.
 17 Thank you for letting me
 18 interrupt.
 19 MR. WERNER: I appreciate it.
 20 Q. (BY MR. WERNER) Why was it that the
 21 first statement was ended? Do you recall?
 22 A. No, sir.
 23 Q. Okay. Do you recall that it was ended at
 24 your instance or by the people who were asking the
 25 questions?

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1 A. My recollection is that they were done
 2 with the line of questioning they had at that time.
 3 Q. Do you recall that the last subject
 4 before they ended the questioning was about
 5 whether -- talking to Rich about why the project
 6 was killed that we have been talking about, the wet
 7 and dry project?
 8 A. I don't recall that specifically, but I
 9 can I look in here.
 10 Q. Sure. Why don't you look at page 38.
 11 A. The one I have only goes to page 23.
 12 Q. Okay. In any event, the statement will
 13 speak for itself.
 14 I wanted to ask you some questions
 15 about the disciplinary investigation that you
 16 conducted. Is it -- was it your intention to
 17 conduct sort of a firm and fair consistent
 18 investigation?
 19 A. Yes, sir.
 20 Q. And as part of that, do you recognize
 21 that there are certain incidents that can be of a
 22 greater severity than others, in other words,
 23 justifying termination?
 24 A. Yes, sir.
 25 Q. What is a white card offense?

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1 A. There is a predescribed list of offenses
 2 that are posted and subject to termination.
 3 Q. And is consuming alcohol on the premises
 4 considered one of those?
 5 A. Yes, sir.
 6 Q. What about driving under the influence of
 7 alcohol?
 8 A. Yes, sir.
 9 Q. On the premises?
 10 A. Yeah.
 11 Q. Okay. And so first --
 12 A. Yes, sir.
 13 Q. And so, for instance, if we have a
 14 situation where an employee makes a momentary
 15 misjudgment while they are driving a vehicle on the
 16 premises or causes a vehicle accident, that is
 17 something that might subject them to minor
 18 discipline, correct?
 19 A. It would depend on the circumstances
 20 surrounding the event. It would certainly be
 21 reviewed and taken into consideration.
 22 Q. A simple momentary misjudgment?
 23 A. Yes.
 24 Q. Okay. Similarly, you can have incidents
 25 where there is a violation of the stated procedure

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1 but it is not necessarily a white card offense such
 2 as using a cell phone while you are driving in the
 3 plant; is that correct?
 4 A. Yes, sir.
 5 Q. Okay. Using a cell phone is not a white
 6 card offense, correct?
 7 A. It is not, no, sir.
 8 Q. Okay. And yet clearly the person who
 9 chooses to use a cell phone while they are driving
 10 a vehicle on the company plant has made a conscious
 11 decision to do so, correct?
 12 A. I believe that to be true, yes.
 13 Q. And from your experience, is that the
 14 sort of situation, using a cell phone while
 15 driving, that is likely or not to get somebody
 16 terminated?
 17 A. It would be unlikely for people to be
 18 terminated for using a cell phone while driving.
 19 Q. Is there any sort of a clear violation of
 20 a policy like that that would be referred to as
 21 sort of a yellow card offense or anything like that
 22 or is that just your judgment?
 23 A. We would just distinguish between white
 24 cards and not.
 25 Q. And as to a white card offense, that is

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1 something that subjects you to an immediate
 2 termination, correct?
 3 A. Yeah.
 4 Q. You would expect that somebody who was
 5 caught consuming alcohol on the premises would be
 6 more likely than not terminated, correct?
 7 A. Yes, sir.
 8 Q. Any discretion or is that an automatic
 9 termination?
 10 A. I think we take work history and some
 11 things into consideration, but our practice has
 12 been for people that have -- that are under the
 13 influence while they are working at BP during my
 14 tenure is to terminate them.
 15 Q. In terms of the person who consumes
 16 alcohol on the premises, they don't intend for
 17 anything harmful to happen; is that correct?
 18 MR. PATTERSON: Objection, form.
 19 A. I can't speak to the intentions of other
 20 folks.
 21 Q. (BY MR. WERNER) In fact, you don't even
 22 inquire as to the intentions. It doesn't matter
 23 whether or not they intend for anybody to get hurt.
 24 It is a terminable offense, right?
 25 A. Yes, sir.

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1 Q. Okay. And presumably, they wouldn't
 2 expect for anybody to be injured simply because
 3 they are consuming alcohol on the premises yet it
 4 is still a terminable offense, right?
 5 MR. PATTERSON: Objection, form.
 6 A. The first part of your question around my
 7 presuming what they are presuming, I can't speak to
 8 that. Drinking alcohol on site is an offense that
 9 is a white card offense subject to termination.
 10 Q. (BY MR. WERNER) There were some
 11 questions that you were asked previously about the
 12 many, many different specific root causes and
 13 subcauses of root causes that contributed to this
 14 tragedy.
 15 Do you recall those?
 16 A. In today, you are referencing?
 17 Q. Yes.
 18 A. Yeah. Yes, sir.
 19 Q. And some were that a particular alarm was
 20 not read properly or that a particular -- it was
 21 raised at 75 degrees Fahrenheit per hour instead of
 22 50 degrees Fahrenheit per hour.
 23 Do you recall some of those
 24 examples?
 25 A. Yes.

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1 MR. PATTERSON: Objection, form.
 2 A. I do.
 3 Q. (BY MR. WERNER) Okay. For instance, the
 4 decision to raise the splitter temperature at
 5 75 degrees Fahrenheit per hour versus 50 Fahrenheit
 6 per hour, would you characterize that as sort of a
 7 momentary failure or conscious decision to break
 8 the rules?
 9 MR. PATTERSON: Objection, form.
 10 A. I mean, the procedure calls for the
 11 temperature to be raised at 50 degrees an hour; and
 12 it's my assertion that that's a pretty simple thing
 13 to do. You set the set point 50 degrees higher
 14 than that was the last hour and you leave it on
 15 auto and it takes care of it for you. So, you
 16 know, I can't speak to why anyone would have raised
 17 it 25 degrees higher than what the procedure calls
 18 for.
 19 Q. (BY MR. WERNER) But, of course, you
 20 can't necessarily without knowing the person's
 21 thought process know whether they did it
 22 intentionally or perhaps even accidentally,
 23 correct?
 24 A. I can't speak to that, no, sir.
 25 Q. And in that situation, it would be most

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1 similar, we talked about driving inside the plant,
 2 to somebody who either made a momentary misjudgment
 3 or maybe was just on the phone or fiddling with the
 4 radio for a second and made a short duration bad
 5 choice, correct?
 6 MR. PATTERSON: Objection, form.
 7 A. I think, as it relates to the warm up of
 8 the tower, the investigation suggests that it was
 9 repeated over time, that they raised it 75 degrees
 10 an hour versus 50 degrees an hour over a period of
 11 time.
 12 Q. (BY MR. WERNER) So --
 13 A. So it was multiple moves made multiple
 14 times.
 15 Q. Would you categorize it then as most
 16 likely being something that was intentional?
 17 MR. PATTERSON: Objection, form.
 18 A. I can't speak to whether he was
 19 intentionally -- the fact for me remains that he
 20 did not follow the procedure. That's the fact.
 21 The story around it, and whether he was
 22 intentionally not following it is a question for
 23 someone else.
 24 Q. (BY MR. WERNER) In terms of some of
 25 these actions, though, for instance, Mr. Yerrell's

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1 direction to the trainee operator to sign off on a
 2 sheet that was not proper, that had to be
 3 deliberate, correct?
 4 MR. PATTERSON: Objection, form.
 5 A. You know, again, you are -- it was -- it
 6 was a fact. He asked somebody to sign that off;
 7 and that was, you know, an egregious error.
 8 Q. (BY MR. WERNER) Is that egregious at the
 9 level of drinking alcohol on the premises?
 10 MR. PATTERSON: Objection, form.
 11 A. I mean, it's part of the reason that I
 12 fired him, yes, sir.
 13 Q. (BY MR. WERNER) I understand.
 14 But comparing that to drinking
 15 beer on the premises, which is more serious?
 16 MR. PATTERSON: Objection, form.
 17 A. Well, I mean, you're -- that's not a --
 18 that's not a straightforward kind of comparison.
 19 Neither one of those are acts that I would
 20 tolerate.
 21 Q. (BY MR. WERNER) You can't say which one
 22 you would be more likely -- forgetting about this
 23 particular incident, if you were to catch somebody
 24 tomorrow, one person drinking three beers on the
 25 premises and one person directing a trainee

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1 operator to fill out a false record, you can't say
 2 which one you would find more serious?
 3 MR. PATTERSON: Objection, form.
 4 A. I find them both to be egregious enough
 5 that would warrant their termination. Then getting
 6 into the debate about which one was more or less
 7 likely, you know, to be more serious in
 8 consequences, I am not sure I understand the line
 9 of questioning on that.
 10 Q. (BY MR. WERNER) And maybe if the answer
 11 is that you have found them to be comparable in
 12 egregiousness, I accept that, too.
 13 Is that what you are saying?
 14 MR. PATTERSON: Objection, form.
 15 A. I find them to have exceeded my personal
 16 threshold for continuing employment; and in most
 17 cases, you know, I think that that would result in
 18 their termination.
 19 Q. (BY MR. WERNER) Other than directing the
 20 trainee operator to sign off on steps that were, in
 21 fact, not witnessed and could not have been
 22 witnessed by that person, were there any other
 23 egregious actions that you saw taken by Mr. Yerrell
 24 or anybody else at that -- at that level?
 25 A. The conversations that he had with

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1 step-up foreman around opening up the 8-inch bypass
 2 valve.
 3 Q. Can you elaborate on why that was also
 4 similarly egregious to filling out the -- maybe
 5 "false" isn't the right word, but the obviously
 6 incorrect documentation?
 7 A. Well, had they have depressured that
 8 thing -- had they followed the procedure, had the
 9 board operator put that level valve on auto, had
 10 those guys that vented that system into the 3-pound
 11 system, the ISOM event doesn't occur.
 12 Q. And that was, again, a conscious decision
 13 to deal with the 8-inch valve that way by
 14 Mr. Yerrell, correct?
 15 MR. PATTERSON: Objection, form.
 16 A. I can't speak to the decision processes
 17 that he used to decide whether to use the 8-inch
 18 bypass, the inch and a half off the top of the
 19 accumulator or the bypass around the control valve
 20 to the 3-pound vent system.
 21 Q. (BY MR. WERNER) But a decision was made?
 22 This wasn't just something that happened? A
 23 decision was made and it was carried out, correct?
 24 A. Yes, sir.
 25 Q. Did you actually get to the site of the

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1 tragedy?
 2 A. Yes.
 3 Q. And about how long afterwards did you get
 4 there?
 5 A. Within an hour.
 6 Q. And what did you see when you got there?
 7 MR. PATTERSON: Objection,
 8 broad -- form.
 9 A. The trailers were crushed. There was
 10 people still running around trying to get medical
 11 help. There were trucks that were still burning
 12 out, and we were working on the recovery --
 13 Q. (BY MR. WERNER) Do you --
 14 A. -- trying to get people out of the
 15 trailers.
 16 Q. How close did you get to the trailers or
 17 did you ever get in the trailers?
 18 A. I got right -- right in the trailers,
 19 yes. Well, what was left of them.
 20 Q. Were you in the Merit trailer?
 21 A. There was no Merit trailer left. It was
 22 on top of the debris.
 23 Q. Were you in what had been the Merit
 24 trailer?
 25 A. Yes.

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1 Q. Are you familiar with the young man who
 2 died, 28 years old, named Ryan Rodriguez?
 3 A. Yeah.
 4 Q. When you first came on the scene, where
 5 was he?
 6 A. I don't know.
 7 Q. Could you see a body that had been taken
 8 away from the trailer site that you later
 9 understood to have been taken there by Pat
 10 Nickerson?
 11 A. I don't know. There was people running
 12 around everywhere. We were trying to get
 13 ambulances in and med flights out. We were trying
 14 to get as much of that debris off of the people as
 15 we could, and I don't recall coming across Ryan.
 16 I'm sorry.
 17 Q. Were people still being found under the
 18 debris about an hour later?
 19 A. Yes, sir.
 20 Q. And were any of those people alive or
 21 were they all dead?
 22 A. I don't -- I don't know the exact time of
 23 when we finally got Skufca, Jack Skufca out. I
 24 can't recall the exact time of the event, sir; but
 25 I believe he was the last one that we pulled out

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1 alive.
 2 Q. Did you talk with Pat Nickerson about
 3 what he saw that day?
 4 A. No, sir.
 5 Q. Have you ever seen his diary or talked to
 6 him about him having tried to take Ryan out of the
 7 remains of the trailer to try to save his life
 8 because he was still alive?
 9 A. No, sir.
 10 Q. Have you heard of anybody other than
 11 Mr. Nickerson that may have been involved in the
 12 attempt to save Ryan's life after the explosion had
 13 taken place?
 14 A. No. We didn't distinguish between
 15 people. We were just trying to get people out. So
 16 that was -- it's impossible for me to say that we
 17 were -- you know we just -- the buildings collapsed
 18 and we had people that were helping us try to pull
 19 the walls off of those people, what was left of
 20 them, and dig through that debris. And nobody
 21 was -- we were just trying to get people out of
 22 there.
 23 Q. Do you recall any of the other people who
 24 were helping? Mr. Nickerson's diary makes mention
 25 of a person named Erik Papaleo.

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1 Do you know who that is?
 2 A. Erik Papaleo Papillio. Yes, I know Erik.
 3 Q. Were you aware that Erik was also helping
 4 Pat try to get Ryan to medical attention because he
 5 was still alive?
 6 A. No, sir.
 7 Q. Did you actually see Erik there? In
 8 other words, was he helping with people when you
 9 were helping with people?
 10 A. I can't recall whether I ran across Erik
 11 or not.
 12 Q. What other people do you recall actually
 13 being involved in the process of trying to help the
 14 living and do what they could?
 15 A. John Paduh, Mark Risinger, Mike Gibson,
 16 Jeff Buchik, the guys were on the formal emergency
 17 response team.
 18 Q. Have you heard anything about Ryan or
 19 maybe just a person unknown who was calling out for
 20 help on the walkie-talkie after the explosion
 21 occurred?
 22 A. I was on the ultracracker channel at the
 23 time, and I could hear Jack Scufca trapped inside
 24 that trailer. I didn't hear any communication from
 25 anybody else.

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1 Q. Do you know, were the Merit people also
 2 on the ultracracker channel or were those
 3 walkie-talkies only -- who were they given to?
 4 A. I don't know what coms the project guys
 5 were using that day.
 6 Q. There was another name I saw who was
 7 involved in trying to help Mike -- I have a hard
 8 time reading Mr. Nickerson's writing, Mike Megior,
 9 M-e-g-i-o-r, a plant EMT. Do you know who that
 10 might be?
 11 A. No.
 12 Q. In terms of your recollections, have you
 13 created any sort of a diary or written anything
 14 about sort of the events that you saw and the
 15 things that you saw while you were trying to
 16 recover the living and the dead?
 17 A. No.
 18 Q. There was some discussions about "working
 19 in thin air." Have you ever heard that term used
 20 around the plant?
 21 A. No, sir.
 22 Q. In terms of this particular ISOM unit,
 23 how -- how did that affect, that being off line,
 24 how did that effect the production of the rest of
 25 the plant?

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1 A. It was insignificant.
 2 Q. Can you explain that to me?
 3 A. It's a small piece of a kit relative to
 4 the total gasoline production. Summertime, the RVP
 5 off the isomerization unit is too high to blend.
 6 There's not much of it in gas line anyway. It's
 7 old technology.
 8 Q. And how would you go quantify that if you
 9 wanted to go quantify the production output of the
 10 ISOM?
 11 A. I want to say in the summertime we'd
 12 typically run -- or spring, summer, gasoline
 13 season, we would typically run that isomerization
 14 unit around 18,000 barrels a day.
 15 Q. And that puts out 18,000 or it goes
 16 18,000 --
 17 A. It isomerizes about 18,000 barrels a day
 18 of its gasoline blending stock.
 19 Q. That's what?
 20 A. It's gasoline blending stock. It's not
 21 finished gasoline. It's blending stock.
 22 Q. And about how many barrels a day does
 23 that ballpark translate into final output stock, in
 24 other words, 18,000 at that point in the process?
 25 A. I want to say it's about a 50/50 split.

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1 It might be a little bit less light raff than heavy
 2 raff. Maybe 45/55. I'd have to look at the
 3 process data.
 4 Q. So about 9000 barrels of --
 5 A. Give or take.
 6 Q. -- ballpark --
 7 A. Yeah.
 8 Q. -- output, which when you say that's a
 9 small piece, though, that's just because the entire
 10 output of the facility is 470,000 barrels a day,
 11 more or less, correct?
 12 A. It's -- that's -- you are referencing the
 13 crude rate. That's not the output, sir.
 14 Q. In terms of, again, contributing to the
 15 crude rate, that 9000 barrels -- that
 16 18,000 barrels, how much does that translate into
 17 the crude rate?
 18 A. It could be nothing to the crude rate.
 19 We could -- we can sell to raff. That's what we
 20 were doing with the isomerization unit down is
 21 discharging total raff out of the plant.
 22 Q. You talked about the wet dry project that
 23 was eventually -- that had been killed, according
 24 to your testimony, before you got there; is that
 25 correct?

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1 A. Yes, sir.
 2 Q. If it had been approved by Rich, what --
 3 and up the line, what other processes and
 4 procedures in terms of corporate approval,
 5 budgeting, would it have taken for that change to
 6 actually be made, in other words, if it had said
 7 "go forward" instead of "kill"?
 8 A. Nominally a 2.9 million-dollar project
 9 was within the delegation of authority of the site.
 10 It wouldn't have required the threshold for
 11 projects needing outside site, you know, kind of
 12 approval outside of the plant is \$10 million.
 13 Q. So who specifically at the plant at that
 14 time in '03, had it been decided to go forward with
 15 this 2.9 million project -- 2.9 million-dollar
 16 project, as I understand it, you are telling me
 17 that nobody outside of Texas City would have had to
 18 have been consulted, correct?
 19 A. The threshold was \$10 million unless you
 20 are exceeding the capital plan on an annual basis.
 21 Q. Okay.
 22 A. Then you need to get approval to spend
 23 more than your share of the capital. It's
 24 allocated out, you know, on an annual basis and the
 25 expectation is you will spend your piece of the

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1 capital.
 2 Q. Do you know whether in 2003 the capital
 3 plan had been spent to the point where outside
 4 approval would have been needed or not?
 5 A. I don't know.
 6 Q. Who would you think we would talk to to
 7 find out whether that was a decision that could
 8 have been made totally within Texas City?
 9 A. You could look back at the capital
 10 allocation process and see how we had allocated out
 11 the capital for the year within the commercial
 12 group.
 13 Q. Had it not been over the cap, at what
 14 level would the decision have been made to spend
 15 that 2.9 million?
 16 A. It would have been, you know, a decision
 17 with the MDL and the leadership about -- you know,
 18 I mean, there's always more projects than there is
 19 capital; and it's the structure that we have to
 20 say, "Here's a host of good ideas and here is the
 21 capital that we have to spend and what's the most
 22 appropriate way for us to spend the capital?"
 23 So there would have been
 24 conversations about the pros and cons of one
 25 project versus another.

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1 Q. But ultimately it would have been the
 2 business unit leader, Mr. Parus, who would have
 3 been able to make that decision, correct?
 4 A. The ultimate accountability for the site
 5 rolled up to Don on the 23rd, yes, sir.
 6 Q. And if he wanted to do it but was unable
 7 to because he had exceeded the yearly capital
 8 contribution, who would he have had to go to to get
 9 that additional authority? In other words, what
 10 process would have happened then?
 11 A. For something this size, it may have just
 12 been a conversation between -- within the SBU,
 13 between London and ourselves, about how much
 14 capital is being spent within refining and whether
 15 we are, you know, capable of absorbing anybody's
 16 extra -- anybody's capital that they are not
 17 spending, a conversation with himself and Pat
 18 Gower. It's, again, the threshold for kind of
 19 Hoffman level of approval is \$10 million.
 20 Q. What kind of level? What did you say?
 21 A. Well, that's the senior vice president of
 22 refining, Mike Hoffman. So projects over
 23 \$10 million need to have a more strategic review of
 24 how they fit into the portfolios of refining
 25 assets. It's just a way of us trying to create

<p style="text-align: right;">Page 326</p> <p>1 some bench or thresholds for managing the capital 2 allocation. We spend, you know, a billion three a 3 year of capital in refining. 4 Q. But at 2.9 million, that's something that 5 could have conceivably just taken a phone call, 6 even if you-all were over the yearly budget, 7 correct? 8 MR. PATTERSON: Objection, form. 9 A. Yeah, the -- the suggestion there is, 10 though, that it was the next project in the cue and 11 I am not sure that that's a fair assertion on your 12 part. You would need to go back in and look at the 13 host of projects that we had identified as 14 potentials for execution in the system. And it -- 15 you know, there may have been many other projects 16 in front of this project. I just don't know. 17 Q. (BY MR. WERNER) Is there, in fact, a cue 18 where we could go back to 2003 and see which 19 capital projects were made the most important, the 20 second most important, the third most important; or 21 are you just speaking generally? 22 A. No, I think there is -- we kept a 23 register of projects and decided, you know, that 24 these are the ones that we think make the most 25 sense from an investment perspective and how we are</p>	<p style="text-align: right;">Page 328</p> <p>1 stop the project in that appraise stage -- 2 Q. And who -- 3 A. -- the fund stage. I'm sorry. 4 Q. Who would be the custodian, so to speak, 5 of the project file? 6 A. I guess I'd start you with the technology 7 manager who manages the project stuff. That would 8 be Walt Wundrow. The capital register -- and 9 that's not a common term. But, you know, the list 10 of capital projects and how we were spending 11 capital on the site would fall under the guidance 12 of Susan Dio, the commercial manager. 13 Q. Do you know why it was that the 14 communication of the startup of the ISOM unit was 15 not being transmitted to the contractor employees 16 but was, by the design, by the policy of the plant, 17 only being transmitted to BP employees? 18 A. No, sir. 19 Q. Does that appear to have been some sort 20 of a conscious decision by the BP management team 21 at some point before you got there? 22 MR. PATTERSON: Objection, form. 23 A. I mean, if you are suggesting we made a 24 conscious decision to exclude the contractors, I 25 think that's unfair and untrue. What we had</p>
<p style="text-align: right;">Page 327</p> <p>1 going to manage the assets going forward and here's 2 the ones that are either, you know, we are spending 3 routine, you know, Revex money, fixed cash cost on 4 while they are in appraised stage and maybe they 5 will fit into next year's plan or this project 6 makes more sense to hold it because of the 7 turnaround sequence. There's lot of things that 8 influence in the sequencing of capital spending. 9 Q. But ultimately those decisions would have 10 been made at the management team level at Texas 11 City, correct? 12 A. Yes, sir. 13 Q. But if I understand it correctly, since 14 the project was killed, however it was that it was 15 killed, it never even got to that ranking in the 16 cue of when it might be either paid for or 17 permission sought to pay for it? 18 A. That may have been where it got killed. 19 I don't know. 20 Q. How would we go back and find out if it 21 had actually gotten to the point of being ranked 22 and then was killed? 23 A. You would have to pull up the project 24 files and see and talk to the project people around 25 what the decision processes were used to decide to</p>	<p style="text-align: right;">Page 329</p> <p>1 created was a structure for daily meetings every 2 12 hours for the shift director to sit down with 3 the front line leaders and talk about, you know, 4 "What activities are you going to be engaging in in 5 the next 12 to 24 hours that is germane to the site 6 and would, you know, help us all understand what 7 kind of activities?" 8 There were occasions, I am sure, 9 when we communicated with the contractors; but the 10 structure to explicitly make it a clear expectation 11 that when we are going to start up a piece of the 12 kit or start up one of the process units, we will 13 communicate with everybody inside the battery 14 limits and all of those folks that may be on the 15 adjacent and even further adjacent units will be 16 communicated to as well and in some cases, we'd 17 just revoke the authorization to work in those 18 areas today. 19 Q. (BY MR. WERNER) Well, why do you say 20 it's unfair and untrue? You may say it's not 21 malicious for that decision to have been made; but 22 like raising it at 75 degrees per hour instead of 23 50 degrees per hour, it was a repeated practice of 24 BP that they would have these discussions and 25 obviously the contractors were not directly in the</p>

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1 loop, correct?
 2 MR. PATTERSON: Objection, form.
 3 A. My comments about just to me it feels
 4 like the question is centered around "You were
 5 willing to talk to the BP people but you weren't
 6 willing to talk to the contract folks," and I don't
 7 think that's a fair characterization of the intent.
 8 We put a structure in place to communicate with the
 9 BP operations people about activities that were
 10 going to be taking plays on a 12- to 24-hour basis.
 11 There was, to my knowledge, no
 12 conversation or active thought process, "Hey, do
 13 you think we ought to let, you know, the contract
 14 folks know" and nobody said "No" to that. So
 15 that's where I am taking exception with the way you
 16 have directed the question.
 17 Q. (BY MR. WERNER) In practice, clearly
 18 there was a distinction between the way that the BP
 19 employees were given notice of these start ups and
 20 the way the contractor employees were, correct?
 21 A. In practice we had initiated a program
 22 that had the operations folks talking with each
 23 other about work activities they were engaging in,
 24 yes, sir.
 25 Q. And it would be apparent to anybody who

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1 looked at that that the contractors were not
 2 involved in that communication loop, correct?
 3 A. By and large that's true, yes, there were
 4 no contractors present at the shift directors'
 5 meeting.
 6 Q. And you talked before about how in your
 7 opinion it may or may not be practical for somebody
 8 to go check every single trip or every single alarm
 9 on an ISOM unit. But the observation that
 10 contractors are not being included in these
 11 meetings, would you agree, is a fairly
 12 straightforward obvious observation for any
 13 participant to make?
 14 MR. PATTERSON: Objection, form.
 15 A. I don't know that the dialogue that
 16 occurs in those meetings is actually all that
 17 helpful to the contract community. I think the
 18 dialogue that comes out of that or the information
 19 that comes out of that is actually helpful, we
 20 will, you know, tell the folks. Today we are
 21 actually getting a lot better about telling them,
 22 you know, a day or two in advance that, "Tomorrow
 23 there will be no activity on this complex, on this
 24 piece of the kit or on these three or four units."
 25 But I am not sure that it would

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1 have been helpful to have contract superintendents
 2 sitting in on that shift directors' meeting.
 3 Q. (BY MR. WERNER) You don't think that on
 4 this particular occasion it would have been very
 5 helpful for the JE Merit people to know that the
 6 ISOM unit was being started?
 7 MR. PATTERSON: Objection, form.
 8 A. Yeah, I think that would have been -- it
 9 would have been helpful at the time, but practice
 10 would not have been to stop the work in those
 11 trailers. And so even having been subject to a
 12 conversation about, "We are going to start up, you
 13 know, a raffinate splitter today," it's not clear
 14 to me that we would have jumped to the conclusion
 15 then and as a result of that that we are not going
 16 to occupy the JE Merit trailers for the next
 17 24 hours.
 18 Q. (BY MR. WERNER) You don't know candidly
 19 what would have happened and will never know
 20 because the JE Merit people weren't told of the
 21 startup, correct?
 22 MR. PATTERSON: Objection, form.
 23 A. It's true that they were not notified of
 24 the start of the raffinate splitter.
 25 Q. (BY MR. WERNER) And in terms of you not

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1 knowing, I mean, you're not here to give sworn
 2 testimony that you are absolutely certain that the
 3 Merit people would have felt comfortable 150 feet
 4 away from the ISOM unit while a startup was going
 5 on, correct?
 6 MR. PATTERSON: Objection, form.
 7 A. I can't speculate how comfortable or
 8 uncomfortable they would be.
 9 Q. (BY MR. WERNER) Would you have felt
 10 comfortable in ISOM -- in that trailer as close as
 11 it was to the ISOM unit when it was being started?
 12 MR. PATTERSON: Objection, form.
 13 A. At the moment that that event occurred, I
 14 was putting my work boots on to go out to the unit
 15 of that complex. So, yes, at that moment I felt
 16 that that complex was safe; and it was safe for me
 17 to occupy it. I was taking the operating foreman
 18 and the asset superintendent to the ultracracker
 19 complex.
 20 Q. (BY MR. WERNER) What safety precautions
 21 were in place for the BP personnel in terms of
 22 blast work boots and that sort of things?
 23 A. The control rooms are blast resistant,
 24 and many of the shelters are blast resistant.
 25 Where we would have been, you

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1 know, we would have been right out in the middle of
 2 the complex, walking around out in the process
 3 units.
 4 Q. But on your radio, were you hearing
 5 reports of the spill and of the potential
 6 explosion?
 7 A. I was not on the ISOM channel that day,
 8 sir.
 9 MR. WILLIAMS: John, you are going
 10 into happy hour now. It's getting late.
 11 MR. WERNER: I will just ask him a
 12 couple questions more, then.
 13 Q. (BY MR. WERNER) Did you give a speech
 14 back in September of 2004?
 15 A. Sir, I speak all the time. I am not sure
 16 what you are referencing.
 17 Q. Do you recall --
 18 MR. PATTERSON: Before you ask any
 19 more questions, let me ask the court reporter on
 20 the record: How much time has this deposition
 21 taken total?
 22 THE VIDEOGRAPHER: It's already
 23 over ten minutes, six hours and ten minutes.
 24 MR. PATTERSON: Who has got the
 25 record of how much we have been on the record? The

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1 court reporter or the videographer?
 2 THE VIDEOGRAPHER: Six hours and
 3 ten minutes.
 4 MR. PATTERSON: Of deposition
 5 time?
 6 THE VIDEOGRAPHER: Yes.
 7 MR. PATTERSON: All right. One
 8 more question.
 9 MR. WERNER: It's not going to be
 10 one more question, but I will continue asking my
 11 question now.
 12 Q. (BY MR. WERNER) A speech about
 13 compliance with process safety management training
 14 requirements, a managers' perspective, do you
 15 recall giving a speech on that?
 16 A. Do you have the document that I could
 17 look at and maybe that would help me?
 18 Q. I have an API PSM workshop agenda on best
 19 industry practices, Wednesday, September 22nd,
 20 2004, the Storyville Ballroom.
 21 Does that ring any bells?
 22 A. Yeah. I was -- I did not speak at that.
 23 I was invited to speak to the API conference about
 24 process safety, and at that point -- well, I wasn't
 25 able to manage it in this case.

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1 Q. How was it determined within BP that you
 2 would be the person to speak on behalf of BP to the
 3 API about compliance with process safety
 4 management?
 5 MR. PATTERSON: Objection, form.
 6 A. To the best of my understanding, there
 7 has been some review of the structure that we had
 8 put in place at the Cherry Point facility; and it
 9 was viewed to be really some note. And Jeff
 10 McSorley from the Cherry Point refinery had called
 11 and asked if I would speak on what we had done
 12 about process safety management at Cherry Point on
 13 this.
 14 Q. (BY MR. WERNER) So you didn't intend to
 15 speak about pros, so to speak, about compliance and
 16 process safety management at Texas City. This was
 17 about Cherry Point?
 18 MR. PATTERSON: Objection, form.
 19 A. That was a request to speak about what
 20 we -- how we had designed process safety management
 21 structures at the Cherry Point facility.
 22 Q. (BY MR. WERNER) And why was it that you
 23 were not ultimately able to deliver that speech, if
 24 you recall?
 25 MR. PATTERSON: Objection, form.

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1 A. It's just at the time -- what was the day
 2 of that?
 3 Q. (BY MR. WERNER) September 22nd,
 4 Wednesday, 2004.
 5 A. Yeah. Ray Gonzalez was still in the
 6 hospital; and I spent many days up there in the
 7 hospital, 70 days, with the Gonzalez family.
 8 Q. Do you know, did anybody else speak in
 9 your place in that slot from BP?
 10 A. As far as I know, Jeff McSorley.
 11 Q. Do you have copies of the different
 12 speeches and such that you have given in the last
 13 two or three years?
 14 MR. PATTERSON: Objection, form.
 15 A. No, sir. I don't speak often. I just
 16 speak when required.
 17 Q. (BY MR. WERNER) Had you gone to the ISOM
 18 unit, what path would you have taken, particularly
 19 relative to the Merit trailer?
 20 A. I would have driven the car down F
 21 Street, likely parked it on the south side of
 22 F Street in between, you know -- actually, my kind
 23 of own parking spot that's pretty close to that
 24 blowdown stack in between the -- there was --
 25 typically during this project, there was a fair

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1 amount of vehicle traffic around the catalyst
 2 warehouse. And so I would park just east of that,
 3 off the road, pull into the gravel area there and
 4 sign in to the control room. Let the guys know I
 5 was on the complex.
 6 And Ray and Charlie and the gang
 7 were in the trailer that they had set up for
 8 temporary offices for themselves.
 9 Q. Do you have any sort of a personal e-mail
 10 or Blackberry-type device that you use for sending
 11 e-mails outside of the BP official corporate
 12 system?
 13 A. I have a Blackberry, but it's on the BP
 14 server. So if it's sent from my Blackberry, it
 15 goes from there.
 16 MR. WERNER: That's all the
 17 questions I have. I appreciate your time.
 18 MR. KEBODEAUX: I would like to
 19 put something on the record. I don't know if we --
 20 you have produced the notes of the interviews that
 21 he testified --
 22 MR. ALVAREZ: We have.
 23 MR. KEBODEAUX: You have. Okay.
 24 For he -- for him and Kathleen
 25 Lucas?

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1 MR. ALVAREZ: That's correct.
 2 MR. PATTERSON: Any more
 3 questions?
 4 MR. KEBODEAUX: No.
 5 MR. PATTERSON: We will save ours
 6 until trial.
 7 THE VIDEOGRAPHER: Off the record
 8 at 5:51 p.m.
 9 (Deposition adjourned.)
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1 EXAMINATION
 2 CHANGES AND SIGNATURE
 3 PAGE LINE CHANGE REASON
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 15 _____
 16 _____
 17 _____
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 22 _____
 23 _____
 24 _____
 25 KERRY "WILLIE" WILLIS

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1 I, KERRY "WILLIE" WILLIS, have read the
 2 foregoing deposition and hereby affix my signature
 3 that same is true and correct, except as noted above.
 4
 5 _____
 6 KERRY "WILLIE" WILLIS
 7 THE STATE OF _____
 8 COUNTY OF _____
 9 Before me, _____, on this day
 10 personally appeared KERRY "WILLIE" WILLIS, known to
 11 me 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 NOTARY PUBLIC IN AND FOR
 22 THE STATE OF _____
 23 My Commission Expires: _____
 24
 25

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1 CAUSE NO. 05CV0337
 2 MIGUEL ARENAZA, ELIZABETH) IN THE DISTRICT COURT
 3 RAMON, DAVID G. CROW and)
 4 JUANITA G. CROW, et al.)
 5)
 6 VS.) 212TH JUDICIAL DISTRICT
 7)
 8 BP PRODUCTS NORTH AMERICA)
 9 INC., B.P. CORPORATION)
 10 NORTH AMERICA INC., DON)
 11 PARUS, AND JE MERIT)
 12 CONSTRUCTORS, INC.) GALVESTON COUNTY, TEXAS
 13 CAUSE NO. 05CV0337-A
 14 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT
 15 MARCH 23, 2005)
 16 COORDINATED DISCOVERY) 212TH JUDICIAL DISTRICT
 17 PROCEEDINGS)
 18) GALVESTON COUNTY, TEXAS
 19 REPORTER'S CERTIFICATE
 20 ORAL VIDEOTAPED DEPOSITION OF
 21 KERRY "WILLIE" WILLIS
 22 VOLUME 1
 23 DECEMBER 14, 2005
 24 I, Stephanie Barringer, Certified Shorthand
 25 Reporter in and for the State of Texas, hereby
 certify to the following:
 That the witness, KERRY "WILLIE" WILLIS, was
 duly sworn and that the transcript of the deposition
 is a true record of the testimony given by the
 witness;
 That the deposition transcript was duly
 submitted on _____ to the witness or to the
 attorney for the witness for examination, signature,
 and return to me by _____.
 That the following is the computer-calculated
 amount of time used by each party at the time of the
 deposition:
 Mr. Ammons (3 hours, 7 minutes)
 Mr. Kebodeaux (2 hours, 13 minutes)
 Mr. Werner (39 minutes)
 Attorneys for Plaintiffs

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1 That pursuant to information given to the
 2 deposition officer at the time said testimony was
 3 taken, the following includes the parties of record:
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10 That a copy of this certificate was served on
11 all parties shown herein on _____ and
filed with the Clerk.
12

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

16 Further certification requirements pursuant to
Rule 203 of the Texas Code of Civil Procedure will be
17 complied with after they have occurred.
18

19 Certified to by me on this _____ day of
20 _____.

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

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

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

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

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

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

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

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

19

20

Stephanie Barringer, CSR
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