

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

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

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16 ORAL VIDEOTAPED DEPOSITION OF  
17 WILHELM BONSE-GEUKING  
18 VOLUME 2  
19 FEBRUARY 14, 2007

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1  
 2 ORAL VIDEOTAPED DEPOSITION OF WILHELM  
 3 BONSE-GEUKING, VOLUME 2, produced as a witness at the  
 4 instance of the Plaintiffs and duly sworn, was taken  
 5 in the above-styled and numbered cause on  
 6 February 14, 2007, from 12:59 p.m. to 5:07 p.m.,  
 7 before Stephanie Barringer, Certified Shorthand  
 8 Reporter in and for the State of Texas, reported by  
 9 stenographic means at the Sofitel Hotel, 20 East  
 10 Chestnut Street, Chicago, Illinois 60611, pursuant to  
 11 the Texas Rules of Civil Procedure and the provisions  
 12 stated on the record or attached hereto.  
 13 Since this deposition has been realtimed and you  
 14 may be in possession of a rough draft form, please be  
 15 aware that there may be a discrepancy regarding page  
 16 and line numbers when comparing the realtime draft  
 17 and the final transcript. Also, please be aware that  
 18 the realtime screen and the unedited, uncertified  
 19 rough draft transcript may contain untranslated  
 20 steno, a misspelled proper name and/or nonsensical  
 21 English word combinations. All such entries are  
 22 corrected in the final certified transcript.  
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 VIDEOGRAPHER:  
 Mr. Ben Stanson

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| 5  | 913       | Management Accountability Project, Texas City Isomerization Explosion, Draft Report dated 12/06 BPISOME00489241 through BPISOME00489278        | 534    |
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| 5 | 919       | Management Accountability Project, Texas City Isomerization Explosion, Draft Report and notes dated 12/06 for Manzoni | 551    |

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1 THE VIDEOGRAPHER: This is Ben  
2 Stanson representing U.S. Legal Support, 363 North  
3 Sam Houston Parkway in Houston, Texas. I am the  
4 operator of this camera. This is the videotaped  
5 deposition of William Bonse-Gueking. It's being  
6 taken pursuant to Texas Rules of Civil Procedure on  
7 behalf of the plaintiffs.  
8 We are on the record on  
9 February 14th, 2007. The time is 12:59 p.m., as  
10 indicated on the video screen. We are at 20 East  
11 Chestnut Street in Chicago, Illinois.  
12 This case is captioned Miguel  
13 Arenazas, et al., versus BP Products North America,  
14 Inc., et al. Case No. 05-CV0337-A.  
15 Will the attorneys please identify  
16 themselves for the video record?  
17 MR. COON: Brent Coon on behalf of  
18 the plaintiffs individually and the plaintiffs'  
19 steering committee in this matter.  
20 MR. GALBRAITH: Jim Galbraith on  
21 behalf of BP.  
22 MR. FERNELIUS: Steve Fernelius  
23 here for BP.  
24 MR. SIMON: Joel Simon here for  
25 BP.

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1 THE VIDEOGRAPHER: The court  
2 reporter today is Stephanie Barringer also with  
3 U.S. Legal Support in Houston, Texas.  
4 If you would, please swear in the  
5 witness.  
6 (Witness sworn.)  
7 THE VIDEOGRAPHER: Thank you.  
8 MR. GALBRAITH: Let me say for the  
9 record that we -- this is the second deposition of  
10 Bill Bonse. English is not his native language,  
11 and so we would ask again, as we did last time, and  
12 it was okay, for short questions. There may be  
13 some need to rephrase some questions. He would  
14 like to read and sign his deposition to make sure  
15 we can do the best we can with that.  
16 Also, these confidential matters  
17 relating to the management accountability effort  
18 are deemed confidential until further ruling of the  
19 Court and four days thereafter. And because of the  
20 schedule and the calendaring and the weather  
21 intervening in Chicago, we are going to take breaks  
22 accordingly, but go straight through as we can to  
23 make sure that we can conclude this by 5:00 p.m.  
24 today, which is needed for the flight schedules and  
25 such.

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| <p style="text-align: right;">Page 367</p> <p>1 MR. COON: Mr. Fernelius?<br/> 2 MR. FERNELIUS: I have nothing,<br/> 3 Mr. Coon, to add to that.<br/> 4 WILHELM BONSE-GEUKING,<br/> 5 having been first duly sworn, testified as follows:<br/> 6<br/> 7 EXAMINATION<br/> 8 Q. (BY MR. COON) Good afternoon, Mr. Bonse.<br/> 9 Could I have you introduce yourself to the ladies<br/> 10 and gentlemen of the jury who may be watching your<br/> 11 testimony by videotape, again, by stating your name<br/> 12 and vocation and employer, sir?<br/> 13 A. Well, my name is William Bonse-Gueking,<br/> 14 or in English, Bill. I am group vice president and<br/> 15 senior advisor for BP PLC. My location is Germany.<br/> 16 Q. Mr. Bonse, I had the pleasure of meeting<br/> 17 you last fall when we took your deposition<br/> 18 regarding this matter.<br/> 19 Do you recall that?<br/> 20 A. Sure.<br/> 21 Q. It was my understanding at that<br/> 22 deposition that you were leading an investigation,<br/> 23 what would be called an accountability<br/> 24 investigation, into the chain of command at BP with<br/> 25 respect to the explosion of March 19 -- March,</p> | <p style="text-align: right;">Page 369</p> <p>1 progress in this matter?<br/> 2 A. No, we did not.<br/> 3 Q. Has there been any request for you or<br/> 4 other people on your committee to provided a<br/> 5 debriefing to others in management, such as the<br/> 6 board of directors or other persons involved?<br/> 7 A. Not to my knowledge.<br/> 8 Q. Mr. Bonse, what have you had an<br/> 9 opportunity to look at, again, today in preparation<br/> 10 for your testimony?<br/> 11 A. Nothing.<br/> 12 Q. Have you read your report since it was<br/> 13 completed?<br/> 14 A. My -- read my report?<br/> 15 Q. Yes, sir.<br/> 16 A. No. I did not anymore, no.<br/> 17 Q. Okay. You have not read the finished<br/> 18 report?<br/> 19 A. Well, I did, but not after I have<br/> 20 submitted it to my clients.<br/> 21 Q. Have you read the deposition that you<br/> 22 gave last fall?<br/> 23 A. Not anymore, no.<br/> 24 Q. You understand you have counsel here on<br/> 25 behalf of BP that you can consult with?</p>   |
| <p style="text-align: right;">Page 368</p> <p>1 2005, correct?<br/> 2 A. That's right.<br/> 3 Q. And at that time, the investigation was<br/> 4 still underway, and you believed you would have a<br/> 5 report out near the end of the year that would<br/> 6 conclude your investigation; is that right?<br/> 7 A. Yeah, we -- that was our intention when<br/> 8 we met.<br/> 9 Q. And since that time, it's my<br/> 10 understanding you have completed your investigation<br/> 11 and provided reports, both in terms of your<br/> 12 accountability audit and then a supplemental report<br/> 13 regarding Mr. Manzoni; is that correct?<br/> 14 A. This is right.<br/> 15 Q. Do you have any other reports that you<br/> 16 are anticipating producing or preparing as a result<br/> 17 of your investigation?<br/> 18 A. No.<br/> 19 Q. Do you perceive your investigation to be<br/> 20 complete as we sit here today?<br/> 21 A. Yes, sir.<br/> 22 Q. Have you reported back to any<br/> 23 representatives at BP other than your cover letter<br/> 24 and the documents that we have received that were<br/> 25 communications back and forth regarding your</p>           | <p style="text-align: right;">Page 370</p> <p>1 A. Yes. We had some preparation yesterday.<br/> 2 Q. And, likewise, I understand that English<br/> 3 is not your native tongue, but you did pretty well<br/> 4 last time. But in that regard, I will, again, give<br/> 5 you this caveat. It is important that you<br/> 6 understand our questions. And if there is<br/> 7 something you don't understand, let me know, and I<br/> 8 would be happy to rephrase it, repeat it, or slow<br/> 9 down the question so that we make sure that you<br/> 10 give us the proper answer. Okay?<br/> 11 A. That's great. Thank you.<br/> 12 Q. Okay. We are going to try and cover a<br/> 13 lot of information in a short period of time today<br/> 14 which will cause us to go fast and also cause us to<br/> 15 jump around some, but we are trying to accommodate<br/> 16 your return trip to Germany. Okay?<br/> 17 A. Very good.<br/> 18 Q. Now, we have today several things we want<br/> 19 to talk to you about in follow up to the deposition<br/> 20 we took last fall. First and foremost is the<br/> 21 report itself.<br/> 22 And by background, the deposition<br/> 23 that you gave us before was accurate with respect<br/> 24 to how it was that you were retained to conduct<br/> 25 this investigation and how the other people were</p> |

4 (Pages 367 to 370)

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| <p style="text-align: right;">Page 371</p> <p>1 brought into the committee, correct?<br/> 2 A. Yes.<br/> 3 Q. You had an opportunity to read and sign<br/> 4 that deposition, have you not, sir?<br/> 5 A. Yes.<br/> 6 Q. Is there anything that you believe today<br/> 7 is factually inaccurate with respect to the<br/> 8 testimony that you gave at that time?<br/> 9 A. Not that -- anything comes to my mind.<br/> 10 Q. Now, you have, in addition to the<br/> 11 interviews that were conducted that we have copies<br/> 12 of here today, you have also had the opportunity to<br/> 13 review The Baker Panel report; is that correct?<br/> 14 A. Yes, sir.<br/> 15 Q. Are there other documents that you recall<br/> 16 reviewing between the time of our last deposition<br/> 17 and the time you entered your final report?<br/> 18 A. (No verbal response.)<br/> 19 Q. And going back, we know that you went<br/> 20 over the final report --<br/> 21 A. You know, in the course of preparing our<br/> 22 final report, we certainly looked at the various<br/> 23 documents to refresh our memory, but I couldn't<br/> 24 tell you now in detail what documents we looked at.<br/> 25 Q. Have you been working in cooperation with</p> | <p style="text-align: right;">Page 373</p> <p>1 Secretary Baker or other members of his panel?<br/> 2 A. Never.<br/> 3 Q. Mr. Bonse, we have copies of the reports<br/> 4 as well as the drafts. And in that regard, who was<br/> 5 the primary author of the drafts and final reports?<br/> 6 A. Well, it was a joint effort. But there's<br/> 7 two of us, besides me and Rudy Blyweert, we are not<br/> 8 native English speakers. The penholder, if I may<br/> 9 say so, was our legal expert, Jeffrey Heller.<br/> 10 Q. And as we go through the number of<br/> 11 drafts, there were several different drafts of this<br/> 12 going back at least to November of last year,<br/> 13 correct?<br/> 14 A. Yep.<br/> 15 Q. And we noticed there were a number of<br/> 16 revisions that were noted in pencil or pen and then<br/> 17 also revisions that were done in somewhat of an<br/> 18 electronic format.<br/> 19 First, with respect to the<br/> 20 handwritten drafts and the changes to those drafts,<br/> 21 do you know who made those changes,<br/> 22 recommendations, or language changes, additions and<br/> 23 deletions?<br/> 24 A. As I said, it was a -- it was a joint<br/> 25 effort. And so I can say everybody contributed to</p>   |
| <p style="text-align: right;">Page 372</p> <p>1 any of the government, the U.S. government<br/> 2 agencies, that are continuing with the<br/> 3 investigation into this matter?<br/> 4 That would include the Chemical<br/> 5 Safety and Hazard Board. It would include the<br/> 6 Environmental Protection Agency. It would include<br/> 7 the Department of Justice.<br/> 8 A. I did not.<br/> 9 Q. Have you been asked to consult with any<br/> 10 of those agencies?<br/> 11 A. No.<br/> 12 Q. Have you been asked to provide a copy of<br/> 13 your final report to any of those agencies?<br/> 14 A. I did not provide a report to them.<br/> 15 Q. Are you aware if BP has been asked to<br/> 16 provide copies of any of those reports to any of<br/> 17 those agencies?<br/> 18 A. To my knowledge, yeah, we have. We have<br/> 19 provided copies to the CSB and to the U.S.<br/> 20 attorneys.<br/> 21 Q. Were you asked to provide copies of any<br/> 22 of your work product to The Baker Panel to assist<br/> 23 them in their investigation into this matter?<br/> 24 A. No.<br/> 25 Q. Did you ever have any conversations with</p>  | <p style="text-align: right;">Page 374</p> <p>1 this, either as far as the electronic versions were<br/> 2 concerned and as far as handwritten notes were<br/> 3 concerned.<br/> 4 Q. And, Mr. Bonse, I will try not to be too<br/> 5 repetitive with questions that we already asked you<br/> 6 from your first deposition, but could you again<br/> 7 tell the jury what it was that you understood your<br/> 8 mission was with respect to the preparation of the<br/> 9 final report as a result of your investigation?<br/> 10 A. Well, our mission was to find out whether<br/> 11 there were -- whether there were management<br/> 12 accountabilities above the level of superintendents<br/> 13 concerning the tragedy on March 23.<br/> 14 Q. And in your efforts to ascertain whether<br/> 15 or not there was management accountability above<br/> 16 Texas City management, you talked to a broad range<br/> 17 of individuals; is that correct?<br/> 18 A. That's right.<br/> 19 Q. And that included a number of different<br/> 20 people through the chain of command in both<br/> 21 Texas City and Chicago and London, correct?<br/> 22 A. Yeah, it was the chain of command but<br/> 23 also including some functions.<br/> 24 Q. Well, we have with us today a copy of<br/> 25 what are reported to be the summary notes from your</p> |

5 (Pages 371 to 374)

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| <p style="text-align: right;">Page 375</p> <p>1 investigative team. I would like to show these to<br/>2 you, sir.<br/>3 If you could identify these for<br/>4 the record as being copies of the --<br/>5 A. Thank you.<br/>6 Q. -- statements that were obtained in your<br/>7 investigation.<br/>8 A. Well, I can't go through all these<br/>9 individual papers. But what I see, those are the<br/>10 notes which have -- which have been prepared in the<br/>11 course of our investigation.<br/>12 MR. COON: Okay. We will attach<br/>13 that -- as a matter of fact, let me back up.<br/>14 Let's first attach your deposition<br/>15 notice, if we may, Stephanie. I think that one is<br/>16 marked already. Counsel, we will tender the notice<br/>17 as Exhibit 905 to the record.<br/>18 And if we could then attach the<br/>19 notebook as Exhibit 906.<br/>20 (Exhibit Number 905 and 906 marked<br/>21 for identification.)<br/>22 Q. (BY MR. COON) I will leave that for you,<br/>23 sir. We may want you to reference it during the<br/>24 course of the deposition.<br/>25 Mr. Bonse, who was it that</p>  | <p style="text-align: right;">Page 377</p> <p>1 MR. COON: I am going to attach<br/>2 this copy as 907 to the record.<br/>3 (Exhibit Number 907 marked for<br/>4 identification.)<br/>5 Q. (BY MR. COON) And can you identify this<br/>6 for us please, sir?<br/>7 (Tenders documents.)<br/>8 A. Thank you.<br/>9 I don't -- I don't recognize these<br/>10 notes. I don't know who has written them down. I<br/>11 couldn't tell you.<br/>12 Q. Okay. So if we look at that, the first<br/>13 page indicates a long list of persons that were<br/>14 interviewed. And then I think if you match them<br/>15 up, you will see those are the same ones that match<br/>16 the interviews in the notebook of 906?<br/>17 A. Yeah. Maybe it's, as you say, a summary<br/>18 of major statements.<br/>19 Q. Okay.<br/>20 A. But I do not recall having seen them.<br/>21 Q. Okay.<br/>22 A. I don't.<br/>23 Q. And we also have, in addition to 906 and<br/>24 907, which are the summaries of the interviews, we<br/>25 have a cover letter and a report and a supplemental</p>  |
| <p style="text-align: right;">Page 376</p> <p>1 actually prepared those executive summaries? Who<br/>2 was it that transcribed those? How was that done?<br/>3 A. There were different writers. If we<br/>4 had -- if everybody was present of our team, we<br/>5 tried to make use of a parallel, Ms. Margine<br/>6 Westland, who was working for Mr. Heller.<br/>7 But in a few cases, one of our<br/>8 team made the notes, including myself.<br/>9 Q. There were approximately 30 or so<br/>10 statements that were taken in the course of your<br/>11 investigation?<br/>12 A. Can you repeat?<br/>13 Q. Yes, sir.<br/>14 There were approximately 30 or so<br/>15 interviews?<br/>16 A. Yeah, that's right. That's right.<br/>17 Q. And did you have an opportunity to<br/>18 personally read all of those executive summaries<br/>19 that are in front of you as Exhibit 906?<br/>20 A. I did but not in preparation for today.<br/>21 Q. I understand.<br/>22 Now, in addition to the summaries,<br/>23 the reference materials for your report, there are<br/>24 one page summaries that seem to be the high points<br/>25 of the various interviews.</p> | <p style="text-align: right;">Page 378</p> <p>1 report. And first let me show you the cover letter<br/>2 reflecting the report.<br/>3 This is dated February 2, 2007,<br/>4 and it appears to be a letter that was submitted by<br/>5 you to Ms. Sally Bott and Mr. Peter Bevan.<br/>6 Is that your letter, sir?<br/>7 A. Yeah, it looks to be the letter I have<br/>8 written.<br/>9 Q. And this was the cover letter to the<br/>10 reports that were provided to BP that were the<br/>11 conclusions reached in your investigation; is that<br/>12 correct?<br/>13 A. I think so.<br/>14 Q. Now, as I understand, Mr. Bonse, after<br/>15 reading the depositions of the people that we<br/>16 deposed in this case, that you subsequently<br/>17 interviewed as well, and looking at numerous<br/>18 documents in the case, your team reached some<br/>19 conclusions regarding what we are calling<br/>20 management accountability for the explosion,<br/>21 correct?<br/>22 A. We did.<br/>23 Q. And in that regard, the report reflects<br/>24 about half of the people that were interviewed as<br/>25 ending up on the report itself in various tiers.</p> |

6 (Pages 375 to 378)

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| <p style="text-align: right;">Page 379</p> <p>1 You have Tier 1, Tier 2, Tier 3, and Tier 4?<br/> 2 A. This is right.<br/> 3 Q. And about half the persons that you<br/> 4 interviewed were excluded from being listed.<br/> 5 Can you explain why some were<br/> 6 included and some were excluded from that process,<br/> 7 and why other persons that were not interviewed<br/> 8 were excluded from the process?<br/> 9 A. You know, we tried to gather as much<br/> 10 information as possible to understand the, yeah,<br/> 11 chain of command and the accountability for what<br/> 12 had happened on March 23. So we also included<br/> 13 people which were just in functional<br/> 14 responsibility. So it was more gathering as much<br/> 15 information as we could.<br/> 16 Q. And, Mr. Bonse, why would you be looking<br/> 17 for accountability for this explosion for areas<br/> 18 outside the confines of the Texas City facility;<br/> 19 that is, for people that were not even working on<br/> 20 that job site?<br/> 21 A. As I said, we wanted to get as much<br/> 22 information as possible because we assumed that<br/> 23 they could give us more clarity on why -- to what<br/> 24 extent the accountability was -- existed and or<br/> 25 not.</p> | <p style="text-align: right;">Page 381</p> <p>1 are, as you have just said, Ms. Bott and Mr. Bevan,<br/> 2 Mr. Manzoni is a board member and the chief<br/> 3 executive of the R&amp;M section and managing director<br/> 4 of the company, in a way higher in the hierarchy at<br/> 5 least than Ms. Bott, but I also believe higher in<br/> 6 the hierarchy than Mr. Bevan.<br/> 7 And we felt that it was adequate<br/> 8 to present our views to those people but not to<br/> 9 come up with a recommendation concerning<br/> 10 Mr. Manzoni.<br/> 11 Q. Okay. Mr. Bonse, I want to first go to<br/> 12 this cover letter that you have identified as<br/> 13 Exhibit 908.<br/> 14 (Exhibit Number 908 marked for<br/> 15 identification.)<br/> 16 Q. (BY MR. COON) This is on your<br/> 17 letterhead, correct, dated February 2, 2007?<br/> 18 A. Yeah.<br/> 19 Q. And can you --<br/> 20 A. I see it on my screen.<br/> 21 Q. You can see it on the monitor there.<br/> 22 And this letter was addressed to<br/> 23 Sally Bott, who was executive vice president, and<br/> 24 it's HRM.<br/> 25 Is that human resources?</p>   |
| <p style="text-align: right;">Page 380</p> <p>1 Q. And what do you mean by "accountability"?<br/> 2 A. Accountability in a way that they have<br/> 3 dealt with the question whether Texas City was a<br/> 4 safe place. That actually was the basic question<br/> 5 we wanted to answer.<br/> 6 Q. And what was your conclusion with respect<br/> 7 to whether or not Texas City was a safe place to<br/> 8 work in March of 2005?<br/> 9 A. Well, my conclusions -- and I need to<br/> 10 stress it is our joint conclusion, as far as the<br/> 11 team is concerned, a unanimous conclusion -- was<br/> 12 that certain individuals are very accountable from<br/> 13 a management perspective for what had happened at<br/> 14 Texas City.<br/> 15 Q. And did you identify those persons in<br/> 16 your final report, sir?<br/> 17 A. Yeah, those are the people which we have<br/> 18 put in Tier 1. Those are: Mr. Hoffman, Mr. Gower,<br/> 19 Mr. Parus, and Mr. Willis, and in Tier 2,<br/> 20 Mr. Manzoni.<br/> 21 Q. And why was it that there was a separate<br/> 22 report written regarding Mr. Manzoni? Why was he<br/> 23 distinguished from the rest of the persons in<br/> 24 your --<br/> 25 A. You know, my clients, all our clients,</p>                      | <p style="text-align: right;">Page 382</p> <p>1 A. Human resources manager, yes.<br/> 2 Q. To Mr. Peter Bevan as group general<br/> 3 counsel, correct?<br/> 4 A. That's right.<br/> 5 Q. And it lists on this cover page, when you<br/> 6 addressed it to them, that attached is the Texas<br/> 7 City Management Accountability Project and Report.<br/> 8 And you talk about the persons that were involved<br/> 9 in this, which was Rudy Blyweert; is that correct?<br/> 10 A. That's right.<br/> 11 Q. Stephanie Moore and Jeffrey Heller?<br/> 12 A. That's right.<br/> 13 Q. And this report that we are going to talk<br/> 14 about today and the supplemental report was at the<br/> 15 unanimous consensus of all four of you that were<br/> 16 involved in this investigation; is that correct?<br/> 17 A. That's right.<br/> 18 Q. And if there were issues that y'all<br/> 19 disagreed about, how were those resolved with<br/> 20 respect to the report?<br/> 21 A. There were no disagreements.<br/> 22 Q. And it talks about two different reports<br/> 23 being attached. One was the report of the<br/> 24 management accountability project, and the second<br/> 25 is the additional report of the management</p> |

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| <p style="text-align: right;">Page 383</p> <p>1 accountability project. That one being directed to<br/>2 Mr. Manzoni.<br/>3 And you explained to us why,<br/>4 correct?<br/>5 A. That's right.<br/>6 Q. And your next comments were that you did<br/>7 your best to come to fair, well-founded conclusions<br/>8 and recommendations.<br/>9 And do you believe, sir, sitting<br/>10 here today, that your committee did, in fact, in<br/>11 your opinion, come to a fair, well-founded<br/>12 conclusions and recommendations --<br/>13 A. Yeah.<br/>14 Q. -- as a result?<br/>15 A. Yes.<br/>16 Q. Do you feel that this investigation was<br/>17 thorough?<br/>18 A. Yes.<br/>19 Q. And then you go on to say, "In building<br/>20 on the unanimous consent of my team" -- this being<br/>21 your team, correct?<br/>22 A. That's right.<br/>23 Q. You propose the following, and if I can<br/>24 read this, your conclusion of your team was that BP<br/>25 concludes the employment relationships with</p>  | <p style="text-align: right;">Page 385</p> <p>1 the company, we feel it should be done by, let me<br/>2 say, a higher level.<br/>3 Q. And then if I can go on to read this with<br/>4 you, it says, "On your request, we have added to<br/>5 our report a number of observations we consider as<br/>6 significant insights from which conclusions can and<br/>7 must be drawn to make sure that we take actions<br/>8 such that this kind of tragedy will never happen<br/>9 again in a BP refinery. Hence, we have added<br/>10 corresponding high level recommendations which we<br/>11 would be more than happy to explain and discuss in<br/>12 detail at your convenience."<br/>13 Did I read that correctly?<br/>14 A. Yes, sir.<br/>15 Q. And in that regard, if we look at the<br/>16 report, there are several addendums to it, one of<br/>17 which is a list of each of the individuals that<br/>18 termination was recommended on as well as the basis<br/>19 for each, correct?<br/>20 A. Yes, sir.<br/>21 Q. And then you also have included in your<br/>22 report a number of recommendations that should be<br/>23 considered within the BP infrastructure to further<br/>24 reduce the risk of something catastrophic like this<br/>25 happening in the future, correct?</p> |
| <p style="text-align: right;">Page 384</p> <p>1 Hoffman, Gower, Parus, and Willis on fair and just<br/>2 terms in a timely manner; is that correct, sir?<br/>3 A. That's correct.<br/>4 Q. Is it fair to state that the results of<br/>5 your investigation led your team to the unanimous<br/>6 conclusion that all four of those individuals<br/>7 should be fired?<br/>8 A. Yeah.<br/>9 Q. Okay. Next you go on to state that the<br/>10 accountability of Manzoni -- this is John Manzoni,<br/>11 correct?<br/>12 A. This is right.<br/>13 Q. -- should be considered by the<br/>14 appropriate parties within BP?<br/>15 A. This is right.<br/>16 Q. So you made no final determination as a<br/>17 committee as to whether or not Mr. Manzoni should<br/>18 be fired, but it should be -- his conduct should be<br/>19 reviewed further by appropriate parties at BP?<br/>20 A. This is right.<br/>21 Q. And why, sir, were you and your committee<br/>22 not perceived to be the appropriate parties to make<br/>23 the final decision with respect to Mr. Manzoni?<br/>24 A. For reasons I have already outlined to<br/>25 you. That due to the position Mr. Manzoni has in</p> | <p style="text-align: right;">Page 386</p> <p>1 A. That's right.<br/>2 Q. In fact, if I go on to the bottom of this<br/>3 page, sir, it says, "There have been so many<br/>4 warning signals available from reports,<br/>5 presentations, visits and in particular from the<br/>6 serious accidents in 2004 preceding the disaster on<br/>7 March 23, 2005, that it is almost impossible to<br/>8 understand why this simple question has never been<br/>9 dealt with at Texas City within the SPU and the R&amp;M<br/>10 segment."<br/>11 And that question was: Is<br/>12 Texas City a safe place to work?<br/>13 A. That's --<br/>14 Q. Is that correct?<br/>15 A. -- right.<br/>16 Q. You next say, "Further, we found it very<br/>17 disturbing that a few managers in R&amp;M" -- and<br/>18 that's the refinery?<br/>19 A. Yes.<br/>20 Q. -- "clearly disagreed with the suggestion<br/>21 that it was their ultimate management<br/>22 accountability that Texas City be a safe place.<br/>23 They rather prefer to blame predecessors or simply<br/>24 BP"?<br/>25 A. That's right.</p>   |

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| <p style="text-align: right;">Page 387</p> <p>1 Q. Were there persons in particular that<br/>2 were part of your investigation that you found<br/>3 were -- that it disturbed you?<br/>4 A. Yes.<br/>5 Q. They just weren't wanting to accept<br/>6 responsibility as BP's management accountability<br/>7 structures and guidelines mandated?<br/>8 A. That's right.<br/>9 Q. Who were the persons that just refused to<br/>10 acknowledge any personal accountability even though<br/>11 they had responsibility and oversight for<br/>12 operations?<br/>13 A. In particular, Mr. Hoffman and Mr. Gower.<br/>14 Q. Did you get an understanding in your<br/>15 interviews with them why they were so hostile to<br/>16 the concept of accepting responsibility?<br/>17 A. Yeah. As I have said in this letter, it<br/>18 was that they said we had heritage, if I may say<br/>19 so, from previous times which made us impossible to<br/>20 operate in a safe way.<br/>21 Q. Now, in addition to this -- so I<br/>22 understand, Mr. Bonse, when you sent this letter to<br/>23 Ms. Bott and Mr. Bevan, you were basically saying,<br/>24 "Here's our report and in summary we are<br/>25 recommending that you fire Mr. Hoffman, Mr. Gower,</p> | <p style="text-align: right;">Page 389</p> <p>1 Did your investigation undertake a<br/>2 responsibility to undertake a review of the conduct<br/>3 and decision-making of persons on the board of<br/>4 directors or the CEO himself, being Lord John<br/>5 Browne?<br/>6 A. The only person which is also on the<br/>7 board is John Manzoni, but he's been the only one<br/>8 who could have dealt with it.<br/>9 Q. Was there any request or consideration to<br/>10 reviewing historical decision-making by persons on<br/>11 the board or with Lord Browne himself with respect<br/>12 to any attribution for the condition of Texas City<br/>13 on March 23, 2005?<br/>14 A. We didn't find any substantial<br/>15 information which made us think along those lines.<br/>16 Q. Were any efforts made to conduct any<br/>17 interviews of other members of the board of<br/>18 directors or of Lord Browne?<br/>19 A. Can you -- the beginning of your phrase?<br/>20 Q. Yes, sir.<br/>21 Did the committee -- or what do<br/>22 you call your group?<br/>23 A. Yeah.<br/>24 Q. The committee?<br/>25 A. The team.</p> |
| <p style="text-align: right;">Page 388</p> <p>1 Mr. Parus, and Mr. Willis"?<br/>2 A. Yes, sir.<br/>3 Q. And you also recommended that there be a<br/>4 further review of Mr. Manzoni by parties at BP,<br/>5 correct?<br/>6 A. Yes, sir.<br/>7 Q. And then you also made recommendations<br/>8 with respect to some of the other individuals and<br/>9 that is you considered their conduct and you felt<br/>10 there were mitigating circumstances that merited<br/>11 and weighed against termination, correct?<br/>12 A. Yes, sir.<br/>13 Q. And we will talk about those a little<br/>14 more in a minute.<br/>15 Are there other persons that were<br/>16 part of your review that in reflection today you<br/>17 feel should be on the list of those that should be<br/>18 terminated on the information that you have to<br/>19 date?<br/>20 A. No, sir.<br/>21 Q. Was your calling to undertake a review of<br/>22 the conduct of any of the persons on the board of<br/>23 directors at BP or the CEO, being Lord Browne?<br/>24 A. Can you repeat your question?<br/>25 Q. Yes, sir.</p>  | <p style="text-align: right;">Page 390</p> <p>1 Q. The team.<br/>2 Did your team make any efforts to<br/>3 interview other persons on the board of directors<br/>4 to find out discussions that may have been had in<br/>5 the past regarding their knowledge and<br/>6 decision-making as it related and impacted<br/>7 Texas City?<br/>8 A. No, we did not.<br/>9 Q. Did your team make any efforts to inquire<br/>10 of Lord Browne directly with respect to his<br/>11 decision-making and his knowledge of issues<br/>12 associated with what the condition of Texas City<br/>13 was prior to March 23?<br/>14 A. We did not.<br/>15 (Exhibit Number 909 marked for<br/>16 identification.)<br/>17 Q. (BY MR. COON) Mr. Bonse, I am next going<br/>18 to hand you what is marked as Exhibit 909.<br/>19 Is this, sir, a copy of the actual<br/>20 report?<br/>21 A. From what I can see right now, it's the<br/>22 report.<br/>23 Q. And the first page of this report, if you<br/>24 can follow that copy there, please, sir, it's<br/>25 called the Texas City Isomerization Explosion Final</p>                      |

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| <p style="text-align: right;">Page 391</p> <p>1 Report, February, 2007.<br/> 2 And as I understand in reading<br/> 3 over some of the documents, your team was basically<br/> 4 prepared to wrap this report up in December but<br/> 5 preferred to wait until after The Baker Panel<br/> 6 report came out so you could look at it or any<br/> 7 additional material?<br/> 8 A. There were two reasons. The main reason<br/> 9 actually was, after we had debated our final draft<br/> 10 with Ms. Bott and Mr. Bevan, it was their request<br/> 11 to extend our report by adding a chapter dealing<br/> 12 with observations and recommendations. That took<br/> 13 quite some time to prepare this additional chapter.<br/> 14 And then, more or less at the same<br/> 15 time when we were at the final stage of preparing<br/> 16 this new chapter, the Baker report -- The Baker<br/> 17 Panel report was due to be published. And we felt<br/> 18 it would be wise to invest a bit more time to see<br/> 19 whether there would be any inconsistencies between<br/> 20 our report and The Baker Panel report, and that was<br/> 21 the reason why we presented our report early<br/> 22 February.<br/> 23 Q. And after turning in this report to<br/> 24 Ms. Bott and to Mr. Bevan on February 2, were you<br/> 25 called or asked to explain anything, or did they</p> | <p style="text-align: right;">Page 393</p> <p>1 week which has passed, and let's see what comes<br/> 2 out.<br/> 3 Q. (BY MR. COON) Okay. Well, I am just<br/> 4 trying to find out if you were left with an<br/> 5 impression from conversations you had with various<br/> 6 parties over the last year that you have been<br/> 7 working on this if they were going to expect you or<br/> 8 members of your team to provide some debriefing --<br/> 9 A. I don't know. I don't know.<br/> 10 Q. Okay. So as far as you are concerned<br/> 11 sitting here today, the work of you and your team<br/> 12 is done unless someone asks you or other members of<br/> 13 the team to follow up in some other particular or<br/> 14 to debrief them on that?<br/> 15 A. That's right.<br/> 16 Q. All right. Mr. Bonse, I would like to<br/> 17 break down your first report. We will talk about<br/> 18 it first, and then we will talk about your<br/> 19 supplemental report. Okay?<br/> 20 A. Yeah.<br/> 21 Q. Okay. If you look at it, we have about<br/> 22 14 pages in the report itself; is that correct?<br/> 23 A. It was --<br/> 24 Q. That's the actual meat of the report,<br/> 25 ending at page 14 with Observations and</p> |
| <p style="text-align: right;">Page 392</p> <p>1 indicate to you that there was going to be a<br/> 2 briefing of the board of directors or other<br/> 3 responsible parties at BP at some date in the<br/> 4 future?<br/> 5 A. Nothing has happened since.<br/> 6 Q. Do you anticipate from what has happened<br/> 7 and discussions that you have had with other<br/> 8 parties at BP that you or other members of your<br/> 9 team are going to be asked to make a presentation<br/> 10 regarding your report to explain to either the CEO<br/> 11 or to the -- or to Ms. Bott or Mr. Bevan or to the<br/> 12 members of the board by way of explanation of any<br/> 13 elaboration on your report?<br/> 14 A. Well, when you look at the cover<br/> 15 letter -- or my cover letter, then you see that I<br/> 16 have offered the conversation and that we are<br/> 17 available any time. So let's see what comes out of<br/> 18 it.<br/> 19 Q. Okay. Well, I understood that you had<br/> 20 made that offer. But two weeks after providing the<br/> 21 report, that offer has not been accepted nor<br/> 22 rejected?<br/> 23 MR. GALBRAITH: Objection, form.<br/> 24 A. Well, it's one week only. We submitted<br/> 25 our report Wednesday last week. So it's just one</p>   | <p style="text-align: right;">Page 394</p> <p>1 Recommendations?<br/> 2 A. What I have now has been copied twice, I<br/> 3 believe, is what I see.<br/> 4 Q. I'm just trying to break down the report<br/> 5 so we can follow along there.<br/> 6 A. I think the report, if you include the<br/> 7 Chapter 6, then the report is 19 pages.<br/> 8 Q. Okay. That's what I was going to break<br/> 9 down with you. We have the first section, which is<br/> 10 the report. Then you have three or four more pages<br/> 11 which carry you to 19?<br/> 12 A. Yeah.<br/> 13 Q. Which includes the supplement that you<br/> 14 talked about, which are the Observations and<br/> 15 Recommendations portion --<br/> 16 A. Yeah.<br/> 17 Q. -- correct?<br/> 18 A. No, just to be sure, as a supplement, we<br/> 19 understand -- we considered the report of<br/> 20 Mr. Manzoni, and this is an additional chapter.<br/> 21 Q. Right, this is -- what we are looking at,<br/> 22 at pages 15 to 19 --<br/> 23 A. Yeah.<br/> 24 Q. -- is the additional chapter that you<br/> 25 were asked to prepare?</p>   |

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| <p style="text-align: right;">Page 395</p> <p>1 A. Well, it starts already on page 14 in the<br/>2 middle.<br/>3 Q. Okay. Let's start there, page 14, and<br/>4 walk through. So that we don't talk about it, that<br/>5 would be the pages that talk about observations and<br/>6 recommendations?<br/>7 A. Yes, sir.<br/>8 Q. And those are broken down into group<br/>9 observations and recommendations and a separate<br/>10 section on culture?<br/>11 A. Yep.<br/>12 Q. And a third section deals directly with<br/>13 the Texas City refinery?<br/>14 A. Yes.<br/>15 Q. And then attached to the report we have a<br/>16 number of pages called the Accountability Matrix<br/>17 for the Final Report.<br/>18 Do you have those there, sir?<br/>19 A. Yes, sir.<br/>20 Q. And that seems to be another 13 pages<br/>21 that each look like --<br/>22 A. Yeah. Yes, that's right.<br/>23 Q. Okay. That looks like this (indicating).<br/>24 And what you have for each<br/>25 individual, basically you have a chart and you put</p>                                   | <p style="text-align: right;">Page 397</p> <p>1 the line.<br/>2 Q. (BY MR. COON) Okay. Was there any<br/>3 effort made to prepare an accountability matrix<br/>4 similar to this on any of the other individuals<br/>5 that you interviewed or were contained in your<br/>6 accountability audit?<br/>7 A. No. It was just done for those<br/>8 individuals here.<br/>9 Q. And who prepared the content that's<br/>10 reflected on the accountability matrix? Is this<br/>11 something all of you worked on?<br/>12 A. Yeah, but we -- we had each member<br/>13 focusing on an individual, but we discussed jointly<br/>14 and came to the joint conclusions based on the<br/>15 preparation work.<br/>16 Q. Okay. In that regard, do you know who<br/>17 had the focus on Kathleen Lucas?<br/>18 A. Now, that slips from my memory. I<br/>19 believe it was done by Mr. Blyweert.<br/>20 Q. What about Mike Hoffman?<br/>21 A. That was done by Mr. Heller.<br/>22 Q. What about Don Parus?<br/>23 A. That was also done by Mr. Heller.<br/>24 Q. What about Pat Gower?<br/>25 A. Done by Ms. Moore.</p> |
| <p style="text-align: right;">Page 396</p> <p>1 in the name of the person and then under each of<br/>2 these columns answer questions that are outlined at<br/>3 the top of the page?<br/>4 A. This is right.<br/>5 Q. Okay. And you did that for Willie<br/>6 Willis, and we have another one for Kathleen Lucas?<br/>7 A. Uh-huh.<br/>8 Q. And you did one for Pat Gower?<br/>9 A. Uh-huh.<br/>10 Q. And you did one for Mike Hoffman?<br/>11 A. Yes.<br/>12 Q. And you did one for Don Parus?<br/>13 A. Don Parus and for John Manzoni.<br/>14 Q. Sir?<br/>15 A. And for John Manzoni in the --<br/>16 Q. And Manzoni in the supplement. We will<br/>17 talk about that separately.<br/>18 A. Yeah.<br/>19 Q. Why is it that you chose just these<br/>20 persons to provide an accountability matrix on when<br/>21 your report actually discusses the conduct of about<br/>22 seven or eight or nine other individuals?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Because they are clearly forming the<br/>25 chain of command for the ISOM plant up the -- up</p> | <p style="text-align: right;">Page 398</p> <p>1 Q. And then after those pages of your<br/>2 documents, we have the appendices, correct?<br/>3 A. Yes.<br/>4 Q. And they would look like this<br/>5 (indicating). And there are several pages that<br/>6 deal with each person that you are talking about in<br/>7 the report, correct?<br/>8 A. That's right.<br/>9 Q. At least the ones that you have the<br/>10 matrix prepared for?<br/>11 A. Yes, sir.<br/>12 Q. And the appendices would basically be,<br/>13 for instance, the first one here, this one deals<br/>14 with Willie Willis?<br/>15 A. Yes.<br/>16 Q. So we can go to the top of each page and<br/>17 look at it. And then you have the documents or<br/>18 materials or interviews or depositions that you<br/>19 reviewed that support the conclusions noted in your<br/>20 audit?<br/>21 A. Yes, sir.<br/>22 Q. That is all that I saw as the contents of<br/>23 your report. Did we miss anything?<br/>24 A. As far as the main report is concerned,<br/>25 you are right.</p>   |

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| <p style="text-align: right;">Page 399</p> <p>1 Q. And we will go into the details on it.<br/>2 But before we do, let's talk briefly about the<br/>3 supplemental report, outline it, and identify it as<br/>4 well.<br/>5 The other primary document<br/>6 prepared in your -- by your team, in addition to<br/>7 the audit that you have there, is this one called<br/>8 the supplemental report; is that correct?<br/>9 A. Yes, sir.<br/>10 Q. Dated February, 2007. And this is one,<br/>11 as I understand, that was done just to deal with<br/>12 Mr. Manzoni for the reasons that you talked to us<br/>13 before, correct?<br/>14 A. Yes, sir. It's not part of this exhibit.<br/>15 Q. We will see if we can find you an extra<br/>16 copy. In the meantime, if you could, just follow<br/>17 the monitor --<br/>18 A. Yes.<br/>19 Q. -- until we take a break.<br/>20 If we look at that report, again,<br/>21 it is set up in the same format as your primary<br/>22 report, correct?<br/>23 A. Yes, sir.<br/>24 Q. And that is there's several pages of a<br/>25 general description on Mr. Manzoni. That's the</p> | <p style="text-align: right;">Page 401</p> <p>1 A. Yep.<br/>2 Q. You have provided an introduction, which<br/>3 more or less outlines the purpose and intent of the<br/>4 management accountability project, correct?<br/>5 A. Yes, sir.<br/>6 Q. And it states, "The Management<br/>7 Accountability project was conducted against the<br/>8 backdrop that a single incident caused so much<br/>9 pain, misery, and unintended consequences for so<br/>10 many," correct?<br/>11 A. Yes, sir.<br/>12 Q. And would you read the next outlined area<br/>13 for us there, sir?<br/>14 A. You want me to read it out loud?<br/>15 Q. Yes, sir. Read it out loud.<br/>16 A. "BP management, however, was ultimately<br/>17 responsible for assuring the appropriate priorities<br/>18 were in place, adequate resources were provided and<br/>19 clear accountabilities were established for the<br/>20 safe operation of the Texas City refinery."<br/>21 Q. So as I understand in your introductions,<br/>22 while your team acknowledged early on that there<br/>23 were some failures at the operational level that<br/>24 caused this explosion, you felt that BP's<br/>25 management, both at Texas City and in Chicago and</p>   |
| <p style="text-align: right;">Page 400</p> <p>1 first pages. And then it's followed by a matrix<br/>2 dealing with Mr. Manzoni --<br/>3 A. Yes, sir.<br/>4 Q. -- similar to the matrix that was done on<br/>5 the others, correct?<br/>6 A. Yes, sir.<br/>7 Q. And then, as with the primary report, the<br/>8 third portion is the appendix, which references the<br/>9 areas or documents that provide the background<br/>10 basis of the conclusions?<br/>11 A. Yes, sir.<br/>12 Q. That would be the deposition he gave,<br/>13 interviews he gave, and other documents and<br/>14 interviews, correct?<br/>15 A. Yes, sir.<br/>16 Q. Is there anything else floating around<br/>17 out there regarding Mr. Manzoni that's not<br/>18 contained in this report?<br/>19 A. No, sir.<br/>20 Q. Okay. Mr. Bonse, let's go back now to<br/>21 the actual report again, if we can.<br/>22 A. Yes.<br/>23 Q. I want to talk to you about certain<br/>24 pages. Let's start with the first page on the<br/>25 introduction, sir.</p>  | <p style="text-align: right;">Page 402</p> <p>1 London, bore ultimate responsibility for ensuring<br/>2 that priorities were in place as to the process<br/>3 safety management priorities, correct?<br/>4 A. That --<br/>5 MR. GALBRAITH: Objection, form.<br/>6 A. This is what we have outlined here.<br/>7 Q. (BY MR. COON) And as I understand from<br/>8 your report and having read it now, the unanimous<br/>9 conclusions of your team was that at least four<br/>10 people failed in that regard?<br/>11 A. Yeah, we -- yeah, that's right.<br/>12 Q. And so if we look at your mission<br/>13 statement on your introductions, when you looked at<br/>14 BP management at Texas City and outside Texas City,<br/>15 it was the unanimous conclusion of your team that<br/>16 Willie Willis failed in his management<br/>17 responsibilities for assuring his responsibilities<br/>18 were in place and adequate resources were provided,<br/>19 correct?<br/>20 A. That's right.<br/>21 Q. And it was the unanimous conclusion of<br/>22 your team that Don Parus, as the business unit<br/>23 leader at Texas City, was responsible for assuring<br/>24 appropriate priorities were in place and adequate<br/>25 resources were provided and he failed as well,</p> |

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| <p style="text-align: right;">Page 403</p> <p>1 correct?</p> <p>2 A. That's certain.</p> <p>3 Q. And it was your teams' unanimous</p> <p>4 conclusion that Pat Gower, vice president of</p> <p>5 operations for BP North America, was also</p> <p>6 ultimately responsible for assuring that</p> <p>7 appropriate priorities were in place and adequate</p> <p>8 resources were provided and clear accountabilities</p> <p>9 were established for a safe operation and that he</p> <p>10 failed?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And it was also the unanimous conclusion</p> <p>13 of your committee or your team that Mike Hoffman,</p> <p>14 who is, what, the Number 3 person in the BP</p> <p>15 refining and marketing sector behind Mr. Manzoni</p> <p>16 and Lord Browne; is that correct?</p> <p>17 A. First was Browne, then Manzoni, and then</p> <p>18 him.</p> <p>19 Q. And it was the unanimous conclusion of</p> <p>20 your team that Mike Hoffman also was ultimately</p> <p>21 responsible for assuring the appropriate priorities</p> <p>22 were in place, that adequate resources were</p> <p>23 provided, and clear accountabilities were</p> <p>24 established for the safe operation at the</p> <p>25 Texas City refinery and that he also failed in that</p> | <p style="text-align: right;">Page 405</p> <p>1 retired.</p> <p>2 Q. (BY MR. COON) Okay. You understood he</p> <p>3 had a cursory explanation for his requirement, that</p> <p>4 he just wanted to go back to the United States?</p> <p>5 MR. GALBRAITH: Objection, form.</p> <p>6 A. I think that's what he has said, but I am</p> <p>7 not very close to him to know what the real reasons</p> <p>8 are.</p> <p>9 Q. (BY MR. COON) Did you have an</p> <p>10 understanding from any sources within BP or anyone</p> <p>11 that's talked to Mr. Hoffman that he felt that he</p> <p>12 was going to get fired, and it would be better for</p> <p>13 him to resign before the termination came out from</p> <p>14 your report?</p> <p>15 MR. GALBRAITH: Objection, form.</p> <p>16 A. I have no knowledge in this respect.</p> <p>17 Q. (BY MR. COON) Was Mr. Hoffman pretty</p> <p>18 defensive and confrontational with you in the</p> <p>19 interviews regarding his potential roles and</p> <p>20 accountability?</p> <p>21 A. Yes. To some extent, he was.</p> <p>22 Q. Did he seem to be leaving you with the</p> <p>23 impression that he felt that he was being made a</p> <p>24 scapegoat, that it was other people that were</p> <p>25 responsible for what happened?</p>                    |
| <p style="text-align: right;">Page 404</p> <p>1 responsibility?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And for each one of those persons, you</p> <p>4 felt that their roles and responsibilities were at</p> <p>5 a high enough level of influence that each of them</p> <p>6 should be fired for their failures?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Has your committee undertaken a</p> <p>9 discussion with any of those persons that you</p> <p>10 deemed should be fired to explain to them why they</p> <p>11 should be fired?</p> <p>12 A. No, we did not.</p> <p>13 Q. Do you know if BP has undertaken to</p> <p>14 confront any of those individuals with respect to</p> <p>15 the findings of this report?</p> <p>16 A. I don't know anything.</p> <p>17 Q. You do know that Mr. Hoffman knew what</p> <p>18 was coming and resigned before he was fired,</p> <p>19 weren't you, sir?</p> <p>20 A. I --</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 A. I don't know --</p> <p>23 MR. GALBRAITH: Objection, form.</p> <p>24 A. -- whether he knew what was coming. I</p> <p>25 can only refer to what has been said by him why he</p>   | <p style="text-align: right;">Page 406</p> <p>1 MR. GALBRAITH: Objection, form.</p> <p>2 A. I think he indicated already on one of</p> <p>3 your previous questions that he was feeling that he</p> <p>4 was not responsible and accountable -- made</p> <p>5 accountable for something which actually was</p> <p>6 failed -- his predecessors had failed.</p> <p>7 Q. (BY MR. COON) You didn't really buy</p> <p>8 that, though, did you?</p> <p>9 MR. GALBRAITH: Objection, form.</p> <p>10 A. Huh?</p> <p>11 Q. (BY MR. COON) You did not really buy</p> <p>12 that defense, did you, sir?</p> <p>13 MR. GALBRAITH: Objection, form.</p> <p>14 A. Well, I feel it was a wrong approach.</p> <p>15 Q. (BY MR. COON) Well, I mean, you didn't</p> <p>16 buy that? You felt he was responsible. That's why</p> <p>17 you recommended he be fired, correct?</p> <p>18 MR. GALBRAITH: Objection, form.</p> <p>19 A. Yeah, I would -- I -- he was clearly</p> <p>20 accountable -- responsible and accountable because</p> <p>21 he was the GVP of refining. And again I come back</p> <p>22 to my cover letter where I said the key question is</p> <p>23 or was: Was Texas city a safe place?</p> <p>24 And this question he had to deal</p> <p>25 with, and it didn't help to put any blame on the</p> |

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| <p style="text-align: right;">Page 407</p> <p>1 predecessors.</p> <p>2 Q. (BY MR. COON) I am going to run through</p> <p>3 this report with you, if I can, real quick and then</p> <p>4 we will start asking you some more questions.</p> <p>5 The third page indicates that, in</p> <p>6 addition to a number of materials that you</p> <p>7 reviewed, you interviewed 28 individuals?</p> <p>8 A. That's right.</p> <p>9 Q. Who made the decisions with respect to</p> <p>10 which persons in the chain of command or around the</p> <p>11 chain of command should be those that were</p> <p>12 interviewed?</p> <p>13 A. We listed -- actually, from various</p> <p>14 perspectives, actually from the written reviews of</p> <p>15 our team, we listed those people we felt may be</p> <p>16 helpful for our work to talk to them.</p> <p>17 Q. Did you also have an opportunity to</p> <p>18 review the depositions or summaries of the</p> <p>19 depositions of other persons who have given</p> <p>20 statements in this litigation?</p> <p>21 A. Yes. We looked at a number of</p> <p>22 depositions and, you know, there have been very</p> <p>23 many.</p> <p>24 Q. Yes, sir, I do know. I have been in just</p> <p>25 about every one of them.</p> | <p style="text-align: right;">Page 409</p> <p>1 A. Yeah, that's what it said in the report.</p> <p>2 Q. (BY MR. COON) And, in fact, it wasn't</p> <p>3 only there. We see anecdotally similar types of</p> <p>4 problems when you look at the integrity of, for</p> <p>5 instance, the pipelines in Alaska which ruptured</p> <p>6 last summer?</p> <p>7 MR. GALBRAITH: Objection, form.</p> <p>8 A. Well, this is a different issue. So I</p> <p>9 cannot answer your question.</p> <p>10 Q. (BY MR. COON) But some of those all went</p> <p>11 back to the condition of the kit or the maintenance</p> <p>12 of the infrastructure and equipment, correct?</p> <p>13 MR. GALBRAITH: Objection, form.</p> <p>14 A. Again, I am not close to what has</p> <p>15 happened in Alaska.</p> <p>16 Q. (BY MR. COON) Okay. You talked at</p> <p>17 page 4 of your report on the foundation for</p> <p>18 management accountability, and there is what is</p> <p>19 called the BP Management Framework document?</p> <p>20 A. Yep.</p> <p>21 Q. Or the BPMF?</p> <p>22 A. Yes.</p> <p>23 Q. Can you elaborate on that some for us,</p> <p>24 sir?</p> <p>25 A. Well, this is a book which has been</p>  |
| <p style="text-align: right;">Page 408</p> <p>1 If you will look at the bottom of</p> <p>2 the page, you noted that the team understood that</p> <p>3 The Baker Panel was tasked with examining BP's</p> <p>4 safety culture across all of its refineries not</p> <p>5 just Texas City?</p> <p>6 A. That's right.</p> <p>7 Q. Did you have an opportunity to read</p> <p>8 The Baker Panel findings or attend their briefing</p> <p>9 by --</p> <p>10 A. Yes. I read The Baker Panel report and,</p> <p>11 in particular, the executive summary and the</p> <p>12 recommendation section.</p> <p>13 Q. Did it surprise you to see in their</p> <p>14 report that their findings led the panel to believe</p> <p>15 that the problems with BP as it related to process</p> <p>16 safety were ones that permeated the entire</p> <p>17 organization?</p> <p>18 MR. GALBRAITH: Objection, form.</p> <p>19 A. I was not surprised to read this.</p> <p>20 Q. (BY MR. COON) And that the problems with</p> <p>21 Texas City as it relates to process safety, in</p> <p>22 fact, were the same types of process safety</p> <p>23 failures that were being observed at the other</p> <p>24 refineries, correct?</p> <p>25 MR. GALBRAITH: Objection, form.</p>        | <p style="text-align: right;">Page 410</p> <p>1 prepared between, I think, the end of 2002 and</p> <p>2 four -- 2004. And it was created, in particular,</p> <p>3 to create transparency for each leader in BP how</p> <p>4 the accountability is delegated and how the process</p> <p>5 of delegation has to -- to happen.</p> <p>6 Q. Now, in referencing that handbook, did</p> <p>7 you use that as a guideline to what each of the</p> <p>8 various persons that you were interviewing had</p> <p>9 authority to do or what their roles and</p> <p>10 responsibilities should be?</p> <p>11 MR. GALBRAITH: Objection, form.</p> <p>12 A. Yes, sir. And you may remember we gave</p> <p>13 to you a presentation, the presentation we had</p> <p>14 prepared for Ms. Bott and Mr. Bevan in July last</p> <p>15 year, where we have added one page which describes</p> <p>16 the principles of the BPMF, which we felt we need</p> <p>17 to take as a starting point for analyzing</p> <p>18 accountability.</p> <p>19 Q. (BY MR. COON) Mr. Hoffman, I noted in</p> <p>20 your interview statements, felt that BP as a</p> <p>21 company was looking to blame particular individuals</p> <p>22 as opposed to taking on a bigger role of</p> <p>23 responsibility as a corporation as a whole.</p> <p>24 Do you recall that --</p> <p>25 MR. GALBRAITH: Objection, form.</p> |

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| <p style="text-align: right;">Page 411</p> <p>1 Q. (BY MR. COON) -- type of complaint?<br/> 2 A. Yeah, vaguely, vaguely. I need -- if<br/> 3 it's relevant for you, then we need to look at the<br/> 4 interview notes.<br/> 5 Q. All right. We will go back into that,<br/> 6 then.<br/> 7 And then as we go into the next<br/> 8 page, you talk about how your committee or team put<br/> 9 together what's called an accountability matrix?<br/> 10 A. Yes, sir.<br/> 11 Q. Could you elaborate a little bit on what<br/> 12 this matrix is because we will be talking about<br/> 13 where each of these individuals fell in that matrix<br/> 14 in a minute?<br/> 15 A. Well, the matrix is written down. It<br/> 16 starts with a number of questions: Accountability,<br/> 17 what information was available, or the individual<br/> 18 should have gathered, and to what extent they made<br/> 19 use of the information they got.<br/> 20 So this is a -- we wanted to apply<br/> 21 this matrix to anyone so as to come to transparent<br/> 22 conclusions.<br/> 23 Q. So then if we look at it, you -- under<br/> 24 the matrix, you actually listed the various key<br/> 25 aspects of management accountability. And those</p>       | <p style="text-align: right;">Page 413</p> <p>1 Plant at Texas City and the entire site and then<br/> 2 the BP refining SPU and then the entire R&amp;M segment<br/> 3 and then the entire BP group?<br/> 4 A. Well, again, if I may come back to my --<br/> 5 what I consider to be the basic question: Is<br/> 6 Texas City a safe place? This question needed to<br/> 7 be dealt with within this pyramid.<br/> 8 Q. And then you go into efforts to identify<br/> 9 the culture and management accountabilities. You<br/> 10 start making notations.<br/> 11 And the first one is that your<br/> 12 team determined that the accountability delegations<br/> 13 were muddled and confusing throughout the<br/> 14 organization from the ISOM unit all the way up to<br/> 15 the R&amp;M segment leadership?<br/> 16 A. That's right.<br/> 17 Q. What was your concern there or was your<br/> 18 concern there?<br/> 19 A. Well, the key element is actually whether<br/> 20 responsibility and accountability were the same<br/> 21 with the same person. And we found out that, in<br/> 22 particular, when you talk about Don Parus and the<br/> 23 reporting line from Don Parus up to Mr. Hoffman,<br/> 24 who was actually in charge of what. And even after<br/> 25 March 23, it was confusing how the chain of command</p> |
| <p style="text-align: right;">Page 412</p> <p>1 would be the bullets that are identified right<br/> 2 here?<br/> 3 A. Yes, sir.<br/> 4 Q. And then next you go on to talk about the<br/> 5 BP code of conduct. And if you could, again,<br/> 6 elaborate briefly on that, please, sir.<br/> 7 A. Well, the code of conduct is actually<br/> 8 putting together how people in BP have to behave.<br/> 9 Q. If we go on to the next section, you are<br/> 10 talking about the recommendations based on the<br/> 11 matrix. We get to page 6, and we have a pyramid.<br/> 12 It's page 6 of your report.<br/> 13 And your first comments are:<br/> 14 First, many of the management accountability<br/> 15 failings that we discovered permeated the entire BP<br/> 16 organization?<br/> 17 A. That's right.<br/> 18 Q. Can you elaborate on that, please, sir?<br/> 19 A. Well, you know, we used this pyramid or<br/> 20 triangle to indicate. But it is our conviction<br/> 21 that what has happened at ISOM cannot be<br/> 22 disconnected from the rest of the group.<br/> 23 Q. So when you see a lot of the issues<br/> 24 associated with the ISOM, you are saying these are<br/> 25 similar observations that went through the West</p> | <p style="text-align: right;">Page 414</p> <p>1 was actually created.<br/> 2 Q. Did you ever get a sense as to why a<br/> 3 company of the size, breadth, scope, and history of<br/> 4 BP would have such a muddled chain of command?<br/> 5 MR. GALBRAITH: Objection, form.<br/> 6 A. I don't know.<br/> 7 Q. (BY MR. COON) Was it disturbing to you?<br/> 8 A. It was. That's what I am saying here.<br/> 9 Q. And next you go: Second, it was also<br/> 10 apparent -- and you have a parens -- team members<br/> 11 have tested visually -- this being your team<br/> 12 members, correct?<br/> 13 A. Yes.<br/> 14 Q. That the Texas City refinery had not been<br/> 15 adequately maintained for some years prior to 2002.<br/> 16 Did I read that correctly?<br/> 17 A. Yes, sir.<br/> 18 Q. Now, when you say the team members were<br/> 19 tested visually, was there a field inspection at<br/> 20 Texas City? Did you actually go out and look at<br/> 21 the plant?<br/> 22 A. Yeah, we went out and drove around.<br/> 23 Q. And then you made a notation that while<br/> 24 capital spending increased beginning in 2002, the<br/> 25 infrastructure had deteriorated substantially and</p>  |

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| <p style="text-align: right;">Page 415</p> <p>1 it was apparent from the ISOM unit all the way to<br/>2 the leadership that too few resources were directed<br/>3 to this problem.<br/>4 A. That's what we saw.<br/>5 Q. Did you get an understanding as to why<br/>6 the infrastructure or the refinery itself had<br/>7 deteriorated so bad and why it was that too few<br/>8 resources were being directed to fix the problem?<br/>9 A. Which problem?<br/>10 Q. The problem of the deteriorated condition<br/>11 of the infrastructure.<br/>12 A. I think it's a long story. And when you<br/>13 look at various presentations and you can -- in<br/>14 particular, if my memory serves me right, the Good<br/>15 Practice Sharing Report done by A.T. Kearney, the<br/>16 so-called Veba report in 2002, then you see that<br/>17 from the middle of the '90s capital expenses --<br/>18 capital investment and Revex, the so-called revenue<br/>19 expenses or expenditures, went down.<br/>20 And I remember myself. Those are<br/>21 the worst days in the refining business globally,<br/>22 that we had very, very bad, very small margins.<br/>23 And it was only natural that in those days<br/>24 everybody in the industry tried to -- to reduce the<br/>25 cost to bring refineries back to profitability.</p> | <p style="text-align: right;">Page 417</p> <p>1 drive a taxicab for a living?<br/>2 A. Uh-huh.<br/>3 Q. And I am not getting much business right<br/>4 now. My brakes are worn out. I need to replace<br/>5 the brakes or the car might not stop.<br/>6 You've got a car or have a car,<br/>7 don't you?<br/>8 A. Sure, I have.<br/>9 Not -- that's not what I wanted to<br/>10 say.<br/>11 Q. Sure.<br/>12 A. If you want to keep a business because<br/>13 it's required for a corporate strategy, then you<br/>14 have to provide the corresponding means.<br/>15 Q. Sure.<br/>16 So even in times when the profit<br/>17 margins were not what they have been in recent<br/>18 years, the fact that you are not making a lot of<br/>19 money is not a good excuse for not taking care of<br/>20 your equipment, correct?<br/>21 A. You need to be -- you need to be willing<br/>22 to provide the required means. We did it in my<br/>23 company.<br/>24 Q. Sure.<br/>25 A. Although it was a painful matter.</p>  |
| <p style="text-align: right;">Page 416</p> <p>1 Q. Did you know Mr. Valentine who was head<br/>2 of health, safety and environmental at BP at one<br/>3 time or maybe it was Amoco heritage?<br/>4 A. What was the name?<br/>5 Q. Mr. Valentine.<br/>6 A. Never heard his name.<br/>7 Q. There was a quote attributed to him<br/>8 that -- it was to the effect that if you can't<br/>9 conduct your business safely, you shouldn't conduct<br/>10 it at all irrespective of profits.<br/>11 Are you familiar with that quote?<br/>12 A. No, I -- nothing comes to my mind.<br/>13 Q. Sound like a fair business statement: If<br/>14 you can't do business safely, you shouldn't do it<br/>15 at all?<br/>16 A. You know, it's not just money. First you<br/>17 have to ask yourself to what extent an activity,<br/>18 whatever it is, is required for pursuing your<br/>19 long-term strategy to arrive at where you want to<br/>20 be as a company.<br/>21 If you come to the conclusion I<br/>22 need this activity, then you need to provide the<br/>23 corresponding means.<br/>24 Q. Sure.<br/>25 Let me give you an example. Say I</p>   | <p style="text-align: right;">Page 418</p> <p>1 Q. It's painful to lose your profits because<br/>2 you are having to invest it in the infrastructure<br/>3 for sustainability?<br/>4 A. Yes, sir.<br/>5 Q. But, nonetheless, you realize it's more<br/>6 important to have sustainability than it is to have<br/>7 profits?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. You need to be in a safe place with your<br/>10 operations.<br/>11 Q. (BY MR. COON) Sure.<br/>12 It doesn't do you any good to make<br/>13 the profits if you don't have sustainability and<br/>14 you put people at an unnecessary risk of life and<br/>15 limb?<br/>16 MR. GALBRAITH: Objection, form.<br/>17 A. No question about it.<br/>18 Q. (BY MR. COON) And what we saw at<br/>19 Texas City was there was a period of time when<br/>20 reinvestment in the infrastructure deteriorated as<br/>21 a result of the margins. There was a pressure on<br/>22 margins, and the moneys that were devoted to<br/>23 maintenance were reduced?<br/>24 A. Yes, sir.<br/>25 Q. And that was what the Veba report said</p> |

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| <p style="text-align: right;">Page 419</p> <p>1 back in 2002?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And you didn't really need an outside</p> <p>4 consultant to tell you that. If you worked at that</p> <p>5 plant, you already knew, right?</p> <p>6 MR. GALBRAITH: Objection, form.</p> <p>7 A. Obviously.</p> <p>8 Q. (BY MR. COON) Well, sure.</p> <p>9 I mean, you ran plants. You ran</p> <p>10 them very well, didn't you?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And you knew -- from your experience in</p> <p>13 running those plants, you knew when a unit or your</p> <p>14 facility was in good working condition and when it</p> <p>15 wasn't by the nature and number of problems and by</p> <p>16 the reinvestment in your infrastructure?</p> <p>17 MR. GALBRAITH: Objection, form.</p> <p>18 A. Can you repeat? It was a long question.</p> <p>19 Q. (BY MR. COON) Yes, sir.</p> <p>20 You knew when you were leading the</p> <p>21 refineries for Veba, you knew what the conditions</p> <p>22 of your units were based on the problems or lack of</p> <p>23 problems that you were having and based on your</p> <p>24 commitment to capitalizing your infrastructure?</p> <p>25 A. Well --</p>             | <p style="text-align: right;">Page 421</p> <p>1 MR. GALBRAITH: Objection, form.</p> <p>2 A. Well, you see, when you look at such a</p> <p>3 report, then it is -- it is not very substantiated.</p> <p>4 It's very -- of a very general nature. To me, the</p> <p>5 report has some sort of the role of -- let me call</p> <p>6 it a thermometer.</p> <p>7 So the report shows that the</p> <p>8 temperature is in -- is at a pretty high level.</p> <p>9 And then you need to delve very deeply to find out</p> <p>10 what's the reason for the high temperature.</p> <p>11 With such analysis, you invite --</p> <p>12 you invite people to complain. And so I would not</p> <p>13 share your conclusion what you have just said. But</p> <p>14 in a very general way -- and I think I said so</p> <p>15 already in our first meeting last year -- it is a</p> <p>16 worrying paper and reason to take it very</p> <p>17 seriously.</p> <p>18 Q. Well, Mr. Parus, when he commissioned</p> <p>19 this, said he felt it was a very important study.</p> <p>20 Would you agree with him?</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 A. As I said, it's a worrying paper. And in</p> <p>23 any case, it gives you insight how people felt, and</p> <p>24 you need to deal with it.</p> <p>25 Q. (BY MR. COON) Did you have an</p> |
| <p style="text-align: right;">Page 420</p> <p>1 MR. GALBRAITH: Objection, form.</p> <p>2 A. -- as you know, I was in charge of the</p> <p>3 whole company. I am not a refinery expert, but</p> <p>4 that was something we dealt with in a more general</p> <p>5 way. Priority Number 1 is a safe operation. No</p> <p>6 question about it.</p> <p>7 Q. (BY MR. COON) Safety comes first?</p> <p>8 A. Always.</p> <p>9 Q. Safety always comes over profits?</p> <p>10 A. Sure.</p> <p>11 Q. Did you see the Telos Report?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Did it concern you that it was a</p> <p>14 unanimous opinion out of all of those that worked</p> <p>15 at Texas City, the vast majority of the employees,</p> <p>16 that BP Texas City put profits first and put the</p> <p>17 people and safety last?</p> <p>18 MR. GALBRAITH: Objection, form.</p> <p>19 A. I have read the Telos Report, and that</p> <p>20 was a statement done by a number of people</p> <p>21 obviously.</p> <p>22 Q. (BY MR. COON) And was it concerning to</p> <p>23 you in seeing that it was a unanimous opinion by</p> <p>24 broad margins that BP Texas City put profits</p> <p>25 Number 1 and people and safety dead last?</p> | <p style="text-align: right;">Page 422</p> <p>1 opportunity to read the various comments and</p> <p>2 expressions that were given by both the management</p> <p>3 personnel and the hourly workers at the plant?</p> <p>4 A. I only read what was in the report.</p> <p>5 Q. Okay. But you have read all those</p> <p>6 anecdotal statements from --</p> <p>7 A. Yeah, I read the full report, but quite a</p> <p>8 number of months ago.</p> <p>9 Q. And you remember Joe Barnes out at</p> <p>10 Texas City, do you not?</p> <p>11 A. I remember, yeah.</p> <p>12 Q. In fact, you --</p> <p>13 A. I have not met him.</p> <p>14 Q. Okay. He was one of those persons</p> <p>15 interviewed as part of this chain of command,</p> <p>16 accountability audit, was he not?</p> <p>17 A. He was informed -- interviewed by members</p> <p>18 of my team.</p> <p>19 Q. And you knew that Joe Barnes, at the time</p> <p>20 of this explosion, was placed in the role or</p> <p>21 position of director of health and safety for the</p> <p>22 BP Texas City facility?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And you knew from your interview, as well</p> <p>25 as the depositions that he had given, and</p>   |

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| <p style="text-align: right;">Page 423</p> <p>1 Mr. Parus' admissions as well, that Mr. Barnes had<br/>2 no training or experience in process safety?<br/>3 A. That's what I have read.<br/>4 Q. And you know from your experience in the<br/>5 business that Mr. Barnes had no business being in<br/>6 that position at the time of this explosion?<br/>7 MR. GALBRAITH: Objection, form.<br/>8 A. Can you repeat, please?<br/>9 Q. (BY MR. COON) Yes, sir.<br/>10 You knew from your experience in<br/>11 this industry that Mr. Barnes had no business<br/>12 holding that title of head of health and safety and<br/>13 environmental at Texas City at the time of this<br/>14 explosion?<br/>15 A. What do you call "had no business"?<br/>16 Q. Well, do you think he was an appropriate<br/>17 person --<br/>18 A. I see.<br/>19 Q. -- to --<br/>20 A. I see your point.<br/>21 Q. Yes, sir.<br/>22 Do you think he had the<br/>23 credentials to have that title?<br/>24 A. Well, I think from what I have read as<br/>25 his professional background, I think he had very</p>                                   | <p style="text-align: right;">Page 425</p> <p>1 important position of health and safety at a<br/>2 refinery like Texas City?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 A. Again, it's difficult to imagine that I<br/>5 would do so; but as I said before, I was never in<br/>6 charge of refining myself.<br/>7 Q. (BY MR. COON) Sure. I understand that.<br/>8 But it would be your opinion,<br/>9 based on his lack of experience, it would basically<br/>10 be foolhardy to put somebody who has no clue about<br/>11 process safety and no training in process safety in<br/>12 a position that's responsible, the head position<br/>13 for process safety, at that plant?<br/>14 MR. GALBRAITH: Objection, form.<br/>15 A. Let me tell you again. It's my firm<br/>16 conviction that you need to have the required<br/>17 minimum qualification whatever job you are put in.<br/>18 And if you don't have the qualification, you must<br/>19 not put an individual in such -- in such or other<br/>20 jobs.<br/>21 Q. (BY MR. COON) Sure.<br/>22 And that was part of the criticism<br/>23 that you had of Mr. Parus, was that he was making<br/>24 bad decisions with respect to the placement of his<br/>25 personnel, correct?</p> |
| <p style="text-align: right;">Page 424</p> <p>1 little credentials to do this job.<br/>2 Q. You agree from what you have seen out<br/>3 there that he had very poor credentials to qualify<br/>4 him for that role?<br/>5 MR. GALBRAITH: Objection, form.<br/>6 A. What I have read is that he had not the<br/>7 required qualification.<br/>8 Q. (BY MR. COON) Would you ever consider<br/>9 hiring anybody with Mr. Barnes' background and<br/>10 credentials to be head of health and safety, which<br/>11 includes process safety, at a refinery the size of<br/>12 BP Texas City?<br/>13 MR. GALBRAITH: Objection, form.<br/>14 A. Again, you have a very long question.<br/>15 Q. (BY MR. COON) Yes, sir.<br/>16 Would you ever consider, in your<br/>17 experience?<br/>18 A. Oh.<br/>19 Q. Would you ever consider hiring somebody<br/>20 like Mr. Barnes, knowing what his background is and<br/>21 lack of experience was?<br/>22 A. It's difficult to imagine.<br/>23 MR. GALBRAITH: Objection, form.<br/>24 Q. (BY MR. COON) Would you ever put<br/>25 somebody like him with that background in such an</p> | <p style="text-align: right;">Page 426</p> <p>1 MR. GALBRAITH: Objection, form.<br/>2 A. It is something which I think we can<br/>3 observe not only in Texas City but in the group,<br/>4 that people are put in jobs they don't have the<br/>5 qualification for.<br/>6 Q. (BY MR. COON) Sure.<br/>7 And you understand or would agree<br/>8 that in running refineries it's very important to<br/>9 have people that are qualified in positions?<br/>10 A. I agree.<br/>11 Q. And it's very important to have a<br/>12 qualified person in charge of health, safety and<br/>13 environmental when you are running a refinery?<br/>14 A. Yes, sir.<br/>15 Q. And we all agree that Mr. Barnes was not<br/>16 qualified for that position, correct?<br/>17 MR. COON: Objection, form.<br/>18 A. What I have seen, he was not qualified.<br/>19 Q. (BY MR. COON) In fact --<br/>20 A. But, again, I have never met him.<br/>21 Q. But you understood from what everybody<br/>22 said that he lacked any education and training in<br/>23 process safety?<br/>24 MR. GALBRAITH: Objection, form.<br/>25 A. He lacked -- yeah.</p>   |

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| <p style="text-align: right;">Page 427</p> <p>1 Q. (BY MR. COON) And, therefore, he was not<br/>2 qualified, based on everything you have seen, to<br/>3 hold the title of head of safety throughout any --<br/>4 A. Again, what I have seen and read --<br/>5 MR. GALBRAITH: Objection, form.<br/>6 Give me an opportunity to insert<br/>7 an objection.<br/>8 THE WITNESS: I am sorry.<br/>9 MR. GALBRAITH: I will try not to<br/>10 be disruptive, but do need to --<br/>11 THE WITNESS: I am sorry.<br/>12 MR. GALBRAITH: -- ask for that<br/>13 opportunity.<br/>14 THE WITNESS: I am sorry.<br/>15 Q. (BY MR. COON) Now, we are talking, also,<br/>16 Mr. Bonse, about the condition of the refinery.<br/>17 Someone such as a business unit leader or somebody<br/>18 on the leadership team at the facility would -- you<br/>19 would expect them to have a pretty good fundamental<br/>20 understanding of the condition of their refinery at<br/>21 any given time, would you not, sir?<br/>22 A. Yes, sir.<br/>23 Q. Okay. And you would expect leadership of<br/>24 a refinery to know, for example, if they have<br/>25 significant deterioration with their</p> | <p style="text-align: right;">Page 429</p> <p>1 mitigating factors? What are you talking about?<br/>2 A. Well, as you will find out, in particular<br/>3 within the corresponding matrix but also as<br/>4 described in the booklet, we found many, many<br/>5 instances that people from their knowledge and from<br/>6 their experience, those four should have acted to<br/>7 make Texas City a safe place.<br/>8 Q. Okay. Would it be fair to state that<br/>9 when you looked at all of these individuals with<br/>10 respect to accountability that you were weighing<br/>11 the pros and cons of their decision-making and that<br/>12 the things that favored them and favored retention<br/>13 of those employees at BP were the things that you<br/>14 would call the mitigating factors?<br/>15 A. Yeah.<br/>16 Q. And then the things that you felt they<br/>17 did wrong from a management or accountability<br/>18 standpoint would be the things that you would call<br/>19 the aggravating factors?<br/>20 A. Yes, sir.<br/>21 Q. So then when you looked at each of these<br/>22 individuals, if we look -- say we look at scales,<br/>23 are you familiar with scales?<br/>24 A. Yes, sir.<br/>25 Q. Where you have trays on either side?</p> |
| <p style="text-align: right;">Page 428</p> <p>1 infrastructure?<br/>2 A. Yes, sir.<br/>3 Q. Okay. Let's next go -- if we can, skip<br/>4 over to page 8, Mr. Bonse.<br/>5 A. Uh-huh.<br/>6 Q. You have -- this is when you're talking<br/>7 about the tiers, the matrix. You have four<br/>8 categories that you put these people in, correct?<br/>9 A. Yes, sir.<br/>10 Q. And this is at page 8. So if we look at<br/>11 the categories, Tier 1, 2, 3, and 4, you describe<br/>12 what each of these tiers is; and then you put<br/>13 individuals in each of these categories<br/>14 accordingly, correct?<br/>15 A. Yes, sir.<br/>16 Q. So in this case, for Tier 1, your<br/>17 description was: Direct accountability for<br/>18 substantial management activities, aggravating<br/>19 factors generally outweigh mitigating factors.<br/>20 And then you listed these four<br/>21 people that fit that description, correct?<br/>22 A. Yes, sir.<br/>23 Q. Can you explain to us what we are talking<br/>24 about here when you look at this description when<br/>25 we are talking about aggravating factors and</p>  | <p style="text-align: right;">Page 430</p> <p>1 A. Yep.<br/>2 Q. You would basically stack up all the<br/>3 weighing of what you would call the mitigating<br/>4 factors on one scale and all the things you would<br/>5 call the aggravating factors on the other scale and<br/>6 see which way the scales tipped?<br/>7 A. Yes, sir. This has been applied for all<br/>8 tiers.<br/>9 Q. And in doing that, you felt that with<br/>10 respect to Mr. Hoffman and Mr. Gower and Mr. Parus<br/>11 and Mr. Willis that the scales -- after looking at<br/>12 all the facts, the scales tipped very heavily in<br/>13 support of termination?<br/>14 A. Yeah. The aggravating factors were<br/>15 outweighing the mitigating ones.<br/>16 Q. Substantially outweighing the mitigating.<br/>17 It wasn't like it just tipped one way. It was<br/>18 substantially weighed against keeping them as an<br/>19 employee?<br/>20 A. Yes, sir.<br/>21 MR. GALBRAITH: Objection, form.<br/>22 Q. (BY MR. COON) Okay. Then you have the<br/>23 next tier, which is what you call direct<br/>24 accountability for substantial management<br/>25 activities; and there is a balance of aggravating</p>   |

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| <p style="text-align: right;">Page 431</p> <p>1 and mitigating factors. And you don't have anybody<br/>2 in that block on the primary report, correct?<br/>3 A. Yes, sir.<br/>4 Q. And as we go back through and look at<br/>5 your supplemental report, we will see that you have<br/>6 placed Mr. Manzoni at that Tier 2 level, correct?<br/>7 A. Yes, sir.<br/>8 Q. And let's next go to the third tier,<br/>9 which is where you felt there was accountability<br/>10 either directed or shared for management<br/>11 activities. And in those individuals you felt that<br/>12 the mitigating factors outweigh aggravating factors<br/>13 or other considerations; and you listed Ms. Lucas,<br/>14 Mr. Barnes, and Mr. Ralph there, correct?<br/>15 A. Yes, sir.<br/>16 Q. And with Ms. Lucas, as I recall, the main<br/>17 reason or compelling reason that you felt that she<br/>18 should stay on board and not blame her too much was<br/>19 that she was new to that job site?<br/>20 MR. GALBRAITH: Object --<br/>21 Q. (BY MR. COON) She had been there a<br/>22 couple of months?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Well, she started, to my memory, on<br/>25 January 15th. So she was just in this job for two</p> | <p style="text-align: right;">Page 433</p> <p>1 A. It is hard.<br/>2 Q. (BY MR. COON) And you also recognized<br/>3 that with respect to Mr. Barnes, he was not<br/>4 qualified to be there in the first place and he was<br/>5 not in an educational and training position to<br/>6 understand what it was he was to look for in the<br/>7 first place?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. Yes, sir.<br/>10 Q. (BY MR. COON) So it's like, "Let's not<br/>11 blame Mr. Barnes for being ignorant of things he<br/>12 needed to look for knowing that he was ignorant of<br/>13 what to look for"?<br/>14 MR. GALBRAITH: Objection, form.<br/>15 A. Yeah. Actually he was not, from our --<br/>16 from our perspective, an analysis. He didn't have<br/>17 the qualification to do this job properly.<br/>18 Q. (BY MR. COON) And everybody that you saw<br/>19 felt like he was a nice guy and he was a people<br/>20 person, right?<br/>21 A. That's what I have been told. But as I<br/>22 said, I never met him.<br/>23 Q. He just did not have the requisite skills<br/>24 to be in that position?<br/>25 A. Obviously.</p>                       |
| <p style="text-align: right;">Page 432</p> <p>1 months.<br/>2 Q. (BY MR. COON) Now, with respect to<br/>3 Mr. Barnes, is it fair to say that he also had just<br/>4 been in that role in a relatively short period of<br/>5 time and also in recognition of the fact that he<br/>6 was just in way over his head?<br/>7 MR. GALBRAITH: Objection, form.<br/>8 A. That's right.<br/>9 Q. (BY MR. COON) So he just basically<br/>10 didn't know better. He was in so far over his<br/>11 head, it was hard to blame him for things he wasn't<br/>12 seeing because he didn't know enough to see them in<br/>13 the first place?<br/>14 MR. GALBRAITH: Objection, form.<br/>15 A. Can you repeat the second phrase?<br/>16 Q. (BY MR. COON) Yes, sir.<br/>17 With respect to Mr. Barnes, you<br/>18 had a recognition that one is: He had just been<br/>19 there recently. That was something that favored<br/>20 him?<br/>21 A. That's right.<br/>22 Q. It's hard to blame him for a long history<br/>23 of process safety and other failures when he had<br/>24 just received that title, correct?<br/>25 MR. GALBRAITH: Objection, form.</p>  | <p style="text-align: right;">Page 434</p> <p>1 Q. So your recommendation for somebody like<br/>2 Mr. Barnes would be, "Let's not fire him for his<br/>3 involvement. Let's put him in a position he is<br/>4 capable of handling"?<br/>5 A. Yes, sir.<br/>6 Q. Now, with respect to Bill Ralph,<br/>7 Mr. Ralph was arguably the smartest guy at the<br/>8 plant with respect to process safety, would you<br/>9 agree with that from what you found out?<br/>10 A. He was very knowledgeable as far as PSM<br/>11 was concerned.<br/>12 Q. And, in fact, your investigation<br/>13 reflected that he had almost a chip on his<br/>14 shoulder, so to speak, about frustrations over many<br/>15 years of crying about process safety and nobody<br/>16 responded to it?<br/>17 MR. GALBRAITH: Objection, form.<br/>18 A. That's right.<br/>19 Q. (BY MR. COON) And he had an ability to<br/>20 see all these problems and did see all these<br/>21 problems and confronted management many times about<br/>22 it and felt that he was not being listened to.<br/>23 You got that impression from him,<br/>24 correct?<br/>25 MR. GALBRAITH: Objection, form.</p> |

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1 A. Yeah. We -- sometimes we call it, "It  
2 was a lonely voice."  
3 Q. (BY MR. COON) Sir?  
4 A. It was a lonely voice.  
5 Q. A lonely voice?  
6 A. Not heard.  
7 Q. And you -- I would assume that, based on  
8 what you know today, you wished that BP would have  
9 listened to him so that he would not have been that  
10 lonely voice in the woods?  
11 MR. GALBRAITH: Objection, form.  
12 A. At least the Texas City management should  
13 have listened to him.  
14 Q. (BY MR. COON) In fact, if you look at  
15 his deposition and his documents, there was a long  
16 history of specific complaints by Mr. Ralph that  
17 the facility just did not have a proper  
18 appreciation for process safety management?  
19 A. The what?  
20 MR. GALBRAITH: Objection, form.  
21 Q. (BY MR. COON) Process -- for process  
22 safety management.  
23 A. Did not have the appreciation? Who?  
24 Q. That Texas City did not, that the  
25 management --

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1 A. Okay.  
2 Q. -- did not?  
3 A. That's right.  
4 Q. In fact, he was very specific of his  
5 criticism of Mr. Parus, was he not?  
6 MR. GALBRAITH: Objection, form.  
7 A. That's what he said.  
8 Q. (BY MR. COON) And he told your team  
9 that, in his opinion from all his dealings with  
10 Mr. Parus and conversations that he had with him,  
11 that Mr. Parus just did not really appreciate  
12 process safety?  
13 A. That's what he has said.  
14 Q. And did that surprise you?  
15 A. To some extent, yes. But I think we also  
16 mentioned that it became, at least what I have  
17 heard, he presented his views in a way that it also  
18 helped his career. He wanted to be part of the  
19 management team and maybe even had the intention --  
20 it's speculation on my side -- to get a higher job  
21 grade. And, you know, what I have learned in my  
22 life, it is sometimes very harmful for your  
23 credibility if you come up presenting your views in  
24 a way which involves also a strong personal element  
25 to your own benefit.

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1 Q. And with respect to Mr. Parus and, for  
2 that matter, all the business unit leaders, you  
3 found some failings with respect to the motivators  
4 for the plant managers as it related to the  
5 compensation plans?  
6 MR. GALBRAITH: Objection, form.  
7 A. Can you repeat the question?  
8 Q. (BY MR. COON) Yes, sir.  
9 You understand that BP rewarded  
10 their plant managers for profitability?  
11 A. I think not only profitability. I think  
12 reliability. Also safety aspects were a part of  
13 their performance contract.  
14 Q. And when we talk about safety,  
15 reliability and profitability, profitability was  
16 the amount of money that the facility made in a  
17 given year, correct? That's the profits?  
18 A. Yeah, yeah. But what I'm -- why I am  
19 hesitating a bit is because I don't know to what  
20 extent the plant managers actually were rewarded to  
21 according to the profitability of the plant.  
22 Q. Okay. Now, you also talked about  
23 reliability; that is, they were rewarded for  
24 keeping the units running?  
25 A. Yes, sir.

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1 Q. That's the reliability. When you talk  
2 about "reliable," it means how often is it running?  
3 A. Yes.  
4 Q. You don't want your units breaking down  
5 because you are losing the ability to make the  
6 product and sell it?  
7 A. Of course.  
8 Q. And, in fact, within the industry, you  
9 have what's called the Solomon benchmarking that  
10 rates each refinery based on how well it is running  
11 and how often it's online?  
12 A. Yeah, there are several criteria which  
13 Solomon -- Solomon applies.  
14 Q. And with respect to performance and  
15 reliability, you look at turnarounds as a primary,  
16 I guess, gap in reliability; that is, you have to  
17 shut a unit down --  
18 A. Yeah. You --  
19 Q. -- to have time for repairs?  
20 A. You are required to do so from time to  
21 time.  
22 Q. And there's no law that requires a  
23 specific amount of time. You just have to shut it  
24 down when you need to fix them, right?  
25 A. Yeah.

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| <p style="text-align: right;">Page 439</p> <p>1 Q. That's a subjective barometer?</p> <p>2 A. Yeah, I think that's something which is</p> <p>3 building on experience. And yeah, it varies, to my</p> <p>4 knowledge --</p> <p>5 Q. And --</p> <p>6 A. -- across the industry.</p> <p>7 Q. And you would agree that within the</p> <p>8 industry, generally, there has been an extension of</p> <p>9 that amount of time between turnarounds, as the</p> <p>10 various refineries compete against one another, to</p> <p>11 stay in the higher levels of the Solomon</p> <p>12 benchmarking?</p> <p>13 MR. GALBRAITH: Objection, form.</p> <p>14 Q. (BY MR. COON) That is, they put off</p> <p>15 turnarounds so that they could maximize their</p> <p>16 reliability?</p> <p>17 MR. GALBRAITH: Objection, form.</p> <p>18 A. Yeah, I think that's something -- it's a</p> <p>19 trade off. You know, on the one hand, the longer</p> <p>20 you wait to have a turnaround, the bigger the risk</p> <p>21 that you have a breakdown which can be more costly</p> <p>22 than the turnaround.</p> <p>23 So it's something which is</p> <p>24 building on the individual experience and the</p> <p>25 individual configuration of the refinery.</p> | <p style="text-align: right;">Page 441</p> <p>1 talk about the safety barometer, we are talking</p> <p>2 primarily about personal safety and not process</p> <p>3 safety as a measure, correct?</p> <p>4 A. In BP, a long time, safety was focusing</p> <p>5 on personal safety, yes.</p> <p>6 Q. All right. There was a major focus</p> <p>7 within the BP system as a driver to reduce the</p> <p>8 number of lost days from work for personal injuries</p> <p>9 from people not wearing steel-toed shoes and</p> <p>10 crushing their foot or not wearing their safety</p> <p>11 glasses and getting something in their eye or</p> <p>12 falling off a scaffold because it wasn't attached.</p> <p>13 Those types of things are personal</p> <p>14 safety, correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And plants and managers were rewarded</p> <p>17 based on reducing the number of those days that</p> <p>18 they had lost time with the personnel from getting</p> <p>19 hurt on the job?</p> <p>20 A. It's always been one part of the</p> <p>21 performance contract.</p> <p>22 Q. And there was nothing in the performance</p> <p>23 contracts dealing with process safety, was there,</p> <p>24 sir?</p> <p>25 A. I haven't found anything like this.</p> |
| <p style="text-align: right;">Page 440</p> <p>1 Q. (BY MR. COON) And, in fact, some of</p> <p>2 those very indicators came out of Veba or</p> <p>3 Grangemouth in a study done prior to Texas City,</p> <p>4 didn't it?</p> <p>5 A. What did it?</p> <p>6 Q. The reinvestment? There was a study</p> <p>7 done --</p> <p>8 A. Yeah.</p> <p>9 Q. -- that dealt with the reinvestment cost?</p> <p>10 MR. GALBRAITH: Objection, form.</p> <p>11 Q. (BY MR. COON) And there was a</p> <p>12 determination that if you push that envelope out</p> <p>13 too far, it actually cost more even though you run</p> <p>14 less because your equipment breaks down too often?</p> <p>15 A. That's --</p> <p>16 MR. GALBRAITH: Objection, form.</p> <p>17 A. That's actually what I said before.</p> <p>18 Q. (BY MR. COON) And so the long-term</p> <p>19 consequence of pushing off your turnarounds,</p> <p>20 there's a greater likelihood of an unscheduled</p> <p>21 interruption of service?</p> <p>22 MR. GALBRAITH: Objection, form.</p> <p>23 A. It may. It may. It's not necessarily</p> <p>24 the case.</p> <p>25 Q. (BY MR. COON) Okay. Now, when we also</p>   | <p style="text-align: right;">Page 442</p> <p>1 Q. And, in fact, if you are a plant manager,</p> <p>2 you actually had a disincentive to look at process</p> <p>3 safety because what that meant was that you had to</p> <p>4 spend a bunch of your money, that ate up your</p> <p>5 profits to repair things?</p> <p>6 MR. GALBRAITH: Objection, form.</p> <p>7 A. I wouldn't call it a disincentive</p> <p>8 because, on the other hand, you have to -- in your</p> <p>9 performance contract, the -- you have agreed to a</p> <p>10 certain performance of a plant. And if you ever</p> <p>11 break down, then you cannot -- you don't have the</p> <p>12 plant performing as agreed upon in the performance</p> <p>13 contract.</p> <p>14 Q. (BY MR. COON) Okay.</p> <p>15 MR. GALBRAITH: How are we doing</p> <p>16 on time?</p> <p>17 MR. COON: We're about an hour and</p> <p>18 20 into it.</p> <p>19 MR. GALBRAITH: Why don't we take</p> <p>20 a break? I mean --</p> <p>21 MR. COON: That's fine, whenever</p> <p>22 you are ready.</p> <p>23 MR. GALBRAITH: Okay.</p> <p>24 MR. COON: I am trying to get</p> <p>25 y'all out in four hours.</p>  |

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| <p style="text-align: right;">Page 443</p> <p>1 MR. GALBRAITH: I understand. How<br/>2 about just two or three minutes?<br/>3 MR. COON: That's fine.<br/>4 THE WITNESS: I think the tape is<br/>5 running longer than the last time.<br/>6 THE VIDEOGRAPHER: We are off the<br/>7 record at 2:17 p.m.<br/>8 (Recess taken.)<br/>9 THE VIDEOGRAPHER: We are back on<br/>10 the record at 2:30 p.m. with the beginning of Tape<br/>11 Number 2.<br/>12 Q. (BY MR. COON) Mr. Bonse, we just took a<br/>13 break. We were talking about these four categories<br/>14 of individuals in your accountability report. And<br/>15 in the Tier 4s, we talked about -- actually we<br/>16 talked about Tier 3s. Now we are going down to<br/>17 Tier 4s: Rick Hale, Ray Hawkins, and Rich Peltier.<br/>18 And when you look at this, as I<br/>19 understand, for those four -- for those three<br/>20 individuals, you felt that in looking at them they<br/>21 either had no accountability at the time of the<br/>22 disaster even though they had been -- they had<br/>23 perviously held some accountability?<br/>24 A. Yes, sir.<br/>25 Q. So you pretty much discounted those three</p> | <p style="text-align: right;">Page 445</p> <p>1 A. Yes, sir.<br/>2 Q. Did the comments from people talking<br/>3 about "the Willie Willis way" indicate to you that<br/>4 Mr. Willis was pretty entrenched about how he did<br/>5 things, and he didn't want to hear from people --<br/>6 A. He was --<br/>7 Q. -- any outside influence?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. He was what?<br/>10 Q. (BY MR. COON) That he was entrenched<br/>11 with his position?<br/>12 A. Entrance?<br/>13 Q. Entrenched.<br/>14 A. Entrenched, yeah.<br/>15 Q. Entrenched, that he wanted to do it his<br/>16 own way. He was stubborn.<br/>17 A. That's right.<br/>18 Q. Did you pick up on that perception about<br/>19 Mr. Willis?<br/>20 A. Yes, I did.<br/>21 Q. Did you feel that that was a bad<br/>22 character trait to have in the position he held?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. I wouldn't call it -- qualify it bad<br/>25 habit, but I think it was not appropriate.</p>  |
| <p style="text-align: right;">Page 444</p> <p>1 individuals from any serious role in the<br/>2 investigation?<br/>3 A. Right.<br/>4 Q. And, for instance, you cite with<br/>5 Mr. Peltier that he had actually tried to do a<br/>6 proper hand over to Mr. Willis when Mr. Willis took<br/>7 over his position, but Mr. Willis ignored that<br/>8 request?<br/>9 MR. GALBRAITH: Objection, form.<br/>10 A. That's what I -- what we have heard,<br/>11 yeah.<br/>12 Q. (BY MR. COON) Okay. And you have had<br/>13 enough experience in this field to know that a good<br/>14 hand over or passing of the baton is a good idea<br/>15 when somebody is replacing someone else?<br/>16 A. I consider this to be a requirement.<br/>17 Q. And you understood in this case, for<br/>18 whatever reasons, Mr. Willis didn't really want<br/>19 much of Mr. Peltier's help or assistance in that<br/>20 transition?<br/>21 MR. GALBRAITH: Objection, form.<br/>22 A. I have not -- I don't know why he didn't.<br/>23 Q. (BY MR. COON) You made a number of<br/>24 statements in your reports or in the interviews<br/>25 that was called "the Willie Willis way"?</p>                   | <p style="text-align: right;">Page 446</p> <p>1 Q. (BY MR. COON) And was that one of the<br/>2 considerations you lent to the scales of the<br/>3 balancing of Mr. Willis that lent towards<br/>4 termination?<br/>5 A. It has -- it has contributed, yes.<br/>6 Q. Okay. Next we go to page 9, and that<br/>7 lists the Tier 3. We have already kind of talked<br/>8 about them, though, because they were listed before<br/>9 Tier 4 in your report. But again, in summary, when<br/>10 you listed the Tier 3s being Ms. Lucas, Mr. Barnes<br/>11 and Mr. Ralph, we talked about the reasons that you<br/>12 put them in Tier 3 awhile ago.<br/>13 And again, they are outlined on<br/>14 the next page when you talk about Mr. Barnes just<br/>15 being placed in a role that he had no training for,<br/>16 correct?<br/>17 A. Right.<br/>18 Q. And Mr. Ralph, you said he had attempted<br/>19 to sound the alarm for process safety risk at the<br/>20 refinery but in many respects his voice was not<br/>21 heard?<br/>22 A. That's what I have said.<br/>23 Q. And then with Kathleen Lucas, you had<br/>24 observed also that she had just come back to the<br/>25 plant in January of 2005, correct?</p> |

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| <p style="text-align: right;">Page 447</p> <p>1 A. Yes, sir.</p> <p>2 Q. Then you made another interesting</p> <p>3 comment. You said, "She had last worked at the</p> <p>4 site in 1995, and she was appalled by the general</p> <p>5 state of disrepair when she returned."</p> <p>6 Do you recall that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you have an opportunity to personally</p> <p>9 talk with Ms. Lucas at any point during your</p> <p>10 investigation?</p> <p>11 A. Yes, I was present when we had an</p> <p>12 interview.</p> <p>13 Q. And you were aware from your discussions</p> <p>14 with her that she had a pretty important role out</p> <p>15 there back in the late '80s through the mid-'90s</p> <p>16 and then was transferred somewhere else?</p> <p>17 A. She was transferred to Australia.</p> <p>18 Q. And she ended up, I think, becoming a</p> <p>19 business unit leader at Kwinana, Australia at some</p> <p>20 point?</p> <p>21 A. I think at the end of her career in</p> <p>22 Australia she was -- she was a BUL.</p> <p>23 Q. And she was transferred back over to</p> <p>24 Texas City to help provide some additional support</p> <p>25 for Mr. Parus in early 2005?</p> | <p style="text-align: right;">Page 449</p> <p>1 she tells y'all that when she got there she was</p> <p>2 appalled by the condition of the facility?</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 A. Yes, that's what she said.</p> <p>5 Q. (BY MR. COON) And this was her</p> <p>6 observation of the deteriorated condition of the</p> <p>7 plant in the ten years that she had been gone?</p> <p>8 A. I think that was the reason why.</p> <p>9 Q. Did she give you any kind of insight as</p> <p>10 to what she did about that when she comes out and</p> <p>11 she is Number 2 at the plant now and she sees how</p> <p>12 bad the condition of the plant is?</p> <p>13 A. What I -- what I remember was she -- she</p> <p>14 found out that many inspections were overdue. So</p> <p>15 she increased a number of inspectors. She said all</p> <p>16 fires were reported, not only those where the fire</p> <p>17 brigade had been alarmed. Those are the two items</p> <p>18 I remember.</p> <p>19 Q. And you understand what with the fire</p> <p>20 brigade alone, that having fires at a refinery is</p> <p>21 not a good idea?</p> <p>22 A. No, it is certainly not.</p> <p>23 Q. It's not where you want to go for a</p> <p>24 marshmallow roast, is it?</p> <p>25 A. For what?</p> |
| <p style="text-align: right;">Page 448</p> <p>1 A. That's right.</p> <p>2 Q. And I think that was a request suggested</p> <p>3 by Mr. Hale, wasn't it?</p> <p>4 MR. GALBRAITH: Objection, form.</p> <p>5 A. Not -- not to my memory.</p> <p>6 Q. (BY MR. COON) Or Mr. Gower maybe?</p> <p>7 A. I think it was -- if my memory serves me</p> <p>8 right, it was an agreement between Hoffman and --</p> <p>9 Q. Gower?</p> <p>10 A. -- Gower.</p> <p>11 Q. Yeah, I think you are right.</p> <p>12 A. That he should have her as a -- to his</p> <p>13 support and be in charge of operation management.</p> <p>14 Q. Now, Ms. Lucas made this comment that she</p> <p>15 was appalled by the general state of disrepair when</p> <p>16 she returned.</p> <p>17 So basically she was there for a</p> <p>18 number of years. She leaves in 1995. She never</p> <p>19 comes back and sees that plant again for a decade?</p> <p>20 A. Yes.</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 Q. (BY MR. COON) You would say 1995 to 2005</p> <p>23 is about a decade, right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And so when she comes back in ten years,</p>  | <p style="text-align: right;">Page 450</p> <p>1 Q. For a marshmallow roast?</p> <p>2 A. What is a marshmallow roast?</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 Q. (BY MR. COON) How about it's not a good</p> <p>5 place to go for a weiner roast?</p> <p>6 MR. GALBRAITH: Objection, form.</p> <p>7 A. For what?</p> <p>8 Q. (BY MR. COON) How about it's not a good</p> <p>9 place to go for a barbeque?</p> <p>10 MR. GALBRAITH: Objection, form.</p> <p>11 Q. (BY MR. COON) You don't want a campfire?</p> <p>12 You don't want to have a campfire out there --</p> <p>13 A. No, certainly not.</p> <p>14 Q. -- at the plant, do you?</p> <p>15 A. If you don't permit smoking in the</p> <p>16 refinery, you should not have fires.</p> <p>17 Q. That's right.</p> <p>18 And the reason you don't want any</p> <p>19 kind of fires out there is because you have all of</p> <p>20 these different hydrocarbon sources that can blow</p> <p>21 up and kill people and blow your plant to kingdom</p> <p>22 come, right?</p> <p>23 A. Yes.</p> <p>24 MR. GALBRAITH: Objection, form.</p> <p>25 Q. (BY MR. COON) And you were personally</p>  |

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| <p style="text-align: right;">Page 451</p> <p>1 made aware of the alarming number of fires that had<br/>2 been occurring out there for a number of years?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 A. I think there have been many fires, yeah.<br/>5 Q. (BY MR. COON) In fact, the Veba report<br/>6 that you had access to -- you read that, didn't<br/>7 you, the Veba report, the Good Sharing Practices<br/>8 Report of 2002, the A.T. Kearney report?<br/>9 A. Yes, and they explicitly address --<br/>10 Q. Sure.<br/>11 A. -- the number of fires.<br/>12 Q. And they said in that report that there<br/>13 was an alarming number of fires and that created a<br/>14 greatly increased incidence of a catastrophic<br/>15 explosion?<br/>16 A. That's right.<br/>17 Q. And it was on the nature of one or two<br/>18 every week that were reported out there, right?<br/>19 A. I don't know whether it -- it was, I<br/>20 think, around one fire per week.<br/>21 Q. And the other concern that was noted was<br/>22 that was the number of fires that were reported,<br/>23 and you were made aware from the Veba report and<br/>24 from the interviews that there were many fires that<br/>25 were never even reported?</p> | <p style="text-align: right;">Page 453</p> <p>1 valves, and other things that had deteriorated over<br/>2 time?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 A. I would guess the main reason is<br/>5 corrosion.<br/>6 Q. (BY MR. COON) Sir?<br/>7 A. I would guess the main reason for<br/>8 uncontrolled leaks is corrosion.<br/>9 Q. Right.<br/>10 And that is that corrosion,<br/>11 atmospheric corrosion from a plant being on the<br/>12 Gulf of Mexico and the conditions associated with<br/>13 the ocean can cause some corrosion, and then you<br/>14 also have the chemicals and the process that you<br/>15 are using. And as a result of those processes,<br/>16 they eat up a lot of the pipe, too, don't they?<br/>17 MR. GALBRAITH: Objection, form.<br/>18 A. Corrosion has many reasons or may have<br/>19 many reasons.<br/>20 Q. (BY MR. COON) And the corrosion is<br/>21 something that can and should be prevented,<br/>22 correct?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Of course.<br/>25 Q. (BY MR. COON) Proper maintenance</p>  |
| <p style="text-align: right;">Page 452</p> <p>1 A. That's what I have heard.<br/>2 Q. So not only did you have so many fires<br/>3 out there that these outside consultants say<br/>4 there's a grave risk of an explosion, but you also<br/>5 then found out that there were a lot of fires out<br/>6 there that the consultants didn't even know about<br/>7 because they were unreported --<br/>8 MR. GALBRAITH: Object --<br/>9 Q. (BY MR. COON) -- so the problem was even<br/>10 worse than Veba thought it was?<br/>11 MR. GALBRAITH: Objection, form.<br/>12 Q. (BY MR. COON) And Veba thought it was<br/>13 really bad?<br/>14 MR. GALBRAITH: Objection, form.<br/>15 A. That's what I have heard from them, yeah.<br/>16 Q. (BY MR. COON) And the primary reason<br/>17 that you would have so many fires is because of the<br/>18 unanticipated release of hydrocarbons; that is,<br/>19 they get out of the piping?<br/>20 MR. GALBRAITH: Objection, form.<br/>21 A. Yeah. It was the uncontrolled release,<br/>22 yeah.<br/>23 Q. (BY MR. COON) And these uncontrolled<br/>24 releases, where you were having leaks and other<br/>25 things that were just coming through bad pipes, bad</p>                                  | <p style="text-align: right;">Page 454</p> <p>1 eliminates the risk of corrosion resulting in<br/>2 leaks, does it not?<br/>3 A. No question at all.<br/>4 Q. Okay. Next, sir, we go to your Tier 1<br/>5 individuals, bottom of page 9. You explain in your<br/>6 report the four people you put there, being<br/>7 Hoffman, Gower, Parus, and Willis?<br/>8 A. Yes, sir.<br/>9 Q. Now, Mr. Hoffman was Number 3 in the<br/>10 refining sector and was over in London, correct?<br/>11 A. Yes, sir.<br/>12 Q. And if we look at this chain of command,<br/>13 Mr. Willis was the MDL at Texas City in the West<br/>14 Plant, wasn't he?<br/>15 A. Yeah. He was the so-called manufacturing<br/>16 delivery leader.<br/>17 Q. MDL?<br/>18 A. The MDL for the West Plant.<br/>19 Q. And he reported to Don Parus?<br/>20 A. That's actually -- I am not sure about<br/>21 it. I think it was the intention that he would<br/>22 report to Ms. Lucas in March, '04 -- '05 but on the<br/>23 other hand, Don Parus wanted to have access to the<br/>24 MDL. So that was one of the muddled organizations.<br/>25 Q. Right.</p> |

25 (Pages 451 to 454)

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| <p style="text-align: right;">Page 455</p> <p>1           Until Ms. Lucas came out,<br/>2 Mr. Willis reported directly to Mr. Parus?<br/>3     A. I think that's right.<br/>4     Q. Then she came out two months before the<br/>5 explosion, Ms. Lucas did, and she was supposed to<br/>6 be a buffer for some things; but sometimes that<br/>7 buffer wasn't working?<br/>8           MR. GALBRAITH: Objection, form.<br/>9     A. Well, that's what I believe was the case.<br/>10    Q. (BY MR. COON) And then you have<br/>11 Mr. Parus as the plant manager or the business unit<br/>12 leader reporting to Mr. Gower in Chicago?<br/>13    A. Yeah, one -- to one extent he was<br/>14 reporting to Mr. Gower. On the other hand, his<br/>15 performance contract was signed by Mr. Hoffman.<br/>16    Q. Did you ever get an understanding as to<br/>17 why you would have had, for instance, Mr. Parus who<br/>18 is the plant manager who is an employee of BP North<br/>19 America headquartered in Chicago doing any direct<br/>20 reporting or reviewing to Mike Hoffman who is an<br/>21 employee of BP PLC in London, not even the same<br/>22 company?<br/>23           MR. GALBRAITH: Objection, form.<br/>24    A. Well, that's typical for BP; and we are<br/>25 struggling with this and have struggled in Europe</p> | <p style="text-align: right;">Page 457</p> <p>1 of the other persons in terms of something less<br/>2 than termination for Mr. Barnes or other people,<br/>3 that they just be disciplined in some manner other<br/>4 than termination like demotion or --<br/>5     A. I can tell you that we had a lot of<br/>6 debate. But we came to the conclusion that we<br/>7 should only make a difference between, on the one<br/>8 hand, continuing to work for BP but maybe in a<br/>9 different role like Barnes, for instance, or to<br/>10 terminate.<br/>11    Q. So, for instance, Mr. Barnes' problem was<br/>12 already fixed. You felt that he had been promoted<br/>13 to a position he shouldn't have because he was,<br/>14 through no fault of his own, he was incompetent to<br/>15 hold that position; but by the time y'all got out<br/>16 there, he had already been demoted back to<br/>17 something that you felt he could handle?<br/>18           MR. GALBRAITH: Objection, form.<br/>19    A. I don't know whether he has been demoted;<br/>20 but he has been moved to a different role, I think,<br/>21 in upstream, in a different segment.<br/>22    Q. (BY MR. COON) Now, when we go to these<br/>23 individuals, you then set out for each one of them<br/>24 things that you observed about them. So if we<br/>25 start out with page 10 on "Disciplinary</p> |
| <p style="text-align: right;">Page 456</p> <p>1 as well, that you have a management structure<br/>2 within BP which is totally different from the legal<br/>3 structure. And as I told you in our previous<br/>4 meeting, it was one of my main duties as a CEO to<br/>5 make sure that there is consistency between<br/>6 compatibility -- I will put it this way,<br/>7 compatibility between the management structure and<br/>8 the leader structure.<br/>9     Q. (BY MR. COON) And as we go to page 9 of<br/>10 your report, Mr. Bonse, you list those four<br/>11 individuals and you said you put all of them there<br/>12 because it was the unanimous conclusion of your<br/>13 team that each of those persons failed to perform<br/>14 their duties in a manner consistent with BP's<br/>15 expectations and, as a result, should be<br/>16 terminated?<br/>17    A. That's what we say in our report.<br/>18    Q. And then you go on to elaborate on each<br/>19 of them later in your report, correct?<br/>20    A. Yes, sir.<br/>21    Q. And that would start at page 10, and this<br/>22 is your disciplinary recommendations.<br/>23           Let me ask you this, also. In<br/>24 addition to the four people you said BP needs to<br/>25 fire, were there any recommendations regarding any</p>                      | <p style="text-align: right;">Page 458</p> <p>1 Recommendations," you have Mike Hoffman and then<br/>2 the next three or four pages talk about each one of<br/>3 the individuals, being next Pat Gower and then Don<br/>4 Parus and then Willie Willis?<br/>5     A. Yes, sir.<br/>6     Q. And as we walk through those, when you<br/>7 talk about Mike Hoffman, he was the group vice<br/>8 president of refining and marketing for BP,<br/>9 correct?<br/>10    A. Yes, sir.<br/>11    Q. And that's a very important position at<br/>12 BP, is it not?<br/>13    A. It is very important.<br/>14    Q. And you would expect him to have a high<br/>15 level of cooperation and understanding of the<br/>16 refinery business to hold that title, do you not?<br/>17    A. That's right.<br/>18    Q. And they should work well with the other<br/>19 people above them and below them in communicating<br/>20 issues and needs regarding the proper and safe<br/>21 operation of the refining sector?<br/>22    A. Absolutely.<br/>23    Q. And you knew from your interviews and the<br/>24 documents that you reviewed that Mr. Hoffman was<br/>25 well aware of many years of underinvestment in the</p>   |

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| <p style="text-align: right;">Page 459</p> <p>1 infrastructure at Texas City?</p> <p>2 A. That's right. And as you recall, based</p> <p>3 on the A.T. Kearney/Veba report, he actually made</p> <p>4 available, I think, much higher funds than the</p> <p>5 previous years, before others were in charge.</p> <p>6 Q. And he knew -- from his position there,</p> <p>7 he knew what the Veba and A.T. Kearney report said</p> <p>8 in 2002, that the plant had major problems and that</p> <p>9 was why they were having all the fires and they</p> <p>10 needed a major injection of capital into the plant</p> <p>11 to fix the decayed infrastructure?</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. That's right. That's what I have said.</p> <p>14 Q. (BY MR. COON) And then you also notice</p> <p>15 that not only did he make bad decisions regarding</p> <p>16 reinvestment in that plant but you also noted he</p> <p>17 had -- he was conflict adversy within his own team,</p> <p>18 and he just wasn't dealing with other people in his</p> <p>19 team as you felt he should?</p> <p>20 MR. GALBRAITH: Objection, form.</p> <p>21 A. Yes, sir.</p> <p>22 Q. (BY MR. COON) For instance, Don Parus</p> <p>23 was a business unit leader at one of the largest</p> <p>24 refineries in the world. And Mr. Hoffman didn't</p> <p>25 think that Mr. Parus should even be in that</p> | <p style="text-align: right;">Page 461</p> <p>1 infrastructure investment by the time he took over.</p> <p>2 So you did recognize that people</p> <p>3 prior to him had a role in the deteriorated</p> <p>4 infrastructure of Texas City?</p> <p>5 A. Yes.</p> <p>6 Q. And that was for many years of</p> <p>7 accumulated underinvestment in the infrastructure?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Going back way back into the '90s?</p> <p>10 A. Yes, sir.</p> <p>11 Q. All right. Let's talk next about</p> <p>12 Mr. Gower briefly. He was vice president North</p> <p>13 America. I think the president at that time was</p> <p>14 Ross Pillari; is that correct?</p> <p>15 A. Can you repeat, please?</p> <p>16 Q. Yes, sir.</p> <p>17 Mr. Gower was the regional vice</p> <p>18 president for North America, BP North America?</p> <p>19 A. No, for refining. For refining.</p> <p>20 Q. Okay.</p> <p>21 A. So he was not reporting to Mr. Pillari.</p> <p>22 Q. Okay. And Mr. Pillari was president,</p> <p>23 correct?</p> <p>24 A. Yeah, but he had no -- he was not part of</p> <p>25 the chain of command.</p>   |
| <p style="text-align: right;">Page 460</p> <p>1 position?</p> <p>2 A. What he has said was he was not happy</p> <p>3 with the decision to put Don Parus to -- in the</p> <p>4 Texas City site.</p> <p>5 Q. And you would have expected that if</p> <p>6 Mr. Parus' qualification and judgment was highly</p> <p>7 questioned by Mr. Hoffman that Mr. Hoffman should</p> <p>8 have done something about it and just instead of</p> <p>9 just sitting on his hands?</p> <p>10 A. As Mr. Gower should have done as well.</p> <p>11 Q. And that was part of the reason that you</p> <p>12 felt that he was ineffective as a group vice</p> <p>13 president?</p> <p>14 A. Right.</p> <p>15 Q. And then we talked about this a little</p> <p>16 earlier, but I take it that you were not pleased to</p> <p>17 see him refuse to take personal accountability and</p> <p>18 instead blame this nebulous BP corporation that had</p> <p>19 no name or title?</p> <p>20 A. That's right.</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 Q. (BY MR. COON) And then you also noted</p> <p>23 that -- in the same paragraph talking about issues</p> <p>24 with him, you said that no doubt his predecessors</p> <p>25 took actions that resulted in a drastic need for</p>   | <p style="text-align: right;">Page 462</p> <p>1 Q. And Mr. Gower reported, instead of to</p> <p>2 Mr. Pillari, he reported overseas to Mr. Hoffman?</p> <p>3 A. That was his principal.</p> <p>4 Q. And you noted in your report regarding</p> <p>5 Mr. Gower that he had personal knowledge about</p> <p>6 Texas City because he had actually been in charge</p> <p>7 of the maintenance at that plant going back to 1999</p> <p>8 when he was a refinery maintenance manager for</p> <p>9 Texas City?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So you felt it was pretty hard for him to</p> <p>12 deny an understanding and appreciation of the</p> <p>13 condition of that refinery?</p> <p>14 A. Yes.</p> <p>15 MR. GALBRAITH: Objection, form.</p> <p>16 A. Yes, sir.</p> <p>17 Q. (BY MR. COON) One is, I take it, you</p> <p>18 believe, in his position he should know about the</p> <p>19 condition of the refineries just by his title</p> <p>20 alone, knowing the condition even if he had never</p> <p>21 worked at that one, right?</p> <p>22 MR. GALBRAITH: Objection, form.</p> <p>23 A. Certainly.</p> <p>24 Q. (BY MR. COON) Because you can get</p> <p>25 reports back from your people, you can look at</p> |

27 (Pages 459 to 462)

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| <p style="text-align: right;">Page 463</p> <p>1 studies, you can look at the number of fires, you<br/> 2 can look at the capital investment, you can conduct<br/> 3 field surveys, you can get reports back from the<br/> 4 maintenance managers that are out there now.<br/> 5 There's lots of different ways to get information<br/> 6 other than being out there every day yourself,<br/> 7 right?<br/> 8 A. That's right but you -- just by walking<br/> 9 around, you will see also what's --<br/> 10 Q. Sure.<br/> 11 A. -- wrong.<br/> 12 Q. And it's kind of hard for Mr. Gower to<br/> 13 say he didn't understand or appreciate it because<br/> 14 he actually held the title of a maintenance manager<br/> 15 not in just a refinery but in that refinery?<br/> 16 MR. GALBRAITH: Objection, form.<br/> 17 A. Right.<br/> 18 Q. (BY MR. COON) So he of all people should<br/> 19 have understood the problems of underinvestment at<br/> 20 Texas City because he had been the maintenance<br/> 21 manager there just a few years before?<br/> 22 MR. GALBRAITH: Objection, form.<br/> 23 A. Also from this time but also from his<br/> 24 present --<br/> 25 Q. (BY MR. COON) Sure.</p>  | <p style="text-align: right;">Page 465</p> <p>1 was the maintenance manager out there until '99.<br/> 2 He talks to all these other people that work out<br/> 3 there. He sees all these reports and consultant<br/> 4 studies saying you need to fix this place. He goes<br/> 5 out to the plant every year and looks around." As<br/> 6 Mr. Parus says, "He kicks the tires out there,"<br/> 7 does walk-about, does visual inspections, and<br/> 8 Mr. Parus says we need all this money to fix this<br/> 9 place, and Mr. Gower says no?<br/> 10 MR. GALBRAITH: Objection, form.<br/> 11 Q. (BY MR. COON) I mean, how would you<br/> 12 handle that?<br/> 13 MR. GALBRAITH: Objection, form.<br/> 14 A. I don't know whether our conversation has<br/> 15 been -- has gone this way. But as we mentioned in<br/> 16 a different part of our report, there was a stand<br/> 17 off also between Gower and Parus; and I do not know<br/> 18 to what extent they had really a meaningful debate<br/> 19 on what was wrong in Texas City and what needed to<br/> 20 be done.<br/> 21 Q. (BY MR. COON) But you would understand<br/> 22 that a refinery maintenance manager would have an<br/> 23 appreciation of process safety, would you not?<br/> 24 A. Of course.<br/> 25 Q. And if you're process safety intelligent</p>             |
| <p style="text-align: right;">Page 464</p> <p>1 A. -- responsibility.<br/> 2 Q. And you had reason to believe in your<br/> 3 investigation that Mr. Gower had been made aware<br/> 4 from time to time of the continued underinvestment<br/> 5 and deteriorating condition of the plant from<br/> 6 complaints of the business unit leaders at<br/> 7 Texas City in the early 2000 time frame?<br/> 8 A. Yes, he should have.<br/> 9 Q. And he would have been privy to the Veba<br/> 10 report, the A.T. Kearney report, again, reiterating<br/> 11 that the facility's undercapitalized and you have<br/> 12 lots of problems and you need some money?<br/> 13 A. He got all sorts of information.<br/> 14 Q. Then you had Don Parus telling him and<br/> 15 Mike Hoffman had discussions with him?<br/> 16 A. Yes. To some extent, yeah.<br/> 17 Q. And, nonetheless, even though he<br/> 18 continued to go out to the plant and inspect it<br/> 19 himself and was personally aware of the delapidated<br/> 20 state of the Texas City refinery, he did not do<br/> 21 anything about it, did he?<br/> 22 MR. GALBRAITH: Objection, form.<br/> 23 A. That's our conclusion.<br/> 24 Q. (BY MR. COON) Yeah. I mean, you are<br/> 25 saying, "Okay. Mr. Gower is vice president. He</p> | <p style="text-align: right;">Page 466</p> <p>1 from being a maintenance manager and you have an<br/> 2 appreciation of process safety and you know that<br/> 3 leaks in the system cause fires and fires cause<br/> 4 explosions, you would want to avoid them?<br/> 5 A. There is no question that in his role<br/> 6 process safety had to be Number 1 on his agenda.<br/> 7 Q. Don't you believe that Mr. Gower should<br/> 8 have been more assertive and aggressive in process<br/> 9 safety management deficiencies that existed at<br/> 10 Texas City?<br/> 11 A. I think he should have acted.<br/> 12 Q. And the reason that he wouldn't would be<br/> 13 that that costs money, and money impacts the bottom<br/> 14 line?<br/> 15 MR. GALBRAITH: Objection, form.<br/> 16 A. I don't know why he did so. I don't know<br/> 17 why he did so, but what I am saying is he should<br/> 18 have done so. He should have raised the red flag<br/> 19 and saying, "This is not a safe place."<br/> 20 Q. (BY MR. COON) Did you get an impression<br/> 21 from talking to any of these people that there were<br/> 22 budgetary considerations emanating from London --<br/> 23 that is, coming from London -- that put pressure on<br/> 24 the operating units here in the States to<br/> 25 underinvest in the infrastructure?</p> |

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| <p style="text-align: right;">Page 467</p> <p>1 A. We didn't deal with this question in<br/>2 detail. But at the end of our interview, I asked<br/>3 him, "What do you -- if you have a wish, what would<br/>4 be your wish?"<br/>5 And he said, "I want to know what<br/>6 role refining should play in the corporate<br/>7 strategy." That was the answer. We did not -- we<br/>8 did not detail -- elaborate in detail or discuss in<br/>9 detail the impact of cost reduction. That was not<br/>10 our main focus.<br/>11 Q. Okay. So you are not here today to say<br/>12 that budget cuts directly impacted Texas City or<br/>13 not?<br/>14 A. Budget cuts always impact. The question<br/>15 is to what extent the disaster on March 23 is a<br/>16 consequence of budget cuts, and here I have a very<br/>17 clear opinion.<br/>18 Q. Okay. Do you know anything about the<br/>19 history of the specific budget cuts that came out<br/>20 of Texas City as a result of the request to cut the<br/>21 budgets periodically from London, going back to the<br/>22 1999 Lord Browne edict to cut the budget<br/>23 25 percent?<br/>24 A. What I am aware of is -- and this is<br/>25 quite natural, as I experienced it myself when my</p>  | <p style="text-align: right;">Page 469</p> <p>1 major investment program in your plants and then<br/>2 you are more based on the routine investments, then<br/>3 you have significant cutbacks. You need to learn<br/>4 deeply why and where this cut has been done.<br/>5 Q. That's right.<br/>6 And when you dive deeply into<br/>7 Texas City, you will see what the Veba report came<br/>8 up with, because they did dive into --<br/>9 A. Uh-huh.<br/>10 Q. -- asset reinvestment, didn't they?<br/>11 A. Uh-huh.<br/>12 Q. Do you recall that?<br/>13 A. Again, the Veba report says -- clearly<br/>14 says the Texas City refinery is underinvestment --<br/>15 underinvested, underfunded.<br/>16 Q. Sure.<br/>17 A. But this was done in a very general way.<br/>18 You asked me about 25 percent, and here I am lost.<br/>19 Q. Right.<br/>20 But what we do know, for instance,<br/>21 at Texas City you can look at the Veba report and<br/>22 you can see where investment in operations at that<br/>23 plant were in the 700 million-dollar a year range<br/>24 and had been cut to \$400 million a year from 1992<br/>25 to 1999 at the time of the merger.</p>                       |
| <p style="text-align: right;">Page 468</p> <p>1 company was taken over by BP -- that you expect<br/>2 from a takeover or of a merger major -- a major<br/>3 potential for reducing cost because you have many<br/>4 activities which overlap, and you can save -- by<br/>5 getting rid of the overlap, you will save cost.<br/>6 And that, I think, was the main objective.<br/>7 And it's quite clear. And again,<br/>8 I experienced it myself, when my company was taken<br/>9 over, there was a business case who said, "We<br/>10 expect 200 million Euro," in those days, to be<br/>11 saved by merging the German affiliate of BP with my<br/>12 company.<br/>13 So this is something which is<br/>14 quite natural.<br/>15 Q. Where do you believe from your knowledge<br/>16 of the industry that Texas City could cut their<br/>17 capital budget 25 percent as a result of the merger<br/>18 between BP and Amoco?<br/>19 A. I don't know whether it was a capital<br/>20 budget cut. What I have seen in many view graphs,<br/>21 I think even including the Veba report, that there<br/>22 was a flagged reduction by 25 percent.<br/>23 Q. Sir, did you know --<br/>24 A. Like you see -- you see if you had, just<br/>25 as an example, if you have over a period of time a</p> | <p style="text-align: right;">Page 470</p> <p>1 A. Yep.<br/>2 Q. And that was because of the down cycle in<br/>3 that sector. So the profit margins were not what<br/>4 they ideally would be, correct?<br/>5 MR. GALBRAITH: Objection, form.<br/>6 A. I did not -- I did not go into the<br/>7 details, but I can tell from you my experience<br/>8 again.<br/>9 Q. (BY MR. COON) Sure.<br/>10 A. When BP took over my company, we invested<br/>11 much less because, to some extent, we could<br/>12 optimize with facilities and options the<br/>13 BP Group -- BP Group offered to us, and we were in<br/>14 reasonable shape. So we didn't need to continue to<br/>15 invest.<br/>16 Q. Okay. Would it be fair to state that if<br/>17 you had many years of underinvestment at a facility<br/>18 where you were in need of a capital infusion to get<br/>19 caught up and then you merged with somebody and you<br/>20 really don't have any derived synergies to reduce<br/>21 operational capital, you actually need a capital<br/>22 infusion instead of a budget cut?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Can you repeat your question?<br/>25 Q. (BY MR. COON) Yes, sir.</p> |

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| <p style="text-align: right;">Page 471</p> <p>1           If you look at Texas City, they<br/>2 had gone from a 700 million-dollar a year budget to<br/>3 a 400 million-dollar budget as a result of major<br/>4 budget constraints because of the down sector in<br/>5 the profitability of the refining sector in the<br/>6 '90s, something that you elaborated on earlier,<br/>7 right?<br/>8     A. To -- yeah.<br/>9     Q. Okay.<br/>10    A. Before the merger.<br/>11    Q. Before the merger.<br/>12    A. Yep.<br/>13    Q. So by the time of the merger, BP is<br/>14 acquiring a company that is already in substantial<br/>15 underinvestment and is in substantial deferred<br/>16 investment -- reinvestment because they had reduced<br/>17 the spend there because they weren't making the<br/>18 money that they wanted to make or needed to make?<br/>19     MR. GALBRAITH: Objection --<br/>20     Q. (BY MR. COON) So they were deferring<br/>21 maintenance. You knew that from looking at these<br/>22 studies. They had been deferring maintenance for<br/>23 many years at the time of the merger?<br/>24     MR. GALBRAITH: Objection, form.<br/>25     Q. (BY MR. COON) Right?</p> | <p style="text-align: right;">Page 473</p> <p>1 level that still left them in a significant state<br/>2 of disrepair?<br/>3     MR. GALBRAITH: Objection, form.<br/>4     Q. (BY MR. COON) That's what your report<br/>5 acknowledges?<br/>6     A. I am saying that the refinery was, as you<br/>7 have stressed here by underlining it, it was in a<br/>8 worrying state.<br/>9     Q. Right.<br/>10    Even in 2005, three years after<br/>11 Veba, and even though you had commit -- that BP had<br/>12 committed some additional resources to the<br/>13 infrastructure, the infrastructure was already in<br/>14 such bad repair that when more money was put in<br/>15 there, it still wasn't anywhere near enough to get<br/>16 it where it should be. So three years later, in<br/>17 2005, it was still categorized as delapidated and,<br/>18 what Kathleen Lucas said, in appalling condition?<br/>19     MR. GALBRAITH: Objection, form.<br/>20     A. There is no question that -- and we have<br/>21 said so in our report as well -- that the situation<br/>22 Texas City was in in 2005 was not a good -- was not<br/>23 good.<br/>24     Q. (BY MR. COON) That's right. So I want<br/>25 to go back and talk about that budget cut.</p>                           |
| <p style="text-align: right;">Page 472</p> <p>1           MR. GALBRAITH: Objection, form.<br/>2     A. Again, the A.T. Kearney/Veba study<br/>3 clearly says the plant in those years, in 2002,<br/>4 it's underfunded, underinvestment, and a lot has to<br/>5 be done. I am only arguing against just looking at<br/>6 the numbers --<br/>7     Q. (BY MR. COON) Sure.<br/>8     A. -- and draw conclusions.<br/>9     Q. I understand.<br/>10    But we are talking about,<br/>11 specifically, Texas City?<br/>12     A. Yeah, yeah, but --<br/>13     Q. If you look at Texas City, we know that<br/>14 they were grossly underfunded and undercapitalized<br/>15 at the time of the merger and they needed a capital<br/>16 infusion and that's what Veba says.<br/>17     You are not going to argue with<br/>18 Veba, are you?<br/>19     MR. GALBRAITH: Objection, form.<br/>20     A. No, I don't argue with that. That's<br/>21 fine.<br/>22     Q. (BY MR. COON) Okay.<br/>23     A. And as you can see, after 2002 the<br/>24 investment has increased.<br/>25     Q. It did increase, but it increased at a</p>   | <p style="text-align: right;">Page 474</p> <p>1           Don't you believe that it's<br/>2 imprudent to have an arbitrary budget cut of<br/>3 25 percent on the capital spend as a result of the<br/>4 acquisition of a facility when you don't even know<br/>5 how underinvested that facility is at the time you<br/>6 put the budget cut into place?<br/>7     A. Here --<br/>8     MR. GALBRAITH: Objection, form.<br/>9     A. Here we are, and we need to discuss it<br/>10 very carefully. That was a global number,<br/>11 25 percent, as I had it in my company as well, a<br/>12 global number, to what extent the costs can be<br/>13 reduced by merging the two companies. I have not<br/>14 seen any evidence that Texas City management has<br/>15 been required to cut down by 25 percent.<br/>16     It was a general guideline. It<br/>17 was an expectation. But then, you know, it's some<br/>18 sort of a challenge to the management. And they<br/>19 have to argue to what extent they can really afford<br/>20 further reducing the budget.<br/>21     Q. (BY MR. COON) Did you read the<br/>22 deposition of George Carter?<br/>23     A. No.<br/>24     Q. Did you have an understanding that<br/>25 Mr. Carter, when he received that budget mandate</p> |

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| <p style="text-align: right;">Page 475</p> <p>1 from London, thought he was supposed to cut his<br/>2 budget 25 percent and did so?<br/>3 A. Well, that may be what was his<br/>4 interpretation. But I have my experience with BP<br/>5 as well. If you push back and you have the right<br/>6 reasons for pushing back, this is accepted. And<br/>7 there are other refineries which have not reduced<br/>8 the budget to this extent.<br/>9 Q. And, in fact, do you know Paul Maslin?<br/>10 A. Yeah.<br/>11 Q. Do you know that he did push back when he<br/>12 was the plant manager at Coryton and received a<br/>13 budget cut request in 2000?<br/>14 A. Again, there is a challenge.<br/>15 Q. Sure.<br/>16 Do you know what happened when<br/>17 Mr. Maslin pushed back?<br/>18 A. Yeah, that -- he claims he had suffered<br/>19 from this.<br/>20 Q. Yeah. He said he got demoted because he<br/>21 pushed back?<br/>22 A. That's what he is saying.<br/>23 Q. I understand.<br/>24 Are you saying --<br/>25 A. I am not sure whether this is right.</p>  | <p style="text-align: right;">Page 477</p> <p>1 A. I don't know whether he cut by<br/>2 25 percent. But again, it is something where you<br/>3 as a manager, wherever you are in your<br/>4 responsibility and accountability, have to say, "I<br/>5 can't do it."<br/>6 Q. (BY MR. COON) Do you know he cut out all<br/>7 the safety training programs to get that<br/>8 25 percent?<br/>9 MR. GALBRAITH: Objection, form.<br/>10 A. I have read this in various papers.<br/>11 Q. (BY MR. COON) Do you know they quit<br/>12 mowing the yard out there to help save 25 percent?<br/>13 MR. GALBRAITH: Objection, form.<br/>14 A. What did he --<br/>15 Q. (BY MR. COON) Quit mowing the lawn?<br/>16 A. Maybe. I don't know.<br/>17 Q. Do you know they deferred every<br/>18 turnaround they had scheduled that year to the next<br/>19 year, to avoid the additional costs associated with<br/>20 routine turnaround maintenance?<br/>21 A. I am not familiar to those details.<br/>22 Q. Do you know that they reduced the board<br/>23 operations in the very unit that exploded by<br/>24 50 percent, thus leaving one person in charge of<br/>25 operating that entire unit?</p>   |
| <p style="text-align: right;">Page 476</p> <p>1 Q. Okay. You are not calling him a liar<br/>2 here today, are you?<br/>3 A. I would never call somebody a liar unless<br/>4 I can prove this.<br/>5 Q. Okay. Do you know Mr. Maslin testified<br/>6 that he felt it was ridiculous to ask for a<br/>7 25 percent budget cut at his plant because it had<br/>8 already gone through the down cycle like Texas City<br/>9 had and they had suffered from a lot of years of<br/>10 underinvestment and that there was nothing left to<br/>11 cut?<br/>12 MR. GALBRAITH: Objection, form.<br/>13 A. Again, it's a duty of a manager to say at<br/>14 a certain stage, "I cannot do this. I cannot do<br/>15 this."<br/>16 Q. (BY MR. COON) And you understand that's<br/>17 what Mr. Maslin testified that he did?<br/>18 A. Okay.<br/>19 Q. Do you understand Mr. Carter did not do<br/>20 that and instead tried to find 25 percent savings<br/>21 anywhere he could in the plant?<br/>22 A. (No verbal response.)<br/>23 Q. Do you know what he did to get 25 percent<br/>24 savings?<br/>25 MR. GALBRAITH: Objection, form.</p> | <p style="text-align: right;">Page 478</p> <p>1 A. I am not familiar with this. I have read<br/>2 this, but I can't confirm this.<br/>3 Q. Okay. Well, if you look at the charts<br/>4 where they go from two board operators in the<br/>5 control room to one, it's fair to say that's a<br/>6 50 percent reduction in the board room, is it not?<br/>7 A. Well, that's certainly 50 percent.<br/>8 Q. And if that was done as a direct response<br/>9 to an order to cut your budget 25 percent, you are<br/>10 not here to argue that, are you, sir?<br/>11 A. I -- again, I believe I can disagree that<br/>12 there was an order. That was a challenge, and it<br/>13 was up to the responsibility of management to say,<br/>14 "We can do it" or "We cannot do it."<br/>15 Q. And you take fault -- I understand that<br/>16 y'all do take issue with the operator's decisions<br/>17 on the date in question, being March 23rd, that he<br/>18 did not act as a reasonably prudent operator would<br/>19 under the same or similar circumstances?<br/>20 A. You are referring to Warren Briggs?<br/>21 Q. Yes, sir.<br/>22 A. He certainly made a lot of mistakes.<br/>23 Q. And do you believe that if there were two<br/>24 board operators in there that day that the chances<br/>25 of that explosion occurring would have been</p> |

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| <p style="text-align: right;">Page 479</p> <p>1 reduced?</p> <p>2 A. Can you repeat, please?</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 Q. (BY MR. COON) Yes, sir.</p> <p>5 If you had another pair of eyes in</p> <p>6 there, if you had another competent board operator</p> <p>7 in there working with Mr. Briggs on March 23rd, do</p> <p>8 you believe that the chances of that explosion</p> <p>9 occurring would have been diminished?</p> <p>10 MR. GALBRAITH: Objection, form.</p> <p>11 A. That is speculation, would be speculation</p> <p>12 for myself. But you need to remember that, I think</p> <p>13 it was Tenhaaf, who was the off-site operator and</p> <p>14 he saw what happened; and he did not warn Warren</p> <p>15 Briggs.</p> <p>16 Q. (BY MR. COON) That's not my question,</p> <p>17 sir.</p> <p>18 A. No, it's not your question but --</p> <p>19 MR. COON: Object to the</p> <p>20 responsiveness.</p> <p>21 Q. (BY MR. COON) Sir, my question is:</p> <p>22 Would you believe that if you had a competent board</p> <p>23 operator working in that same board room with</p> <p>24 Mr. Briggs on the date in question that it would</p> <p>25 have reduced the likelihood of that explosion</p>                               | <p style="text-align: right;">Page 481</p> <p>1 Q. (BY MR. COON) So I understand. You are</p> <p>2 saying if there was a competent board operator in</p> <p>3 that control room with Mr. Briggs on March 23rd,</p> <p>4 you do not believe this explosion would have</p> <p>5 occurred?</p> <p>6 MR. GALBRAITH: Objection, form.</p> <p>7 A. That's not a matter of belief. I am</p> <p>8 sorry that I cannot speculate.</p> <p>9 Q. (BY MR. COON) You are confident it would</p> <p>10 not have occurred?</p> <p>11 A. I --</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. I would not -- I would not assumed it</p> <p>14 would have happened. But again, it's speculation.</p> <p>15 Q. (BY MR. COON) Did you know that the</p> <p>16 union protested the reduction of two board</p> <p>17 operators to one board operator when the plant</p> <p>18 arbitrarily made the decision to go from two board</p> <p>19 operators to one in that control room?</p> <p>20 MR. GALBRAITH: Objection, form.</p> <p>21 Q. (BY MR. COON) There were grievances</p> <p>22 filed on that?</p> <p>23 A. I have read this.</p> <p>24 Q. You are aware that the union expressed</p> <p>25 safety concerns over having one board operator in</p> |
| <p style="text-align: right;">Page 480</p> <p>1 occurring on that date?</p> <p>2 A. Well, it's difficult --</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 A. It's difficult to assume if a -- that if</p> <p>5 there is a competent operator, he would have -- he</p> <p>6 would have, Warren Briggs, to behave -- to behave</p> <p>7 the way he did.</p> <p>8 Q. (BY MR. COON) Well, my question -- to</p> <p>9 make sure I understand this correctly.</p> <p>10 Do you believe that if you had a</p> <p>11 competent board operator in that control room that</p> <p>12 day assisting Mr. Briggs that the chance of that</p> <p>13 explosion happening would have been reduced?</p> <p>14 MR. GALBRAITH: Objection, form.</p> <p>15 A. Again, it's not a matter of belief. I am</p> <p>16 saying it is difficult to imagine.</p> <p>17 Q. (BY MR. COON) That it would have</p> <p>18 happened?</p> <p>19 MR. GALBRAITH: Objection, form.</p> <p>20 A. It would have -- it would have -- it</p> <p>21 would be difficult to imagine that if there is a</p> <p>22 competent, responsible operator together with</p> <p>23 Warren Briggs that Warren Briggs would have behaved</p> <p>24 the way he has and that the disaster would have</p> <p>25 happened.</p> | <p style="text-align: right;">Page 482</p> <p>1 there?</p> <p>2 MR. GALBRAITH: Objection, form.</p> <p>3 A. Again, I have read this.</p> <p>4 Q. (BY MR. COON) Were you aware that</p> <p>5 subsequently and even though that -- first of all,</p> <p>6 are you aware that George Carter denied that</p> <p>7 grievance?</p> <p>8 A. I did not.</p> <p>9 Q. Were you aware that subsequently there</p> <p>10 were startups of units out there they were</p> <p>11 responsible for in that control room and he still</p> <p>12 refused to have two board operators even during</p> <p>13 startup protocols?</p> <p>14 MR. GALBRAITH: Objection, form.</p> <p>15 A. Again, I have read this in papers.</p> <p>16 Q. (BY MR. COON) Were you also aware that</p> <p>17 in 2003, when they tied another entire unit into</p> <p>18 that same control room, that the union again</p> <p>19 requested the company to put two board operators</p> <p>20 back in there out of safety concerns?</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 A. I don't recall this.</p> <p>23 Q. (BY MR. COON) Did you see the deposition</p> <p>24 of Paul Trapp?</p> <p>25 A. Who.</p>  |

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| <p style="text-align: right;">Page 483</p> <p>1 Q. Paul Trapp, T-r-a-p-p?</p> <p>2 A. No.</p> <p>3 Q. Mr. Trapp was the ISOM supervisor. He</p> <p>4 was a management person. He was salaried.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Did you know that he testified that he</p> <p>7 requested that they put two board operators back in</p> <p>8 there out of safety concerns when they tied the NDU</p> <p>9 system in there in 2003?</p> <p>10 A. I don't recall his name, so I don't</p> <p>11 recall his deposition.</p> <p>12 Q. So it's news to you even today that there</p> <p>13 was a long history of concerns expressed by line</p> <p>14 operators and hourly and salary people back to</p> <p>15 management that they needed to have two board</p> <p>16 operators in that control room and it would have</p> <p>17 been a bad decision to reduce it to one?</p> <p>18 MR. GALBRAITH: Objection, form.</p> <p>19 A. It's not news to me. Again, I have read</p> <p>20 that the union had major concerns in this respect.</p> <p>21 Q. (BY MR. COON) And if, in fact, a source</p> <p>22 of attribution of this explosion was the fact they</p> <p>23 had cut -- arbitrarily cut the board operators from</p> <p>24 two to one and that was done directly responsive to</p> <p>25 Lord Browne's request in 1999, that would be an</p> | <p style="text-align: right;">Page 485</p> <p>1 Q. (BY MR. COON) Do you know why it was</p> <p>2 canceled?</p> <p>3 A. Huh?</p> <p>4 Q. Do you know why it was canceled?</p> <p>5 A. I think it was canceled because they came</p> <p>6 up with a different rule. But again, my memory</p> <p>7 slips.</p> <p>8 Q. It was canceled because they didn't want</p> <p>9 to spend the money?</p> <p>10 MR. GALBRAITH: Objection, form.</p> <p>11 Q. (BY MR. COON) Isn't that true, sir?</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. I did not find a convincing solution --</p> <p>14 answer to this question.</p> <p>15 Q. (BY MR. COON) Did you read the</p> <p>16 deposition of Rick Hale who was the plant manager</p> <p>17 at the time?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall he said that they cut it as</p> <p>20 a result of budgets constraints associated with the</p> <p>21 unbudgeted cost of getting the plant back into</p> <p>22 environmental compliance with the EPA?</p> <p>23 A. Can you repeat?</p> <p>24 MR. GALBRAITH: Objection, form.</p> <p>25 Q. (BY MR. COON) Yes, sir.</p>  |
| <p style="text-align: right;">Page 484</p> <p>1 example of a budget cut coming from that merger</p> <p>2 that contributed to this explosion?</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 A. I would not draw a direct line between --</p> <p>5 again, there was no order. It was an expectation</p> <p>6 that 25 percent of the cost could be saved. And</p> <p>7 again, let me stress, if Warren Briggs as the only</p> <p>8 operator would have behaved according to rules,</p> <p>9 directives and all the manuals, the disaster would</p> <p>10 not have happened.</p> <p>11 Q. (BY MR. COON) If you had had a flare out</p> <p>12 there, it wouldn't have happened either, would it?</p> <p>13 MR. GALBRAITH: Objection, form.</p> <p>14 A. That's highly likely, yeah.</p> <p>15 Q. (BY MR. COON) And do you know why they</p> <p>16 did not have a flare?</p> <p>17 MR. GALBRAITH: Objection, form.</p> <p>18 A. I have read all sorts of explanations.</p> <p>19 Q. (BY MR. COON) What's your understanding</p> <p>20 as to why Texas City didn't have a flare on the</p> <p>21 ISOM unit?</p> <p>22 MR. GALBRAITH: Objection, form.</p> <p>23 A. If my memory serves me right, the flare</p> <p>24 was considered to be part of a benzene related</p> <p>25 project which was canceled.</p>                                   | <p style="text-align: right;">Page 486</p> <p>1 Do you recall where Mr. Hale</p> <p>2 admitted that they postponed running it in to a</p> <p>3 flare because they were already outside of their</p> <p>4 budget due to trying to get back into environmental</p> <p>5 compliance with the government regulators?</p> <p>6 MR. GALBRAITH: Objection, form.</p> <p>7 A. It doesn't come to my mind.</p> <p>8 Q. (BY MR. COON) Do you know that in 1994</p> <p>9 when they built that ISOM unit that it was a</p> <p>10 conversion of a unit that pre-existed it?</p> <p>11 A. Yeah, that's what I have read.</p> <p>12 Q. Did you understand that the blowdown drum</p> <p>13 had been designed in the 1950s and was admittedly</p> <p>14 antiquated technology?</p> <p>15 MR. GALBRAITH: Objection, form.</p> <p>16 A. We talked about it in our previous</p> <p>17 deposition.</p> <p>18 Q. (BY MR. COON) And you agree that</p> <p>19 blowdowns are an antiquated technology, do you not?</p> <p>20 MR. GALBRAITH: Objection, form.</p> <p>21 A. You know, I am not a refinery expert.</p> <p>22 But you know what I have said in the last</p> <p>23 deposition.</p> <p>24 Q. (BY MR. COON) Sure.</p> <p>25 You don't like blowdown drums, do</p> |

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| <p style="text-align: right;">Page 487</p> <p>1 you?<br/> 2 A. Huh?<br/> 3 MR. GALBRAITH: Objection, form.<br/> 4 Q. (BY MR. COON) You don't like blowdown<br/> 5 drums and open vent systems, do you, sir?<br/> 6 MR. GALBRAITH: Objection, form.<br/> 7 A. It's not a question of not liking.<br/> 8 Again, it's something we -- I'm not used to and I<br/> 9 am not familiar with the technology.<br/> 10 Q. (BY MR. COON) But you understand that<br/> 11 they are generally less safe than flares?<br/> 12 MR. GALBRAITH: Objection, form.<br/> 13 Q. (BY MR. COON) That they provide for an<br/> 14 open atmospheric release of hydrocarbons?<br/> 15 A. When you read the Mogford report, which<br/> 16 I'm sure you have done, they have something very<br/> 17 clear about this.<br/> 18 Q. And you are not taking issue with<br/> 19 Mr. Mogford's report where he opines that flares<br/> 20 are inherently safer --<br/> 21 MR. GALBRAITH: Objection --<br/> 22 Q. (BY MR. COON) -- than blowdown drums?<br/> 23 MR. GALBRAITH: Objection, form.<br/> 24 A. I agree with that.<br/> 25 Q. (BY MR. COON) Did you know that the</p>   | <p style="text-align: right;">Page 489</p> <p>1 they?<br/> 2 MR. GALBRAITH: Objection, form.<br/> 3 A. Again, I didn't analyze it in detail.<br/> 4 Q. (BY MR. COON) And then in 1997 that<br/> 5 entire blowdown drum was replaced with another one<br/> 6 that was just like it, replaced in-kind, even<br/> 7 though the process safety standard says to get rid<br/> 8 of blowdown drums?<br/> 9 MR. GALBRAITH: Objection, form.<br/> 10 Q. (BY MR. COON) Didn't they?<br/> 11 A. I can only repeat that I did not go into<br/> 12 these details.<br/> 13 Q. And when you were talking about the<br/> 14 benzene releases, you were aware that in 2002 they<br/> 15 actually planned on running the ISOM unit to a<br/> 16 flare and killed that project due to budgetary<br/> 17 constraints?<br/> 18 MR. GALBRAITH: Objection, form.<br/> 19 A. I know the project has been killed.<br/> 20 Q. (BY MR. COON) Did you know that George<br/> 21 Carter personally killed the alternative plan?<br/> 22 A. The what?<br/> 23 Q. The alternative plan, which was to run<br/> 24 the ISOM unit to a flare off of the NDU when it was<br/> 25 built in 2003? Were you aware that BP considered</p> |
| <p style="text-align: right;">Page 488</p> <p>1 reason that that blowdown drum was there in the<br/> 2 first place was because BP was under Amoco heritage<br/> 3 and was able to circumvent regulations regarding<br/> 4 environmental emissions and grandfathered that unit<br/> 5 in?<br/> 6 MR. GALBRAITH: Objection, form.<br/> 7 A. I am not familiar with these -- with<br/> 8 these results.<br/> 9 Q. (BY MR. COON) Were you aware they did<br/> 10 that because they had budgeted \$2 million for the<br/> 11 cost of a flare and by grandfathering this unit,<br/> 12 they did not have to spend that money, even though<br/> 13 they knew flares were safer?<br/> 14 MR. GALBRAITH: Objection, form.<br/> 15 A. Again, I have seen all these words; but I<br/> 16 don't -- I didn't get into these details.<br/> 17 Q. (BY MR. COON) Sure.<br/> 18 And you knew about Process Safety<br/> 19 Standard Number 6 that came out in 1977 that<br/> 20 admonished the Amoco heritage to phase out all of<br/> 21 the blowdown drums?<br/> 22 A. I have read this.<br/> 23 Q. And, in fact, by circumventing and<br/> 24 grandfathering that unit in 1984, they bypassed<br/> 25 their very own process safety standard, didn't</p> | <p style="text-align: right;">Page 490</p> <p>1 doing that, tying in the ISOM unit to a flare?<br/> 2 A. It's a bit too far away. I am not sure<br/> 3 on that.<br/> 4 Q. Would it --<br/> 5 A. That I remember this.<br/> 6 Q. -- disappoint you to learn that George<br/> 7 Carter killed the project to be able to tie the<br/> 8 ISOM to the NDU flare because it would cost an<br/> 9 extra \$150,000 for the piping to do so?<br/> 10 MR. GALBRAITH: Objection, form.<br/> 11 A. I am sorry, but I did not go into these<br/> 12 details.<br/> 13 Q. (BY MR. COON) Did you know that George<br/> 14 Carter said to cut everything and cover the paper<br/> 15 so long as I don't have to go to jail? Do you know<br/> 16 that that quote has been attributed to him?<br/> 17 MR. GALBRAITH: Objection, form.<br/> 18 A. I have read this statement.<br/> 19 Q. (BY MR. COON) Does that concern you?<br/> 20 A. In a -- this is nothing which a<br/> 21 responsible manager would say. If he has said so,<br/> 22 it was certainly not right.<br/> 23 Q. Well, Mr. Carter had a lot of opinions<br/> 24 about things that probably don't set well with you,<br/> 25 did they?</p>             |

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| <p style="text-align: right;">Page 491</p> <p>1 A. Can you repeat?</p> <p>2 Q. I said Mr. Carter had a lot of opinions</p> <p>3 about a lot of things that probably did not set</p> <p>4 well with you, did they?</p> <p>5 MR. GALBRAITH: Objection, form.</p> <p>6 A. I have heard a lot about him. And he was</p> <p>7 fired, wasn't he?</p> <p>8 Q. (BY MR. COON) Yes.</p> <p>9 A. Or retired?</p> <p>10 Q. Why was he fired?</p> <p>11 MR. GALBRAITH: Objection, form.</p> <p>12 A. I don't -- I don't recall details. I</p> <p>13 think there was a gender issue and something like</p> <p>14 this, a racist issue. I don't know. I just heard</p> <p>15 it or read it in one of those papers.</p> <p>16 Q. (BY MR. COON) Sure.</p> <p>17 Human resources had to come in and</p> <p>18 investigate numerous allegations that he was both a</p> <p>19 racist and a sexist. You are aware of that, aren't</p> <p>20 you?</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 A. I have read about it, but it had no</p> <p>23 impact on our work.</p> <p>24 Q. (BY MR. COON) But, nonetheless, it would</p> <p>25 be disconcerting to you to find out that a person</p>  | <p style="text-align: right;">Page 493</p> <p>1 A. Yeah.</p> <p>2 Q. I guess, actually, we were finishing up</p> <p>3 Mr. Gower. If we go to the top of page 12, the</p> <p>4 conclusions of Mr. Gower after all the things you</p> <p>5 talked about, his personal notice of the condition</p> <p>6 of Texas City and failure to do anything, your</p> <p>7 conclusion was -- and that of your team, was that</p> <p>8 Pat Gower failed to actively control and supervise</p> <p>9 the performance of the most complex and difficult</p> <p>10 facility, even in the face of alarming reports and</p> <p>11 findings and the severe precursor incidents in</p> <p>12 2004, correct?</p> <p>13 A. That's right.</p> <p>14 Q. And for all of these reasons, your team</p> <p>15 unanimously concluded that Mr. Gower should be</p> <p>16 fired?</p> <p>17 A. Yeah. When I come back to your -- what</p> <p>18 do you call it -- the scale?</p> <p>19 Q. Yes, sir.</p> <p>20 A. He's one -- he's one of those cases where</p> <p>21 one side of the scale heavily was on the</p> <p>22 aggravating side.</p> <p>23 Q. Sure.</p> <p>24 And it's because he had personal</p> <p>25 knowledge of all of those things from being a</p>  |
| <p style="text-align: right;">Page 492</p> <p>1 at his level of authority within the BP system</p> <p>2 would harbor such opinions about women and</p> <p>3 minorities, would it not?</p> <p>4 MR. GALBRAITH: Objection, form.</p> <p>5 A. When you look at our code of conduct, it</p> <p>6 is certainly not in line with our code of conduct.</p> <p>7 Q. (BY MR. COON) And you wouldn't want to</p> <p>8 have a plant manager in a position of having to</p> <p>9 take recommendations and suggestions from</p> <p>10 minorities and women who are in positions of</p> <p>11 authority and advice to the plant manager and</p> <p>12 disregard them just because they are female or</p> <p>13 because they are minorities?</p> <p>14 MR. GALBRAITH: Objection, form.</p> <p>15 A. As a manager, you have to be a role</p> <p>16 model; and you have to live up to all sorts of</p> <p>17 expectations.</p> <p>18 Q. (BY MR. COON) And I would presume that</p> <p>19 you would not perceive Mr. Carter to be a good role</p> <p>20 model with those types of habits?</p> <p>21 MR. GALBRAITH: Objection, form.</p> <p>22 A. Again, I have no firsthand knowledge.</p> <p>23 Q. (BY MR. COON) If we can, let's go to the</p> <p>24 next page, sir, which is page 12 of the report,</p> <p>25 Mr. Parus.</p> | <p style="text-align: right;">Page 494</p> <p>1 manager out there, from going out there and looking</p> <p>2 at the plant, from being briefed on the issues,</p> <p>3 from seeing Veba, and had all this relevant</p> <p>4 knowledge in those reports; isn't that right?</p> <p>5 A. Yes.</p> <p>6 Q. And you considered all of those reports</p> <p>7 such as Veba, such as Getting Health and Safety</p> <p>8 Right reports, and all those, you perceived all of</p> <p>9 those to be very alarming, did you not, sir?</p> <p>10 A. That's what we say.</p> <p>11 Q. And, nonetheless, he took little, if any,</p> <p>12 action in response to all those alarming reports?</p> <p>13 A. That's right.</p> <p>14 Q. Then we talk about the severe precursor</p> <p>15 incidents, and that is we had three other</p> <p>16 fatalities in 2004 that were certainly,</p> <p>17 individually, red flags to problems?</p> <p>18 A. And the explosion in March, '04.</p> <p>19 Q. Let's talk about Don Parus. He was</p> <p>20 another one of the persons you ultimately concluded</p> <p>21 should be fired, correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Now, you understood that Mr. Parus hasn't</p> <p>24 been doing anything productive for BP since May of</p> <p>25 2005, correct?</p> |

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| <p style="text-align: right;">Page 495</p> <p>1 A. That's right.<br/> 2 Q. Been on a leave of absence?<br/> 3 A. Yes, sir.<br/> 4 Q. Did you ever get an understanding from<br/> 5 Mr. Gower as to why he had been put on a leave of<br/> 6 absence?<br/> 7 A. Mr. Gower?<br/> 8 Q. Or from anyone.<br/> 9 A. Well, all I can tell you is what has<br/> 10 been -- what has been said, that he was -- that<br/> 11 there was certain reasons to relieve him of his<br/> 12 duties and he should -- he should be available for<br/> 13 BP for special work.<br/> 14 Q. Well, you know, Mr. Pillari told the<br/> 15 press back on May 17, 2005, that Mr. Parus was<br/> 16 being transferred out of his role as the business<br/> 17 unit leader so he could dedicate himself full time<br/> 18 to the ongoing investigation and provide assistance<br/> 19 to that relief effort.<br/> 20 Were you aware of that?<br/> 21 A. I believe that Mr. Pillari has said so,<br/> 22 yeah.<br/> 23 Q. In fact, you know from the depositions of<br/> 24 Mr. Parus and many other people that Don Parus<br/> 25 hasn't done anything since he has been transferred</p>                   | <p style="text-align: right;">Page 497</p> <p>1 serious concerns about their reputational damage as<br/> 2 a result of an explosion of this nature?<br/> 3 MR. GALBRAITH: Objection, form.<br/> 4 A. This tragedy has many painful<br/> 5 consequences, also for BP.<br/> 6 Q. (BY MR. COON) And part of it is not only<br/> 7 the cost of lives and loss and the assets that they<br/> 8 have to replace, but it has to do with the<br/> 9 reputational damage of the plant and of BP itself?<br/> 10 A. Yes.<br/> 11 Q. The perception of it being a safe company<br/> 12 to work for, for instance?<br/> 13 A. Yeah, that's one of the consequences.<br/> 14 Q. Have you talked at all with any of the<br/> 15 people in the public relations department at<br/> 16 BP Texas City or elsewhere regarding any strategies<br/> 17 that they have had associated with this explosion<br/> 18 to mitigate the public relations debacle that they<br/> 19 have faced?<br/> 20 MR. GALBRAITH: Objection, form.<br/> 21 A. I was not part of the debate.<br/> 22 Q. (BY MR. COON) Did you ever see a copy of<br/> 23 the letter from Pat Wright dated March 23, 2005, to<br/> 24 Mr. Pillari, the president of BP, as well as to<br/> 25 other individuals, regarding the perception of the</p> |
| <p style="text-align: right;">Page 496</p> <p>1 out of his position since May, 2005, and that<br/> 2 Mr. Pillari was fudging on the facts when he told<br/> 3 the press that in 2005, wasn't he?<br/> 4 MR. GALBRAITH: Objection, form.<br/> 5 A. I'm aware that -- I believe I am aware<br/> 6 that Mr. Parus has not been called to support BP.<br/> 7 Q. (BY MR. COON) That's right.<br/> 8 And Mr. Pillari said that as a<br/> 9 public relations maneuver with the press instead of<br/> 10 telling them the true reasons why he was being<br/> 11 taken off duty --<br/> 12 MR. GALBRAITH: Object --<br/> 13 Q. (BY MR. COON) -- didn't he?<br/> 14 MR. GALBRAITH: Objection, form.<br/> 15 A. I don't know why Mr. Pillari said so, and<br/> 16 I think we also discussed this in our previous<br/> 17 deposition.<br/> 18 Q. (BY MR. COON) Well, you are aware that<br/> 19 BP has had a lot of concerns about public relations<br/> 20 associated with a tragedy of this nature, do you<br/> 21 not?<br/> 22 MR. GALBRAITH: Objection, form.<br/> 23 A. Can you repeat your question?<br/> 24 Q. (BY MR. COON) Yes, sir.<br/> 25 You understand that BP would have</p> | <p style="text-align: right;">Page 498</p> <p>1 media damage associated with this explosion? Have<br/> 2 you ever seen that e-mail?<br/> 3 A. I don't recall.<br/> 4 Q. I want to show this to you, sir, and we<br/> 5 have got it marked as an exhibit elsewhere. I<br/> 6 don't have a copy of the exhibit.<br/> 7 Have you ever met Pat Wright?<br/> 8 A. Who is it?<br/> 9 Q. I'm sorry?<br/> 10 A. Who is it?<br/> 11 Q. Patricia Wright, she was a human<br/> 12 resource -- actually, she was a public relations<br/> 13 person at Texas City.<br/> 14 A. No, I never met her.<br/> 15 Q. Okay. Do you see the date of that<br/> 16 letter, that memo? It's dated March 23, 2005?<br/> 17 A. Yep.<br/> 18 Q. 4:07 --<br/> 19 A. The very day.<br/> 20 Q. It's about three hours after the<br/> 21 explosion, isn't it?<br/> 22 A. Yes.<br/> 23 Q. She sends this e-mail to Mr. Pillari, the<br/> 24 president --<br/> 25 A. Uh-huh.</p>  |

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| <p style="text-align: right;">Page 499</p> <p>1 Q. -- and a number of other individuals.<br/> 2 A. Yeah.<br/> 3 Q. Do you see their names there?<br/> 4 A. Yes, sir.<br/> 5 Q. The subject is called, "Media coverage<br/> 6 and loss of life."<br/> 7 And you can tell by looking at<br/> 8 that that it's a brief summary from Ms. Wright as<br/> 9 to what's going on with respect to the media in the<br/> 10 three hours after that explosion?<br/> 11 A. Yeah.<br/> 12 Q. And her comments to the president at the<br/> 13 time was that media coverage has been very heavy.<br/> 14 "It looks like injuries and loss of life are heavy<br/> 15 as well. Ross lands this afternoon."<br/> 16 That's Ross Pillari, right, the<br/> 17 president?<br/> 18 A. Yes --<br/> 19 MR. GALBRAITH: Objection, form.<br/> 20 A. -- sir. I assume so.<br/> 21 Q. (BY MR. COON) "Ross lands this<br/> 22 afternoon, and I will talk with him about whether<br/> 23 he needs to come here. Don is giving a statement<br/> 24 to the press."<br/> 25 I presume that's Don Parus?</p>  | <p style="text-align: right;">Page 501</p> <p>1 Q. Do you find it disconcerting that the<br/> 2 immediate response to BP Texas City was to go out<br/> 3 and ascertain what kind of reputational damage<br/> 4 would be suffered from a tragedy of this nature and<br/> 5 within three hours they are opining that even<br/> 6 though a lot of people were killed that they would<br/> 7 all be forgotten the next week because it's Easter<br/> 8 weekend?<br/> 9 A. That's her --<br/> 10 MR. GALBRAITH: Objection, form.<br/> 11 A. -- opinion. It's not BP's opinion.<br/> 12 Q. (BY MR. COON) Did you know that she<br/> 13 worked for BP and had the responsible role for<br/> 14 handling the press relations?<br/> 15 A. Yeah. But again, this is an internal<br/> 16 memo, and it's just her opinion.<br/> 17 Q. Does it concern you that you had people<br/> 18 in the position of public relations at Texas City<br/> 19 that opined that if you kill a lot of people in<br/> 20 your plant, everybody would forget about it if it<br/> 21 happened before a holiday?<br/> 22 MR. GALBRAITH: Objection to form.<br/> 23 A. It's certainly a wrong statement.<br/> 24 Q. (BY MR. COON) Let's go back to<br/> 25 Mr. Parus.</p> |
| <p style="text-align: right;">Page 500</p> <p>1 A. I assume so, too.<br/> 2 Q. "As I write this. Expect a lot of<br/> 3 follow-up coverage tomorrow, but I believe it will<br/> 4 essentially go away due to the holiday weekend.<br/> 5 Dee is taking care of the federal folks and Glen is<br/> 6 handling the state officials."<br/> 7 Do you know what one has to do to<br/> 8 take care --<br/> 9 A. Who is DC?<br/> 10 Q. Do you know anybody that would have to<br/> 11 take care of federal folks or state officials or<br/> 12 what they would have to handle?<br/> 13 A. I don't know who is DC, and I don't know<br/> 14 who Glen is.<br/> 15 Q. Does it concern you that three hours<br/> 16 after an explosion like this that an e-mail is<br/> 17 going to the president that is basically saying,<br/> 18 "We've got a lot of people killed out here but the<br/> 19 good news is it's a holiday weekend and everybody<br/> 20 will forget about this by next week"?<br/> 21 MR. GALBRAITH: Objection, form.<br/> 22 A. It's a very, very strange e-mail.<br/> 23 Q. (BY MR. COON) Did you know that was<br/> 24 Easter weekend coming up?<br/> 25 A. No.</p> | <p style="text-align: right;">Page 502</p> <p>1 A. Uh-huh.<br/> 2 Q. You were aware that Mr. Parus had<br/> 3 personal experience with plants that had not been<br/> 4 in good condition before, correct? We talked about<br/> 5 his involvement in Veba and what a good plant<br/> 6 should look like and how they should operate?<br/> 7 A. Right.<br/> 8 Q. So he had some good comparisons by<br/> 9 history and training, did he not?<br/> 10 A. Yes, sir.<br/> 11 Q. And, in fact, when you talk about that<br/> 12 paragraph with Don Parus working at the<br/> 13 Gelsenkirchen refinery, was that one that was under<br/> 14 your purview?<br/> 15 A. Yeah. Not directly, as I told you, but<br/> 16 part of BP.<br/> 17 Q. Then in the next paragraph you noted that<br/> 18 Don had personal knowledge with respect to the<br/> 19 A.T. Kearney/Veba report, identifying all the<br/> 20 problems with the fires and the need to reinvest in<br/> 21 infrastructure, correct?<br/> 22 A. Yes, sir.<br/> 23 MR. GALBRAITH: Objection, form.<br/> 24 Q. (BY MR. COON) And you noted that one of<br/> 25 the reports concluded -- and this is that Veba</p>  |

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| <p style="text-align: right;">Page 503</p> <p>1 report. It says one of the conclusions was asset<br/>2 safety is one of the biggest issues identified.<br/>3 There were serious concerns about the potential for<br/>4 a major site incident, talking about an explosion,<br/>5 right?<br/>6 A. Yes, sir.<br/>7 Q. Due mainly to the very large number of<br/>8 hydrocarbon escapes. It says over 80 in the<br/>9 2000/2001 period illustrated an important aspect of<br/>10 the Texas City refinery's situation.<br/>11 Did I read all that correctly?<br/>12 A. Yes, sir.<br/>13 Q. And it says the fundamental issues<br/>14 identified in the Kearney report.<br/>15 This is 2002, right?<br/>16 A. Yes, sir.<br/>17 Q. The fundamental conclusions is that<br/>18 Texas City suffered from the following: Lack of<br/>19 investment, which means they are not putting money<br/>20 in the plant to fix it, correct?<br/>21 A. Yes, sir.<br/>22 Q. Inadequate technical competence, which<br/>23 means you just don't have the people you need?<br/>24 A. Not the right people.<br/>25 Q. Not the right people.</p> | <p style="text-align: right;">Page 505</p> <p>1 A. And maybe not investing in the right<br/>2 place.<br/>3 Q. (BY MR. COON) It says that they were<br/>4 substantiated in several other reports. So they<br/>5 not only had the Veba report out there saying that<br/>6 this plant has major problems, but there were many<br/>7 subsequent reports that came to Mr. Parus'<br/>8 attention and other people in the chain of command,<br/>9 which included the gHSEr audit and Rick Porter's<br/>10 report and the COW audit in May of 2004 and the<br/>11 Telos Report and the Mogford report that came out<br/>12 afterwards that, again, verified it?<br/>13 A. That's right.<br/>14 Q. And you noted in your investigation that<br/>15 Mr. Parus was fully aware of all of those?<br/>16 A. That's right.<br/>17 Q. And, nonetheless, you felt that he was<br/>18 not responding appropriately armed with that<br/>19 knowledge and doing things he needed to make that<br/>20 plant safe again?<br/>21 MR. GALBRAITH: Objection, form.<br/>22 A. Yes, sir.<br/>23 Q. (BY MR. COON) And as a result of those<br/>24 failures and others, he should be fired?<br/>25 A. Yes, sir.</p> |
| <p style="text-align: right;">Page 504</p> <p>1 People in positions where they<br/>2 don't know what they are doing like Joe Barnes,<br/>3 right?<br/>4 MR. GALBRAITH: Objection, form.<br/>5 A. I think that Joe Barnes in those days was<br/>6 not there.<br/>7 Q. (BY MR. COON) That's an example of<br/>8 somebody that doesn't have the competence for the<br/>9 position they are supposed to hold?<br/>10 A. Well, I think, if I remember correctly,<br/>11 that was when -- across the whole site.<br/>12 Q. Sure.<br/>13 Lack of compliance, which means<br/>14 that the plant was not doing what the regulators<br/>15 were telling them they were supposed to do?<br/>16 A. I think it was more general; but the<br/>17 staff, whoever it was, did not comply also with the<br/>18 internal directives.<br/>19 Q. They weren't even following their own<br/>20 rules?<br/>21 A. (Nods head.)<br/>22 Q. And a lack of proper prioritization, which<br/>23 means that they were handling trivial matters<br/>24 instead of primary matters?<br/>25 MR. GALBRAITH: Objection, form.</p>                         | <p style="text-align: right;">Page 506</p> <p>1 Q. Let's talk about Willie Willis. He was<br/>2 the manufacturing delivery leader for the plant.<br/>3 He was in charge of the ISOM unit and other<br/>4 units --<br/>5 A. Yes.<br/>6 Q. -- in the plant?<br/>7 A. Yes.<br/>8 Q. And we've already talked about earlier in<br/>9 your report where you note he was pretty<br/>10 strong-willed or stubborn and that he had even<br/>11 refused to take a proper passing of the baton from<br/>12 Mr. Peltier when he took over his position?<br/>13 A. Yes, sir.<br/>14 Q. And, in fact, you talk about it again<br/>15 here, although I don't think you mention the names,<br/>16 it says -- you talk about Willie Willis all in this<br/>17 paragraph. It says, "When Willie took over on the<br/>18 ISOM in September of '04, he rejected several<br/>19 offers for a detailed hand over."<br/>20 That's what you were talking about<br/>21 earlier in the report, with Mr. Peltier?<br/>22 A. Yes, sir.<br/>23 Q. And you go on to say, "Willie was<br/>24 accountable to ensure his managers carried out a<br/>25 unit startup following proper procedures, that the</p>            |

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1 roles and responsibilities of those engaged in  
 2 operations were clear"?

3 A. Yes, sir.

4 Q. "That the right people were in the right  
 5 job and that there were no issues of excessive  
 6 overtime. In view of the team, these  
 7 accountabilities were not adequately carried out,"  
 8 correct?

9 A. Yes, sir.

10 Q. So none of these were properly carried  
 11 out, the things we just covered, correct?

12 A. Yes.

13 Q. Let's talk about the overtime. It says,  
 14 "With regard to overtime, some or most of the  
 15 individuals involved in the startup had been  
 16 working continuously for several weeks, 12 hours  
 17 per day as noted in the Mogford report."  
 18 Now, we talked about this in your  
 19 first deposition. And you were made aware in your  
 20 investigation as to this explosion that the people,  
 21 the crew on that ISOM, many of them had worked at  
 22 least 12 hours a day for 35, 40 days straight?

23 MR. GALBRAITH: Objection, form.

24 Q. (BY MR. COON) Do you recall that?  
 25 MR. GALBRAITH: Objection, form.

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1 A. I remember this.

2 Q. (BY MR. COON) And you found that to be,  
 3 frankly, shocking that you could work people 80,  
 4 100 hours a week for weeks at a time in the  
 5 responsibilities that they held in running units?

6 A. Yes, that's right.

7 Q. Have you done anything as part of your  
 8 recommendations here to go back to BP and admonish  
 9 against the practice of excessive overtime with  
 10 these people that are in critical positions?

11 A. Well, I think when you go to our  
 12 recommendations you see that we had -- have been  
 13 very critical and that we said this needs to be  
 14 monitored in a much more stringent way.

15 Q. Okay. We will talk about that.

16 You go on to talk about "Willie  
 17 Willis' way" and, again, I think that was a  
 18 reflection of sometimes his -- what I call  
 19 entrenched attitude or stubborn attitude, do it his  
 20 way or the highway. Have you heard that kind of  
 21 story before?

22 MR. GALBRAITH: Objection, form.

23 A. Yes, this way of dealing -- of managing.

24 Q. (BY MR. COON) And that he did accept  
 25 some accountability for the incident in his

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1 meetings with you; is that correct?

2 A. That was quite clear.

3 Q. And, nonetheless, you felt he was in  
 4 charge of the unit when the accident occurred and,  
 5 perhaps, more than others, he understood the risks  
 6 taking culture that was so prevalent at Texas City;  
 7 and it was the unanimous conclusion of the team he  
 8 did not carry out his management responsibilities  
 9 and he should be fired?

10 A. That's right.

11 Q. Okay. Then we get into the next section,  
 12 which are the recommendations that you make.

13 A. Okay.

14 Q. And I won't go through these in any  
 15 detail. But this is the five pages of your report  
 16 that talk about the actual recommendations based on  
 17 your investigation, correct?

18 A. Yes, sir.

19 Q. And you make some observations and  
 20 recommendations as it relates to the group. And  
 21 when we talk about the group, we are talking about  
 22 all of BP, the refining sector?

23 A. Yes, sir.

24 Q. All the way back to London, correct?  
 25 A. Yes, sir.

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1 Q. And so if we look over here, this is  
 2 talking about the observations, things that were  
 3 noted by your team; and these are the things that  
 4 you recommend be done, correct?

5 A. Yes, sir.

6 Q. And then when we go to the next section  
 7 you talk about the culture and you were aware that  
 8 there were a number of cultural deficiencies in the  
 9 operation of Texas City and elsewhere, were you  
 10 not?

11 A. Yes, sir.

12 Q. Those would be, for example, taking  
 13 unnecessary risk, being risk-takers, things like  
 14 that?

15 A. Yeah.

16 Q. A high tolerance for matters?  
 17 A. Yeah.

18 Q. Hand offs or transition were somewhat  
 19 improper. People weren't following standard  
 20 operating procedures as they should.  
 21 It was kind of a loose ship, more  
 22 or less. Would that be fair to state?

23 MR. GALBRAITH: Objection, form.

24 A. Can you repeat that, please, sir?  
 25 Q. (BY MR. COON) Yes, sir.

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| <p style="text-align: right;">Page 511</p> <p>1 It would be fair to state that you<br/>2 saw a lot of practices that would be what you've<br/>3 described as a loose ship?<br/>4 A. What is a loose ship?<br/>5 Q. Just people being able to cut corners,<br/>6 not follow all the discipline --<br/>7 A. Yeah.<br/>8 Q. -- rules and regulations?<br/>9 A. Yeah. We -- a high tolerance of risk<br/>10 taking and not living up to the rules and<br/>11 procedures.<br/>12 Q. And then the third section you dealt with<br/>13 here was Texas City refinery specifically?<br/>14 A. Yes.<br/>15 Q. And then you talk about a demotivated<br/>16 workforce. That was evidenced in the Telos study,<br/>17 and these are the things that you said needed to be<br/>18 done to address that, which is set clear goals and<br/>19 that promises are kept and deficiencies and<br/>20 failures are addressed, things of that nature,<br/>21 correct?<br/>22 A. Yes, sir.<br/>23 Q. Do you have any idea whether or not BP<br/>24 had left you with an indication that they would<br/>25 agree with all your recommendations, that they</p> | <p style="text-align: right;">Page 513</p> <p>1 Then the next section is this section, and the<br/>2 question that was asked is: Did he or she act<br/>3 appropriately on their information and did they set<br/>4 the right priorities?<br/>5 Correct?<br/>6 A. Yes, sir.<br/>7 Q. And for Willie you said no, he did not<br/>8 act appropriately, correct?<br/>9 A. Yes.<br/>10 Q. And you list things he failed. He failed<br/>11 to take over from Peltier properly. He did not<br/>12 recognize the ISOM unit performance issues. He did<br/>13 not set the right priorities. He did not clarify<br/>14 expectations for work on the ISOM, and he did not<br/>15 hold his team accountable.<br/>16 Those are the failures you noted,<br/>17 correct?<br/>18 A. Yes.<br/>19 Q. Then you noted that there were mitigating<br/>20 factors which would balance in keeping him versus<br/>21 aggravating factors --<br/>22 A. Yeah.<br/>23 Q. -- which were the things that justified<br/>24 terminating him?<br/>25 A. Right.</p>  |
| <p style="text-align: right;">Page 512</p> <p>1 would implement all of them or any of them or --<br/>2 A. As I said, I did not get any response so<br/>3 far from the report submitted last week.<br/>4 Q. Okay. Now let's go briefly to the<br/>5 accountability matrix. This was the next section<br/>6 of your report. And just so we can follow through,<br/>7 we don't have to go through all of these one at a<br/>8 time.<br/>9 But if we look at Willie Willis,<br/>10 he is the first one you put on your accountability<br/>11 matrix?<br/>12 A. Yeah.<br/>13 Q. We can look at his name, and then you<br/>14 asked the question: Did this person have the<br/>15 necessary information to adequately perform his or<br/>16 her role as they related to the incident?<br/>17 A. That's right.<br/>18 Q. Then you would answer those questions<br/>19 here?<br/>20 A. Yes, sir.<br/>21 Q. "Yes, Willie did know about the state of<br/>22 the plant; however, he did not have a deep<br/>23 technical background"?<br/>24 A. Yep.<br/>25 Q. You would give those kinds of answers.</p>  | <p style="text-align: right;">Page 514</p> <p>1 Q. So for mitigation you would say that it<br/>2 wasn't just his fault. The whole site was blind<br/>3 regarding location of trailers?<br/>4 A. Yeah.<br/>5 Q. So don't just blame him. You can blame<br/>6 everybody. And you have others, that he expressed<br/>7 contrition, that he at least acknowledged that he<br/>8 was partly accountable; and you felt that was<br/>9 something that was in his favor?<br/>10 A. Yeah.<br/>11 Q. He didn't deny the obvious?<br/>12 A. Yes, sir.<br/>13 Q. And then you go on to the next page, and<br/>14 there are some other things where you say that --<br/>15 you question whether or not he had the right<br/>16 qualifications for the job. So you felt that you<br/>17 wouldn't punish him if he was put in a position<br/>18 that was over his head?<br/>19 A. Right.<br/>20 Q. And then if you -- then say, "He started<br/>21 the West Plant role of accountability," these other<br/>22 things he did you felt were positives for him?<br/>23 A. Yes, sir.<br/>24 Q. And then the negatives were the<br/>25 aggravating factors; and you keep listing those on</p> |

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| <p style="text-align: right;">Page 515</p> <p>1 into the next page, right?</p> <p>2 A. Yep.</p> <p>3 Q. It talks about he had ultimate</p> <p>4 responsibility for the ISOM. He was unable to</p> <p>5 provide clarity about when and how the startup was</p> <p>6 to be made. He had lack of technical expertise.</p> <p>7 Even though he had that, he knew that lack of</p> <p>8 compliance and apathy and poor plant conditions</p> <p>9 were among other things he had problems with. You</p> <p>10 talk again about "the Willie Willis way" and you go</p> <p>11 onto the next page where he sought to justify the</p> <p>12 decrease in the maintenance budget for 2005 in the</p> <p>13 West Plant by saying he would just ignore this and</p> <p>14 spend the money anyway.</p> <p>15 It was all those types of reasons</p> <p>16 that you felt that he had bad decision-making, and</p> <p>17 he should be terminated?</p> <p>18 A. Yes.</p> <p>19 Q. Then the next one is Kathleen Lucas.</p> <p>20 Again, she is one you decided to keep, correct?</p> <p>21 A. Yep.</p> <p>22 Q. And it was primarily because she had not</p> <p>23 been there long enough to have lent a major role to</p> <p>24 the problems they were having out there?</p> <p>25 MR. GALBRAITH: Objection, form.</p> | <p style="text-align: right;">Page 517</p> <p>1 A. Yes, sir.</p> <p>2 Q. And then you go to Pat Gower. You also</p> <p>3 felt that he had the necessary information to</p> <p>4 perform his job, correct?</p> <p>5 A. That's true.</p> <p>6 Q. And that, nonetheless, he did not act</p> <p>7 appropriately, correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And you listed the mitigating factor for</p> <p>10 him, that he did not shy away from taking on the</p> <p>11 difficult task of representing BP before government</p> <p>12 agencies and others regarding the explosion.</p> <p>13 So the only thing you really felt</p> <p>14 he did good was he took the bullet for the team to</p> <p>15 deal with the press and the government after the</p> <p>16 fact, right?</p> <p>17 MR. GALBRAITH: Objection, form.</p> <p>18 A. Yeah, that's the only mitigating factor</p> <p>19 we came up with.</p> <p>20 Q. (BY MR. COON) And other than him having</p> <p>21 to deal with the public after the explosion and</p> <p>22 taking the heat for it, you had a long list of</p> <p>23 reasons that he ought to be fired, right?</p> <p>24 A. Yeah.</p> <p>25 Q. He didn't take appropriate action</p> |
| <p style="text-align: right;">Page 516</p> <p>1 A. That's right, and she did -- and she did</p> <p>2 take actions already to admit -- to turn the</p> <p>3 refinery around.</p> <p>4 Q. (BY MR. COON) The last thing I wanted to</p> <p>5 do, when we went down these columns, if you go to</p> <p>6 each one of these, to make sure we are reading</p> <p>7 these right, when you look at the name, it's here</p> <p>8 (indicating); and each one of these things read</p> <p>9 down this way, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So for Willie Willis, after we go through</p> <p>12 several pages --</p> <p>13 A. Until the next name shows up.</p> <p>14 Q. -- it's three pages, you just go down</p> <p>15 like that (indicating), right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. One page after another.</p> <p>18 If we go back to the front page,</p> <p>19 we can actually read the outcome column. And the</p> <p>20 outcome for him was you had this list of things to</p> <p>21 consider and y'all note he should not have been</p> <p>22 placed in that role, he lacked the competency and</p> <p>23 that he failed to perform his duties.</p> <p>24 In areas that he was competent, he</p> <p>25 still didn't perform properly?</p>  | <p style="text-align: right;">Page 518</p> <p>1 regarding the gHSEr reports, correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. He had substantial knowledge and</p> <p>4 expertise, but he did not challenge Don Parus</p> <p>5 regarding brutal facts nor did he sufficiently</p> <p>6 convey the seriousness of the issues that he was</p> <p>7 aware of, right?</p> <p>8 A. That's correct.</p> <p>9 Q. He did not act on the instances like the</p> <p>10 fires in 2004?</p> <p>11 A. Yes, sir.</p> <p>12 Q. He continued to refuse to accept any</p> <p>13 accountability for the explosion?</p> <p>14 A. That's right.</p> <p>15 Q. He acknowledged that Don Parus had</p> <p>16 shortcomings, but he insufficiently addressed the</p> <p>17 problem by just putting Kathleen Lucas out as a</p> <p>18 span breaker?</p> <p>19 A. That's right.</p> <p>20 Q. He did not accept full responsibility for</p> <p>21 the refinery, even though your guidelines says he</p> <p>22 has it?</p> <p>23 A. Yes.</p> <p>24 Q. He showed a tendency to be an observer</p> <p>25 rather than proactively manage?</p>   |

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| <p style="text-align: right;">Page 519</p> <p>1 A. Yes, sir.</p> <p>2 Q. He was in a stand off position between</p> <p>3 him and the plant manager, Don?</p> <p>4 A. Right.</p> <p>5 Q. And so for all of those reasons, you felt</p> <p>6 that he failed to perform his duties. He failed to</p> <p>7 lead consistent with his level of management and</p> <p>8 that he arguably failed to adequately manage the</p> <p>9 performance of his direct reports?</p> <p>10 A. Right.</p> <p>11 Q. All being grounds for termination?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Mr. Hoffman, you felt that he had</p> <p>14 substantial knowledge about the distressed state of</p> <p>15 the Texas City refinery, did you not?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Nonetheless, he did not respond</p> <p>18 appropriately, correct?</p> <p>19 A. Yep.</p> <p>20 Q. He did not make the appropriate number of</p> <p>21 inspections to the facility?</p> <p>22 A. Yep.</p> <p>23 Q. He didn't push for organizational</p> <p>24 clarity?</p> <p>25 A. Yep.</p>   | <p style="text-align: right;">Page 521</p> <p>1 and he didn't need to consult with others.</p> <p>2 Q. Were you frustrated that he refused to</p> <p>3 accept any personal accountability for what</p> <p>4 happened out there?</p> <p>5 A. Very much so.</p> <p>6 Q. Let's talk about Don Parus briefly.</p> <p>7 Again, you felt that he had the</p> <p>8 necessary information to adequately perform his</p> <p>9 job?</p> <p>10 A. Yep.</p> <p>11 Q. And we have talked about a number of</p> <p>12 things that he was privy to such as the Kearney</p> <p>13 report, the Telos report, the Veba report, the COW</p> <p>14 audit and other things, correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And you felt that he should be terminated</p> <p>17 because, despite of all of those, he continued to</p> <p>18 exercise poor judgment?</p> <p>19 A. Yes, sir.</p> <p>20 Q. You felt he spent too much time on</p> <p>21 external matters instead of those that were</p> <p>22 directly plant related?</p> <p>23 A. Yeah.</p> <p>24 Q. He failed to press the issues of inherent</p> <p>25 safety culture problems when he would give</p> |
| <p style="text-align: right;">Page 520</p> <p>1 Q. He did not keep Mr. Manzoni and others</p> <p>2 informed of the condition of Texas City?</p> <p>3 A. That's right.</p> <p>4 Q. He didn't take any action regarding</p> <p>5 Mr. Parus being the replacement at Doug Ford's</p> <p>6 suggestion?</p> <p>7 A. That's right.</p> <p>8 Q. He had difficulty setting priorities?</p> <p>9 A. Yep.</p> <p>10 Q. He recognized the need for investment --</p> <p>11 reinvestment at the facility but didn't do so?</p> <p>12 A. Yep.</p> <p>13 Q. He didn't respond adequately to the</p> <p>14 process safety management challenges existing</p> <p>15 there, particularly after the problems in 2004?</p> <p>16 A. That's right.</p> <p>17 Q. Then you also go on to make some personal</p> <p>18 observations about him, one of which that you felt</p> <p>19 that he had a "know it all" attitude?</p> <p>20 A. A what?</p> <p>21 Q. He had a "know it all" attitude?</p> <p>22 A. Yeah.</p> <p>23 Q. What did you mean by that?</p> <p>24 A. Well, that he obviously did not care</p> <p>25 about other's views. He felt he knew everything,</p> | <p style="text-align: right;">Page 522</p> <p>1 presentations to Gower, Hoffman, and Manzoni?</p> <p>2 A. Yes, sir.</p> <p>3 Q. For all those reasons, you felt he should</p> <p>4 be terminated?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And I say "you." Your whole team did,</p> <p>7 correct?</p> <p>8 A. Yeah. I understand you this way.</p> <p>9 MR. GALBRAITH: Is this a good</p> <p>10 time? It's been over an hour.</p> <p>11 MR. COON: Yes, sir.</p> <p>12 (Discussion off the record.)</p> <p>13 THE VIDEOGRAPHER: We are off the</p> <p>14 record at 3:41 p.m., ending Tape Number 2.</p> <p>15 (Recess taken.)</p> <p>16 THE VIDEOGRAPHER: We are back on</p> <p>17 the record at 3:55 p.m. with the beginning of Tape</p> <p>18 Number 3.</p> <p>19 Q. (BY MR. COON) Mr. Bonse, we left off</p> <p>20 discussing the primary management accountability</p> <p>21 report; and there was a supplement that dealt with</p> <p>22 Mr. Manzoni that we talked about earlier?</p> <p>23 A. That's right.</p> <p>24 Q. I would like to turn your attention to</p> <p>25 that now, if we could, sir?</p>                                     |

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| <p style="text-align: right;">Page 523</p> <p>1 A. I have it here.<br/> 2 (Exhibit Number 910 marked for<br/> 3 identification.)<br/> 4 Q. (BY MR. COON) You have a copy there.<br/> 5 A. Thank you.<br/> 6 Q. We have the next deposition exhibit<br/> 7 number attached to it?<br/> 8 A. Yes, sir. 910.<br/> 9 Q. We have a copy here on the monitor. You<br/> 10 can follow along.<br/> 11 It's titled Management<br/> 12 Accountability Project Texas City ISOM Explosion<br/> 13 Supplemental Report --<br/> 14 A. Yeah.<br/> 15 Q. -- dated February of 2007, correct?<br/> 16 A. Yes, sir.<br/> 17 Q. And if we look at it, this is a little<br/> 18 shorter because it only involves one person. But<br/> 19 you just reference the intro. You reference the<br/> 20 primary report. So if you want to see the intro,<br/> 21 just go back and read all of that?<br/> 22 A. Yes, sir.<br/> 23 Q. All right. We get down to the<br/> 24 recommendations on page 1. Recommendations for<br/> 25 John Manzoni?</p>  | <p style="text-align: right;">Page 525</p> <p>1 That was they were balancing<br/> 2 aggravating and mitigating factors, correct?<br/> 3 A. Yes, sir.<br/> 4 Q. And he is the only person that ended up<br/> 5 in that category, which is one below you've got to<br/> 6 fire him and one above Lucas, Barnes and Ralph,<br/> 7 where they had mitigating factors outweighing the<br/> 8 aggravating factors and they would stay?<br/> 9 A. Right.<br/> 10 Q. So he would be, what you have described,<br/> 11 on the bubble?<br/> 12 A. What?<br/> 13 Q. Would you describe Mr. Manzoni as being<br/> 14 on the bubble?<br/> 15 MR. GALBRAITH: Objection, form.<br/> 16 Q. (BY MR. COON) Maybe to fire him, maybe<br/> 17 to keep him, maybe do something else with him?<br/> 18 A. This is not my decision.<br/> 19 Q. Okay. Why is it that your team does not<br/> 20 make the decision with respect to Mr. Manzoni? Was<br/> 21 it because of his level?<br/> 22 A. As I said already in the beginning,<br/> 23 that's something that a higher level in BP has to<br/> 24 decide about.<br/> 25 Q. Do you have an understanding as to who</p>   |
| <p style="text-align: right;">Page 524</p> <p>1 A. Yes.<br/> 2 Q. Now, as I recall from your first<br/> 3 deposition, it was Mr. Manzoni that had something<br/> 4 to do with setting up this team and picking some of<br/> 5 your teammates, correct?<br/> 6 A. He proposed me as the team leader. To my<br/> 7 knowledge, he was not involved in selecting the<br/> 8 other three.<br/> 9 Q. Okay. So he picked you and you picked<br/> 10 the other ones?<br/> 11 A. No, I did not pick. Actually, it was<br/> 12 recommended to me who may join the team.<br/> 13 Q. And who made those recommendations?<br/> 14 A. It came to me -- I think it was Sue<br/> 15 Rataj. I explained to you that she was, to some<br/> 16 extent, coordinating the interface between the<br/> 17 Texas City accountability project and others<br/> 18 related to the Texas City tragedy and the R&amp;M<br/> 19 segment.<br/> 20 Q. Mr. Bonse, if we look at the<br/> 21 recommendations for John Manzoni.<br/> 22 A. Yes.<br/> 23 Q. The first paragraph there says, "John<br/> 24 Manzoni was placed in Tier 2 of the analysis<br/> 25 conducted by the team."</p> | <p style="text-align: right;">Page 526</p> <p>1 would end up being involved in that decision-making<br/> 2 process?<br/> 3 A. Well, I would guess it's a level above<br/> 4 Peter Bevan and Sally Bott. Who is it -- who it<br/> 5 is, I don't know.<br/> 6 Q. Do you know if that would be the CEO or<br/> 7 the board or a combination or any idea?<br/> 8 A. It may be both. I don't know.<br/> 9 Q. Mr. Sutherland? You just don't know?<br/> 10 A. I don't know, but I would guess -- this<br/> 11 is guessing -- that if a board member is involved,<br/> 12 then the chairman has a say in this aspect as well.<br/> 13 Q. Okay. Now, you understood generally that<br/> 14 Mr. Manzoni was not as well versed in refining and<br/> 15 marketing as you would have preferred him to be?<br/> 16 A. Yes, sir.<br/> 17 Q. And you took that into consideration in<br/> 18 the review of his conduct?<br/> 19 A. This and the widely diverse portfolio he<br/> 20 is in charge of.<br/> 21 Q. And, nonetheless, even taking that into<br/> 22 consideration, you still noted a number of things<br/> 23 that concerned you. One was that he had visited<br/> 24 the Texas City refinery several times; and you know<br/> 25 that that ought to have given him some missing</p> |

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| <p style="text-align: right;">Page 527</p> <p>1 information or critical clues that you described,<br/>2 that Texas City was in worryingly poor condition?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 Q. (BY MR. COON) And that there were<br/>5 serious questions concerning its overall operating<br/>6 condition?<br/>7 A. That's what is written down here.<br/>8 Q. And you would agree with that, correct?<br/>9 A. Of course.<br/>10 Q. You would say, "Okay. It was not only --<br/>11 Texas City was not only in poor condition, it was<br/>12 in a bothersome level," as you say, "a worryingly<br/>13 poor condition"?<br/>14 A. Yeah, that's my word. Obviously, it's<br/>15 somewhat difficult.<br/>16 Q. And in the follow-up, you note that the<br/>17 team also believed that he was given significant<br/>18 messages about the safety risk at Texas City,<br/>19 "including the following," and you list them.<br/>20 Again, the Veba report, the bilateral presentation<br/>21 he was given, the Getting Health and Safety Right<br/>22 report, Mr. Welch in response to Manzoni's request.<br/>23 You noticed that other -- the<br/>24 last, the fourth one regarding the follow-up --<br/>25 A. Yep.</p>  | <p style="text-align: right;">Page 529</p> <p>1 acceptable?<br/>2 A. That's what is written here down -- down<br/>3 here.<br/>4 Q. Then you went on to note that while he<br/>5 had an emphasis on personal issues, y'all felt that<br/>6 process safety did not have the same priory for him<br/>7 as his commercial obligations, that he was looking<br/>8 at those as more of a step child or something. He<br/>9 didn't focus on process safety?<br/>10 MR. GALBRAITH: Objection, form.<br/>11 A. Well, all I am saying, it's not the same<br/>12 priority.<br/>13 Q. (BY MR. COON) And you would agree that<br/>14 with respect to the operation of refineries,<br/>15 process safety should come Number 1?<br/>16 A. I think we agreed on this already.<br/>17 Q. Then you go on to note that while it was<br/>18 evident this did not contribute to the fundamental<br/>19 causes in the ISOM disaster, it was not simply<br/>20 hindsight to suggest that John should have taken<br/>21 more steps to consider and mitigate the risk long<br/>22 before this disaster occurred?<br/>23 A. That's what we say.<br/>24 Q. And then, based on that, you said, "In<br/>25 light of the circumstances, the accountability of</p> |
| <p style="text-align: right;">Page 528</p> <p>1 Q. -- requests?<br/>2 All of those, as well as other<br/>3 things, all gave him a good reason to be personally<br/>4 aware of the problems?<br/>5 A. Yes, sir.<br/>6 Q. And you felt that in spite of that, even<br/>7 if he had some underlying technical deficiencies,<br/>8 he should have appreciated what was going on down<br/>9 there at a much higher level than he was?<br/>10 A. Yes, sir.<br/>11 Q. And that if those things didn't do it,<br/>12 then at least the explosions and fatalities in 2004<br/>13 should have set clear signals?<br/>14 A. That's clear.<br/>15 Q. And irrespective of all of those things,<br/>16 you noted that the team came to the conclusion that<br/>17 Mr. Manzoni failed to implement his duties outlined<br/>18 in the BP management framework. And that was that<br/>19 he failed to carry out his responsibilities by<br/>20 adequately monitoring his delegations and obtaining<br/>21 the information he needed to better understand his<br/>22 most complex and important refining asset and the<br/>23 risk for major calamities at that facility. And<br/>24 then you note that the stand off between him and<br/>25 the GVP of refining as described was simply not</p> | <p style="text-align: right;">Page 530</p> <p>1 the chief executive RM should be considered by the<br/>2 appropriate parties"?<br/>3 A. Yes, sir.<br/>4 Q. And then you also had a matrix --<br/>5 A. Yep.<br/>6 Q. -- done for him, an accountability<br/>7 matrix --<br/>8 A. Yes.<br/>9 Q. -- similar to the other ones we have gone<br/>10 over?<br/>11 And one was -- interestingly, it<br/>12 says: Did the person have the necessary<br/>13 information to adequately perform his role?<br/>14 And you indicated, "No, he did<br/>15 not." But you did note, irrespective of that, he<br/>16 was well aware of many things that should have<br/>17 tipped him off?<br/>18 A. Yes, sir.<br/>19 Q. And, nonetheless, his mitigating factors<br/>20 was that he had a hugely diverse portfolio, which<br/>21 means he had lots of other responsibilities, and<br/>22 that Mr. Hoffman, Mr. Gower, and Mr. Parus were not<br/>23 as candid as they should have been with him. They<br/>24 weren't giving him the brutal facts that the<br/>25 Texas City refinery was unsafe, and it was a major</p>   |

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| <p style="text-align: right;">Page 531</p> <p>1 risk to continue operating it as such?<br/> 2 A. That's right.<br/> 3 Q. So in your opinion, from the review of<br/> 4 what Mr. Hoffman, Mr. Gower, and Mr. Parus knew,<br/> 5 you felt that each of them or all of them should<br/> 6 have been delivering to Mr. Manzoni the brutal<br/> 7 facts?<br/> 8 A. I agree.<br/> 9 Q. And you felt that the brutal facts as it<br/> 10 related to Texas City was that the refinery was<br/> 11 unsafe, and it was a major risk to keep operating<br/> 12 in the condition it was in?<br/> 13 MR. GALBRAITH: Objection, form.<br/> 14 A. As it has shown out.<br/> 15 Q. (BY MR. COON) And the aggravating<br/> 16 factors, you list those as well. And that was --<br/> 17 it was not apparent that process safety had the<br/> 18 same priority. We discussed that, correct?<br/> 19 A. Yes, sir.<br/> 20 Q. He did not draw the right conclusions<br/> 21 from the Safety and Health reports and other<br/> 22 reports?<br/> 23 A. Yes.<br/> 24 Q. He did not question the capability of the<br/> 25 plant managers or business unit leaders?</p> | <p style="text-align: right;">Page 533</p> <p>1 A. In all the -- Mike Hoffman had created,<br/> 2 let me call it, subculture in the segment for<br/> 3 the -- for his SPU. And it was a mentality "us<br/> 4 against the rest of the segment," maybe even<br/> 5 against the whole BP.<br/> 6 Q. Okay. Also called maybe a bunker<br/> 7 mentality. I have heard it used that way.<br/> 8 A. Yeah, yeah.<br/> 9 Q. "Us against them"?<br/> 10 A. Huh?<br/> 11 Q. An "us against them" --<br/> 12 A. Yeah.<br/> 13 Q. -- kind of mentality?<br/> 14 A. Yeah, yeah.<br/> 15 Q. Then next I want to turn your attention<br/> 16 to -- I will try to cover two other areas, if we<br/> 17 can. One will be the actual statements that were<br/> 18 given in your interviews, and the other is going to<br/> 19 be the actual underlying drafts of your report.<br/> 20 Now, what we just went through,<br/> 21 Mr. Bonse, were the final drafts of the management<br/> 22 accountability project?<br/> 23 MR. GALBRAITH: What's a final<br/> 24 draft? Isn't that kind of calling it a jumbo<br/> 25 shrimp?</p>  |
| <p style="text-align: right;">Page 532</p> <p>1 A. Yes.<br/> 2 Q. You felt that was an abrogation of<br/> 3 responsibilities?<br/> 4 A. A what?<br/> 5 Q. An abrogation. He abrogated those<br/> 6 responsibilities?<br/> 7 A. What is "abrogation"?<br/> 8 Q. That he had a responsibility that he just<br/> 9 abandoned?<br/> 10 A. Or did not live up to?<br/> 11 Q. Yes, sir.<br/> 12 A. Okay. Yeah.<br/> 13 Q. All right. You know that he had been to<br/> 14 Texas City in '03 and '04 and had personally<br/> 15 observed Texas City's poor condition?<br/> 16 A. Yes, sir.<br/> 17 Q. That the Veba reports were powerful<br/> 18 messages about the condition of the plant and the<br/> 19 explosion were additional powerful messages that he<br/> 20 did not fully appreciate or respond to?<br/> 21 A. Yes, sir.<br/> 22 Q. And then you talk about accept the<br/> 23 fortress refining.<br/> 24 What do you mean by that, when you<br/> 25 say he accepted the fortress refining concept?</p>   | <p style="text-align: right;">Page 534</p> <p>1 MR. COON: Hot water heater? Are<br/> 2 we going to get into a bunch of George Carter<br/> 3 diatribe now?<br/> 4 (Discussion off the record.)<br/> 5 Q. (BY MR. COON) You have two final<br/> 6 reports. One is the final report as it relates to<br/> 7 Mr. Gower, Hoffman and others; and the other final<br/> 8 report was what you called the supplemental report<br/> 9 and that one deals separately with just<br/> 10 Mr. Manzoni. And you deemed both of these to be<br/> 11 your final reports, correct?<br/> 12 A. Yes, sir.<br/> 13 Q. And you also prepared drafts of both of<br/> 14 those reports, did you not?<br/> 15 A. Yeah, the draft --<br/> 16 Q. Or somebody did?<br/> 17 A. We had certainly some working papers; and<br/> 18 we had a final draft, which we presented to Sally<br/> 19 Bott and Peter Bevan in December.<br/> 20 Q. I want to show you these real briefly and<br/> 21 get them identified for the record.<br/> 22 (Exhibit Numbers 911 through 915<br/> 23 marked for identification.)<br/> 24 Q. (BY MR. COON) This one is 911, and this<br/> 25 one is 912.</p> |

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| <p style="text-align: right;">Page 535</p> <p>1 MR. GALBRAITH: Exhibits.<br/> 2 Q. (BY MR. COON) And the first one doesn't<br/> 3 have a date, but it looks like the earlier<br/> 4 precursor. The next one is dated November 29.<br/> 5 Let me show you both of these and<br/> 6 see if you can identify those as earlier drafts --<br/> 7 A. Thank you.<br/> 8 Q. -- of the report.<br/> 9 A. Well, this one is a precursor, as you<br/> 10 say, to the November 29th. As you can see --<br/> 11 Q. Sure.<br/> 12 A. -- certain parts of the whole report have<br/> 13 not been filled out.<br/> 14 Q. Again, those would be some of the working<br/> 15 templates or drafts --<br/> 16 A. Yes, sir.<br/> 17 Q. -- emanating from your team?<br/> 18 A. Yeah. We put together different -- from<br/> 19 different sources -- actually, from the individual<br/> 20 members, we pulled together what they had written<br/> 21 down.<br/> 22 Q. Okay. So that I use the appropriate<br/> 23 terminology, you call those precursors to a draft<br/> 24 or do you call them drafts?<br/> 25 A. I call them working papers, whatever.</p> | <p style="text-align: right;">Page 537</p> <p>1 Q. All right.<br/> 2 A. Then came 912. Then came 913.<br/> 3 Q. Which is your first -- that's the draft<br/> 4 you actually turned in, 913?<br/> 5 A. 9 --<br/> 6 Q. Then you got a copy of that back from<br/> 7 somebody. Somebody took your draft that's 9 --<br/> 8 A. 14.<br/> 9 Q. Somebody took your draft as 913 and made<br/> 10 notes or changed it?<br/> 11 A. Yeah, yeah.<br/> 12 Q. So the one in your right hand there is a<br/> 13 copy of the one on your left hand that somebody has<br/> 14 now written changes on it?<br/> 15 A. It looks this way, yeah.<br/> 16 Q. Right.<br/> 17 A. I think it's the same --<br/> 18 Q. It is.<br/> 19 A. It's a different number.<br/> 20 Q. Right.<br/> 21 A. But here it is 202, and here it's 242.<br/> 22 Q. Those are just -- those are Bates copy<br/> 23 numbers for each document that is produced to us so<br/> 24 they will all have a different number.<br/> 25 A. Yeah, but I cannot right now tell you</p>  |
| <p style="text-align: right;">Page 536</p> <p>1 Q. Okay. The next one I have is one dated<br/> 2 December of 2006, December 1. And that, again, is<br/> 3 another sequential copy?<br/> 4 A. Yeah, that's a paper which had been<br/> 5 presented to Sally Bott and to Peter Bevan.<br/> 6 Q. And, again, that's a more further refined<br/> 7 draft?<br/> 8 A. That's actually what we considered as the<br/> 9 final draft.<br/> 10 Q. Okay. And then after that we have one<br/> 11 dated December 13, which appears to be a re-draft?<br/> 12 A. Yeah. It has been re-draft -- re-drafted<br/> 13 by somebody. I don't know who had written on here.<br/> 14 Q. Well, that was my question.<br/> 15 In looking at the first three<br/> 16 there, those were your working templates that had<br/> 17 resulted in your December 1 draft report, correct,<br/> 18 right there (indicating)?<br/> 19 A. Let me start again. December 1, yeah,<br/> 20 most likely.<br/> 21 Q. Right.<br/> 22 A. So this came first (indicating).<br/> 23 Q. Right.<br/> 24 A. This came first. So to quote the<br/> 25 numbers, 911 came first.</p>    | <p style="text-align: right;">Page 538</p> <p>1 whether everything is identical.<br/> 2 Q. Right.<br/> 3 Well, I have looked at those. The<br/> 4 language is the same. But the one in your right<br/> 5 hand, Mr. Bonse, is a copy of the one in your left<br/> 6 hand; but there's been a bunch of handwriting on<br/> 7 it.<br/> 8 So the first question I have is:<br/> 9 Do you know who made all those recommended changes<br/> 10 to your draft that was turned in on December 1?<br/> 11 A. No, I don't know.<br/> 12 Q. Is that in your handwriting?<br/> 13 A. It's not my handwriting.<br/> 14 Q. Can you identify whether or not it's the<br/> 15 handwriting of any member of your team?<br/> 16 A. No, I don't.<br/> 17 Q. Subsequent to the one you have in your<br/> 18 hand now, a new draft came out --<br/> 19 A. Yeah.<br/> 20 Q. -- of your report, did it not?<br/> 21 A. Right.<br/> 22 Q. Do you recall why it was that your team<br/> 23 ended up taking all of the changes that were made<br/> 24 on that draft in front of you, those handwritten<br/> 25 changes?</p> |

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| <p style="text-align: right;">Page 539</p> <p>1 A. Well, we --</p> <p>2 Q. And changed --</p> <p>3 A. We highly debated. In particular, it was</p> <p>4 more Jeff and I, we -- also in the light of the</p> <p>5 debate we had with Sally Bott and Peter Bevan, we</p> <p>6 thought about whether the tone we have set in some</p> <p>7 cases was the right one.</p> <p>8 Q. Well, that's the thing about it. I</p> <p>9 looked over and read every one of your drafts.</p> <p>10 A. Uh-huh.</p> <p>11 Q. And I looked at all the changes that were</p> <p>12 made --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- to each of the drafts, all the</p> <p>15 handwritten changes and all the other changes; and</p> <p>16 my opinion was what you just stated, was that the</p> <p>17 tone or tenor of the report changed --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- and overall was softened through the</p> <p>20 various re-drafts?</p> <p>21 A. I would -- I would not agree with the</p> <p>22 word "softened." It was more sober.</p> <p>23 I wanted -- I wanted -- that was</p> <p>24 my request. Actually after -- you know, when you</p> <p>25 read the paper after some time, all of a sudden it</p>  | <p style="text-align: right;">Page 541</p> <p>1 ended up being more neutral emotionally than the</p> <p>2 original drafts.</p> <p>3 Would you agree with that?</p> <p>4 A. More neutral, less emotional, yeah.</p> <p>5 Q. Some people would call it more sanitized,</p> <p>6 where you take more of your inflammatory language</p> <p>7 out.</p> <p>8 MR. GALBRAITH: Was that a</p> <p>9 question?</p> <p>10 Q. (BY MR. COON) Would you agree with that</p> <p>11 terminology?</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. No. Again, within my limited English, I</p> <p>14 would disagree. It's not sanitized. I would be --</p> <p>15 it would be sanitized if we came to different</p> <p>16 conclusions, but we did not. Again, if you -- if I</p> <p>17 can say so, it's an experience in my life: If you</p> <p>18 are less emotional, you are more convincing.</p> <p>19 Q. (BY MR. COON) Okay. In that vein, then,</p> <p>20 Mr. Bonse, who is it that continued to make these</p> <p>21 re-drafts and whose handwriting are all these</p> <p>22 re-drafts in?</p> <p>23 A. Again, I don't recognize it; but all the</p> <p>24 changes which have been made here -- and I</p> <p>25 recommended some changes as well -- all these</p> |
| <p style="text-align: right;">Page 540</p> <p>1 sounds a bit different. And we found that our</p> <p>2 paper would be more convincing if we took some, let</p> <p>3 me call it, emotional elements out; but it was not</p> <p>4 softened because our conclusions and</p> <p>5 recommendations in the draft we have made here are</p> <p>6 identical with the ones --</p> <p>7 Q. So you feel you took out some of the</p> <p>8 harsher emotions that were emanating from the team?</p> <p>9 A. And also for me. Also for me. I wanted,</p> <p>10 just as an indication, but I wanted to keep in</p> <p>11 place what we have written here. You never</p> <p>12 referred to this.</p> <p>13 Q. Right.</p> <p>14 A. Never forget that 50 people have died.</p> <p>15 Q. Well, I appreciate that. I have</p> <p>16 represented some of those folks.</p> <p>17 A. But I felt -- but I felt that the report</p> <p>18 itself should be -- should be in a very plain,</p> <p>19 unemotional language because, again, this is my</p> <p>20 experience, you are more convincing, in particular</p> <p>21 let me say so in a British environment, if you do</p> <p>22 it, as I said, in a very neutral way.</p> <p>23 Q. And that was my opinion, is that the</p> <p>24 paper -- the final paper, as we go through these</p> <p>25 eight or ten different re-drafts, the final paper</p> | <p style="text-align: right;">Page 542</p> <p>1 changes have been discussed by the team and we</p> <p>2 jointly agreed with the new version.</p> <p>3 Q. Okay. Well, that's what I am trying --</p> <p>4 wondering.</p> <p>5 Did you guys get back as a team</p> <p>6 after you turned your draft in; that is, the one</p> <p>7 dated December 1? That was at the time you turned</p> <p>8 it in a -- what you called your draft of the paper?</p> <p>9 A. This one (indicating)?</p> <p>10 Q. Yes, sir.</p> <p>11 Who is that turned in to?</p> <p>12 A. This draft?</p> <p>13 Q. Yes, sir.</p> <p>14 A. It has been sent, if my memory serves me</p> <p>15 right, I think I sent it to Sally and Peter.</p> <p>16 Q. Okay. So before you sent them the final</p> <p>17 one that has a cover letter dated February 2, you</p> <p>18 send them that draft --</p> <p>19 A. Yeah.</p> <p>20 Q. -- back in December?</p> <p>21 A. Yeah.</p> <p>22 Q. And after you and your team -- let me</p> <p>23 first back up.</p> <p>24 You and your team, when y'all</p> <p>25 submitted that as a draft, were y'all satisfied</p>   |

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| <p style="text-align: right;">Page 543</p> <p>1 with the content of the report at that time?<br/> 2 A. Yes, saying explicitly "draft."<br/> 3 Q. Now, why is it then, after you turned<br/> 4 that into them as a working draft that was good<br/> 5 enough to turn into them as a -- what would appear<br/> 6 a finished product, why were so many changes made<br/> 7 thereafter to the language and the verbiage?<br/> 8 A. The major change was, as you know, that<br/> 9 we added observations and recommendations.<br/> 10 Q. Okay. I understand that.<br/> 11 A. That was not a change. It was an<br/> 12 addition.<br/> 13 Q. If you look at the first page there, for<br/> 14 instance, there are many, many places that the<br/> 15 content is changed and the language is changed?<br/> 16 A. Yeah.<br/> 17 Q. And that has nothing to do with the<br/> 18 supplemental areas that you cover?<br/> 19 A. No, no. I agree. That was why -- what I<br/> 20 tried to describe already.<br/> 21 Q. Well, sure. But I am saying: Who made<br/> 22 those changes?<br/> 23 A. Jointly. It was mainly Jeff and myself.<br/> 24 We talked over the phone.<br/> 25 Q. Okay.</p>   | <p style="text-align: right;">Page 545</p> <p>1 had different things that could be the outcome,<br/> 2 which was poor judgment or failure to perform<br/> 3 duties or lack of competency. One of the outcomes<br/> 4 was inattention.<br/> 5 Do you recall that on your final<br/> 6 paper?<br/> 7 A. No.<br/> 8 Q. If you look at your final paper there,<br/> 9 sir, one of the options is inattention.<br/> 10 A. Inattention?<br/> 11 Q. Yes, sir. I think that would be probably<br/> 12 in this one right here (indicating).<br/> 13 A. Well, here it is not. We have five<br/> 14 different here.<br/> 15 Q. Right.<br/> 16 Do you see where you have<br/> 17 inattention?<br/> 18 A. Oh, there?<br/> 19 Q. Yeah, this is in your report.<br/> 20 Do you see where inattention is<br/> 21 one of the columns in your final report?<br/> 22 A. We don't have it on John Manzoni.<br/> 23 Q. Okay. So you don't have it in the<br/> 24 supplemental. But inattention was one of the<br/> 25 factors --</p>  |
| <p style="text-align: right;">Page 544</p> <p>1 A. I give some input. I don't know whether<br/> 2 my input is included right now.<br/> 3 Q. That's it.<br/> 4 Mr. Heller is legal counsel, is he<br/> 5 not?<br/> 6 A. Yeah. But as I said, he is a native<br/> 7 English speaker, and he is a top quality legal<br/> 8 expert. We felt he should be the pen holder.<br/> 9 Q. Did you feel that Mr. Heller was<br/> 10 influencing the tone of your paper by convincing<br/> 11 you to change some of the verbiage to tone it down<br/> 12 so it would not be as inflammatory?<br/> 13 A. The other way around. It was me. It was<br/> 14 me who called him, and I read this paper again over<br/> 15 Christmas. And I said -- and I said to Jeff, if I<br/> 16 look at it right now, I feel we do better, we do<br/> 17 better in toning it down and being more neutral.<br/> 18 Q. Let me ask you "for examples."<br/> 19 On one of your pages when you get<br/> 20 into the actual list of the things that each of<br/> 21 them did wrong to justify termination, you had the<br/> 22 outcomes. Do you remember that column where you<br/> 23 had outcomes?<br/> 24 A. Yeah, yeah.<br/> 25 Q. One of them was on your final report you</p> | <p style="text-align: right;">Page 546</p> <p>1 A. Yeah.<br/> 2 Q. -- for termination, correct?<br/> 3 A. Yeah.<br/> 4 Q. Well, in your original report you turned<br/> 5 in, that column was for negligence; and<br/> 6 "negligence" was scratched out by someone and<br/> 7 replaced with "inattention"?<br/> 8 A. Uh-huh.<br/> 9 Q. So do you know why the word "negligent"<br/> 10 would be taken out and replaced with "inattention"?<br/> 11 A. No, I can't tell you. Actually, it<br/> 12 didn't play a role because we never --<br/> 13 Q. Sure.<br/> 14 Do you understand the concept from<br/> 15 a legal standpoint with respect to being negligent<br/> 16 versus inattention?<br/> 17 MR. GALBRAITH: Objection, form.<br/> 18 Q. (BY MR. COON) Do you know if there is a<br/> 19 legal distinction?<br/> 20 A. No.<br/> 21 MR. GALBRAITH: Objection, form.<br/> 22 A. I don't know because I am an engineer, as<br/> 23 you know.<br/> 24 Q. (BY MR. COON) Well, in that regard, it<br/> 25 was something that you opined in your report. You</p> |

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| <p style="text-align: right;">Page 547</p> <p>1 made inferences as to whether or not some conduct<br/>2 was grossly negligent or intentional misconduct or<br/>3 inattention.<br/>4 In that regard, do you have any<br/>5 understanding as to the legal definition and<br/>6 distinction between each of those under Texas law?<br/>7 A. We --<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. We had -- to answer your question, we --<br/>10 you know, there was just one legal expert and three<br/>11 which are not legal experts. So we debated what --<br/>12 how we judge -- we have to judge what has happened<br/>13 and what we have observed.<br/>14 Q. (BY MR. COON) Well, my --<br/>15 A. And then our legal expert, Jeff Heller,<br/>16 from his legal knowledge and experience, he said,<br/>17 "Well, this is more this and this."<br/>18 Q. Okay.<br/>19 A. So that's the way that worked.<br/>20 Q. So it didn't bother you that legal came<br/>21 to you and says, "Let's take out inattention -- or<br/>22 let's take out neglect. Where you have neglect<br/>23 there, let's take that out of your report and let's<br/>24 just put inattention there," and you just said,<br/>25 "Okay"?</p> | <p style="text-align: right;">Page 549</p> <p>1 MR. GALBRAITH: Objection, form.<br/>2 A. That was my -- to take out the --<br/>3 Q. (BY MR. COON) Right.<br/>4 A. -- the emotional elements, I'd like to<br/>5 call it.<br/>6 Q. I understand. I understand.<br/>7 A. That was my request --<br/>8 Q. Yes, sir.<br/>9 A. -- based on the reason I have just<br/>10 outlined to you.<br/>11 Q. And I understand and appreciate that.<br/>12 And now I am trying to find out who all was<br/>13 involved in this discussion, because you have also<br/>14 indicated that it could be Mr. Heller, who was<br/>15 legal counsel, had discussions about the content of<br/>16 your report as well?<br/>17 A. The process was: First I called<br/>18 Mr. Heller --<br/>19 Q. Yes, sir.<br/>20 A. -- after some time had passed, and I came<br/>21 to the conclusion I have outlined to you. And then<br/>22 we both talked about, over the phone, how we should<br/>23 modify the report. And after he had reworded the<br/>24 report, then we went sitting together, a full day<br/>25 session in London, the whole team; and we agreed on</p> |
| <p style="text-align: right;">Page 548</p> <p>1 MR. GALBRAITH: Objection, form.<br/>2 A. Well, as you found out right now, I was<br/>3 not aware of this change at all; and it's not, by<br/>4 the way, in the matrix for John Manzoni. So it<br/>5 slipped from my radar screen.<br/>6 Q. (BY MR. COON) Okay. So if someone<br/>7 suggested that to you, that would have been the<br/>8 advice you would have taken from Mr. Heller? If he<br/>9 called, you would say, "Sure, whatever"?<br/>10 MR. GALBRAITH: Objection, form.<br/>11 Q. (BY MR. COON) It didn't matter to you?<br/>12 MR. GALBRAITH: Objection, form.<br/>13 A. I don't know who changed it. But again,<br/>14 I didn't actually notice it.<br/>15 Q. (BY MR. COON) Well, I am just trying to<br/>16 find out, Mr. Bonse, who all was involved in<br/>17 influencing the changes that were made from your<br/>18 original draft --<br/>19 A. Uh-huh.<br/>20 Q. -- to the final draft that is the one<br/>21 that you stand by today?<br/>22 Because I think we both agree that<br/>23 a lot of the more inflammatory rhetoric of the<br/>24 original draft has been taken out.<br/>25 A. That was mine.</p>                                   | <p style="text-align: right;">Page 550</p> <p>1 the final -- on the final language.<br/>2 Q. Well, that's what I am trying to find<br/>3 out.<br/>4 There were some things that you<br/>5 wanted to take out; but there were also some things<br/>6 that were discussed by Mr. Heller, correct?<br/>7 A. By Mr. Heller and we had also input from<br/>8 Ms. Moore and Mr. Blyweert.<br/>9 Q. And those ended up resulting in another<br/>10 draft. I will give you a copy of this one. This<br/>11 is a January 10 draft. That's another --<br/>12 A. Yeah.<br/>13 Q. -- ongoing.<br/>14 A. You will see it's saying "Bonse edits."<br/>15 Q. Right.<br/>16 A. So I would guess that's reflecting what I<br/>17 have suggested.<br/>18 Q. Okay. Then if you look at this one, this<br/>19 is on the matrix. Let me give you these two. Let<br/>20 me show you this one. Here's what I am talking<br/>21 about, for instance, this: On the original draft<br/>22 you turned in --<br/>23 MR. GALBRAITH: What are we<br/>24 looking at? What are we looking at now?<br/>25 MR. COON: This is going to be</p>                                |

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| <p style="text-align: right;">Page 551</p> <p>1 916. This is just a copy of that.<br/> 2 (Exhibit Numbers 916 through 919<br/> 3 marked for identification.)<br/> 4 Q. (BY MR. COON) When you look at Willie<br/> 5 Willis, for instance, do you remember how we walked<br/> 6 through that on the final draft?<br/> 7 A. Uh-huh.<br/> 8 Q. This is one of the earlier drafts, and<br/> 9 this column here in your final draft on "Outcomes"<br/> 10 you just have "Inattention"?<br/> 11 A. Yeah.<br/> 12 Q. But on this earlier draft, the word<br/> 13 "Neglect" --<br/> 14 A. Yeah.<br/> 15 Q. -- was actually one of the things that<br/> 16 you were to look at and consider; and that's now<br/> 17 been taking out and substituted for "inattention,"<br/> 18 correct?<br/> 19 A. Yeah.<br/> 20 Q. So if we were to just look at the final<br/> 21 draft --<br/> 22 A. Uh-huh.<br/> 23 Q. -- and not have a copy of the earlier<br/> 24 drafts, we would have never known that "neglect"<br/> 25 was one of the words that was used for this outcome</p> | <p style="text-align: right;">Page 553</p> <p>1 Q. Okay.<br/> 2 A. It has -- it has played a role in various<br/> 3 depositions --<br/> 4 Q. Sure.<br/> 5 A. -- if I remember right.<br/> 6 Q. That's right.<br/> 7 And in those depositions what we<br/> 8 were told is that BP representatives that were<br/> 9 conducting investigations into accidents were told<br/> 10 by their lawyers not to use certain words that<br/> 11 could be used against them in a court?<br/> 12 A. Maybe. I don't recall this.<br/> 13 Q. And it was words like these. They said:<br/> 14 Do not put in your reports any of these words, like<br/> 15 it was alarming or it was appalling or it was<br/> 16 dishonest or it was incompetent.<br/> 17 Do you see those kinds of words<br/> 18 that are there --<br/> 19 MR. GALBRAITH: Objection --<br/> 20 Q. (BY MR. COON) -- on the monitor?<br/> 21 MR. GALBRAITH: Objection, form.<br/> 22 A. I read this --<br/> 23 Q. (BY MR. COON) Sure.<br/> 24 A. -- but I don't know the history.<br/> 25 Q. Okay. And one of the words they were</p>  |
| <p style="text-align: right;">Page 552</p> <p>1 determination?<br/> 2 A. Yeah.<br/> 3 Q. Would we?<br/> 4 A. Yeah.<br/> 5 Q. The reason I ask that, sir, is: Have you<br/> 6 ever seen this document before (indicating)?<br/> 7 A. I think that's something which was in our<br/> 8 binders.<br/> 9 Q. This was --<br/> 10 A. I think it was.<br/> 11 Q. This is a document -- and I don't have<br/> 12 the actual copy of the one that's in the record.<br/> 13 A. Yeah.<br/> 14 Q. But this is a document that's called,<br/> 15 "Examples of Report Language to Avoid"?<br/> 16 A. Yeah.<br/> 17 Q. It's a process safety management<br/> 18 compliance audit training --<br/> 19 A. Yeah.<br/> 20 Q. -- slide that was used at a<br/> 21 presentation --<br/> 22 A. Yeah.<br/> 23 Q. -- for BP employees.<br/> 24 Have you ever seen it before?<br/> 25 A. Yeah, I remember I have seen it.</p>   | <p style="text-align: right;">Page 554</p> <p>1 told not to use is "Neglect." Do you see right<br/> 2 here? It says, "Do not put neglect in your reports<br/> 3 because that indicates fault"?<br/> 4 A. Uh-huh.<br/> 5 Q. And yet we now see in your report y'all<br/> 6 had that very same thing, which is that you had<br/> 7 "neglect" in your report in your draft and then<br/> 8 somebody suggested you take it out and replace it<br/> 9 with "inattention"?<br/> 10 A. Okay.<br/> 11 Q. Okay. You don't recall who that was?<br/> 12 A. No.<br/> 13 Q. Do you recall any of the other language<br/> 14 that you may have had that had some of these other<br/> 15 words where somebody told you, "Don't use any of<br/> 16 those other words either"?<br/> 17 A. No, no. Again, this -- I was not aware<br/> 18 of this change, as you have found out already.<br/> 19 Q. Okay. Well, you were aware because you<br/> 20 actually turned in the draft on December 1; and<br/> 21 then you turned in the subsequent final draft --<br/> 22 A. Yeah.<br/> 23 Q. -- in February, didn't you?<br/> 24 A. Yeah.<br/> 25 Q. And those words were different between</p> |

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| <p style="text-align: right;">Page 555</p> <p>1 the first draft and the last draft, weren't they?<br/> 2 A. Yeah, but there were so many changes. If<br/> 3 that had been the only -- had been the only change,<br/> 4 I would have noticed.<br/> 5 Q. I agree. We are going to go over those<br/> 6 real quickly. There was a lot of changes. And<br/> 7 again, a lot of them were designed to change the<br/> 8 tone or tenor of the report, weren't they?<br/> 9 MR. GALBRAITH: Objection, form.<br/> 10 A. For reasons I have already said.<br/> 11 Q. (BY MR. COON) Okay. For instance, if we<br/> 12 look at your draft of December 13th, the language<br/> 13 that you used on the first page, you talk about --<br/> 14 it starts out real simply, "The tragic<br/> 15 explosion" --<br/> 16 A. Uh-huh.<br/> 17 Q. -- "in the ISOM unit."<br/> 18 And you end up taking "tragic" out<br/> 19 and just say "the explosion." You don't put<br/> 20 "tragic" in there anymore, right?<br/> 21 A. Uh-huh.<br/> 22 Q. So you felt that "tragic" was too<br/> 23 descriptive of a word and wanted to take it out?<br/> 24 Is that what happened there?<br/> 25 A. Yeah.</p> | <p style="text-align: right;">Page 557</p> <p>1 don't have this, but I recognize that this is my --<br/> 2 my handwriting.<br/> 3 Q. Okay. And all of that was taken out of<br/> 4 the report, correct?<br/> 5 A. Yeah.<br/> 6 MR. GALBRAITH: Objection, form.<br/> 7 Q. (BY MR. COON) The final report. This is<br/> 8 in the earlier report that you turned in; and then<br/> 9 when you did a re-draft, you took all that language<br/> 10 out?<br/> 11 A. And I did so --<br/> 12 Q. Okay.<br/> 13 A. -- for reasons I have outlined.<br/> 14 Q. And other examples of what you took out<br/> 15 was that you said here, you said, "The financial<br/> 16 cost of damage to BP's reputation are extraordinary<br/> 17 and unprecedented in the history of BP."<br/> 18 You took out this whole section<br/> 19 here where it says, "pale in comparison to the<br/> 20 thousands of individuals who became victims by the<br/> 21 relationship to those injured and killed"?<br/> 22 A. Yeah.<br/> 23 Q. You took all of that out --<br/> 24 A. Yeah.<br/> 25 Q. -- right?</p>   |
| <p style="text-align: right;">Page 556</p> <p>1 Q. Okay. Then you go on to say that this<br/> 2 explosion, you said, "It was a disaster of<br/> 3 unimaginable proportions. Nothing can ever<br/> 4 minimize the human tragedy of 15 deaths."<br/> 5 A. Uh-huh.<br/> 6 Q. "Money cannot eliminate over 170 injured"<br/> 7 and on it goes.<br/> 8 A. Uh-huh.<br/> 9 MR. GALBRAITH: Objection, form.<br/> 10 Q. (BY MR. COON) "Some of which resulted in<br/> 11 disfigurement, associated trauma, for the lifetime<br/> 12 of the victims."<br/> 13 MR. GALBRAITH: Objection to form.<br/> 14 Q. (BY MR. COON) Did I read that correct?<br/> 15 MR. GALBRAITH: Objection to form.<br/> 16 A. I think you did.<br/> 17 Q. (BY MR. COON) Okay. Now, after this was<br/> 18 turned into the people that asked you to do the<br/> 19 study, all of this language came out, didn't it?<br/> 20 You took all this out?<br/> 21 MR. GALBRAITH: Objection, form.<br/> 22 Q. (BY MR. COON) That it was a disaster of<br/> 23 unimaginable proportions, all of that language came<br/> 24 out of your final report?<br/> 25 A. That's something that is now edited. I</p>               | <p style="text-align: right;">Page 558</p> <p>1 A. Yeah.<br/> 2 Q. Then you go -- let me go to page 8 here.<br/> 3 You're talking about Texas City. It says, for an<br/> 4 example here, it says, "There was a deafness at<br/> 5 Texas City."<br/> 6 And you took that language out?<br/> 7 A. Yeah.<br/> 8 Q. Then you took out the story about at a<br/> 9 refinery things always go wrong in making a living<br/> 10 boiling gasoline. You took all that story out,<br/> 11 didn't you?<br/> 12 A. Yeah.<br/> 13 Q. Okay. And then we go to Mr. Gower where<br/> 14 you talk about the different reasons for<br/> 15 discipline. Mr. Gower, one of the things was that<br/> 16 said -- you were talking about Pat Gower here.<br/> 17 This was the reasons for<br/> 18 disciplining them, each of them?<br/> 19 A. Uh-huh.<br/> 20 Q. And you go on to talk about that here.<br/> 21 You say, "Despite the fact that in his judgment Don<br/> 22 was not a competent leader, he failed to initiate<br/> 23 the appropriate changes." And then you go on to<br/> 24 quote, you said, "With respect to his biggest<br/> 25 refinery, which was in a worryingly critical</p> |

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| <p style="text-align: right;">Page 559</p> <p>1 state," you felt you should take all of that out in<br/>2 your report where you are acknowledging that the<br/>3 plant was in a critical state?<br/>4 MR. GALBRAITH: Objection, form.<br/>5 Q. (BY MR. COON) Right?<br/>6 A. Yes, sir. I took it out --<br/>7 Q. And again --<br/>8 A. -- because it has been said at a<br/>9 different page anyway.<br/>10 Q. Okay. Then you have Mr. Parus, when you<br/>11 are going into the reasons that he should be fired,<br/>12 you were looking at the pros and cons; and one of<br/>13 the things that you noted in the re-draft was<br/>14 that -- or this is in the first draft. It says, it<br/>15 was attempting to conclude that Don was on a<br/>16 "mission impossible."<br/>17 Do you recall that language?<br/>18 A. Yes.<br/>19 Q. And you took out this section which says,<br/>20 "or even worse yet set up to fail."<br/>21 And why did you take this out of<br/>22 your re-draft, that Don may have been set up to<br/>23 fail?<br/>24 A. Well, to my -- for my interpretation of<br/>25 the -- of this language, it is speculation that he</p> | <p style="text-align: right;">Page 561</p> <p>1 A. Uh-huh.<br/>2 Q. You have "neglect" in here, and that's<br/>3 been taken out and substituted for "inattention"?<br/>4 A. Yeah.<br/>5 Q. Do you recall who did that or why it was<br/>6 done?<br/>7 A. I don't know.<br/>8 Q. Did it have anything to do with this<br/>9 request from BP's legal counsel in the past that<br/>10 you don't use "neglect" in reports?<br/>11 MR. GALBRAITH: Objection to form.<br/>12 A. As I said, I don't recall the change at<br/>13 all.<br/>14 Q. (BY MR. COON) Okay. Then on page 6 you<br/>15 have this in your report -- remember on the one<br/>16 where it says there was a deafness. We talked<br/>17 about that awhile ago.<br/>18 A. I took it out as well. I think we --<br/>19 this draft of December we use the word "deafness"<br/>20 twice.<br/>21 Q. Okay. We talked about that because you<br/>22 talk about a deafness at Texas City?<br/>23 A. Yeah.<br/>24 Q. That ended up being deleted, right?<br/>25 A. Well, deafness -- I think what they took</p> |
| <p style="text-align: right;">Page 560</p> <p>1 was set to fail. I think nobody had the intention<br/>2 that he failed at his job.<br/>3 Q. Okay. If I can, real quickly, Mr. Bonse.<br/>4 A. Which one?<br/>5 Q. All the way to the back.<br/>6 A. I will give you the whole...<br/>7 Q. Yes, sir. Thank you.<br/>8 A. (Tenders documents.)<br/>9 Q. Okay. Here's some more. This is on the<br/>10 draft of December 1 to December 13.<br/>11 And again, did you know whose<br/>12 handwriting all of this is?<br/>13 A. No, I don't know.<br/>14 Q. All these changes?<br/>15 Okay. Also on your draft of<br/>16 December 1 that was taken out was the statement<br/>17 that they make sure that the plant was -- that the<br/>18 refinery was a safe place to work.<br/>19 Do you know why you took out that<br/>20 statement?<br/>21 A. No. But I think that the phrase, as it<br/>22 is written now, doesn't make sense.<br/>23 Q. Okay. Again, if you go to page 4 here,<br/>24 you talk about outcomes under your accountability<br/>25 matrix?</p>   | <p style="text-align: right;">Page 562</p> <p>1 out was "further shocking."<br/>2 Q. Right.<br/>3 A. And I took deafness out.<br/>4 Q. Yeah.<br/>5 Well, in your original report, if<br/>6 you look at it, the original report says, "There is<br/>7 a further shocking deafness" --<br/>8 A. Yeah.<br/>9 Q. -- "at Texas City."<br/>10 A. Yeah.<br/>11 Q. That was in the original report you<br/>12 turned in December 1?<br/>13 A. Right.<br/>14 Q. Then somebody said you need to take out<br/>15 "shocking deafness" and just leave it "deafness"?<br/>16 A. Yeah.<br/>17 MR. GALBRAITH: Objection, form.<br/>18 Q. (BY MR. COON) Just say there is deafness<br/>19 at Texas City?<br/>20 A. Right.<br/>21 MR. GALBRAITH: Objection, form.<br/>22 Q. (BY MR. COON) So this comes out, right?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Yeah, it has been taken out. That's<br/>25 correct.</p>   |

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| <p style="text-align: right;">Page 563</p> <p>1 Q. (BY MR. COON) Okay. So you took<br/>2 "shocking deafness" out --<br/>3 A. Uh-huh.<br/>4 Q. -- and just left "deafness"?<br/>5 A. Yeah.<br/>6 Q. And that was on the draft of<br/>7 December 13th?<br/>8 A. Yeah.<br/>9 Q. Two weeks later?<br/>10 A. Yeah.<br/>11 Q. Then that wasn't enough. So you go back<br/>12 on the next draft, which is December 28, and that<br/>13 draft it just says there is a deafness. You have<br/>14 already taken "shocking deafness" out.<br/>15 You have taken "shocking" out,<br/>16 correct?<br/>17 A. Yeah.<br/>18 Q. Right here. I'll put them side by side.<br/>19 A. Yeah.<br/>20 Q. Maybe we will do it this way.<br/>21 So this here, this was your other<br/>22 draft that says, "There was a further shocking<br/>23 deafness."<br/>24 A. Uh-huh.<br/>25 Q. Then you took "further shocking" out --</p>  | <p style="text-align: right;">Page 565</p> <p>1 says -- with respect to Mr. Hoffman, it says, "Nor<br/>2 did he act upon his own observations of the<br/>3 refineries delapidated state resulting from years<br/>4 of underinvestment."<br/>5 A. Yeah.<br/>6 Q. Do you know why all of that was taken<br/>7 out?<br/>8 A. I -- when -- we had some repetition that<br/>9 we repeated a number of times the same statements,<br/>10 and I -- we felt we can take it out without harm.<br/>11 Q. Then on the next page you say that Mike<br/>12 had "early and clear warning messages"?<br/>13 A. Yeah.<br/>14 Q. You took all of these out. Now, it just<br/>15 says, "Despite messages." You took out all this<br/>16 "early and clear warning."<br/>17 Do you know why that was taken<br/>18 out?<br/>19 A. I didn't. Somebody did.<br/>20 Q. Somebody took this out so that it would<br/>21 take some of the sting out of the level of<br/>22 pre-existing knowledge, wouldn't it?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. Huh?<br/>25 Q. (BY MR. COON) This would take out some</p>  |
| <p style="text-align: right;">Page 564</p> <p>1 A. Yeah.<br/>2 Q. -- in your draft and left "deafness"?<br/>3 A. Okay.<br/>4 Q. Then when you do the next draft, it just<br/>5 says "deafness."<br/>6 A. Yeah.<br/>7 Q. You even take "deafness" out?<br/>8 A. Yeah.<br/>9 Q. Do you know who made those suggestions?<br/>10 A. That was me.<br/>11 Q. Those were all yours?<br/>12 Okay. Then in this one, again,<br/>13 this is a draft of December 13, all this language<br/>14 was taken out of Section 5 talking about Mike<br/>15 Hoffman. You were talking about reasons that he<br/>16 should be terminated. It says, "He didn't appear<br/>17 to have heeded warnings that were expressed."<br/>18 You took out "urgently" and<br/>19 "clearly." Do you know why you took that out?<br/>20 A. I didn't take it out.<br/>21 Q. Do you know who took that out?<br/>22 A. I don't know. It's the same handwriting.<br/>23 Q. Okay.<br/>24 A. I cannot identify.<br/>25 Q. Then all of this was taken out. It</p> | <p style="text-align: right;">Page 566</p> <p>1 of the sting associated with pre-existing<br/>2 knowledge?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 Q. (BY MR. COON) If we were sitting here<br/>5 today, Mr. Bonse, and I am wanting to show that BP<br/>6 had clear and early warning of problems out there<br/>7 and I wanted to use this report, that would all be<br/>8 gone, wouldn't it?<br/>9 A. It would not be gone because the Kearney<br/>10 report, as everybody knows, was in 2002.<br/>11 Q. Sure.<br/>12 If we happen to get a copy of the<br/>13 drafts, then we can see where all these clear and<br/>14 early warning messages that BP acknowledges in<br/>15 their report have been redacted?<br/>16 You understand this is all<br/>17 redactions, don't you?<br/>18 MR. GALBRAITH: Objection, form.<br/>19 A. I cannot tell you what the philosophy was<br/>20 being made.<br/>21 Q. (BY MR. COON) Well, we don't see any<br/>22 place in any of these re-drafts where stronger<br/>23 language is put in. It's where all of the strong<br/>24 language is taken out.<br/>25 MR. GALBRAITH: Objection, form.</p> |

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| <p style="text-align: right;">Page 567</p> <p>1 A. That may be the case. I need to look at<br/>2 all the changes.<br/>3 Q. (BY MR. COON) Okay.<br/>4 A. But again, I think more important is that<br/>5 our recommendations have not changed.<br/>6 Q. Do you see you even have it here, if you<br/>7 go down a little further down here, where it<br/>8 says -- when you are condemning Mr. Gower, it says,<br/>9 "He seemed to ignore the process safety<br/>10 implications of the delapidated state of the<br/>11 refinery." They insert some beneficial language<br/>12 here. It says, "Well, maybe he just didn't fully<br/>13 appreciate it," and you stick that in there?<br/>14 MR. GALBRAITH: Objection --<br/>15 Q. (BY MR. COON) That's not what y'all<br/>16 originally said. Y'all originally said he just<br/>17 ignored it. Then somebody sticks this in here that<br/>18 says, "Well, maybe he just didn't appreciate it"?<br/>19 MR. GALBRAITH: Objection, form.<br/>20 Q. (BY MR. COON) That, again, takes out<br/>21 that consciousness level of thought in<br/>22 decision-making, didn't it?<br/>23 MR. GALBRAITH: Objection, form.<br/>24 A. (No verbal response.)<br/>25 Q. (BY MR. COON) Well, you understand there</p> | <p style="text-align: right;">Page 569</p> <p>1 you?<br/>2 MR. GALBRAITH: Objection, form.<br/>3 Q. (BY MR. COON) Who were the lawyers that<br/>4 looked at this and helped you re-draft it other<br/>5 than Mr. Heller?<br/>6 MR. GALBRAITH: Objection, form.<br/>7 A. To my knowledge, it was done only within<br/>8 the team.<br/>9 Q. (BY MR. COON) Do you know if lawyers<br/>10 other than Mr. Heller reviewed and provided<br/>11 information on the re-drafts to Mr. Heller when --<br/>12 A. I'm sure nobody else did.<br/>13 Q. How do you know that? Did Mr. Heller<br/>14 tell you nobody helped him?<br/>15 A. I am sure that Mr. Heller would have told<br/>16 me if somebody had intervened.<br/>17 Q. Okay. Let's go to the next page here.<br/>18 This is on that same re-draft. This is page 11,<br/>19 talking about Pat Gower.<br/>20 It says, "Although Pat Gower was<br/>21 aware of the serious condition at Texas City from<br/>22 many reports, we found no evidence that Pat made<br/>23 Mike Hoffman emphatically aware that Texas City was<br/>24 not a safe place to work."<br/>25 Now, somebody decided to take "was</p> |
| <p style="text-align: right;">Page 568</p> <p>1 is a difference between being ignorant and<br/>2 deliberately making bad decisions, don't you?<br/>3 MR. GALBRAITH: Objection, form.<br/>4 A. Yeah. But, again, we were not detectives<br/>5 which came to the Court.<br/>6 Q. (BY MR. COON) I understand.<br/>7 A. This is our interpretation.<br/>8 Q. Right. You're not a lawyer, right?<br/>9 A. Yeah.<br/>10 Q. And you don't fully understand and<br/>11 appreciate the difference in the language between<br/>12 people making decisions out of ignorance versus<br/>13 people making decisions that are conscious and<br/>14 willful?<br/>15 A. We left it open because we couldn't find<br/>16 out.<br/>17 Q. Okay. But you don't know the legal<br/>18 definition or distinction under the Texas law, do<br/>19 you?<br/>20 A. I am not --<br/>21 MR. GALBRAITH: Objection, form.<br/>22 A. -- familiar with those details.<br/>23 Q. (BY MR. COON) Okay. But you can tell<br/>24 from looking at all these things that were taken<br/>25 out of here that somebody apparently did, don't</p>  | <p style="text-align: right;">Page 570</p> <p>1 not a safe place to work out of there," didn't<br/>2 they?<br/>3 MR. GALBRAITH: Objection to form.<br/>4 A. Yeah.<br/>5 Q. (BY MR. COON) Who did that?<br/>6 A. I would guess it was Mr. Heller, sir.<br/>7 Q. Okay. Well --<br/>8 A. Because it has been -- it has been him<br/>9 and me who changed the draft.<br/>10 Q. All right. Well, you don't have a<br/>11 problem with saying Texas City was not a safe place<br/>12 to work, do you? It wasn't, was it?<br/>13 MR. GALBRAITH: Objection, form.<br/>14 A. When you look at my cover letter, you<br/>15 will see that it is explicitly addressed.<br/>16 Q. (BY MR. COON) Yeah.<br/>17 In your opinion, Texas City was<br/>18 not a safe place to work?<br/>19 A. In our opinion, it was an unsafe place.<br/>20 Q. It was in yours and the teams, right?<br/>21 A. Yeah.<br/>22 Q. And yet somebody made the decision to<br/>23 take that out of your report. That is not<br/>24 inflammatory, is it?<br/>25 MR. GALBRAITH: Objection, form.</p>   |

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| <p style="text-align: right;">Page 571</p> <p>1 A. I don't know. What is "inflammatory"?</p> <p>2 Again, our intention was -- and</p> <p>3 that's what you find on all changes -- with all</p> <p>4 changes, our intention was to take emotional</p> <p>5 elements out.</p> <p>6 Q. (BY MR. COON) Well, is "not a safe place</p> <p>7 to work" an expression of emotion or is that --</p> <p>8 MR. GALBRAITH: Objection, form.</p> <p>9 Q. (BY MR. COON) -- an expression of fact?</p> <p>10 A. You know, it's a number of pages; and you</p> <p>11 cannot challenge each change.</p> <p>12 Q. Well, I understand. But you said you</p> <p>13 just made some changes. Mr. Heller could take out</p> <p>14 some of the inflammatory rhetoric, but the</p> <p>15 statement that a place is not safe to work is not</p> <p>16 inflammatory rhetoric, is it, sir?</p> <p>17 MR. GALBRAITH: Objection, form.</p> <p>18 A. I don't know why we did so. But he</p> <p>19 added, you see --</p> <p>20 Q. (BY MR. COON) Mr. Heller knows why.</p> <p>21 Mr. Heller is trying to make this report softer so</p> <p>22 it doesn't read as bad in front of the jury,</p> <p>23 doesn't he?</p> <p>24 MR. GALBRAITH: Objection, form.</p> <p>25 A. The report did not change its messages.</p> | <p style="text-align: right;">Page 573</p> <p>1 Q. You would agree that "grave concerns" is</p> <p>2 a higher level of concern than just concern, do you</p> <p>3 not?</p> <p>4 A. Right. But what we are saying later on,</p> <p>5 lack of effectiveness and lack of prioritization and</p> <p>6 inability, all of this has not been changed.</p> <p>7 Q. Well, I understand some things haven't</p> <p>8 been changed; but you didn't change this "grave" to</p> <p>9 "mild," did you?</p> <p>10 MR. GALBRAITH: Objection, form.</p> <p>11 Q. (BY MR. COON) You took it all out?</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. We just took out "grave."</p> <p>14 Q. (BY MR. COON) Then we go to another one.</p> <p>15 Go to the next page. The statement that you made</p> <p>16 here, as with respect to Willie Willis, was that he</p> <p>17 lacked competence.</p> <p>18 Do you see right here?</p> <p>19 A. Yeah.</p> <p>20 Q. Well, somebody scratched this out and</p> <p>21 said, "Let's just say he lacked technical</p> <p>22 background" --</p> <p>23 A. Yeah.</p> <p>24 Q. -- added this, too. It says, "Technical</p> <p>25 and educational background."</p>                                |
| <p style="text-align: right;">Page 572</p> <p>1 Q. (BY MR. COON) But it changes the tone,</p> <p>2 doesn't it, sir?</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 Q. (BY MR. COON) It changes the tone,</p> <p>5 doesn't it, sir?</p> <p>6 MR. GALBRAITH: Objection to form.</p> <p>7 A. Again, it took emotional elements out at</p> <p>8 my request.</p> <p>9 Q. (BY MR. COON) Go to the next page,</p> <p>10 page 12, again, you are talking about the conduct</p> <p>11 of Mr. Parus.</p> <p>12 A. Uh-huh.</p> <p>13 Q. And things that bothered you about him.</p> <p>14 It says in the second paragraph here, it says, "We</p> <p>15 had grave concerns about Don's effectiveness as a</p> <p>16 leader. It was evidenced by his lack of</p> <p>17 prioritization and his inability to ask for help in</p> <p>18 finding solutions."</p> <p>19 A. Yeah.</p> <p>20 Q. Now, you took out "grave concerns," and</p> <p>21 the final draft now it just reads, "We have</p> <p>22 concerns."</p> <p>23 Why did you take "grave concerns"?</p> <p>24 Why did you take "grave" out?</p> <p>25 A. I can't tell you. I don't recall.</p>   | <p style="text-align: right;">Page 574</p> <p>1 So all of this stuff was added,</p> <p>2 right?</p> <p>3 A. Uh-huh.</p> <p>4 Q. So your original report said, "Willie</p> <p>5 lacked competence," and now that has been taken out</p> <p>6 and changed to "lacks technical background and</p> <p>7 educational background"?</p> <p>8 A. That's right.</p> <p>9 Q. Do you know why "competence" was taken</p> <p>10 out?</p> <p>11 A. I think it was more precise to say</p> <p>12 technical background and educational background.</p> <p>13 Q. Well, in fact, your BP lawyers don't like</p> <p>14 the words "competence" and "incompetence" or "lack</p> <p>15 of competence" reflected in their reports, do they?</p> <p>16 MR. GALBRAITH: Objection, form.</p> <p>17 A. I don't know whether they don't like it;</p> <p>18 and I am sure we, in other parts of the paper, you</p> <p>19 will find the words "lack of competence."</p> <p>20 Q. (BY MR. COON) Well, how about this? How</p> <p>21 about we go back to what the lawyers say don't use.</p> <p>22 It says, "Examples of Report Language to Avoid."</p> <p>23 A. Uh-huh.</p> <p>24 Q. What's that one?</p> <p>25 MR. GALBRAITH: Objection, form.</p> |

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| <p style="text-align: right;">Page 575</p> <p>1 A. Incompetent, yeah.</p> <p>2 Q. (BY MR. COON) All right. So you took</p> <p>3 that out. When it says "lacked competence," that</p> <p>4 means incompetent, right? You took that out and</p> <p>5 substituted some other verbiage that didn't sound</p> <p>6 as bad, didn't you?</p> <p>7 MR. GALBRAITH: Objection, form.</p> <p>8 Q. (BY MR. COON) Didn't you, sir?</p> <p>9 MR. GALBRAITH: Objection, form.</p> <p>10 A. We took it out but not for the reasons I</p> <p>11 have told you -- you are mentioning.</p> <p>12 Q. (BY MR. COON) You know, I have looked at</p> <p>13 all 15 drafts of this; and I don't see one place</p> <p>14 where you took any of these words and put them in.</p> <p>15 I have seen plenty of places that you took all</p> <p>16 these words and took them out.</p> <p>17 So in all your drafts, do you know</p> <p>18 any place in any of the drafts where you added any</p> <p>19 of these words?</p> <p>20 MR. GALBRAITH: Objection, form.</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. (BY MR. COON) Okay. Do you recall</p> <p>23 making some similar changes to Mr. Manzoni's</p> <p>24 report, the one that was called the supplemental</p> <p>25 report? You turned one in in December, and you</p> | <p style="text-align: right;">Page 577</p> <p>1 recollection as to why that was done?</p> <p>2 A. No.</p> <p>3 MR. COON: I want to attach these</p> <p>4 as 920 -- or 919, the drafts.</p> <p>5 Q. (BY MR. COON) And I just want to get</p> <p>6 your confirmation, sir, that those are all the</p> <p>7 various drafts or at least some of the drafts that</p> <p>8 your team was involved in.</p> <p>9 A. Those are the papers you have just put on</p> <p>10 the screen; is that correct?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Okay.</p> <p>13 Q. Those would all be drafts, to the best of</p> <p>14 your knowledge, that were the work product of your</p> <p>15 team?</p> <p>16 A. To the best of my knowledge, yes.</p> <p>17 Q. As are the other ones that we looked at</p> <p>18 today, being the ones we discussed --</p> <p>19 A. Not that I would recall.</p> <p>20 Q. No. I am saying: The ones that we</p> <p>21 looked at over here, 911, 12, 13, 14, 15, those</p> <p>22 were all working drafts done by your team?</p> <p>23 A. I think so. Again, I speculate that the</p> <p>24 handwriting I don't recognize will be the one of</p> <p>25 Jeff Heller.</p>                        |
| <p style="text-align: right;">Page 576</p> <p>1 turned the final one in in February?</p> <p>2 A. I don't recall whether we mentioned this.</p> <p>3 Q. Okay. For instance, when we look at the</p> <p>4 matrix factors for firing Mr. Manzoni, in your</p> <p>5 drafts you had this highlighted portion here.</p> <p>6 A. Uh-huh.</p> <p>7 Q. You talked about Mr. Gower and Mr. Parus</p> <p>8 delivered the brutal facts that, fundamentally,</p> <p>9 Texas City refinery was unsafe and it was a major</p> <p>10 risk to continue to operate as such?</p> <p>11 MR. GALBRAITH: Objection, form.</p> <p>12 Q. (BY MR. COON) Do you know why that</p> <p>13 language was redacted out of the context and</p> <p>14 substituted for this language?</p> <p>15 MR. GALBRAITH: Objection, form.</p> <p>16 A. But I think when you look at the final</p> <p>17 paper, it's the same language which has been taken</p> <p>18 out here.</p> <p>19 Q. (BY MR. COON) And again, on Mr. Manzoni,</p> <p>20 we have the same thing as to the other group, which</p> <p>21 is that your draft of December 1 had outcomes, one</p> <p>22 of which was inattention; and that had been</p> <p>23 substituted from what was there before, which was</p> <p>24 neglect.</p> <p>25 Do you know -- again, any</p>    | <p style="text-align: right;">Page 578</p> <p>1 Q. Okay. Fair enough.</p> <p>2 Mr. Bonse, did you ever get a copy</p> <p>3 of the ESI report from the plant from the date of</p> <p>4 the explosion? The employee satisfaction survey,</p> <p>5 did you ever see that?</p> <p>6 That's in the record. I don't</p> <p>7 have a copy of the actual exhibit number today.</p> <p>8 This is the West Plant employee satisfaction</p> <p>9 survey, and it actually came out -- do you see the</p> <p>10 date it came out? It actually happened to come out</p> <p>11 the same day of the explosion?</p> <p>12 A. Yeah.</p> <p>13 Q. March 23.</p> <p>14 A. I vaguely remember that I think --</p> <p>15 MR. GALBRAITH: Objection, form.</p> <p>16 A. -- that Willie Willis had his own ESI</p> <p>17 Survey.</p> <p>18 Q. (BY MR. COON) Yes, sir.</p> <p>19 A. I believe I have seen it, yeah. But I</p> <p>20 didn't give it -- didn't give it much thought.</p> <p>21 Q. Also in conjunction with that, I want to</p> <p>22 show you this. Did you ever see the HSE safety</p> <p>23 memo; that is, the one that was used regarding the</p> <p>24 Titanic?</p> <p>25 Have you ever seen the Titanic</p> |

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| <p style="text-align: right;">Page 579</p> <p>1 slides? Did you ever see that slide presentation<br/>2 at BP?<br/>3 Have you ever seen this one that<br/>4 talks about the Titanic?<br/>5 MR. GALBRAITH: Objection, form.<br/>6 A. I don't recall.<br/>7 Q. (BY MR. COON) Never saw that?<br/>8 I want to represent to you that<br/>9 this was a presentation that was given a week<br/>10 before or in the weeks before the explosion,<br/>11 February of '05, down at Texas City.<br/>12 A. It --<br/>13 Q. It was a safety presentation --<br/>14 A. Yeah.<br/>15 Q. -- and they used the Titanic as an<br/>16 example of what happened when you took safety for<br/>17 granted.<br/>18 MR. GALBRAITH: Is there --<br/>19 Q. (BY MR. COON) They pointed out that they<br/>20 had somebody running the ship that had a long<br/>21 history, meaning the captain, a long history of<br/>22 near misses and other problems, being Captain<br/>23 Smith.<br/>24 A. Uh-huh.<br/>25 Q. And then it talked about all these</p>   | <p style="text-align: right;">Page 581</p> <p>1 was bragging about that it --<br/>2 A. I am aware of this e-mail.<br/>3 Q. Do you agree it may not be the most<br/>4 professional manner to talk about your business<br/>5 productivity?<br/>6 MR. GALBRAITH: Objection, form.<br/>7 A. I was very unlucky to see this e-mail --<br/>8 unhappy, not unlucky.<br/>9 Q. (BY MR. COON) Then the results of the<br/>10 Titanic -- you know what happened to the Titanic,<br/>11 don't you?<br/>12 A. I have been to several movies.<br/>13 Q. Sure. He was trying to race across the<br/>14 Atlantic, went through the North Seas where he had<br/>15 all these icebergs, put people at risk<br/>16 unnecessarily, and tried to break a record and go<br/>17 the closest shore's path so he could make a name<br/>18 for himself and he hit an iceberg; and all those<br/>19 people drowned?<br/>20 A. I know. Most of them.<br/>21 Q. Do you see some parallels between this<br/>22 and what Mr. Parus was doing?<br/>23 MR. GALBRAITH: Objection to form.<br/>24 A. I cannot see parallels.<br/>25 Q. (BY MR. COON) Did you notice that it</p>    |
| <p style="text-align: right;">Page 580</p> <p>1 different problems associated with their<br/>2 motivations, which was that he had a desire to set<br/>3 the speed record. He was going to set records.<br/>4 Did you know that Mr. Parus set<br/>5 records at Texas City the last year he worked<br/>6 there --<br/>7 MR. GALBRAITH: Objection, form.<br/>8 Q. (BY MR. COON) -- in terms of<br/>9 profitability?<br/>10 MR. GALBRAITH: Objection, form.<br/>11 A. I remember that he sent an e-mail<br/>12 praising the financial outcome.<br/>13 Q. (BY MR. COON) Do you know how much money<br/>14 he was making at the plant at the time of the<br/>15 explosion?<br/>16 A. I think he was --<br/>17 MR. GALBRAITH: Objection, form.<br/>18 A. -- turning about a hundred million<br/>19 dollars a month.<br/>20 Q. (BY MR. COON) A hundred million dollars<br/>21 profit a month, correct?<br/>22 MR. GALBRAITH: Objection, form.<br/>23 Q. (BY MR. COON) Setting record -- as a<br/>24 matter of fact, he was quoted as saying that that<br/>25 plant was printing money? Are you aware that he</p> | <p style="text-align: right;">Page 582</p> <p>1 concludes -- and this is the Texas City slide<br/>2 presentation. It concluded that safety outweighed<br/>3 every other consideration, that even though they<br/>4 walked the walk, they weren't talking the talk<br/>5 because that was what was hung over the chart room<br/>6 of every White Star Line, including the Titanic?<br/>7 So do you see the parallels?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. No, I don't.<br/>10 Q. (BY MR. COON) Let's go to the ESI<br/>11 report. Let's see if you see this parallel.<br/>12 This is the unit. This was the<br/>13 ISOM unit.<br/>14 A. Yeah.<br/>15 Q. This is an ESI survey report that came<br/>16 out from the staff of the ISOM unit. Actually, it<br/>17 came out the day of the explosion; and you list<br/>18 here hourly people and staff people. And it<br/>19 comments about their job.<br/>20 This guy in March of 2005 was a<br/>21 staff person.<br/>22 A. Uh-huh.<br/>23 Q. This is not even an hourly guy. This is<br/>24 a management person saying that unit training on<br/>25 the ISOM is still non-existent.</p> |

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| <p style="text-align: right;">Page 583</p> <p>1 Were you aware of a lot of<br/>2 complaints about training inadequacies at the<br/>3 facility due to cost cuts?<br/>4 A. Yeah.<br/>5 MR. GALBRAITH: Objection, form.<br/>6 A. I remember that I have read about this a<br/>7 couple of times.<br/>8 Q. (BY MR. COON) It says, "There is no<br/>9 ongoing training plan. People must know how to do<br/>10 their job forwards and backwards to keep us safe<br/>11 and competitive." Here's a quote, "If this<br/>12 facility was an aircraft carrier" -- I'll read this<br/>13 again.<br/>14 "If this facility was an aircraft<br/>15 carrier, we would be at the bottom of the ocean."<br/>16 MR. GALBRAITH: Is there a<br/>17 question there?<br/>18 Q. (BY MR. COON) Have you seen that one<br/>19 before?<br/>20 MR. GALBRAITH: Objection, form.<br/>21 A. I recall I have seen this paper, but I<br/>22 didn't get into details.<br/>23 Q. (BY MR. COON) Again, with somebody in<br/>24 management saying that if the ISOM unit was an<br/>25 aircraft carrier, it would be at the bottom of the</p> | <p style="text-align: right;">Page 585</p> <p>1 capital budgets. We should not be able to sleep at<br/>2 night knowing that we are planning to spend another<br/>3 cent on a return project if a legitimate safety and<br/>4 environmental project exists."<br/>5 MR. GALBRAITH: Objection, form.<br/>6 Q. (BY MR. COON) Does that sound like a<br/>7 reasonable statement?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. Well, I read the statement; but I also<br/>10 remember that Willie Willis has said, "I don't care<br/>11 about budget as far as safety is concerned."<br/>12 Q. (BY MR. COON) Another complaint here,<br/>13 that there is still remnants of the George Carter<br/>14 era and the good ole' boy system. A complaint here<br/>15 that you had poor work environment, deteriorated<br/>16 buildings, unit assets, and roads and<br/>17 infrastructure, poor attitude, sarcasm toward<br/>18 safety. These are all things that were coming out<br/>19 of the study dated the same day of the explosion.<br/>20 Did any of those factor in your<br/>21 report today?<br/>22 MR. GALBRAITH: Objection, form.<br/>23 A. Well, I see what is written down here,<br/>24 yeah.<br/>25 Q. (BY MR. COON) Were those all the types</p> |
| <p style="text-align: right;">Page 584</p> <p>1 ocean, is that something that would bother you?<br/>2 MR. GALBRAITH: Objection, form.<br/>3 A. I think it fits to the Telos Report --<br/>4 Q. (BY MR. COON) Sure.<br/>5 A. -- and to others as well.<br/>6 Q. And here are other quotes. This is<br/>7 another one that says, "The problem at the ISOM."<br/>8 It says, "You still have a hillbilly mafia<br/>9 culture."<br/>10 Do you know what they are talking<br/>11 about there?<br/>12 A. No.<br/>13 MR. GALBRAITH: Objection, form.<br/>14 Q. (BY MR. COON) Any clue --<br/>15 A. No.<br/>16 Q. -- what it's talking about?<br/>17 MR. GALBRAITH: Objection, form.<br/>18 Q. (BY MR. COON) It references a hillbilly<br/>19 mafia culture?<br/>20 A. I don't understand this word.<br/>21 Q. Okay. This is another one out of the<br/>22 ISOM unit. It says, "We still continue to hover<br/>23 over the notion that we should spend capital on<br/>24 projects with a large return while we postpone<br/>25 legitimate safety and environmental work for future</p>                             | <p style="text-align: right;">Page 586</p> <p>1 of things that you saw, recurring complaints and<br/>2 concerns at Texas City preceding the date of the<br/>3 explosion?<br/>4 MR. GALBRAITH: Objection, form.<br/>5 A. I think I have already said it's<br/>6 reflected in the Telos Report, the worrying.<br/>7 Q. (BY MR. COON) You don't completely<br/>8 disregard the Telos Report, do you, sir?<br/>9 A. I don't do it at all. I think I<br/>10 explained to you how I see it.<br/>11 Q. Do you recall seeing this comment in the<br/>12 report, this is at page 17, it says, "It seems like<br/>13 it all comes down to money. We tell them we need<br/>14 it. They tell us they don't have the money. As<br/>15 soon as it blows up or someone gets hurt, there's<br/>16 all sorts of money?"<br/>17 A. I remember I have read this.<br/>18 MR. GALBRAITH: Objection, form.<br/>19 Q. (BY MR. COON) Does that seem to be<br/>20 somewhat prophetic of the explosion on March 23rd?<br/>21 MR. GALBRAITH: Objection, form.<br/>22 Q. (BY MR. COON) That's kind of what<br/>23 happened, isn't it?<br/>24 MR. GALBRAITH: Objection, form.<br/>25 A. Yeah, to some extent that's right.</p>   |

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| <p style="text-align: right;">Page 587</p> <p>1 Q. (BY MR. COON) In fact, after the<br/>2 explosion, BP pledged a billion dollars in<br/>3 reconstruction projects and upgrades in technology,<br/>4 didn't it, sir?<br/>5 A. What did you...<br/>6 Q. It says BP pledged to fix Texas City by<br/>7 spending a billion dollars in capital improvements<br/>8 to replace blowdown drums, to get rid of open<br/>9 ventilation systems, to increase staffing and<br/>10 training?<br/>11 A. That's what I have read, yes.<br/>12 Q. So after the plant blew up, they had all<br/>13 kinds of capital that was dedicated to the facility<br/>14 that they did not have before, correct?<br/>15 MR. GALBRAITH: Objection, form.<br/>16 Q. (BY MR. COON) Correct?<br/>17 A. What is your question?<br/>18 Q. I said after the explosion, BP was able<br/>19 to allocate all sorts of additional capital that<br/>20 they were unwilling to commit to before?<br/>21 MR. GALBRAITH: Objection, form.<br/>22 A. I am not part of the decisions. That BP<br/>23 was unwilling, I don't know.<br/>24 Q. (BY MR. COON) Well, you know for<br/>25 years -- do you know how long those blowdown drums</p> | <p style="text-align: right;">Page 589</p> <p>1 not -- I'm not close to all these debates which<br/>2 have taken place.<br/>3 Q. (BY MR. COON) Well, did you know that a<br/>4 decade ago that the Amoco heritage actually had a<br/>5 committee formed, a process safety committee, to<br/>6 get rid of blowdown drums?<br/>7 MR. GALBRAITH: Objection, form.<br/>8 A. That's what I have read, yes.<br/>9 Q. (BY MR. COON) Do you know they killed<br/>10 that project because of budgetary constraints?<br/>11 MR. GALBRAITH: Objection to form.<br/>12 A. That's what you have quoted an hour ago.<br/>13 Q. (BY MR. COON) Sure.<br/>14 What bang for the buck do you get?<br/>15 A. What is that?<br/>16 Q. What capital benefit do you get in<br/>17 spending money to get rid of a blowdown drum and<br/>18 replace it with a flare? You don't get any, do<br/>19 you?<br/>20 MR. GALBRAITH: Objection, form.<br/>21 A. Again, I am not part of the whole debate.<br/>22 Q. (BY MR. COON) But you run plants. You<br/>23 don't get any return on investment spending<br/>24 millions of dollars replacing blowdown drums for<br/>25 flares --</p> |
| <p style="text-align: right;">Page 588</p> <p>1 have been there?<br/>2 A. Well, we talked about it a couple of<br/>3 hours ago. So...<br/>4 Q. They had a dozen of them out there.<br/>5 MR. GALBRAITH: Objection, form.<br/>6 Q. (BY MR. COON) They had been out there<br/>7 for decades.<br/>8 MR. GALBRAITH: Objection to form.<br/>9 Q. (BY MR. COON) Do you know why they had<br/>10 not been replaced?<br/>11 MR. GALBRAITH: Objection, form.<br/>12 A. I think it's only natural that after such<br/>13 a disaster and, in particular, if you re-operate --<br/>14 restart -- restart a cold refinery, you have to do<br/>15 much more than you would have to do with an ongoing<br/>16 refinery operation --<br/>17 Q. (BY MR. COON) It's --<br/>18 A. -- operating refinery.<br/>19 Q. It's have to do versus willing to do,<br/>20 right?<br/>21 MR. GALBRAITH: Objection, form.<br/>22 Q. (BY MR. COON) The government doesn't<br/>23 make you get rid of blowdown drums, do they?<br/>24 MR. GALBRAITH: Objection, form.<br/>25 A. Again, this would be speculation and I am</p>   | <p style="text-align: right;">Page 590</p> <p>1 MR. GALBRAITH: Objection, form.<br/>2 Q. (BY MR. COON) -- do you?<br/>3 What's your return on<br/>4 investment --<br/>5 MR. GALBRAITH: Objection, form.<br/>6 Q. (BY MR. COON) -- for spending that<br/>7 capital?<br/>8 MR. GALBRAITH: Objection, form.<br/>9 A. I think you have investments which are<br/>10 meant to create additional profit potential, and<br/>11 there are investments you require for a safe<br/>12 operation. And safety, to my knowledge, from my<br/>13 experience over five years, is safety budgets have<br/>14 never been cut.<br/>15 Q. (BY MR. COON) But these blowdown drums<br/>16 were never replaced because there was no return on<br/>17 investment for them, was there?<br/>18 MR. GALBRAITH: Objection, form.<br/>19 A. I don't know. I was not part of the<br/>20 debate, and it was of no relevance for our work<br/>21 here.<br/>22 Q. (BY MR. COON) Let's go to this page.<br/>23 Another quote out of Telos. Can you read that one<br/>24 for us that's highlighted?<br/>25 MR. GALBRAITH: Where are we?</p>  |

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|---|---|
| <p style="text-align: right;">Page 591</p> <p>1 MR. COON: Page 18, highlighted,<br/>2 the fourth paragraph.<br/>3 Q. (BY MR. COON) Can you read that out loud<br/>4 for us, Mr. Bonse?<br/>5 A. I am sure I have read it, but it slips<br/>6 from my memory.<br/>7 Q. Can you read that one out loud for us,<br/>8 please, sir?<br/>9 A. I should read it?<br/>10 Q. Yes, sir. Please, sir.<br/>11 A. "It is all about acceptance. There is no<br/>12 outrage when it smells, when people die, when<br/>13 things fail. When you ask someone to do something,<br/>14 the accident investigation" -- let me see,<br/>15 "reveals" --<br/>16 Q. Reveals.<br/>17 A. -- "that they failed to assess the risk<br/>18 when, in fact, we failed to make them aware of<br/>19 risks. Those things that are frightening or<br/>20 overwhelming are done because we have such a proud,<br/>21 capable workforce that wants to be a winning team<br/>22 that contributes to their willingness to do things<br/>23 for us internally. This is an incredibly inclusive<br/>24 environment for contractors."<br/>25 Q. Okay. Let me ask you: When the report</p>  | <p style="text-align: right;">Page 593</p> <p>1 that"?</p> <p>2 MR. GALBRAITH: Objection, form.<br/>3 A. But there is a difference between<br/>4 blowdown drums -- blowdown drums are not adequate<br/>5 and what you have suggested in that other question.<br/>6 Q. (BY MR. COON) And what we know is that<br/>7 BP and Amoco heritage were well aware of risks<br/>8 associated with blowdown because on that very unit<br/>9 there had been many prior upsets, including a fire<br/>10 as a result of an uncontrolled release?<br/>11 MR. GALBRAITH: Objection, form.<br/>12 Q. (BY MR. COON) You are aware of that,<br/>13 aren't you?<br/>14 A. I am not aware of it. What I'm -- I know<br/>15 it has been written down in many papers.<br/>16 Q. And even in your investigation, you were<br/>17 able to conclude that there were many things going<br/>18 on at that plant from the underinvestment of<br/>19 capital and from shoddy operations that put people<br/>20 at unnecessary risk, and that many people in<br/>21 management were aware of this?<br/>22 MR. GALBRAITH: Objection, form.<br/>23 Q. (BY MR. COON) That was a conclusion that<br/>24 you reached in your report, isn't it?<br/>25 MR. GALBRAITH: Objection, form.</p> |
| <p style="text-align: right;">Page 592</p> <p>1 says, "There is no outrage when it smells and when<br/>2 people die," it says that the accident<br/>3 investigation always says that they just failed to<br/>4 assess the risk, that they were ignorant of the<br/>5 risk and did not appreciate it and, in fact, that's<br/>6 what BP has been doing during the course of this<br/>7 litigation is saying, "We failed to appreciate the<br/>8 risk."<br/>9 That's what the Mogford report<br/>10 says, doesn't it?<br/>11 MR. GALBRAITH: Objection, form.<br/>12 A. The Mogford report says what?<br/>13 Q. (BY MR. COON) Says that there was a lack<br/>14 of appreciation or risk, that they were taking<br/>15 excessive risk because they did not appreciate it.<br/>16 MR. GALBRAITH: Objection, form.<br/>17 A. Well, if you quote the report the way you<br/>18 do, it must be written down there.<br/>19 Q. (BY MR. COON) Isn't that what Mogford<br/>20 says?<br/>21 A. I don't know.<br/>22 MR. GALBRAITH: Objection, form.<br/>23 Q. (BY MR. COON) "We had these problems and<br/>24 we just didn't realize that blowdown drums were<br/>25 bad. We didn't realize this or didn't realize</p> | <p style="text-align: right;">Page 594</p> <p>1 A. You know what conclusions we have made.<br/>2 Q. (BY MR. COON) But isn't that a fair --<br/>3 A. And that's why we came up with several<br/>4 recommendations.<br/>5 Q. Sure.<br/>6 And it's not just recommendations.<br/>7 You made a decision to recommend that many people<br/>8 in important positions be fired --<br/>9 MR. GALBRAITH: Objection, form.<br/>10 Q. (BY MR. COON) -- didn't you, sir?<br/>11 MR. GALBRAITH: Objection to form.<br/>12 A. I recommended for them to be fired.<br/>13 Q. (BY MR. COON) And it's extremely rare in<br/>14 any business, particularly the refinery business,<br/>15 for somebody to come in and recommend so many<br/>16 people of such an important responsibility and role<br/>17 be fired as a result of their failures, isn't it,<br/>18 sir?<br/>19 MR. GALBRAITH: Objection, form.<br/>20 A. So if it's rare, okay, then it's rare.<br/>21 Q. (BY MR. COON) It indicates how bad<br/>22 things got over there, doesn't it, sir, to have to<br/>23 fire so many people with so much authority?<br/>24 A. Well --<br/>25 MR. GALBRAITH: Objection, form.</p>   |

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| <p style="text-align: right;">Page 595</p> <p>1 A. I think I outlined why we came to these<br/>2 recommendations.<br/>3 MR. GALBRAITH: Brent, we've got<br/>4 to go.<br/>5 MR. COON: Let me wrap up just a<br/>6 couple of things here.<br/>7 Q. (BY MR. COON) The executive summaries<br/>8 there, Mr. Bonse, all the statements that you have<br/>9 that are attached here as Exhibit 906, all the<br/>10 information that you have on those summary<br/>11 statements were ones taken by your team, correct?<br/>12 A. If those are the ones which we have made,<br/>13 then they are taken by our team, yeah.<br/>14 Q. I need you to look at them and tell me<br/>15 those are the ones because we are going to prove<br/>16 those up through you. So can you look at them and<br/>17 confirm for us those are the --<br/>18 A. But not right now?<br/>19 Q. I just need you to look at them and say,<br/>20 "Yes, those are our statements. Those are the ones<br/>21 we" --<br/>22 A. Yeah, but you know it's --<br/>23 MR. GALBRAITH: He can't look at<br/>24 all the pages.<br/>25 A. -- a big volume of papers.</p>  | <p style="text-align: right;">Page 597</p> <p>1 because y'all gave them to us and said those are<br/>2 his documents. Why don't you just admit it?<br/>3 A. There can be -- there can be some<br/>4 changes, which I don't -- here, obviously, are<br/>5 summaries, which I am almost sure we have not made.<br/>6 Here is, for instance, Risinger, Rushby, Shuster.<br/>7 There was -- that is no -- this is certainly not<br/>8 prepared by us.<br/>9 Q. (BY MR. COON) Do you see the BP numbers<br/>10 on the bottom of those?<br/>11 A. Huh?<br/>12 Q. Do you see a Bates number on the bottom<br/>13 of those?<br/>14 A. No.<br/>15 MR. GALBRAITH: No, there is none.<br/>16 A. No, there is no Bates number.<br/>17 MR. COON: Let's go off the record<br/>18 a minute.<br/>19 THE VIDEOGRAPHER: We are off the<br/>20 record at 5:03 p.m.<br/>21 (Recess taken.)<br/>22 MR. COON: Just for the record,<br/>23 we've got an agreement that as to Exhibit 906,<br/>24 which is a notebook of the various summary<br/>25 statements taken by the Bonse team, that we will</p>   |
| <p style="text-align: right;">Page 596</p> <p>1 Q. (BY MR. COON) Well, you don't have to<br/>2 look at every single page. You can look at them<br/>3 and say, "Yes, this looks like all of them."<br/>4 MR. COON: Or you guys can admit<br/>5 them. Y'all gave them to me.<br/>6 A. They look the way -- well, they all look<br/>7 familiar to me.<br/>8 Q. (BY MR. COON) Okay. Well, I just need<br/>9 you to confirm on the record --<br/>10 A. I do not recall this interview with<br/>11 Gower, but I have no reason to assume that it's<br/>12 wrong.<br/>13 Q. Well, what I need from you, Mr. Bonse,<br/>14 before we go is to either read each one of them and<br/>15 say you used and reviewed and relied on them or<br/>16 just give me a blanket, "Yes, these are all the<br/>17 executive summaries that we took as part of the<br/>18 team that were used in formulating our opinions<br/>19 which are reflected in the report and supplemental<br/>20 report"?<br/>21 MR. GALBRAITH: How about we leave<br/>22 a spot in the deposition for him to review it at a<br/>23 time later?<br/>24 MR. COON: How about if we just be<br/>25 reasonable and admit that those are his documents</p> | <p style="text-align: right;">Page 598</p> <p>1 have an agreement that if it's got a BP number on<br/>2 it, it's one that was produced and reviewed and<br/>3 relied upon by the team in formulating their<br/>4 opinions; and if it doesn't have any BP number, we<br/>5 will deal with it later.<br/>6 MR. GALBRAITH: That's what it<br/>7 appears. This notebook looks like it was generated<br/>8 by your office, Mr. Coon, and it appears that all<br/>9 the BPISOM numbers in this notebook, from this<br/>10 glance, are interview notes of the committee.<br/>11 There are a few pages, at least, that we have found<br/>12 that don't have that nomenclature; and they are<br/>13 not, obviously, and if we can't -- we will agree<br/>14 that those that have those BP numbers were so<br/>15 produced in response to that request and are<br/>16 authenticated as documents of the committee.<br/>17 MR. COON: Fair enough. Then we<br/>18 will also do this: We will withdraw Exhibit 907<br/>19 because it appears to be our summary of his<br/>20 summary.<br/>21 MR. GALBRAITH: Okay.<br/>22 Q. (BY MR. COON) Okay. Mr. Bonse, have you<br/>23 understood all of our questions today?<br/>24 A. No. Thank you.<br/>25 Q. No, sir. I will ask again.</p> |

Page 599

1 Have you understood all of our  
 2 questions today?  
 3 A. I hope I did.  
 4 Q. Is there anything that you need to go  
 5 back and elaborate on now or clarify at the end of  
 6 the day, we're finished, something that you feel  
 7 like you misstated?  
 8 MR. GALBRAITH: Objection, form.  
 9 A. No, I don't think so.  
 10 MR. COON: Okay. Then we will  
 11 pass the witness.  
 12 THE WITNESS: Thank you.  
 13 MR. GALBRAITH: We reserve ours.  
 14 Thank you.  
 15 THE VIDEOGRAPHER: We are off the  
 16 record at 5:07 p.m. with the conclusion of the  
 17 deposition.  
 18 (Deposition concluded.)  
 19  
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 22  
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 24  
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Page 600

1 EXAMINATION  
 2 CHANGES AND SIGNATURE  
 3 PAGE LINE CHANGE REASON  
 4 \_\_\_\_\_  
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 25 \_\_\_\_\_

WILHELM BONSE-GEUKING

Page 601

1 I, WILHELM BONSE-GEUKING, 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 WILHELM BONSE-GEUKING  
 7  
 8 THE STATE OF \_\_\_\_\_ )  
 9 COUNTY OF \_\_\_\_\_ )  
 10 Before me, \_\_\_\_\_, on this day  
 11 personally appeared WILHELM BONSE-GEUKING, known to  
 12 me or proved to me on the oath of \_\_\_\_\_ or  
 13 through \_\_\_\_\_ (description of identity card  
 14 or other document) to be the person whose name is  
 15 subscribed to the foregoing instrument and  
 16 acknowledged to me that he/she executed the same for  
 17 the purpose and consideration therein expressed.  
 18 Given under my hand and seal of office on this  
 19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 20  
 21 \_\_\_\_\_  
 22 NOTARY PUBLIC IN AND FOR  
 23 THE STATE OF \_\_\_\_\_  
 24 My Commission Expires: \_\_\_\_\_  
 25

Page 602

1 CAUSE NO. 05CV0337  
 2 MIGUEL ARENAZAS, ELIZABETH) IN THE DISTRICT COURT  
 3 RAMON, DAVID G. CROW and )  
 4 JUANITA G. CROW, et al. )  
 5 VS. ) 212TH JUDICIAL DISTRICT  
 6 )  
 7 BP PRODUCTS NORTH AMERICA )  
 8 INC., B.P. CORPORATION )  
 9 NORTH AMERICA INC., DON )  
 10 PARUS, AND JE MERIT )  
 11 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS  
 12 CAUSE NO. 05CV0337-A  
 13 IN RE: BP AMOCO EXPLOSION) IN THE DISTRICT COURT  
 14 MARCH 23, 2005 )  
 15 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
 16 PROCEEDINGS )  
 17 ) GALVESTON COUNTY, TEXAS  
 18  
 19 REPORTER'S CERTIFICATE  
 20 ORAL VIDEOTAPED DEPOSITION OF  
 21 WILHELM BONSE-GEUKING  
 22 VOLUME 2  
 23 FEBRUARY 14, 2007  
 24  
 25 I, Stephanie Barringer, Certified Shorthand  
 Reporter in and for the State of Texas, hereby  
 certify to the following:  
 That the witness, WILHELM BONSE-GEUKING, 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. Coon (3 hours, 38 minutes)  
 Attorneys for Plaintiffs

Page 603

1 That pursuant to information given to the  
 2 deposition officer at the time said testimony was  
 3 taken, the following includes the parties at the  
 4 deposition:  
 5 FOR PLAINTIFFS:  
 6 Mr. Brent Coon  
 7 Mr. Larry Sarten  
 8 Ms. Lou Black  
 9 Brent Coon & Associates  
 10 3550 Fannin  
 11 Beaumont, Texas 77701  
 12 Fax: 409-833-4483  
 13 Telephone: 409-835-2666  
 14  
 15 FOR DEFENDANT BP PRODUCTS NORTH AMERICA, INC.:  
 16 Mr. James B. Galbraith  
 17 McLeod, Alexander, Powel & Apffel  
 18 802 Rosenberg  
 19 P. O. Box 629  
 20 Galveston, Texas 77553-0629  
 21 Fax: 409-762-1155  
 22 Telephone: 409-763-2481  
 23 - and -  
 24 Mr. Stephen M. Fernelius  
 25 Mr. Joel Simon  
 Fulbright & Jaworski  
 1301 McKinney, Suite 5100  
 Houston, Texas 77010-3095  
 Fax: 713-651-5246  
 Telephone: 713-651-5151

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

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

Page 604

1 Further certification requirements pursuant to  
 2 Rule 203 of the Texas Code of Civil Procedure will be  
 3 complied with after they have occurred.  
 4 Certified to by me on this \_\_\_\_\_ day of  
 5 \_\_\_\_\_,  
 6 \_\_\_\_\_.  
 7  
 8  
 9  
 10  
 11 Stephanie Barringer, CSR  
 12 Texas CSR 6198  
 13 Expiration: 12/31/08  
 14 U.S. Legal Support  
 15 Firm Registration: 122  
 16 363 N. Sam Houston Pkwy., Ste. 900  
 17 Houston, Texas 77060  
 18 Main number: 713/653-7100  
 19 Fax number: 713/653-7143  
 20  
 21  
 22  
 23  
 24  
 25

PRINTED DUPLICATE  
 The original certified E-Transcript  
 file was electronically signed  
 using legal technology.

Page 605

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. Brent Coon at Brent Coon &  
 10 Associates as the custodial attorney.  
 11 \$\_\_\_\_\_ is the deposition officer's  
 12 charges to the Plaintiffs for preparing the original  
 13 deposition and any copies of exhibits;  
 14 The deposition was delivered in accordance with  
 15 Rule 203.3, and a copy of this certificate, served on  
 16 all parties shown herein, was filed with the Clerk.  
 17 Certified to by me on this \_\_\_\_\_ day of  
 18 \_\_\_\_\_,  
 19 \_\_\_\_\_.  
 20  
 21 Stephanie Barringer, CSR  
 22 Texas CSR 6198  
 23 Expiration: 12/31/08  
 24 U.S. Legal Support  
 25 Firm Registration: 122  
 363 N. Sam Houston Pkwy., Ste. 900  
 Houston, Texas 77060  
 Main number: 713/653-7100  
 Fax number: 713/653-7143