

**INTERVIEW SUMMARY OF MARK A. RICHARDS
TAKEN ON MAY 23, 2006
TREMONT HOTEL IN GALVESTON, TEXAS**

On May 23, 2006, the Management Accountability Team interviewed Mark A. Richards, Operations Superintendent, Oil Movements/Blending, Texas City. The participating team members were Rudy Blyweert, Stephanie Moore and Jeff Heller. Mr. Heller was the primary interviewer. The interview lasted approximately two hours. Margene Westlund took minutes of the interview. Margene Westlund prepared the interview summary. Mr. Richards has not reviewed this summary.

Jeff Heller gave the introduction that this interview was inspired by the Executive Office in London assessing accountability as it relates to the March 23 explosion. Mr. Heller informed Mr. Richards that Bill Bonse is the leader of team, but is not present. Mr. Heller also informed Mr. Richards that this interview, while confidential, is not privileged under the attorney/client privilege doctrine.

A copy of this interview summary was provided to Mr. Richards' attorney.

BACKGROUND

Mr. Richards was hired by BP in 1988 as a Process Engineer at Chocolate Bayou in Polypropylene. After that, Mr. Richards moved to Cedar Bayou as a Process Engineer. From 1995-1997, he was a Supervisor for Technical Services in Logistics. From 1997-2000, he was an Asset Process Supervisor at Cedar Bayou. Between 2000 and 2002, Mr. Richards was a technical supervisor. In 2002, the Cedar Bayou plant was decommissioned and the plant shut down. Mike Hazel got everyone jobs except for the two of them. Mr. Richards was an Asset Superintendent through 2003 at the ULC near ISOM at TXC. Mr. Richards' contends that the politics were thick at TXC.

2003 TAR CAPITAL PROJECT

Around the end of 2002, Willie Willis appeared on the scene as an MDL for the West Plant. At that time, they were looking at TARs for the 2005 Capital Project to be executed. Mr. Willis needed an SPA for the Capital Project (motorization and compressor upgrade). When Mr. Richards became the SPA for the Capital Project in 2003, he worked with the TAR operations planning team engineers to get scope and funding. He also played a similar role with the project team. Andy McWilliams led the project team. Another key role of Mr. Richards was to make sure both teams (two different contract labor forces) worked well together. The teams had to share heavy equipment, etc.

Mark Risinger was the TAR Superintendent on the TAR side and Rod Price took Mr. Richards' role at the ULC. Mr. Price was responsible for the day-to-day operations. Mr. Risinger and Mr. McWilliams did not report to Mr. Richards. All three of them were the same salary grade level. Mr. Richards did not have authority over TAR or the project group—had some authority on the

operations side. The Refinery used SPA as a title. Mr. Richards was not sure he had much authority, so he had to lead by influence. There were some bumps in the road, but the Capital Project was on budget and on time. They were close to being finished. Mr. Richards had a good relationship with Mr. Price, but not as good with Mr. Risinger.

As SPA, Mr. Richards did not supervise anyone. He was responsible for delivering a successful TAR for the Capital Project. If the project had been delayed for a week, he certainly would have felt accountable under the BP "green book". In practice, he still felt accountable to make sure things happened. An injury occurred during this project and Mr. Richards felt that was under his accountability. Mr. Richards is not sure who Andy McWilliams reported to. It could have been Walt Wundrow. Mr. Richards finished the motorization project in June 2005 and he moved on to Oil Movements. When the project was started in 2003, Mr. Richards was not supervising anyone. He and Mr. Price worked as team members. Mr. Price assumed supervisory responsibility.

MARCH 23, 2005 INCIDENT

Mr. Richards came back to work two days after the incident. Mr. Richards sustained a fractured wrist during the explosion. Pat Gower asked Mr. Richards to finish the motorization project, even though the unit still had not been brought up, which he did. After this project was finished around June 2005, Mr. Richards went back to Oil Movements.

MOC PROCESS

The engineer or whoever was in charge was responsible for executing or initiating the MOC process. The Asset Superintendent approves the MOC. A process safety manager has to agree with the decision. A process safety manager could block the approval if not satisfied with the MOC request. The trained engineer does the MOC process. The Superintendent assigns persons to do the action items from the MOC and approves the actions taken. As SPA, Mr. Richards' role was to be aware these were happening. Mr. Richards was not contacted about the MOC meeting, but knew that the process was being followed. Mr. Richards found out that Kyle Seele was asked to lead the MOC process and that certain action items came out of the meeting. Mr. Richards never read the BP Fatal Accident Investigation report. The trailers were not in anyone's territory. Mr. Richards is not sure if an MOC was done for the ULC trailers. Today, it would be considered Oil Movements because it was outside the battery limits. Since March 23, no trailers are allowed on site. As a result of March 23, Mr. Richards has refused to sign off on a trailer siting.

However, there was some debate over who owned the trailer siting. Mr. Richards' belief is that whoever brought the trailers in was responsible for them—they were project trailers. Mr. Richards thought Kristof Harris contacted Kyle Seele to do the MOC. Mr. Seele started the MOC process. Mr. Richards never got Mr. Seele's report or action items. The asset superintendent assigns the action items and should check to make sure the action items are completed. There was some confusion over who owned the area because it was considered no-man's land. The ULC usually had trailers within the unit. The ULC also had other trailers within the battery limits. Mr. Richards does not recall trailers outside of ISOM, but there were

approximately six cranes there. According to Mr. Richards, ISOM was under-going some maintenance activity in March 2005. Mr. Richard was normally in the battery limits during a TAR.

In Mr. Richards' new role in Oil Movements, he was responsible for everything that was not in the battery limits. He did not see the MOC action items from the trailer siting at ULC. The superintendent would normally approve, but Mr. Richards does not think he did it because it was not his area. The person who initiates the MOC does it for a specific area. In this case, it should have been the ULC superintendent. Mr. Richards does not recall if anyone told him not to worry about the trailer sitings. Mr. Richards is not sure the MOC process led people to look at the risk of placing a trailer at a certain location.

Before a TAR, Mr. Richards would get everyone on board and discuss the HSSE expectations. Mr. Richards told his people that he wants to be 100% compliant. Mr. Richard states that it is management's responsibility to provide a safe working environment, but he also expects that himself.

Ken Kirk was Mr. Richards' predecessor in Oil Movements. Mr. Richards is not sure if he was responsible for the "no-mans land" areas before he got there.

CHANGES SINCE MARCH 23

There are fewer trailers around. The MOC process now is that the Process Safety Manager has to sign off before a trailer is placed. Further, people now act when an alarm goes off on a control board. Mr. Richards was not involved directly in training. There were VTA assessments. Following procedures at TXC appeared to be a problem. Procedures were not looked at. Operations was much more difficult. The environment is better than it was. Before, no one would have thought of shutting down a unit.

REFINERY CULTURE

It was a culture shock coming from chemicals and going to refining. Mr. Richards was shocked that there were blowdown stacks—hydrocarbons. Mr. Richards was shocked at the employee's high acceptance of risk, especially in shutting down units. He believed there was no funding to support change. Mr. Richards provides an example that a fuel gas line blew out (3/4 inch line) and when Mr. Richards got there, the operations person was talking to the fire brigade and when discussed shutting down the unit, he basically was laughed at. Ultimately, a clamp was put on the line. This was one of Mr. Richards' personal disappointments because he should have shut down the unit.

Mr. Richards believes that BP (TXC) is getting where it should be. He cannot comment on how the ISOM unit was running. When he climbed out of the trailer, he felt guilty. Mr. Richards comments that David Pierpoline has a great culture for safety. The mentality in refining is that the units are to continue running no matter what—it's the cowboy mentality "save the day".

DON PARUS/TXC

Mr. Parus' heart was in the right place. Mr. Parus was asking for things to be done, but it simply did not happen. Today, the catalyst is there to make it happen. Colin Maclean's style was different. Mr. Maclean's assignment is clear. Mr. Parus' role was ambiguous. Mr. Parus was trying to do the right thing but was held back by cost, keep production up, the reorganization, etc. Mr. Richards was committed to making a difference at TXC. His biggest disappointment was that he could not make a difference like he wanted. Mr. Parus was also in this position. Mr. Parus was asking for the all right things, but it did not register. Mr. Richards was told that it is not safe to bring down a unit. Mr. Richards' response was "Don't tell me you can't do it safely".

GENERAL OBSERVATIONS

Mr. Richards observed an operator using a cell phone in the unit last year. Mr. Richards provided a copy of the contract to that operator and explained that cell phones are prohibited in the unit. The operator was given a written reminder. There is still an issue with the unions. Something needs to be done to make an impact. Mr. Richards believes that those people that are doing the right things should be backed by management. Those people who are not doing the right things should be held accountable for their actions.

INTERVIEW CONCLUDED