

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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14  
15 \*\*\*\*\*

16 ORAL VIDEOTAPED DEPOSITION OF  
17 WILHELM BONSE-GEUKING  
18 VOLUME 1  
19 OCTOBER 18, 2006

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1  
2 ORAL VIDEOTAPED DEPOSITION OF WILHELM  
3 BONSE-GEUKING, produced as a witness at the instance  
4 of the Plaintiffs and duly sworn, was taken in the  
5 above-styled and numbered cause on October 18, 2006,  
6 from 9:15 a.m. to 5:45 p.m., before Stephanie  
7 Barringer, Certified Shorthand Reporter in and for  
8 the State of Texas, reported by stenographic means at  
9 the Hyatt Lisle, 1400 Corporetum Drive, Lisle,  
10 Illinois 60532, pursuant to the Texas Rules of Civil  
11 Procedure and the provisions stated on the record or  
12 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.  
23  
24  
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1 APPEARANCES  
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27 Mr. Joe Skutas  
28  
29  
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18 Delivery 1st Review Meeting,  
19 London, 16th/17th December,  
20 2002, BPISOM00488735 through  
21 BPISOM00488763  
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10 837 Texas City Accountability 323  
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1 MR. GONZALEZ: My name is Art  
 2 Gonzalez, and I am counsel with Brent Coon &  
 3 Associates representing the Plaintiffs Steering  
 4 Committee in this case. And yesterday sometime  
 5 between 10:00 and 12:00 o'clock we got notification  
 6 there was a CD being delivered to us with  
 7 approximately 15,000 -- I don't know whether it's  
 8 pages or documents related to the subpoena duces  
 9 tecum for the deposition of Mr. Bonse.  
 10 Mr. Bonse, I apologize.  
 11 THE WITNESS: That's okay. Just  
 12 say Bonse.  
 13 MR. GONZALEZ: Mr. Bonse. Okay.  
 14 Thank you.  
 15 We attempted to try to pull some  
 16 of the documents off and review them off the CD,  
 17 and we couldn't. At the same time we were notified  
 18 sometime in the afternoon that the same documents  
 19 had been sent to Misty Ferguson at Encore and we  
 20 were asked whether we wanted to have them printed  
 21 out or not. We said no. We were expecting that BP  
 22 would be printing them out for us as per an  
 23 agreement we had in force and effect after  
 24 July 31st of 2006.  
 25 About 6:00 o'clock in the

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1 afternoon we found out that the documents had not  
 2 been printed out, primarily because Mr. Alvarez  
 3 thought the Rule 11 had been violated and,  
 4 therefore, they weren't going to blow them back.  
 5 So we then immediately called  
 6 Encore and asked them to blow it back, and they  
 7 said they could get it to us by 7:00 or 7:30.  
 8 Unfortunately, we didn't get them until about  
 9 8:00 o'clock; and we have not had adequate time to  
 10 review these records of the 15,000 pages that were  
 11 provided to us.  
 12 I flew from Houston this morning  
 13 at 6:00 o'clock, and I have with me approximately  
 14 35 files representing a very small minutia of the  
 15 total pages that were provided to us yesterday  
 16 afternoon by BP. And as such, we will file formal  
 17 objections to the timeliness of the production with  
 18 respect to the deposition of Mr. Bonse.  
 19 MR. COON: Anything else,  
 20 Mr. Gonzalez?  
 21 MR. GONZALEZ: No, that is it.  
 22 MR. COON: We will further add as  
 23 a preamble to the deposition that while we are  
 24 going forward with it today, in light of the fact  
 25 that most, if not all, of the documents that we

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1 received yesterday we believe to be properly  
 2 responsive to prior outstanding discovery requests.  
 3 In light of the questionable  
 4 timeliness, whatever documents we received  
 5 yesterday as part of any previous duces tecum  
 6 regarding this witness, we do reserve the right to  
 7 take this witness again at a later date at a time  
 8 convenient to counsel, as well as the location of  
 9 counsel or also reserve the right to approach the  
 10 Court again with respect to any further motions we  
 11 may file as a result of this.  
 12 MR. GALBRAITH: Okay. I have some  
 13 things to say on the record, too, then.  
 14 Number 1, Mr. Bonse is here  
 15 without an interpreter and we don't believe that he  
 16 needs an interpreter; but English is not his native  
 17 language. And so he has some concerns and may ask  
 18 that questions be repeated or rephrased. And he  
 19 would like to read and sign his deposition to make  
 20 sure that he has an adequate opportunity to check  
 21 grammar and spelling of things that may result from  
 22 English not being his native language.  
 23 The second thing is, I guess, I  
 24 would like to have this marked as an exhibit to the  
 25 deposition. This is a supplement to the

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1 production. I don't think it's of great shocking  
 2 relevance to you. But it is an update and it is  
 3 responsive and we did come across it. So we wanted  
 4 to produce it here today.  
 5 My understanding is that that is a  
 6 Veba study of Germany operations, the precursor to  
 7 any of their efforts. That is an update, as I  
 8 understand it.  
 9 MR. COON: Thank you,  
 10 Mr. Galbraith. Is this a supplementation to the  
 11 Veba report in Texas City?  
 12 MR. GALBRAITH: No.  
 13 MR. COON: Is this a document this  
 14 witness has personal knowledge of?  
 15 MR. GALBRAITH: I think so.  
 16 MR. COON: Okay. I will  
 17 elaborate, then, during the course of the  
 18 deposition. We will attach this as Exhibit 834.  
 19 This being entitled the BP Veba Integration Profit  
 20 Benefit Program, Benefit and Delivery Cursory  
 21 Review Meeting dated London 16th and 17th of  
 22 December of 2002.  
 23 MR. GALBRAITH: And third, I  
 24 wanted to just make clear on the record that what  
 25 we have entered into the record and got Judge

<p style="text-align: right;">Page 10</p> <p>1 Criss' approval of is the procedure whereby this is                  2 a deposition into some matters that are very                  3 sensitive and arguably protected and privileged.                  4 And we have outlined a procedure whereby we can                  5 attempt to amicably resolve any of those kinds of                  6 disputes; but the depositions and documents                  7 produced pursuant to it are to be protected and                  8 privileged until we have that opportunity to                  9 attempt to resolve those disputes.                  10 If we can't, then either party can                  11 set that for hearing and ask the Court for a ruling                  12 that privilege and protection applies until at                  13 least four business days after the Court rules to                  14 give us opportunities to either notify management                  15 or consider other options.                  16 MR. GONZALEZ: Would this letter                  17 reflect the accuracy of our agreement with                  18 respect -- this is something I sent you yesterday                  19 afternoon.                  20 MR. GALBRAITH: I haven't seen it.                  21 I'm sorry.                  22 MR. GONZALEZ: Do you want to take                  23 a look at it?                  24 MR. GALBRAITH: Yes.                  25 MR. COON: Let's go off the</p>	<p style="text-align: right;">Page 12</p> <p>1 caveats. One is my understanding this deposition                  2 will be taken pursuant to notice, that BP is                  3 reserving the right to read and sign.                  4 Second is that it is being taken                  5 pursuant to the Rules, reserve all other objections                  6 other than those specifically noted today and other                  7 ancillary agreements as to form and responsiveness.                  8 Is that correct?                  9 MR. GALBRAITH: Yeah, I think I                  10 understand that. We are at a level of objections                  11 regarding form and responsiveness only. All others                  12 will not be lodged today.                  13 MR. COON: And the caveat we will                  14 assert today is that, to the extent Mr. Mancini or                  15 other witnesses between today and the time of this                  16 testimony and the time that some final agreement or                  17 resolution of any outstanding issues with respect                  18 to the scope and use of this deposition and                  19 documents discussed or attached hereto are produced                  20 in response are clarified with the Court or by                  21 agreement that we will still have the ability to                  22 utilize that information subject to the same                  23 protections.                  24 MR. GALBRAITH: You said Mancini.                  25 MR. COON: For instance, if we go</p>
<p style="text-align: right;">Page 11</p> <p>1 record.                  2 (Discussion off the record.)                  3 (Exhibit Number 834 marked for                  4 identification.)                  5 MR. GALBRAITH: My understanding                  6 now is that Art or a representative of the                  7 Plaintiffs Steering Committee, we will get a copy                  8 of the transcript of this deposition and we will                  9 meet together within fairly short order to go over                  10 the page and line wherein confidentiality or                  11 privilege is alleged. And if we can agree on those                  12 items, then there will be no further action needed.                  13 If we have dispute about those                  14 items, they are to be taken to the Court and                  15 resolved by ruling. And we have four days -- four                  16 business days thereafter, after the Court has                  17 ruled, during which time we have those four days to                  18 consider our options and take any action deemed                  19 necessary.                  20 It is understood during those four                  21 business days post ruling the documents, the                  22 deposition will still be protected, will still be                  23 confidential and will still be considered as                  24 privileged and not be divulged.                  25 MR. COON: So agreed with further</p>	<p style="text-align: right;">Page 13</p> <p>1 to Mancini tomorrow and ask him questions regarding                  2 what Mr. Bonse says today, I am saying our position                  3 is we reserve the right to ask him those questions;                  4 but because those are still under the umbrella                  5 scope of the protection, BP reserves the right to                  6 continue to have those issues protected in terms of                  7 the testimony and those documents until its final                  8 resolution as to whether or not any of those can be                  9 discussed publicly or otherwise.                  10 MR. GALBRAITH: In other words,                  11 the same procedure shall apply regarding Mancini's                  12 deposition tomorrow. We will meet and confer; and                  13 if we can't resolve it, we will bring it to the                  14 Court and have protection for four days after the                  15 Court's ruling.                  16 MR. COON: Any and all issues that                  17 come up with this witness today or the documents                  18 that we utilize that we may discuss with other                  19 witnesses until there is closure to what is and is                  20 not protected here today is all under that same                  21 protection from you guys.                  22 MR. GALBRAITH: Yes.                  23 THE VIDEOGRAPHER: Good morning.                  24 My name is Joe Skutas, certified legal video                  25 specialist in association with McCorkie Court</p>

<p style="text-align: right;">Page 14</p> <p>1 Reporters. We are in association with US Legal 2 located at 519 North Sam Houston Parkway East in 3 Houston, Texas. 4 Today is October 18th, 2006. We 5 are going on the record at 9:30 a.m. in the matter 6 of Miguel Arenazas, et al., Plaintiff, versus 7 BP Products North America, et al., Defendants, 8 filed in the District Court of Galveston, Texas -- 9 Galveston County, Texas, correction, 10 Case No. 05-CV-0337. 11 The witness today is Wilhelm 12 Bonse. This deposition is being taken on behalf of 13 the plaintiff. Will the counsel please announce 14 their appearances for the record? 15 MR. COON: Thank you, sir. 16 This is Brent Coon, Art Gonzalez, 17 Larry Sartin on behalf of Brent Coon &amp; Associates 18 and on behalf of the BP plaintiff steering 19 committee. 20 MR. GALBRAITH: Jim Galbraith and 21 Steve Fernelius here for BP. 22 THE VIDEOGRAPHER: Will the court 23 reporter please identify herself and swear in the 24 witness? 25 THE REPORTER: Stephanie</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Of course. 2 Q. Fair enough? 3 Okay. So you understand that you 4 are here in the United States today to allow us, on 5 behalf of the plaintiff steering committee, to ask 6 you questions concerning the explosion of March 23, 7 2005 in which a number of people at a Texas City 8 refinery were injured or killed? 9 A. Correct. 10 Q. It's my understanding you have conducted 11 an investigation into some aspects of this matter 12 and into other safety or cultural issues at 13 BP Texas City and elsewhere since that time; is 14 that correct? 15 A. Yes. 16 Q. We have a subpoena for the -- for your 17 presence today, as well as the production of 18 certain documents. And prior to the deposition, 19 there was something provided by BP counsel that's 20 called the BP Veba integration document. We've 21 already attached it as next sequential, which is 22 834. 23 And I am going to ask you some 24 questions about that later in the course of your 25 deposition; but as we proceed now, I am going to</p>
<p style="text-align: right;">Page 15</p> <p>1 Barringer. 2 Would you raise your right hand, 3 please, sir? 4 THE WITNESS: (Complies.) 5 WILHELM BONSE-GEUKING, 6 having been first duly sworn, testified as follows: 7 8 EXAMINATION 9 Q. (BY MR. COON) Good morning, sir. 10 Could I have you introduce 11 yourself to the ladies and gentlemen who may be 12 watching your testimony via videotape by an 13 introduction of your name, your employer and your 14 occupation, sir? 15 A. My name is Wilhelm Bonse-Geuking, usually 16 the English version is called Bill. I'm working 17 for BP PLC. And my professional background is -- 18 I'm an engineer, master of science. 19 Q. As I understand, Mr. Bonse-Geuking, that 20 typically because of the length of your name and 21 the German dialect, you go by Bonse here in the 22 States; is that correct? 23 A. Mainly by Bill, but Bonse is okay. 24 Q. Well, we'll apply some level of decorum 25 and reference you by your last name, Mr. Bonse.</p>	<p style="text-align: right;">Page 17</p> <p>1 next mark Exhibit 835. 2 (Exhibit Number 835 marked for 3 identification.) 4 Q. (BY MR. COON) This being the actual 5 document which was the notice of your deposition 6 with the subpoena duces tecum. 7 And in that regard, sir, I am 8 going to hand it to you and ask first: When were 9 you first made aware, to the best of your 10 recollection, as to being requested to come to the 11 States and provide a deposition in this matter? 12 A. Well, I've -- I got a call from a legal 13 advisor at BP, here at BP America, if my memory 14 serves me right, roughly three weeks ago. 15 Q. Were you provided with either a copy of 16 that deposition or a list of things that -- 17 A. I got it by e-mail. It's a copy. 18 Q. Okay. The document you have in your hand 19 there is something you actually had an opportunity 20 to personally read and review? 21 A. Yes, sir. 22 Q. Did you have an opportunity to meet with 23 other representatives of BP to get a better 24 understanding as to the types of documents and 25 specifically which documents were to be requested</p>

5 (Pages 14 to 17)

<p style="text-align: right;">Page 18</p> <p>1 as a part of the production, as well as your 2 attendance here today? 3 A. Yes. 4 Q. And did you have an opportunity to look 5 at each one of those, understand what it was that 6 was being requested and work with 7 BP representatives to identify those documents and 8 produce them? 9 A. I did look at any -- each document. 10 Q. Okay. What is it that you understand was 11 done to help ascertain the documents that were 12 requested of you -- 13 A. Well, I -- 14 Q. -- and make those available? 15 A. I looked at the list which is added at 16 the end and I have been in touch with our legal 17 department and they assured me that everything 18 would be produced properly. 19 Q. Okay. Have you undertaken a personal 20 effort to review the documents that were rounded up 21 and produced by BP as part of this deposition 22 notice? 23 A. No, I did not, with one exception. 24 Q. And what is that, sir? 25 A. I became aware that you wanted us to</p>	<p style="text-align: right;">Page 20</p> <p>1 make those available and produced? 2 A. Yes, sir. 3 Q. Now, we have received, as part of the 4 production request, a number of documents that 5 appear to be notes; and I'm going to show them to 6 you as exemplars and just ask: Is that a page of 7 notes in your handwriting, sir? 8 A. No. 9 Q. Do you know whose handwriting those would 10 be in? 11 A. No. Actually, when I look at the date, 12 11 -- is it 5/11/05? 13 Q. It appears to be, yes, sir. 14 A. That was quite before we started our 15 work. 16 Q. Mr. Bonse, you told us a few minutes ago 17 that there was a takeover or a merger or some sort 18 of acquisition between BP and your employer that 19 had to do with this Veba document. 20 I take it that part of your resumé 21 would reflect that you had a prior history of 22 working for facilities other than BP? 23 A. Yeah, I was chief executive of Veba Oel, 24 another company in Germany which BP acquired in 25 February 2002.</p>
<p style="text-align: right;">Page 19</p> <p>1 produce a document A.T. Kearney had prepared in 2 2002 when my company was acquired by BP, and I was 3 not aware what document it should be. So I 4 requested our staff in Germany to print and to send 5 it to me; and prior to today's meeting, I didn't 6 get it. 7 Q. And would that be the Document 834 -- 8 A. Yes. 9 Q. -- that we were provided with today just 10 before -- 11 A. This one and this is an update of 12 A.T. Kearney's paper prepared in -- or for -- 13 prepared for a meeting in September 2002. 14 Q. Okay. Are there any other documents such 15 as one that you made more recently available to 16 counsel for BP that would further supplement the 17 scope of documents that are identified in the 18 subpoena duces tecum? 19 A. No. 20 Q. And as I understand, other than the 21 document that we have here marked as 834, you have 22 left it to other people at BP, counsel and 23 otherwise -- 24 A. Yes. 25 Q. -- to help identify the documents and</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. I am going to go back and ask you 2 questions regarding your prior educational 3 experiences and work experience, but there are some 4 things I want to do before that. 5 And in getting there, was there a 6 resumé that would list all of the different places 7 that you have worked and where you went to school 8 and things like that? 9 A. I am not sure, but it could easily be 10 handed over. 11 Q. Okay. Now, you understand that you are 12 here today in Chicago to give us testimony and that 13 the testimony is being recorded by a court reporter 14 here, as well as the videographer. And you 15 understand that there is the first of several cases 16 coming up in the explosion. I believe the first 17 date is November 8. 18 And the jury may be looking at 19 your videotaped testimony or seeing parts of the 20 trial transcript that is being utilized today 21 through the court reporter in reading it back to 22 the jury. Do you understand that? 23 A. Yes, sir. 24 Q. And you understand you are under oath to 25 tell us the truth with respect to the questions we</p>

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 ask you today?  2 A. I will.  3 Q. And then if you have a concern regarding  4 answering a question for whatever reasons, personal  5 or professional, you need to answer that question  6 unless your attorneys tell you not to.  7 A. Yes.  8 Q. Do you understand that?  9 And you also have an opportunity  10 here today to consult with the attorneys here for  11 BP as your employer. So that you can step out in  12 the hall, you can take a break and talk with them  13 or confer with them before you give us further  14 answers.  15 A. Yes.  16 Q. Do you understand that?  17 You also understand there have  18 been some criminal investigations associated with  19 the explosion with the Department of Justice and  20 others. Do you understand that?  21 A. Yes.  22 Q. And as a result of that, you understand  23 that here in the United States, there is the  24 protection against self-incrimination.  25 Do you understand that?</p>	<p style="text-align: right;">Page 24</p> <p>1 more than a year in coal mines -- mainly coal  2 mines, but in other mines, as well. This is  3 compulsory. If you want to study mine engineering  4 in Germany, you have to work. So I was a coal  5 digger for quite some time.  6 And then I made my studies at the  7 University in Aachen. After four years, ended with  8 a master of science. And thereafter, I started my  9 professional work in Chartered Accountant.  10 And then I joined Veba, the Veba  11 Group, and became executive vice president for the  12 upstream business in 1978. I kept this job until  13 1995, when I became CEO of Veba.  14 Veba, as I said, was acquired by  15 BP in early 2002. In 2002, I became chief  16 executive of Deutsche BP, the German affiliate of  17 BP. And a year later I was promoted to the role of  18 the post of group vice president for the region  19 Europe for BP PLC -- BP PLC.  20 I retired from this function by  21 August 1. I am still the group vice president BP,  22 a senior advisor to the management of BP for  23 special projects. I am about to retire by the end  24 of this year.  25 Q. Mr. Bonse, what did your parents do for</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes.  2 Q. And you have the right today, if you so  3 choose, to exercise that right against  4 self-incrimination into any of the questions that  5 we may ask and you have a right to retain and  6 confer with personal counsel.  7 Do you understand that?  8 A. Yes.  9 Q. And by being here today without personal  10 counsel, I take it that as we sit here you plan on  11 going forward with the waiver of such criminal  12 representation or the ascertainment of the Fifth  13 Amendment rights; is that correct?  14 A. Yes.  15 Q. Mr. Bonse, could you go back and just  16 enlighten us to some degree as to where you grew  17 up, what education you received and the types of  18 employment you've had over the years before you  19 arrived at BP?  20 A. I'm happy to do so.  21 I have been born in 1941. I made  22 my school in Germany. After I reached A level, I  23 went to the Army in '61 to do my military service,  24 left as a lieutenant.  25 And after the Army, I worked for</p>	<p style="text-align: right;">Page 25</p> <p>1 work?  2 A. My father was a civil servant in charge  3 of forestry; and my mother was, yeah, caring for  4 the family.  5 Q. You had brothers and sisters?  6 A. I had one brother. He was an engineer as  7 I was -- as I am, but he passed away already.  8 Q. And any children?  9 A. We've got -- my wife and I, we have got  10 three boys, yeah.  11 Q. Do any of them work in the industry?  12 A. Yeah, one -- one is working here in  13 Los Angeles, actually, a logistics company. The  14 second one is to take over our farm; and sometime  15 ago he was working in the bioenergy business. And  16 the youngest one is still a student to become a  17 medical doctor.  18 Q. And you were born in 1941, sir?  19 A. Yes.  20 Q. And that was in Germany?  21 A. Yes.  22 Q. Did your dad have to serve in the  23 military during that --  24 A. Huh?  25 Q. Did your dad have to serve in the</p>

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 military in Germany at that difficult time, World 2 War II? 3 A. No, no. World War II, I was four 4 years -- 5 Q. No, not you, sir, your father? 6 A. My father, no, he was just a -- he was an 7 officer in World War I. For World War II, 8 fortunately, he was too old to serve. 9 Q. Do you have any other family members that 10 are presently employed with BP -- 11 A. No. 12 Q. -- be it BP London or elsewhere? 13 A. No. 14 Q. Do you understand the nature of the 15 acquisition of BP PLC of your predecessor employer 16 being Veba; that is, was it a merger, was it an 17 acquisition? 18 A. Veba? 19 Q. Yes, sir, Veba. 20 A. It was a clear-cut acquisition. The 21 Veba -- Veba had the parent company, my company was 22 Veba Oel. The parent company, Veba, later on 23 called E.ON, sold the whole company, all shares, in 24 two steps to BP. 25 Q. And your title at the time of that</p>	<p style="text-align: right;">Page 28</p> <p>1 big major oil companies are active or have been 2 active in Germany. So that we did some -- some 3 benchmarking with them. 4 We made extensive use of sort 5 of -- actually I introduced Solomon benchmarks to 6 my company in the mid Nineties. We are part of 7 European Oil Association, Europia, which I am 8 presently chairing; and also within this group, 9 we -- we had quite an exchange of knowledge and 10 know-how. 11 Q. And where are the refineries or 12 operational facilities of Veba located at the time 13 of the acquisition? 14 A. Well, we had a large refinery -- our 15 largest refinery, the Gelsenkirchen refinery, which 16 is based in northwest Germany. It's a refinery 17 which has a capacity of roughly 250,000 barrels a 18 day. And then we have shared refineries in the 19 southwest, in the south, and east -- and East 20 Germany. 21 Q. Would it be fair to say that all of them 22 that were owned wholly by Veba or were joint 23 ventures with other companies were all operating 24 within the boundaries of Germany? 25 A. No.</p>
<p style="text-align: right;">Page 27</p> <p>1 acquisition was a chief executive officer? 2 A. Yeah, that's the -- bit equivalent of 3 what we call "Vorstandsvorsitzender." I don't know 4 it well. I need to spell it. 5 But it's chairman of the board. 6 Chairman of the board; but it's a difference in so 7 far as primus inter parus, whereas, a chief 8 executive in the United States and in the UK, he is 9 calling all shots. So it's a bit different -- 10 different; but on the bottom line, it's the chief 11 executive. 12 Q. And what did your company in Germany do 13 with respect to comparing itself in the world 14 industry of petrochemical processes? What were 15 your barometers? 16 For instance, would you look at 17 American facilities such as Amoco and others? 18 Would you look at UK facilities such as BP? Would 19 you look at Solomon benchmarking? Would you look 20 at the American Petroleum Institute? 21 What are the sources that you 22 would look at to compare yourself in terms of how 23 you operated and be competitive? 24 A. Well, first, we did make benchmarking 25 certainly in -- within Germany, you know all the</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Where else were they? 2 A. There's no refinery which we fully owned. 3 We have a partner which is the Venezuelan state oil 4 company, Petróleos de Venezuela. We have a joint 5 company called Ruhr Oel, and this company holds our 6 interest in Gelsenkirchen and in the Deutsche 7 refineries. 8 But we are the operator. So in a 9 way -- from the joint perspective, as far as 10 operations is concerned, Petróleos de Venezuela is 11 a sleeping partner. 12 Q. Did Veba as a company own the assets of 13 any of the refineries they operated? 14 A. No. No, as I said, all refining assets 15 have been assets owned by Ruhr Oel, joined -- a 16 company jointly owned by us and Petróleos de 17 Venezuela. 18 Q. Okay. So there was a joint ownership, 19 there was just not any exclusive ownership? 20 A. No, it was a joint ownership. And, as I 21 said, we were the operator. So from the outside it 22 looked as if these were our refineries only. 23 Q. Do you have an understanding as to why 24 there would be silent partners? Was this primarily 25 for capitalization or --</p>



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1 A. No, that was agreed upon because we  
 2 want -- the Venezuelans didn't have any staff to  
 3 start a joint -- joint management of these  
 4 refineries, and so they wanted us to -- to run the  
 5 show.  
 6 Q. Now, when the acquisition of Veba  
 7 occurred in 2002 by BP, was the acquisition only  
 8 what Veba owned or did BP work out arrangements to  
 9 where your silent partners or joint venturers'  
 10 interest in those refineries were also purchased?  
 11 A. No, it wasn't a purchase. It was just  
 12 what was owned by Veba Oel and was taken over by  
 13 BP.  
 14 Q. So --  
 15 A. So the corporation was continuous.  
 16 Q. So, for instance, the refinery that you  
 17 had at Veba that was a joint venture with a  
 18 Venezuelan owned interest, once BP acquired Veba,  
 19 they only acquired Veba's interest in that joint  
 20 venture and not the Venezuelan interest?  
 21 A. Correct.  
 22 Q. Does that continue to be the case with  
 23 each of those refineries as you understand today or  
 24 have there been additional changes where BP --  
 25 A. There have been no changes.

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1 Q. Mr. Bonse, have you given depositions  
 2 before in any matter?  
 3 A. Yes, I did in the '80s.  
 4 Q. Can you tell us what that was about, sir?  
 5 A. We had an affiliate in Houston not  
 6 producing. We had to fire the chief executive, and  
 7 he sued us. And I -- there was some -- they wanted  
 8 my deposition taken. Then we settled the case  
 9 later on.  
 10 And we had a share in an  
 11 engineering company called Kenzvucenzin where we  
 12 also had joined with the other shareholders to fire  
 13 the chief executive. I was deposed, as well; but  
 14 also this case has been settled.  
 15 Q. Now, prior to coming here today, are  
 16 there documents that you looked at or depositions  
 17 that you have looked at or had things provided to  
 18 you or summarized to help you with things that you  
 19 may be testifying to today?  
 20 A. For today's meeting?  
 21 Q. Yes, sir.  
 22 A. With one exception, the presentation we  
 23 have made about our interim findings from our work,  
 24 a presentation to -- to EVPs, executive vice  
 25 presidents in London, Ms. Sally Bott and Mr. Peter

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1 Bevan.  
 2 Q. And when was that?  
 3 A. That was July 31 this year.  
 4 Q. Was that to provide some of the  
 5 leadership with an update as to where the  
 6 investigation was, at least at that time?  
 7 A. Correct.  
 8 Q. Is the investigation ongoing?  
 9 A. Yes.  
 10 Q. Okay. Now, can you tell us the typical  
 11 responsibilities that you have retained after the  
 12 acquisition of Veba by BP in 2002?  
 13 A. Well, my main role was certainly to be  
 14 the chief -- chief executive and to -- and in this  
 15 role in particular, to merge the two companies. So  
 16 I had a deputy who came from BP, and we both  
 17 focused on integrating my former company to BP.  
 18 BP has a totally different  
 19 management philosophy than we had. So there was a  
 20 lot of work to be done. That was one -- the first  
 21 challenge.  
 22 And the second challenge was, of  
 23 course, because we have a very powerful  
 24 co-determination right with the Works Council, as  
 25 you call it here in the States, the union. So I --

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1 but I've invested a lot of time in keeping the  
 2 Works Council informed and to support the  
 3 HR director in getting their agreement on all the  
 4 restructuring which was going on.  
 5 Q. At the time of the purchase or  
 6 acquisition by BP, was Veba already subject to any  
 7 type of regulatory agency or health and safety  
 8 agencies in Germany?  
 9 A. Not that I would be aware of.  
 10 Q. So to the best of your knowledge, Veba  
 11 was allowed to operate with relative impunity with  
 12 respect to any oversight by any --  
 13 A. Yes.  
 14 Q. -- German federal authorities or state  
 15 authorities there?  
 16 A. Yes.  
 17 Q. And as I understand it, there was an  
 18 hourly workforce that was primarily unionized --  
 19 A. Yeah.  
 20 Q. -- that were in those facilities?  
 21 A. Yes.  
 22 Q. And is there a name for the union that  
 23 worked --  
 24 A. Yeah, it's the -- it's the Trade Union  
 25 for Chemical and Mining Workers.

<p style="text-align: right;">Page 34</p> <p>1 Q. Sir, in having an understanding of how 2 your plants operated prior to the merger, let's 3 just talk about the Veba refineries that you were 4 charged with an oversight responsibility of prior 5 to the BP merger, this would be prior to 2002, 6 going back to your first responsibility as CEO, 7 which I think was, what, 1995? 8 A. Correct. 9 Q. Okay. Your next seven-year time frame, 10 did you ever travel abroad and look at the 11 operations of other refineries that were owned by 12 other companies to get a better understanding of 13 the technology they may utilize or the management 14 styles or just the overall infrastructural 15 conditions and -- 16 A. No, I did not. The only exception, as I 17 am under oath, was that I visited some Russian 18 refineries; but that was for different purposes. 19 (Discussion off the record.) 20 Q. (BY MR. COON) After the merger in 2002, 21 have you had an opportunity to travel and look at 22 the other refineries that are owned by BP or even 23 some of the competitors to BP? 24 A. I only paid a visit to the Texas City 25 refinery in context with my work, I think, in May</p>	<p style="text-align: right;">Page 36</p> <p>1 performance units are part of segments, and the 2 S -- so-called SPUs and segments are managed from 3 London. 4 So that was a management structure 5 which was in parallel to the legal structure we had 6 for our business in Germany, and I had to bridge 7 these two philosophies to avoid inconsistencies and 8 gaps. 9 Q. And in talking about those changes and 10 the philosophies and the gaps, was it your 11 impression that BP operated more with their 12 different types of companies that they ran in a 13 compartmentalized manner where each one was 14 responsible only for its activities and there was 15 not a lot of cross-pollination of information and 16 oversight within those various different 17 departments? 18 A. Yes. 19 MR. GALBRAITH: Objection, form. 20 Q. (BY MR. COON) And at Veba was there more 21 cross-pollination of the various departments and 22 the roles and responsibilities so that everybody 23 would have a bigger picture of what was going on in 24 the entire infrastructure and the operation? 25 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 this year. 2 Q. May of 2006? 3 A. (Nods head.) 4 Q. And that was a trip over here to 5 Texas City to work on your -- 6 A. Yes, in -- 7 Q. -- accountability audit? 8 A. In context with my work. 9 Q. Okay. Can you tell us pretty much what 10 your day-to-day responsibilities were from 2002, 11 after the merger, until the present, which is -- 12 A. Well, as I said -- 13 Q. -- October? 14 A. -- in the beginning, the main focus was 15 on -- aside from the routine work you have to 16 deliver as a CEO, it was focusing on integration 17 and to make understand the guys in London what they 18 had acquired in Germany. 19 Q. Okay. And when you talk about 20 integration, are you talking about just the 21 transition and integrating Veba into the BP family? 22 A. Yes. You know, BP has a different -- a 23 different management philosophy. Everything is -- 24 is done within business units. Business units are 25 part of strategic performance units. The strategic</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. GALBRAITH: Objection, form. 2 Q. (BY MR. COON) And in your personal 3 opinions, having worked under both types of 4 structures, have you formed a personal opinion that 5 you carry today as to which one is really the 6 better management style in your opinion? 7 MR. GALBRAITH: Objection, form. 8 A. I think you -- we cannot -- we cannot 9 compare Veba -- which was mainly a German company, 10 with the exception that we had a number of 11 international upstream activities, but our 12 downstream business was just in Germany -- with a 13 global player like BP. And BP, besides that 14 character -- besides the character of being a 15 global player, it had, and has, a huge supply and 16 trading business all over the world. 17 So from this I cannot say that the 18 management philosophy we have applied in Germany 19 would be the right one for -- for BP. It's 20 actually comparing apples and bananas. 21 Q. (BY MR. COON) So you're saying they were 22 so different, it's really hard to compare? 23 A. Yes. 24 Q. Now, you also told me, as I understood 25 from that answer, that Veba had what you called</p>

<p style="text-align: right;">Page 38</p> <p>1 "upstream activities."  2 Can you elaborate on that for us,  3 sir?  4 A. Yes. We had a number of activities in --  5 in North Africa, in the North Sea in all sectors,  6 in Venezuela, Trinidad. When BP acquired my  7 company, it was already agreed upon with my parent  8 company that the upstream assets would be sold to a  9 third party and it happened that way.  10 Q. Okay. And what were the examples of  11 upstream activities that were part of this  12 purchase?  13 A. What?  14 Q. Was it like pipelines? Was it just --  15 A. No, no. Upstream --  16 Q. -- ownership of --  17 A. I'm sorry.  18 Q. -- oil reserves --  19 A. Oil and gas fields. Oil and gas fields  20 and connected infrastructure.  21 Q. Which would include the pipelines?  22 A. Yeah.  23 Q. Did you have any roles or  24 responsibilities in the oversight of the conditions  25 of the upstream activities, which would have</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No, they went to harbors, to terminals  2 and then via our -- via pipelines, we had a share  3 of it. The oil was transported to our refineries.  4 Q. And who had ownership of the pipelines  5 that transported your upstream product?  6 A. All these were either owned by national  7 oil companies or by the consortium.  8 Q. The consortium being whom, sir?  9 A. The consortium -- for instance, in Libya,  10 it's been a consortium with the Libyan oil company.  11 The pipelines we -- in Germany are jointly owned  12 with other oil companies, as well.  13 Q. And that would have included joint  14 ownership with Veba?  15 A. It was Veba. It was ExxonMobil. It was  16 Shell. You know, these pipelines are big  17 pipelines; and they supply a number of refineries  18 which owned -- which are owned by different  19 companies.  20 Q. Sure.  21 Well, and you understand there's  22 been some criticism associated with the condition  23 of the pipelines that BP had responsibility for up  24 in Alaska and Prudhoe Bay and elsewhere?  25 MR. GALBRAITH: Objection, form.</p>
<p style="text-align: right;">Page 39</p> <p>1 included the pipelines?  2 A. Yeah, I built -- I have built the  3 upstream business and so pipelines -- as far as  4 where the pipelines you -- you build in an -- in an  5 oil field, yeah, they were part of the  6 responsibility.  7 Q. And did any of these pipelines run to  8 market at refineries owned by Veba?  9 A. No.  10 Q. Where did they go to?  11 A. The -- can you repeat?  12 Q. Yes, sir.  13 If you had oil fields and you had  14 operating pipelines in North Africa, the North Sea,  15 Venezuela, Trinidad and elsewhere, where do they go  16 to for refining?  17 A. Well, the pipelines all went to a  18 terminal and the -- the oil was loaded to tankers  19 and some of the tankers came to supply our  20 refineries, others went to third parties.  21 Q. And with respect to these pipelines, I  22 take it as to the North Sea, for example, those  23 would have been on the ocean floor?  24 A. What is that?  25 Q. The pipelines, are all of those --</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Well, I've -- I've heard about it. I  2 have read about it, yeah.  3 Q. (BY MR. COON) And it's pretty common  4 knowledge now from congressional investigations and  5 reporting and other sources that there were a  6 number of problems with that -- at least one of  7 those pipelines as it related to corrosion.  8 Are you familiar with that?  9 MR. GALBRAITH: Objection, form.  10 A. I have just heard about it. I have no  11 firsthand knowledge.  12 Q. (BY MR. COON) All right. With respect  13 to the pipelines that Veba had some interest in,  14 such as the consortium ones, what was done to  15 protect the condition of those pipelines to make  16 sure that the things that happened in Prudhoe Bay  17 did not occur with Veba owned and operated  18 pipelines?  19 MR. GALBRAITH: Objection, form.  20 A. These right -- these pipelines -- and now  21 we're referring to the pipelines in Germany which  22 are supplying the individual refineries in  23 Germany -- are jointly owned and have an  24 independent management independent from us. The  25 management is supervised by a shareholder</p>

<p style="text-align: right;">Page 42</p> <p>1 committee, which is consisting of the owners.  2 Q. (BY MR. COON) And, for instance, the  3 ones that you were familiar with in Germany, who  4 was the independent management company responsible  5 for the oversight of those pipelines?  6 MR. GALBRAITH: Objection, form.  7 A. Again, each pipeline had its own  8 management.  9 Q. (BY MR. COON) Okay. So there would be  10 several different ones?  11 A. Several -- several pipelines and  12 several -- and different owners.  13 Q. Would -- the management of those that  14 were part of the consortium be in an oversight  15 capacity, would that management be from each of the  16 companies that had an interest or would there be a  17 third-party management company?  18 MR. GALBRAITH: Objection, form.  19 A. Both. Actually both. There may have  20 been -- there may be managers which have been  21 squandered from the shareholders, and there may be  22 management which are from third parties. But I  23 would like to stress that these legal entities  24 which owned the companies and run them on behalf of  25 the shareholders and they are working on their --</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. (BY MR. COON) Do you recall the name of  2 the person or persons, both upstream and  3 downstream, that would have had the general  4 responsibility for the oversight of the condition  5 of the distribution system?  6 A. As --  7 MR. GALBRAITH: Objection, form.  8 A. As far as the upstream business was  9 concerned, it was --  10 MR. GALBRAITH: Objection, form.  11 Q. (BY MR. COON) Okay.  12 A. As far as the upstream business was  13 concerned, it was done by the chief executive of  14 our up -- of our upstream affiliate,  15 Mr. Haseldonckx.  16 Q. And where is Mr. Haseldonckx now?  17 A. He's retired.  18 Q. And where did he retire to?  19 A. I think he lives in Germany.  20 Q. Did he become part of the BP acquisition  21 or did he retire before then?  22 A. He was, in a way, sold. As I said, the  23 upstream business was sold to Petro-Canada. And at  24 the time of the sale, he left -- he left and  25 retired.</p>
<p style="text-align: right;">Page 43</p> <p>1 in their own right.  2 Q. (BY MR. COON) Mr. Bonse, are you  3 familiar with a description of checking inside of  4 these pipelines and a process known as "pigging"?  5 A. Sure. I worked in an oil field.  6 Q. Is that a common practice working in the  7 oil field?  8 A. To my knowledge, this is --  9 MR. GALBRAITH: Objection, form.  10 A. -- common practice. But -- but my  11 experience, I have to stress, is very limited from  12 the time when I worked in an oil field; and that  13 was in the '60s.  14 Q. (BY MR. COON) As the CEO of Veba, did  15 you ever have any role and responsibility or an  16 assignment to someone of a role and responsibility  17 to providing some assurances that the upstream  18 distribution system that Veba had an interest in  19 was always in good operating condition?  20 MR. GALBRAITH: Objection, form.  21 A. I had an overall responsibility just from  22 a legal prospect already, and I delegated it in  23 clearly defined terms to those which were directly  24 responsible either for the downstream business or  25 the upstream business.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. So he made it through the  2 acquisition; but then when the upstream activities  3 were sold by BP, at some point after the  4 acquisition he went with the buyer?  5 A. Yeah, I -- yeah, right.  6 Q. And you understand that after that time,  7 he retired at some point?  8 A. Yeah.  9 Q. When did the upstream activities -- when  10 were -- strike that.  11 When were these upstream  12 operations sold off after the acquisition?  13 A. It was almost back to back. Because BP  14 did not want these assets. So when we had signed  15 the -- when BP had initialed the purchase and sales  16 agreement with Veba -- E.ON in those days, my  17 parent company -- they started negotiating with --  18 with potential buyers and turned out they could --  19 they could cut a quick deal with Petro-Canada.  20 So to the best of my memory, it's  21 now four years ago, it happened almost at the same  22 time.  23 Q. Mr. Bonse, in your seven years as CEO of  24 Veba, what did you do to ensure that the condition  25 of the various refineries that Veba either owned or</p>

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1 had an ownership in were in good working condition?  
 2 MR. GALBRAITH: Objection, form.  
 3 A. We had regular reviews at the -- at the  
 4 management board. We met initially every week, and  
 5 then later on we met -- after restructuring our  
 6 business, we met every month.  
 7 And I delegated all the  
 8 responsibilities and accountabilities for  
 9 everything related to our downstream business to  
 10 the board of a corresponding company, which was  
 11 Veba Oel Refining & Petrochemicals. The management  
 12 of this joint -- of this affiliate was in charge of  
 13 what you have just described.  
 14 Q. (BY MR. COON) Did you take great pride  
 15 in the operation of the Veba facilities?  
 16 A. At the end, yes, but not at the  
 17 beginning.  
 18 Q. And why not at the beginning?  
 19 A. Because we were in relatively bad shape  
 20 at the beginning.  
 21 Q. What do you mean by that, sir?  
 22 A. We had a lot of accidents, including also  
 23 before -- before I became CEO, we had some  
 24 fatalities. We had a number of emergency  
 25 shutdowns. So our overall performance was not

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1 good.  
 2 And we -- in those days, starting  
 3 with '95, we invested a lot of time and I supported  
 4 the corresponding management in turning the  
 5 business around and make it now a very, very  
 6 attractive business, even attractive from a piece  
 7 perspective.  
 8 Q. And what did you do to take a company  
 9 that had a number of refineries that it either  
 10 owned or shared an ownership with and fix the  
 11 problems that you observed with respect to what you  
 12 have described generically as "bad shape" and more  
 13 specifically that had lots of interruptions of  
 14 services due to the condition of the operation, as  
 15 well as lots of injuries and fatalities? What  
 16 did --  
 17 A. First --  
 18 Q. What did you do to clean it up?  
 19 MR. GALBRAITH: Objection, form.  
 20 A. First --  
 21 MR. GALBRAITH: Objection, form.  
 22 Go ahead.  
 23 A. First it was create transparency. I  
 24 think it's very important, if you identify  
 25 weaknesses and failures, to make this transparent

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1 to -- to everybody, not just to managers. You have  
 2 to make it transparent to the Works Council and  
 3 actually to the average staff member.  
 4 I have to tell them in what  
 5 serious condition the refinery is and what the  
 6 options are. And then you describe the way  
 7 forward. And you need to put the right people in  
 8 management who really can understand what they have  
 9 to deal with, which are -- which can  
 10 redifferentiate what is required from a safety  
 11 point of view and what can be put in a less  
 12 relevant category and to communicate, communicate,  
 13 communicate.  
 14 Q. (BY MR. COON) Who owned Veba when you  
 15 were the CEO? Was that shareholder held or --  
 16 A. No, it was a parent company. It was --  
 17 my company was Veba Oel and my parent company was  
 18 Veba. It later on merged with another company and  
 19 it's now called E.ON, E-O-N, E, point -- E, period,  
 20 O-N.  
 21 Q. Was that owned by a private investment  
 22 group --  
 23 A. This is --  
 24 Q. -- or shareholders?  
 25 A. This is owned by shareholders.

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1 Q. So if you wanted, as an investor, you  
 2 could just buy shares in that company?  
 3 A. In E.ON.  
 4 Q. And how long had that company been in  
 5 operation or existence prior to the time you became  
 6 the CEO?  
 7 A. It was founded in 1929.  
 8 Q. Did you ever get an understanding, as the  
 9 CEO for the '95 to 2002 time frame, how it was that  
 10 the various Veba refineries that you were  
 11 responsible for had gotten into bad shape in the  
 12 first place?  
 13 MR. GALBRAITH: Objection, form.  
 14 A. I have to make a distinction between the  
 15 refinery we owned jointly with Venezuela, which is  
 16 our Gelsenkirchen refinery, and the other  
 17 refineries, as I said, in the southwest and the  
 18 south and in the east, which we share with other  
 19 oil companies.  
 20 They -- those companies, shared  
 21 refineries, have an independent management. So  
 22 here we don't have a direct management  
 23 responsibility.  
 24 As far as Gelsenkirchen, the  
 25 largest refinery with 250,000 barrels a day

<p style="text-align: right;">Page 50</p> <p>1 capacity, is concerned, we have -- what was your 2 question? I'm sorry. 3 Q. (BY MR. COON) Yes, sir. 4 In the seven years that you were 5 the CEO -- 6 A. Yes. 7 Q. -- of the operation, were you able to get 8 your arms around the issues as to identifying the 9 reasons that the refineries had gotten into bad 10 shape in the first place? 11 A. It was a combination of a very lousy 12 market environment -- margins -- the refining 13 margins in the '90s were -- were absolutely 14 dreadful. At times we had negative margins where 15 we made cash losses. 16 Q. Okay. So one of the things was: Some 17 issues associated with the poor condition of the 18 refineries was due to the economic conditions in 19 that sector? 20 A. Yes. It really put -- you know, it was 21 something which had a serious impact on morale of 22 people. And so that was the second topic we 23 addressed, that we -- that we get the right 24 management in place, as I described earlier, and to 25 create transparency, what we can improve even in a</p>	<p style="text-align: right;">Page 52</p> <p>1 that as an issue and understood that that impacted 2 morale because if things aren't being kept up like 3 they should and people aren't getting incentives, 4 financial incentives to progress, that's 5 demoralizing sometimes? 6 MR. GALBRAITH: Objection, form. 7 A. It is not just the financial incentive, 8 although they play a prominent role, it is actually 9 also -- the future of people is based -- hooked to 10 the -- to the refinery. And if a refinery is in 11 serious trouble financially, then the people get 12 worried about their professional future. 13 Q. (BY MR. COON) Okay. And I take it you 14 can't change, as the CEO of one company, the entire 15 energy sector? 16 MR. GALBRAITH: Objection, form. 17 Q. (BY MR. COON) I mean, you can't all of a 18 sudden make that entire sector very profitable, can 19 you, sir? 20 A. Well, I can -- 21 MR. GALBRAITH: Objection, form. 22 A. -- I can certainly not change the market. 23 Q. (BY MR. COON) Right. 24 So what did you do to address the 25 issues that you were capable of addressing in the</p>
<p style="text-align: right;">Page 51</p> <p>1 hostile environment to make our refinery operations 2 profitable. 3 Q. Were the market conditions ones that were 4 unique to Veba during the '90s, or were those ones 5 that were impacting the entire industry? 6 A. I would say at least for the western 7 hemisphere. 8 Q. And that would have included the United 9 States? 10 A. Right. 11 Q. So at the time you became CEO in '95, you 12 were already made aware and remained aware that the 13 market conditions in the refining industries in 14 America and Europe were difficult financially? 15 MR. GALBRAITH: Objection -- 16 A. Absolutely. 17 MR. GALBRAITH: -- form. 18 Q. (BY MR. COON) And that affected a lot of 19 issues running those plants, including staffing, 20 bonuses, salary improvements, routine operations, 21 things of that nature, because the budgets were 22 tight? 23 MR. GALBRAITH: Objection, form. 24 A. In principal, yes. 25 Q. (BY MR. COON) Okay. And you identified</p>	<p style="text-align: right;">Page 53</p> <p>1 position that you were in? 2 A. You look at -- at your cost structure, 3 where do you -- when can you save cost, work more 4 efficient. And -- and the second lens you have to 5 look through is where is profit potential you have 6 not yet explored. So it's a two -- two-way 7 approach. 8 Q. Okay. So you look at cost savings and 9 then you look at optimization of existing 10 operations? 11 MR. GALBRAITH: Objection, form. 12 A. Optimization, but also maybe even by some 13 modifications or investments, creating additional 14 potential, purchase potential. 15 Q. (BY MR. COON) And that's something you 16 understood was taking place at a lot of the 17 refineries throughout the western hemisphere all 18 through the '90s -- 19 MR. GALBRAITH: Objection, form. 20 Q. (BY MR. COON) -- for the same reasons 21 that you were having to address at Veba? 22 MR. GALBRAITH: Objection, form. 23 A. To some extent, yes; but there were also 24 refineries which have been shut down. So quite a 25 number of refineries have been scrapped in many</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 countries.</p> <p>2 Q. (BY MR. COON) Okay. Let's go to the</p> <p>3 time of the acquisition, 2002.</p> <p>4 Had the climate changed much with</p> <p>5 respect to the energy sector in terms of</p> <p>6 profitability by then?</p> <p>7 A. Can you repeat your question, please?</p> <p>8 Q. Yes, sir.</p> <p>9 At the time of the merger between</p> <p>10 BP and Veba -- or the acquisition, I should say, of</p> <p>11 BP -- it was an acquisition, not a merger, correct?</p> <p>12 A. (Nods head.)</p> <p>13 Q. At the time BP acquired Veba in 2002, had</p> <p>14 the energy sector as a whole improved in terms of</p> <p>15 its financial performance in the western</p> <p>16 hemisphere? Was it more profitable?</p> <p>17 A. Yeah, I think we can say so. We -- the</p> <p>18 oil price which was our main -- main, let me say,</p> <p>19 element for the profitability has increased. If my</p> <p>20 memory serves me right, in 1999, we were in the</p> <p>21 one-digit range, less than one -- less than ten</p> <p>22 dollars a barrel. That went up quite a bit.</p> <p>23 And I think also refining margins</p> <p>24 picked up. On the other side -- on the other hand,</p> <p>25 retail margins went down. But on the bottom line,</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Because it was beyond our -- our</p> <p>2 imagination that two such large companies would</p> <p>3 merge. And shortly before this, I think it was in</p> <p>4 1996, BP had entered a joint -- a downstream</p> <p>5 venture with Mobil in Europe. So they had merged</p> <p>6 their downstream activities in -- in Europe.</p> <p>7 So my -- my assumption was they</p> <p>8 mainly head for merging maybe Mobil and BP. And</p> <p>9 all of a sudden I heard they merged with Amoco. So</p> <p>10 that was a very big surprise, but not limited to</p> <p>11 me.</p> <p>12 Q. Do you know how long BP had looked at</p> <p>13 acquiring Veba?</p> <p>14 MR. GALBRAITH: Objection, form.</p> <p>15 A. I have no firsthand knowledge; but what I</p> <p>16 have been told is it was before the deal was closed</p> <p>17 in February of 2002. I think it was half a year</p> <p>18 before.</p> <p>19 Q. (BY MR. COON) Okay. Now, you told us</p> <p>20 that for some time after this acquisition in 2002,</p> <p>21 that you assisted in the transition. And then at</p> <p>22 some point, I take it, things were stabilized</p> <p>23 enough to where you really weren't operating in a</p> <p>24 transitional role anymore, but just routine</p> <p>25 operation.</p>
<p style="text-align: right;">Page 55</p> <p>1 profitability had improved.</p> <p>2 Q. And it was your understanding that from</p> <p>3 the mid '90s time, when you were first made CEO of</p> <p>4 Veba, until the time of the acquisition in 2002,</p> <p>5 that that seven-year time frame were generally</p> <p>6 difficult times. Oil prices were low; and as a</p> <p>7 result, the profitability of the refining sector</p> <p>8 was generally low. Is that --</p> <p>9 MR. GALBRAITH: Objection, form.</p> <p>10 Q. (BY MR. COON) -- correct?</p> <p>11 MR. GALBRAITH: Objection, form.</p> <p>12 A. Yeah, but it was not just refining. As I</p> <p>13 said, we had -- we had our challenges in the</p> <p>14 upstream business. And as far as my company was</p> <p>15 concerned, our cost base was too high. We had to</p> <p>16 bring it down.</p> <p>17 Q. (BY MR. COON) Did you have an</p> <p>18 understanding, during the time you were CEO at</p> <p>19 Veba, that BP was merging with Amoco?</p> <p>20 A. I was surprised when I heard about it.</p> <p>21 Q. And that occurred in 1998 and 1999,</p> <p>22 correct?</p> <p>23 A. One of those two years.</p> <p>24 Q. Why was it surprising to you that BP</p> <p>25 would merge with Amoco?</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Yeah. When we could say that the</p> <p>2 transition -- that the integration, as I prefer to</p> <p>3 call it, that the integration was a success and</p> <p>4 that turned out in late 2003, I could install my</p> <p>5 successor as a CEO in Germany.</p> <p>6 I mentioned that I was double -- I</p> <p>7 was double headed, as we call it in BP. I had a</p> <p>8 head -- I was head of Germany and was the head of</p> <p>9 Europe. And so I left my role in Germany and</p> <p>10 focused on the GVP Europe role. That was in July</p> <p>11 of 2004.</p> <p>12 Q. And what responsibilities did you have at</p> <p>13 that time?</p> <p>14 A. When I became GVP Europe?</p> <p>15 Q. Yes.</p> <p>16 A. I was GVP Europe already in 2003. My --</p> <p>17 my role was -- actually, let me say our key</p> <p>18 objective was we wanted to be recognized as the</p> <p>19 best oil company and as a trustful voice, which of</p> <p>20 course is first.</p> <p>21 Q. And how many refineries did you have an</p> <p>22 oversight of as GVP of Europe?</p> <p>23 A. I had no oversight over the refineries.</p> <p>24 Q. Okay. And what were your roles and</p> <p>25 responsibilities?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. My responsibility as a group vice 2 president Europe is to make sure that BP is seen 3 internally, as well as -- as well as externally, as 4 one company. So my -- my role was to deal with the 5 businesses and functions and to make our businesses 6 coherent and consistent, but I had no operational 7 responsibility. 8 Q. Okay. Would your responsibilities be 9 similar to those of Pat Gower -- 10 A. No. 11 Q. -- during that time frame? 12 A. Not at all. You can compare them with 13 Ross Pillari. 14 Q. Okay. So your role was more with the 15 responsibility of the profitability and things of 16 that nature, but not in the fundamental operations? 17 A. Not even -- I have no bottom line 18 responsibility as a head of region; but I can 19 contribute by building on my professional 20 experience to identify areas of improvement and, in 21 particular, the working together of the various 22 businesses and functions. 23 Q. And how long did you keep that position? 24 A. Until August 1st of this year. 25 MR. GALBRAITH: Is this a good</p>	<p style="text-align: right;">Page 60</p> <p>1 regional president has to tie together -- but not 2 interfering with the operation and function of 3 accountabilities and responsibilities, to tie 4 together that BP is, you know, growing together. 5 It's becoming one company and seen as one company. 6 The main focus was on reputation, 7 but also not only reputation to -- as far as the 8 outside world is concerned, but also as far as the 9 staff is concerned. I had to do a lot with the 10 European Works Council, which I chaired. 11 Q. What is the European Works Council? 12 A. It's representing the staff -- the BP 13 staff from all European countries. 14 Q. Is there something comparable for 15 BP North America and the operations here? 16 A. I don't know the situations here; but we 17 have -- all the major countries are represented by 18 delegates which have been elected by staff. 19 Q. And what else, sir? 20 A. And -- 21 MR. GALBRAITH: Objection, form. 22 A. We had to -- I had to deal with 23 governments, governments as far as the parameters 24 under which we work are right. Sulfur-free fuels, 25 the climate change related issues, safety issues,</p>
<p style="text-align: right;">Page 59</p> <p>1 time for a break? 2 MR. COON: Yeah. 3 THE VIDEOGRAPHER: This will be 4 the conclusion of Tape Number 1. We are going off 5 the record at -- just a moment. 6 (Discussion off the record.) 7 THE VIDEOGRAPHER: We are going 8 off the record at 10:20 a.m. Thank you. We will 9 finish after the break. 10 (Recess taken.) 11 THE VIDEOGRAPHER: This is the 12 beginning of Videotape Number 2. We are going on 13 the record at 10:39 a.m. 14 Q. (BY MR. COON) Mr. Bonse. Bonse, we have 15 taken a break; and now I want to go back and ask 16 you about your roles and responsibilities after the 17 GVP Europe designation. 18 Can you walk us through what you 19 have done in the last couple of years, please, sir? 20 A. Well, when I took over this role, it was 21 the first time that it was a role recognized by BP 22 as an independent role. It was -- in previous 23 years, it was just a site -- a job on the site of 24 others. 25 It was clear to BP that the</p>	<p style="text-align: right;">Page 61</p> <p>1 you name it. Whatever it's -- is up, we have to 2 deal with. 3 Then what I focused on a lot is 4 that Europe is importing -- importing most of its 5 energy, gas and oil; and I was helping the European 6 Commission, as well as, in particular, the 7 German -- German government in creating ideas how 8 to improve our relationship with the oil and gas 9 exporting countries, which we rely on in Europe. 10 Q. (BY MR. COON) And which countries are 11 primarily the ones that you rely upon for 12 importation? 13 A. It's North Africa and it's Russia. 14 (Discussion off the record.) 15 Q. (BY MR. COON) The European supply from 16 the Mideast, Iran, Iraq? 17 A. Well, the main supplier is Russia; but 18 it's certainly the Middle East and not to forget 19 North Africa. It's Algeria, Libya, Africa and 20 Egypt. 21 Q. Mr. Bonse, with the title that you had 22 and the responsibilities that you had for BP in 23 March of 2005, how was it that you were picked to 24 lead up this accountability investigation 25 concurrently with the responsibilities that you</p>



<p style="text-align: right;">Page 62</p> <p>1 retained as GVP of Europe?  2 A. You are referring to the accountability  3 project --  4 Q. Yes, sir.  5 A. -- Texas City?  6 I believe -- I believe I was  7 picked -- and John Manzoni told me this. John  8 Manzoni has proposed me to chair this investigation  9 mainly due to the fact that I was not part of the  10 R&amp;M segment, which Texas City belongs to, and maybe  11 due to my age and experience as a CEO.  12 Q. And when was it that you were asked to  13 oversee this internal accountability audit into  14 responsibilities at an executive level into what  15 happened at Texas City?  16 A. I was called by John Manzoni when I was  17 traveling. It was mid -- mid January.  18 Q. Of 2006?  19 A. This year.  20 Q. Had you personally been involved in  21 investigations in any nature in your prior years at  22 BP or at predecessors such as Veba?  23 A. No.  24 Q. Have you gone to any schools that would  25 educate you and train you and assist you in</p>	<p style="text-align: right;">Page 64</p> <p>1 A. No, it's internal program.  2 Q. Do you know who was charged with the  3 responsibility of educating executives at BP  4 regarding the proper methodology for root cause  5 analysis?  6 A. No.  7 Q. Do you recall who it was that performed  8 this particular root cause analysis seminar?  9 A. No.  10 Q. Did you retain any literature from that  11 program?  12 A. No.  13 Q. Have you attended any programs regarding  14 root cause analysis or investigation since that  15 time?  16 A. No.  17 Q. Now, it's my understanding that you are  18 not the only person involved in this accountability  19 audit, but there are other people assisting you?  20 A. Yeah, we are a group of four people. We  21 have a legal expert who is, in particular,  22 specialized related in legal matters related to HR  23 issues. We have a legal -- we have an HR expert,  24 and we have an operational expert who has run the  25 largest petrochemical plant in -- that BP owns for</p>
<p style="text-align: right;">Page 63</p> <p>1 understanding issues associated with complex  2 investigations?  3 A. Not to schools, but I received, as each  4 leader at BP, a special training in root cause  5 analysis.  6 Q. And where was that obtained?  7 A. That was done, to the best of my memory,  8 sometime in 2003, 2004.  9 Q. And was that a day course, a week course,  10 correspondence, what?  11 A. If I remember correctly, it was a  12 two-days training.  13 Q. What was your basic understanding as to  14 root cause analysis and how to investigate root  15 cause analysis as a result of that program?  16 A. Well --  17 MR. GALBRAITH: Objection, form.  18 A. -- don't take anything for granted and,  19 again, go to the -- to the very roots, try to fully  20 understand what has -- what has led to an incident  21 and gather as much information from various sources  22 as you can.  23 Q. (BY MR. COON) Was this an internal  24 program, or was this something done by outside  25 specialists?</p>	<p style="text-align: right;">Page 65</p> <p>1 a long time.  2 Q. Okay. I want to briefly go through each  3 one of those persons that are part of the team.  4 First of all, who assimilated that  5 team?  6 A. Who?  7 Q. Who assimilated the team? Who put it  8 together?  9 A. It was done -- I received proposals who  10 should join the team; and I was -- proposed it's  11 going to be Jeff Heller, who works for BP here in  12 Naperville.  13 Q. Okay. Let's back up real quickly.  14 Who was it that was working on the  15 selection of the team? Was this something that you  16 did with Mr. Manzoni and others or was it something  17 they just told you, "Here's the team"? How did  18 that work?  19 A. I think it was done by -- I think in  20 cooperation between Jeff Heller, who was very close  21 to the tragedy in Texas City from the very  22 beginning, with Sue Rataj, who was the director who  23 was specialized -- specially assigned with the job  24 to -- on behalf of John Manzoni to take care of all  25 issues around and related to Texas City.</p>

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1 Q. And how do you spell that gentleman's  
 2 last name, Hue?  
 3 A. That was a lady -- it's a lady, Sue,  
 4 S-u-e, Rataj -- R-a-t --  
 5 Q. I'm sorry. Is it "H-u-e"?  
 6 A. Sue, yeah, S-u-e.  
 7 Q. Oh, Sue. I'm sorry.  
 8 A. Sue.  
 9 Q. Okay. You've done pretty good today. I  
 10 lost you on that one. Sue?  
 11 A. Sue.  
 12 Q. Yes, sir. Last name?  
 13 A. Rataj, R-a-t-a-g -- "j", "j."  
 14 Rataj, R-a-t-a-j.  
 15 Q. Okay. And where did Ms. Rataj work?  
 16 A. She worked part -- mostly she worked in  
 17 London.  
 18 Q. What was her job prior to being put on  
 19 this accountability audit?  
 20 A. She worked in the petrochemicals  
 21 business.  
 22 MR. GALBRAITH: Objection, form.  
 23 Q. (BY MR. COON) For BP?  
 24 MR. GALBRAITH: I don't think  
 25 she's on the audit committee.

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1 A. For BP.  
 2 MR. COON: Okay. I appreciate the  
 3 clarification.  
 4 Q. (BY MR. COON) Did Ms. Rataj actually  
 5 serve on the investigative committee?  
 6 A. No.  
 7 Q. She just helped identify the persons to  
 8 serve?  
 9 A. Yes.  
 10 Q. And you understood that she was working  
 11 with Mr. Manzoni to assimilate the crew?  
 12 A. No.  
 13 Q. I'm sorry. I missed you.  
 14 Where did Ms. Rataj come in in all  
 15 of this?  
 16 A. Huh?  
 17 Q. Where did Ms. Rataj come in in all of  
 18 this?  
 19 A. She was -- you know, there's a lot of  
 20 work, if I may say so, triggered by the incident on  
 21 March 23; and John Manzoni requested Sue to -- to  
 22 coordinate all the activities related to the  
 23 March 23 incident.  
 24 So she collected all the  
 25 information and kept him informed about what was

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1 happening over there. And she was also my source  
 2 of information when I started to familiarize myself  
 3 with what had happened on March 23.  
 4 Q. Okay. So at the time you were brought in  
 5 in January of 2006, you had an understanding that  
 6 Ms. Rataj had already been working with Mr. Manzoni  
 7 on bigger picture issues associated with  
 8 Texas City?  
 9 MR. GALBRAITH: Objection, form.  
 10 A. It was -- I am not familiar with her  
 11 detailed job description, but I know that she was  
 12 focusing on everything related to Texas City.  
 13 Q. (BY MR. COON) And you understood that  
 14 that was to help funnel and communicate information  
 15 to Mr. Manzoni regarding a number of issues  
 16 associated with Texas City as a result of the  
 17 explosion?  
 18 A. I have no -- no knowledge to what extent  
 19 she communicated with Mr. Manzoni.  
 20 Q. Okay. Now, Mr. Heller, he was picked to  
 21 work on this accountability audit; is that correct?  
 22 A. Yeah. He was already there, as I said.  
 23 Q. Okay. He was there when you got there?  
 24 A. Yeah.  
 25 Q. Okay. And do you know how Mr. Heller was

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1 involved?  
 2 A. He was -- he was dealing with all the  
 3 HR related legal issues.  
 4 Q. So you understood he was already  
 5 involved --  
 6 A. No.  
 7 Q. -- at some time prior to January '06?  
 8 A. Not involved in the work we had done, but  
 9 he was very close to -- to the incident.  
 10 Q. Did you have any understanding as to how  
 11 far back Mr. Heller's involvement went into looking  
 12 at Texas City?  
 13 A. No.  
 14 Q. Did you have some understanding it went  
 15 back to sometime close to the explosion itself?  
 16 A. No.  
 17 Q. Do you know what roles human resources at  
 18 BP had in 2005 with Mr. Heller and associated to  
 19 anything that happened at Texas City?  
 20 A. No.  
 21 MR. GALBRAITH: Objection, form.  
 22 Q. (BY MR. COON) Okay. But, nonetheless,  
 23 Mr. Heller had some working involvement in human  
 24 resources issues at the time you came aboard in  
 25 early 2006?

<p style="text-align: right;">Page 70</p> <p>1 A. From a legal perspective.  2 Q. Is he an attorney, if you know?  3 A. I don't know.  4 Q. And the names of the other persons, sir?  5 A. It's Stephanie Moore.  6 Q. And what was Ms. Moore's role and  7 responsibility with BP at the time she was brought  8 in to this team?  9 A. She worked in HR upstream in Houston.  10 She was recommended to me by the executive vice  11 president of HR based in London.  12 Q. And who was that, sir?  13 A. This is Sally Bott.  14 Q. And other persons on this team, sir?  15 A. Rudy Blyweert. R-u-d-y, Blyweert,  16 B-l-y-w-e-e-r-t.  17 Q. And where did Rudy come from?  18 A. He was my colleague in Germany. He was  19 in charge of the petrochemical complex near  20 Cologne.  21 Q. Any background in accountability  22 investigations on the part of Mr. Blyweert before  23 being assimilated into this team?  24 A. He is a very experienced general manager  25 for running big complex plants, managing them, as</p>	<p style="text-align: right;">Page 72</p> <p>1 audit; is that correct?  2 A. Right.  3 Q. Do you know where the genesis of this  4 accountability audit came from? Was it from the  5 board? Was it from Lord Browne? Any other  6 individuals?  7 A. No. It was -- it was done on some legal  8 advice that after the -- after the Mogford report  9 had been finished.  10 Q. That was December of '05, correct?  11 A. Yes. It was right now to -- to look to  12 what extent there was accountability up the line  13 in -- from Texas City.  14 Q. Okay. So you understood that at least  15 some of what precipitated the accountability audit  16 was the content of Mr. Mogford's report?  17 A. That was the start --  18 MR. GALBRAITH: Objection, form.  19 A. That was the starting point. I think we  20 all felt that after Mogford had done his work, it  21 was time to think about to what extent the  22 ISOM explosion -- the accountability for the  23 ISOM explosion would also be -- could also be seen  24 up the line.  25 Q. (BY MR. COON) "Up the line," you're</p>
<p style="text-align: right;">Page 71</p> <p>1 he has shown over five years in Cologne.  2 Q. But he worked with you at Veba?  3 A. Yeah -- not at Veba, at BP. He was a  4 member of the board of management.  5 Q. Anyone else on the team?  6 A. No.  7 Q. So we have Rudy, Jeff, Stephanie and  8 yourself?  9 A. Yes.  10 Q. And did all of you retain  11 responsibilities with BP over the -- over the rest  12 of this year?  13 I mean, you're doing your  14 investigation on the accountability audit; but I  15 assume all of you had some other responsibilities  16 at BP?  17 A. Exactly.  18 Q. Did you avocate some of your  19 responsibilities as GVP to some other individuals  20 so that you could spend the additional time working  21 on this matter?  22 A. No.  23 Q. Now, as I understand, sir, Mr. Manzoni  24 was the person that you first met with to discuss  25 your role and involvement in this accountability</p>	<p style="text-align: right;">Page 73</p> <p>1 talking about up the chain of command in the  2 BP infrastructure?  3 A. Yes.  4 Q. And that would include not only  5 BP North America, but also potentially BP London?  6 A. John Manzoni himself said that I may even  7 think about to what extent he might be accountable  8 for this.  9 Q. Did you meet with some of the personnel  10 in legal that had made some of these suggestions  11 with respect to an accountability audit?  12 A. Yes.  13 Q. Was the fact that OSHA had investigated  14 this matter and referred it over to the Department  15 of Justice for potential criminal proceedings an  16 additional triggering mechanism for this  17 accountability audit?  18 MR. GALBRAITH: Objection, form.  19 A. I don't know.  20 Q. (BY MR. COON) Did you initiate any  21 contacts -- and when I say "you" when we're talking  22 about this accountability audit, sir, I'd like you  23 to have an agreement with me that we are talking  24 about your team.  25 So if I say, "Did you do this or</p>

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1 that," if you did not personally do it but you know  
 2 that one of the other people on your team did, I  
 3 would appreciate it if you would elaborate --  
 4 A. Right.  
 5 Q. -- and include them. Okay?  
 6 MR. GALBRAITH: I think that would  
 7 be difficult in some instances, but we will try to  
 8 clarify as we go.  
 9 MR. COON: That's fine.  
 10 Q. (BY MR. COON) Who decided what the  
 11 framework would be with respect to how to go  
 12 forward on an accountability audit like this?  
 13 I take it you didn't have a  
 14 blueprint that was in place?  
 15 A. There was no blueprint.  
 16 Q. Is this the first time to your knowledge  
 17 that BP had conducted such a broad based internal  
 18 accountability audit of its own executives?  
 19 A. I don't know of any precedents.  
 20 Q. Do you know if there has been any  
 21 parallel to this accountability audit as it relates  
 22 to any other matters that have come up --  
 23 A. I don't know.  
 24 Q. -- over the last year?  
 25 A. I don't know.

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1 Q. Has this accountability audit expanded in  
 2 to anything other than what happened down at  
 3 Texas City?  
 4 A. No.  
 5 Q. Do you know if there's other  
 6 investigations even remotely similar to what you  
 7 are doing with this accountability audit as it  
 8 relates to, for instance, the pipeline problems in  
 9 Alaska? Do you know if there is a similar type of  
 10 investigation into those issues?  
 11 MR. GALBRAITH: Objection, form.  
 12 A. I'm not -- I don't know anything.  
 13 Q. (BY MR. COON) Have you been asked to  
 14 look into any of the issues associated with  
 15 accountability as to the pipeline problems in  
 16 Alaska?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. No.  
 19 Q. (BY MR. COON) There has also been an  
 20 issue associated with propane price fixing here in  
 21 America. Are you familiar with that?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. No.  
 24 Q. (BY MR. COON) Have you been asked to do  
 25 anything in terms of review, oversight or

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1 suggestions with respect to the propane price  
 2 fixing scandal?  
 3 MR. GALBRAITH: Objection, form.  
 4 A. No.  
 5 Q. (BY MR. COON) Do you know if anyone is?  
 6 MR. GALBRAITH: Objection, form.  
 7 A. No.  
 8 Q. (BY MR. COON) Has your team worked with  
 9 or coordinated or collaborated with any of the  
 10 US federal agencies that have been involved in the  
 11 Texas City tragedy?  
 12 A. No.  
 13 Q. So to the best of your knowledge, there  
 14 has been no interrelationship or direct  
 15 communications with your team and OSHA or the DOJ  
 16 or the EPA or the CSB or the TCEQ?  
 17 A. No.  
 18 MR. GALBRAITH: Objection, form.  
 19 A. No.  
 20 Q. (BY MR. COON) When did the  
 21 accountability audit officially go into action?  
 22 A. There was no official "go into action."  
 23 What triggered the whole work was a call by John  
 24 Manzoni to me, and the request was not to start  
 25 before we had the startup of our operations in

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1 Texas City.  
 2 You know, the refinery was -- was  
 3 closed down after the hurricane and because we saw  
 4 that we would interview a number of people which  
 5 were key for a successful startup of -- of the  
 6 refinery, we were -- we were requested to wait  
 7 until the startup had happened.  
 8 Q. And when did that take place?  
 9 A. And so we started our first -- the group  
 10 sat together -- again, I don't have the times  
 11 precisely in my memory; but I think we started the  
 12 first group meeting someday in March and we started  
 13 our first interviews in April, I believe.  
 14 Q. In your talks, sir, with Mr. Manzoni, did  
 15 you get an understanding that Lord Browne or the --  
 16 any of the members of the board of directors had an  
 17 understanding as to what was to take place?  
 18 A. No.  
 19 Q. Don't know one way or the other as to  
 20 whether or not they knew anything about it or that  
 21 they actually had suggested or encouraged this type  
 22 of accountability audit?  
 23 A. No.  
 24 Q. To this day do you know whether or not  
 25 anybody on the board of directors, other than

<p style="text-align: right;">Page 78</p> <p>1 Mr. Manzoni himself, even know that this 2 accountability audit was taking place? 3 A. Well, Mr. Bevan, who is the general 4 counsel, to whom we presented our interim report in 5 July, he is -- he is a member of the main board of 6 BP. I have informed, in a very general way, my 7 boss, Mr. Conn, who is the group executive officer, 8 that I am doing this work because he needs to know 9 this. 10 Q. How do you spell his last name, sir? 11 A. C-o-n-n. 12 Q. And where does he office, London? 13 A. He is based in London. 14 Q. And his title? 15 A. He is group executive officer and 16 managing director and member of the BP board. 17 Q. Okay. So Mr. Conn would know about this 18 as a member of the BP board, at least to the 19 limited amount that you have been telling him 20 you're working on it? 21 A. Right. 22 Q. You do not know what information he has 23 exchanged, if any, with respect to the other board 24 members? 25 A. No.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. I don't know. 2 Q. Did he give you any -- any indication as 3 to his intentions with respect to having a copy of 4 this interim report? 5 MR. GALBRAITH: Objection, form. 6 A. Can you repeat your question? 7 Q. (BY MR. COON) Yes, sir. 8 Did he indicate to you anything 9 that he planned on doing with the interim report? 10 MR. GALBRAITH: I object to that. 11 THE WITNESS: Huh? 12 MR. GALBRAITH: Wait a minute. I 13 object to that and instruct you not to answer 14 because he's a lawyer for BP, at least until it's 15 cleared up as to whether he was giving you legal 16 advice or not. 17 Because if it is legal advice, I 18 think we all would agree he shouldn't answer that 19 question. 20 Q. (BY MR. COON) Okay. I'm not asking you, 21 sir, if he told you anything that would have legal 22 or criminal implications. Okay? 23 I am just asking you if he told 24 you that there were people he was going to show the 25 document to or things like that?</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. You do not know if the board itself had 2 actually told Mr. Manzoni to do this or if 3 Lord Browne told Mr. Manzoni to do it? 4 A. No. 5 Q. You don't have personal knowledge one way 6 or the other? 7 A. I have no personal knowledge. 8 Q. The interim report of July, do you know 9 who it was disseminated to? 10 A. To my knowledge -- we just presented it 11 to -- to Peter Bevan and Sally Bott, and I don't 12 know what happened afterwards. 13 Q. And when was that, sir? 14 A. It was July 31, this year, of course. 15 Q. And you do not know who has seen it other 16 than those individuals? 17 A. I don't know. 18 Q. And this was counsel; is that correct? 19 A. Huh? 20 Q. Mr. Bevan is counsel, correct? 21 A. General counsel. He is the upper most 22 legal guy in the company. 23 Q. And you do not know if he has shared this 24 with any other executives or with the board or 25 shareholders or anyone else?</p>	<p style="text-align: right;">Page 81</p> <p>1 A. He did not. 2 Q. Or if he was going to have a PowerPoint 3 presentation to executives or anything like that? 4 A. He did not. 5 Q. Were questions asked as to when there 6 would be a final report? 7 A. They wanted to know how much -- what the 8 progress were. And, actually, I -- without being 9 asked, I said I do hope I can finish my work in mid 10 early -- mid year or early first half. 11 Q. Of this year or next year? 12 A. This year. 13 Q. Sir? 14 A. This year. 15 Q. Okay. Well, I lost you. 16 We had the interim report in July 17 of 2006? 18 A. '06. 19 Q. And it's now October 2006. 20 Do you anticipate completing your 21 work this year -- 22 A. Yes, sir. 23 Q. -- or next year? This year? 24 A. This year. 25 Q. Do you have any estimate as to how many</p>

<p style="text-align: right;">Page 82</p> <p>1 more weeks it will be? I assume you can't really 2 talk about too many months since there are only two 3 left? 4 A. I -- it is my intention -- it is my 5 intention to submit our report certainly before 6 Christmas. 7 Q. And who is this report supposed to go to? 8 A. It will go to Mrs. Sally Bott and Peter 9 Bevan. 10 Q. And do you have any understanding as to 11 what they plan on doing with the report? 12 A. I have no understanding yet, no. 13 Q. And as I understand, that's going to 14 complete your work for BP? 15 A. You believe because I retire at the end 16 of the year or -- 17 Q. Yes, sir. 18 A. No. 19 Q. I thought earlier you said you were 20 retiring or had retired except for this project? 21 A. No, I do some -- some stuff more for BP. 22 It's not just this project. 23 I am -- I am working on a number 24 of other items. And the agreement is, which we 25 have already established in the middle of last</p>	<p style="text-align: right;">Page 84</p> <p>1 A. And to the EVP of HR. 2 Q. And since that time, in August of this 3 year, you officially retired from your position as 4 GVP of Europe, correct? 5 A. Right. 6 Q. And that job has now been taken over by 7 whom, sir? 8 A. Jean-Baptiste Renard. It's a French man. 9 Q. And since August 1 of 2006, you have been 10 primarily responsible for just working on this 11 accountability audit? 12 A. I wouldn't call it primarily. 13 Q. Okay. What -- 14 A. It has taken a sizeable part of my time. 15 Q. Okay. What else are you working on since 16 August 1 from -- as a result of your retirement 17 from GVP other than this report? Are you still -- 18 A. I'm -- 19 Q. -- working on transitions, for instance? 20 A. I'm advising my successor. 21 Q. Okay. 22 A. I am chairing the European Oil 23 Association, which is representing all the refining 24 industry in Europe to the commission. I am an 25 advisor to the German government on energy policy.</p>
<p style="text-align: right;">Page 83</p> <p>1 year, that I would continue as a part-time senior 2 advisor to the group next year. 3 Q. Okay. So part of the deal was as we go 4 through this year, you were brought in by 5 Mr. Manzoni to help put together a team of 6 investigators in this accountability audit, 7 correct? 8 A. Yes. 9 Q. And you still had your responsibilities 10 as GVP in Europe at the time, correct? 11 A. Yes. 12 Q. And then you waited until about March of 13 this year so that the Texas City refinery could get 14 more operational as a result of the closure from 15 the hurricane and the problems resulting therefrom, 16 correct? 17 A. I waited with the accountability work, 18 yeah. 19 Q. And so your accountability work really 20 started kicking off sometime around March of this 21 year? 22 A. Right. 23 Q. And by July of this year, you had done 24 enough work to provide an interim report to 25 BP general counsel?</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Okay. Let's back up then. 2 First, before we get in to your 3 ancillary or extracurricular activities, let me 4 talk about just what you are doing for BP now. 5 A. This is -- this is part of my work for 6 BP. 7 Q. Okay. This is a responsibility you have, 8 is to chair the Europa Oil Association? 9 A. Right. 10 Q. And you chair that wearing the hat of BP? 11 A. As a BP guy, yeah. Because it requires a 12 lot of time and energy and BP wants me to continue. 13 I could have stepped down in August. 14 Q. Okay. What else, sir? 15 A. I am advising the German government on 16 energy and transport matters. 17 Q. Again, is that something that you are 18 doing wearing the hat of BP? 19 A. Right. 20 Q. Anything else? 21 A. I am the chairman of the supervisory 22 board of Deutsch BP. 23 Q. What do you do in that position? 24 A. We have a two-tier system in Germany for 25 companies like us. You have the board of</p>

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1 management and you have a supervisory board, which  
 2 is supervising the board of management. It's  
 3 consisting 50 percent of representatives of the  
 4 owner and 50 percent are representing the  
 5 employees.  
 6 And we decide -- at the  
 7 supervisory board level, we decide on, say, matters  
 8 of extraordinary importance, which is investments,  
 9 which is electing the board of management, which is  
 10 restructuring of the company, acquisition or  
 11 selling assets, all this stuff.  
 12 Q. Anything else?  
 13 A. I am a coach to Mr. Conn.  
 14 Q. You need to be a coach to the Houston  
 15 Texans. We're in dire need of some.  
 16 A. I didn't get your point.  
 17 Q. I said you need to be a coach to the  
 18 Houston Texans. We need some. That's our football  
 19 team over here. It hasn't been doing particularly  
 20 well lately.  
 21 A. Okay.  
 22 Q. And what do you do in that capacity, sir?  
 23 A. What do I do?  
 24 Q. As a coach?  
 25 A. Well, the -- it's just that we talk

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1 about, you know, challenges the company is facing  
 2 now; and I am advising Mr. Conn, building on my  
 3 professional experience, how I judge certain  
 4 topics. It's more of a general management nature.  
 5 Q. And when you talk about the challenges  
 6 facing the company now, what are we talking about  
 7 more specifically, sir?  
 8 A. As a --  
 9 MR. GALBRAITH: Objection, form.  
 10 A. As a major topic, it is the relationship  
 11 with Russia. BP has made a huge investment in  
 12 Russia. It's the biggest investor in Russia as an  
 13 oil company, but also as a foreign company. And it  
 14 is important that I help -- from the European  
 15 perspective, I help BP to get the right political  
 16 support in safeguarding our business over there.  
 17 Second is what role should BP play  
 18 in the energy debate on the European and on the  
 19 German level.  
 20 Q. (BY MR. COON) What's the energy debate?  
 21 A. The energy debate is to what extent we  
 22 should actually rely on future supplies on -- from  
 23 Russia. It's oil and gas. To what extent we  
 24 should mobilize bioenergy and climate change  
 25 related issues, of course, as well.

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1 Q. Are we talking about stabilization of the  
 2 existing energy resources and alternative  
 3 resources?  
 4 A. Stabilizing what?  
 5 Q. Stabilization of existing sources of  
 6 energy; that is, for instance, Russia?  
 7 A. Yeah, and --  
 8 MR. GALBRAITH: Objection, form.  
 9 Q. (BY MR. COON) And alternative?  
 10 A. Alternative energies, but also what is  
 11 also very relevant from the sheer potential is  
 12 North Africa.  
 13 Q. Those are two of the challenges.  
 14 Any other major challenges facing  
 15 BP at the time?  
 16 A. Well, it's actually the very important  
 17 question to what extent the oil exporting companies  
 18 in general will be willing to let the oil companies  
 19 in as investors. And in a 60-dollar a barrel price  
 20 environment, there is quite a lot of intention in  
 21 all countries, as you can see, to do the business  
 22 on their own and not to let foreign companies in  
 23 anymore, or make it very difficult.  
 24 Here in -- see, for instance,  
 25 Venezuela, which was open for investors for quite

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1 some time in the '90s, now the president doesn't  
 2 want them anymore. So it's a -- it's a long-term  
 3 strategic conversation we have -- a debate,  
 4 actually, what is the long-term perspective for a  
 5 group like BP.  
 6 Q. And in all of these other hats that you  
 7 wear in working with the Russian government and  
 8 chairing these other positions, do you consult with  
 9 other members of BP in an executive level, such as  
 10 Mr. Manzoni, Lord Browne or other members of the  
 11 board, with respect to the policies and positions  
 12 you should take at these various meetings that you  
 13 chair?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. The -- the most intense debate I have is  
 16 with Mr. Conn. From time to time I have talks with  
 17 John Manzoni and -- and Mr. Browne, Lord Browne.  
 18 Q. (BY MR. COON) And when was the last time  
 19 you talked to, for example, Lord Browne regarding  
 20 any of these issues?  
 21 MR. GALBRAITH: Objection, form.  
 22 A. It was in July this year.  
 23 Q. (BY MR. COON) Did you bring up anything  
 24 about the accountability audit?  
 25 A. In a very general way.

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1 Q. What was discussed about the status of  
 2 the accountability audit with Lord Browne at that  
 3 time?  
 4 A. I just told him that we need more time  
 5 and that we depended on finalizing in particular  
 6 our -- our meetings with key people in Texas City.  
 7 Q. Did he indicate to you that he was rather  
 8 anxious to see a final report?  
 9 MR. GALBRAITH: Objection --  
 10 A. No.  
 11 MR. GALBRAITH: -- form.  
 12 Q. (BY MR. COON) Has Lord Browne ever made  
 13 any specific comments to you about anything  
 14 associated with Texas City, his personal  
 15 frustration with either the fact that it happened  
 16 or communication failures or any other kind of  
 17 issues associated with what happened out there?  
 18 MR. GALBRAITH: Objection, form.  
 19 A. He in a way repeated what he said in  
 20 public on March 24.  
 21 Q. (BY MR. COON) Which was what, sir?  
 22 A. That he feels -- he feels really, in a  
 23 very general way, responsible for what has happened  
 24 there.  
 25 Q. Do you have an understanding with respect

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1 to what has been meant by BP from Lord Browne and  
 2 other people in accepting responsibility for what  
 3 happened at Texas City?  
 4 A. I never debated this with him.  
 5 Q. We have had a hard time getting anybody  
 6 that acknowledges that BP accepts responsibility to  
 7 mean that they expressly -- that BP accepted legal  
 8 responsibility.  
 9 Do you know anything about the  
 10 difference between the two and the semantic  
 11 difference between accepting responsibility at some  
 12 general level versus expressly accepting legal  
 13 responsibility for the harm and damage caused from  
 14 it?  
 15 MR. GALBRAITH: Objection, form.  
 16 A. This is something -- this is an area in  
 17 which I would not invade because I am an engineer.  
 18 Q. (BY MR. COON) We talked about three  
 19 areas of challenge in BP; that was, the  
 20 relationship with Russia, roles of BP in the energy  
 21 debate, and the oil exporting issues.  
 22 Are there others or are those the  
 23 primary ones at this time?  
 24 A. I think those are the main ones.  
 25 Q. Okay. Let's go back to the

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1 accountability audit.  
 2 When you implemented the official  
 3 accountability audit program in March, was there  
 4 delegation of responsibilities? Was there an  
 5 outline or blueprint that was agreed upon about how  
 6 you would go forward? Was there an identification  
 7 of certain personnel that you would specifically go  
 8 talk to? Was there an outline of questions, things  
 9 like that?  
 10 A. There was nothing. I was given a free  
 11 hand.  
 12 Q. And in giving that free hand and in  
 13 meeting with the other personnel that were part of  
 14 this team, were any outlines proposed or  
 15 discussions had with respect to how you would  
 16 attack this kind of a responsibility?  
 17 A. Well, we agreed that we should take a --  
 18 let me call it "an open approach." People  
 19 should -- would feel from the very beginning that  
 20 we did not start the -- the conversation with them  
 21 with some sort of bias. We wanted to assure them  
 22 from the very beginning we would be -- listen very  
 23 carefully and generously to them to what they had  
 24 to say.  
 25 And, actually, we did not want to

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1 have some sort of examination, more a -- yeah, a  
 2 conversation about what had happened, what they saw  
 3 as roots of the accident -- of the tragedy, I  
 4 should say, and to hear from them what they had  
 5 done, what their specific performance was and how  
 6 they saw the accountability, their individual  
 7 accountability.  
 8 Q. And within your group, who did you  
 9 identify as persons that you wanted to have these  
 10 conversations with?  
 11 A. Well, we have built on a number of  
 12 sources. We certainly looked at the organizational  
 13 chart of Texas City. We looked at the Mogford  
 14 report. We got copies from the interviews which  
 15 had been made by the Mogford group with a number of  
 16 people.  
 17 And so it's like a mosaic, you  
 18 know, you put one stone beside the other and then  
 19 you get additional information which leads you  
 20 to -- to the point that you say, "Well, I better --  
 21 we better talk to these people" or "I would like to  
 22 see this document."  
 23 So it's a slow process by  
 24 collecting stones to form a mosaic.  
 25 Q. And do you have, off the top of your head



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1 or from a document, a list of the persons that were  
 2 identified as those that your team needed to talk  
 3 to?  
 4 A. Can you repeat, please?  
 5 Q. Yes, sir.  
 6 Was there a list that actually  
 7 said, "Okay. Here's who we are going to go talk  
 8 to"?  
 9 A. We created a list.  
 10 Q. And you used the organizational chart --  
 11 A. Yeah.  
 12 Q. -- information from Mogford?  
 13 A. Nobody -- nobody has given us any  
 14 instructions.  
 15 Q. And other than just having a list of  
 16 people that the team wanted to talk to, were there  
 17 any other parameters in terms of -- for instance,  
 18 an order that you would take them in?  
 19 A. Well, there was just one principle, which  
 20 we almost a hundred percent applied, is that we  
 21 talked to people only after they had been deposed.  
 22 Q. And that was deposed by persons such as  
 23 myself in these --  
 24 A. Right.  
 25 Q. -- formal proceedings?

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1 A. Right.  
 2 Q. All right. Then I would take it that  
 3 part of what took place in your interviews of those  
 4 persons was having access to what they had said in  
 5 their depositions in these proceedings?  
 6 A. Right.  
 7 Q. Did you personally go back and read the  
 8 contents of the depositions or were -- or was this  
 9 information summarized from the review of the team?  
 10 How did that work?  
 11 A. For those people -- from those people  
 12 which I believed I would gain the most insight, I  
 13 read the depositions.  
 14 Q. Since I don't know the answer to the  
 15 question, lawyers are told not to ask a question if  
 16 they don't know the answer. I will ask you how we  
 17 did at a break. Okay?  
 18 Are there persons that you want to  
 19 talk to at this juncture that you have not as a  
 20 result of the principle in place of waiting until  
 21 depositions have been done?  
 22 A. No. As far as we -- as of today, I would  
 23 say we have finished our -- our work in this  
 24 respect.  
 25 Q. And since the primary responsibility of

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1 this accountability audit was to go and talk to all  
 2 of these people -- is that correct?  
 3 MR. GALBRAITH: Objection, form.  
 4 Q. (BY MR. COON) That was the primary job,  
 5 is talking to all the people that you felt you  
 6 needed to talk to?  
 7 MR. GALBRAITH: Objection, form.  
 8 A. The primary responsibility of our work?  
 9 Q. (BY MR. COON) Well, yeah.  
 10 The primary things you needed to  
 11 do was first go and talk to everyone?  
 12 A. Well, that was the first step, of course.  
 13 Q. Okay. And what else did you need to do?  
 14 A. But -- but in combination with reading  
 15 all the material I've just mentioned.  
 16 Q. Well, I wanted to ask you that.  
 17 Reading material, you're talking  
 18 about the depositions, correct?  
 19 A. Depositions.  
 20 Q. And the exhibits?  
 21 A. Exhibits. Again, the Mogford report, the  
 22 Stanley report.  
 23 Q. Okay. Well, let's back up then, because  
 24 I want to ask about each of these.  
 25 The Stanley report, that's

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1 something else you looked at. That was the -- I  
 2 think John Stanley or James Stanley --  
 3 MR. FERNELIUS: Jim.  
 4 Q. (BY MR. COON) -- Jim Stanley report,  
 5 that was the review of the business procedures at  
 6 Texas City in the summer of '05?  
 7 A. Right.  
 8 Q. Okay. You looked at that report?  
 9 A. Yeah.  
 10 Q. Did you talk to Mr. Stanley as one of the  
 11 persons to interview?  
 12 A. No.  
 13 Q. Did you talk to Mr. Mogford as one of the  
 14 persons to interview?  
 15 A. Yes.  
 16 Q. And in talking to these various  
 17 individuals that we're going to discuss the rest of  
 18 the day, was there an outline of questions that  
 19 were to be asked?  
 20 A. We prepared those questions in particular  
 21 for the most -- for those which we felt were the  
 22 most important ones, we prepared some sort of,  
 23 yeah, train of questions addressing those issues we  
 24 wanted to -- to talk about with them.  
 25 Q. And who helped prepare the list of

<p style="text-align: right;">Page 98</p> <p>1 questions you wanted to cover with each of the 2 persons that you were to talk with? 3 A. We did it jointly. 4 Q. That being -- 5 A. Within the group. 6 Q. -- the team? 7 A. Within the team. 8 Q. Within the group. 9 Did anyone ever come in from 10 outside the group to throw their 2 cents in, so to 11 speak, people from legal or people from other 12 departments? 13 A. No. 14 Q. And in addition to -- and again, I'm 15 trying to get a good understanding of all the 16 things that your team has looked at as part of this 17 review. We know that you have talked to a lot of 18 people, and we will talk about that after awhile. 19 We know that in talking to these 20 people, you had access to their depositions that 21 they had been deposed in the civil lawsuit, 22 correct? 23 A. Yeah. 24 Q. And you have had access to the exhibits 25 that were attached that were used with those</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. There was also a Veba study of Texas City 2 conducted in the summer of 2002 that resulted in a 3 report of August, 2002; and I think also a 4 supplement by Mr. Kearney himself maybe dated a 5 little later in that year. 6 Did you have an opportunity to 7 read those documents? 8 A. Yeah, the share -- sharing of best 9 practices -- 10 Q. Yes, sir. 11 A. -- report. 12 Q. Good Practice Sharing Assessment -- 13 A. Right. 14 Q. -- something of that nature? 15 Did you know about that Veba 16 report in 2002 at the time it was being conducted? 17 A. I heard it in -- in Germany that some of 18 our people had been invited to go over to Houston 19 and to support in preparing this report. 20 Q. And did you have an opportunity to read 21 the contents of that report prior to the explosion 22 of March, '05? 23 A. No. 24 Q. Were you ever summarized or briefed on 25 any of the findings of the 2002 Veba report prior</p>
<p style="text-align: right;">Page 99</p> <p>1 particular witnesses, correct? 2 A. If we wanted, yes. 3 Q. Okay. And that you had access to the 4 Stanley report from last year at Texas City? 5 A. Yes. 6 Q. And you had access to the Mogford report 7 of December, 2005? 8 A. Yes. 9 Q. Are there other documents or reviews or 10 surveys that you recall looking at other than the 11 ones we just discussed? 12 A. Other than Stanley, depositions, exhibits 13 and -- 14 Q. Mogford? 15 A. -- Mogford? Nothing which -- which would 16 come to my mind. It's a fairly -- fairly large lot 17 of documents. 18 Q. Okay. For instance, there is a somewhat 19 infamous study that was done at Texas City in the 20 fall of 2004 called the Telos study. 21 Are you familiar with that? 22 A. Yes, sir. 23 Q. Did you review or read the contents of 24 the Telos Report? 25 A. I did.</p>	<p style="text-align: right;">Page 101</p> <p>1 to the explosion of March, '05? 2 A. No. 3 Q. Now, the Telos Report, when was it that 4 you first saw that document or heard about that 5 document? 6 A. That was in -- during the period of time 7 when we prepared ourselves for all of the 8 interviews. So I read the Telos Report, I believe, 9 in February. 10 Q. February or so of this year? 11 A. Yeah. 12 Q. Is that something the other team members 13 also looked at? 14 A. Yes, sir. 15 Q. Was there other background information 16 that you recall being provided with to help you get 17 a better understanding of issues you may be getting 18 involved in? 19 For instance, we know that there 20 was an internal investigation by BP that included 21 an investigation that Ms. Lucas did, a disciplinary 22 investigation. There was also -- 23 A. I see -- 24 Q. There was also the OSHA -- there was also 25 the OSHA investigation and --</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yeah.</p> <p>2 Q. -- all the statements that were given by</p> <p>3 personnel at Texas City and elsewhere?</p> <p>4 A. Yeah, I did not look in all the papers</p> <p>5 myself. The group looked more in-depth in what</p> <p>6 Kathleen Lucas had actually concluded when</p> <p>7 terminating people, yes.</p> <p>8 Q. What about the CSB? Were you provided</p> <p>9 with copies of the CSB interim find -- I think it's</p> <p>10 called the interim findings of October, 2005?</p> <p>11 A. I did.</p> <p>12 Q. Have you seen the diagrams that they have</p> <p>13 used, either from their presentations at the town</p> <p>14 hall meeting at the time or on their website?</p> <p>15 A. I -- well, in a very superficial way, I</p> <p>16 went through it. I left it to my group to take a</p> <p>17 closer look at it.</p> <p>18 Q. Now, there were also some speeches that</p> <p>19 have been given at some national or international</p> <p>20 symposiums by Mr. Mogford and Mr. Broadribb.</p> <p>21 Have you had an opportunity to</p> <p>22 read their comments or any studies or reports that</p> <p>23 have been disseminated into the public or in that</p> <p>24 sector regarding BP's opinions or at least certain</p> <p>25 personnel of BP's opinions on this matter?</p>	<p style="text-align: right;">Page 104</p> <p>1 But before I even get there, can</p> <p>2 you tell me: Of all of the documents that were</p> <p>3 generated as we are looking through them today,</p> <p>4 what was the general course of action as</p> <p>5 information was brought into the committee?</p> <p>6 You talked about the interviews.</p> <p>7 Was there some specific way that it was organized</p> <p>8 where there was a list of people that you were</p> <p>9 going to talk to and the order that you were going</p> <p>10 to talk to them and any kind of indices or appendix</p> <p>11 that would provide us an outline of what it is that</p> <p>12 you guys rounded up?</p> <p>13 Is there some sort of glossary of</p> <p>14 all the information that you had? Is there</p> <p>15 anything like that out there?</p> <p>16 A. No.</p> <p>17 Q. Well, that being the case, then, let's</p> <p>18 just go back to March; and we will just try to</p> <p>19 take, as best we can, some degree of a</p> <p>20 chronological order of what the team has been doing</p> <p>21 the last six months. Okay?</p> <p>22 As I understand, March was when</p> <p>23 the team really got together and started conducting</p> <p>24 the investigation?</p> <p>25 A. To the best of my -- of my memory, yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No.</p> <p>2 Q. That takes us now, I guess, to the people</p> <p>3 that you started talking to and --</p> <p>4 MR. COON: Let's go off the record</p> <p>5 for a minute.</p> <p>6 I'm trying to figure out the</p> <p>7 easiest way --</p> <p>8 THE VIDEOGRAPHER: We're going off</p> <p>9 the record at 11:28.</p> <p>10 (Recess taken.)</p> <p>11 THE VIDEOGRAPHER: This is the</p> <p>12 beginning of Tape 3. We are going on the record at</p> <p>13 11:44.</p> <p>14 Q. (BY MR. COON) Mr. Bonse, we only have</p> <p>15 but so many hours today to talk to you. So I'm</p> <p>16 trying to figure out now the best way of covering a</p> <p>17 lot of the information that was obtained as part of</p> <p>18 the meetings with the various individuals in the</p> <p>19 overall accountability audit.</p> <p>20 We have a number of documents that</p> <p>21 we were presented with last night that we are still</p> <p>22 going through throughout the course of the</p> <p>23 deposition. And I will probably ask you more</p> <p>24 questions as we identify the documents we want to</p> <p>25 at least focus on.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. So what did you do?</p> <p>2 The team gets together, says "Time</p> <p>3 to start investigating. Off we go," what did you</p> <p>4 do?</p> <p>5 A. Well, we got a number of binders. I</p> <p>6 couldn't tell you -- I think at that time we</p> <p>7 already received around 10 or 12 binders we all had</p> <p>8 read. So the first thing was, of course, that we</p> <p>9 exchanged our views -- actually, our learnings and</p> <p>10 findings. Just -- you know, you had to create some</p> <p>11 sort of joint starting point and that was the</p> <p>12 purpose of our first -- of our first meeting.</p> <p>13 And building on that, we debated</p> <p>14 whom to talk to first, second, in what order; but</p> <p>15 also, as I mentioned already, that we would do</p> <p>16 so -- we would talk to people only, with the</p> <p>17 exception of Pat Gower, after they had been</p> <p>18 deposed.</p> <p>19 Q. Fair enough.</p> <p>20 With respect to these binders that</p> <p>21 your team was provided with to review, I take it</p> <p>22 this contained material such as the reports and</p> <p>23 studies we discussed earlier?</p> <p>24 A. Yeah, yeah. To the extent I can -- I can</p> <p>25 say. You know, I didn't count anything; but I'm</p>

<p style="text-align: right;">Page 106</p> <p>1 pretty sure all that -- all material we provided to 2 you -- 3 Q. And -- 4 A. -- has been provided to you. 5 Q. And so after you provided each other with 6 this underlying foundation of information, y'all 7 got together and discussed how to attack the 8 problem? 9 A. Right. 10 Q. And what was done in these first meetings 11 to identify the way that the accountability audit 12 should proceed? 13 A. Well, I can only repeat what I said. We 14 first created this -- that we are all in the same 15 place with knowledge. We tried to eliminate 16 misunderstandings and did so. And then we said, 17 "Okay. We have to talk to these people." 18 And this was the first preliminary 19 list, which became much, much longer than we 20 anticipated. 21 Q. Was there an outline of information that 22 the accountability audit sought to obtain? 23 A. No. The principles, we just agreed on 24 the principles, which I have outlined to you half 25 an hour ago.</p>	<p style="text-align: right;">Page 108</p> <p>1 final report was as fact? 2 A. Yes. 3 Q. Did you understand that there was some 4 discrepancies between the content of the Mogford 5 report and the interim CSB findings? 6 A. I did not go into this. 7 Q. Did you have an ability to obtain the 8 underlying statements that were given to any of 9 these investigative teams or to the federal 10 investigative teams; that would be, for instance, 11 the statements given by Mr. Parus and the other 12 people to OSHA as part of the OSHA investigation? 13 A. I haven't seen anything of this. 14 Q. And now that you had the foundation of 15 that information you were to rely upon, which were 16 these binders and the general principle that the 17 committee would go in with a fundamental acceptance 18 of the contents of the Lucas and Mogford decisions, 19 where did you go? Talking to the individuals? 20 A. Yeah. 21 Q. And was there a list or an order of the 22 persons you wanted to talk to with a caveat that 23 you would not talk to them until their deposition 24 was done? 25 A. Right.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. For instance, if you look at the Mogford 2 report, there is an index in the front of it that 3 outlines a number of different topics. It talks 4 about the use of open ventilation systems such as 5 blowdowns. It talks about safety culture issues. 6 There's all these different topical areas that are 7 discussed. 8 Did your group look at approaching 9 any of these issues systemically and 10 compartmentalize -- I guess we ought to use that 11 word -- and discuss each of those different areas 12 separately or did you just say, "Let's plow through 13 all of those and just see where it goes"? 14 A. I am not sure whether I got your question 15 right, but let me make a statement in addition to 16 my previous answer. 17 We agreed that we would not 18 dispute the Mogford report, we would not dispute 19 what Kathleen Lucas had -- had done with these six 20 employees. So we took that as a given. 21 Anything else we have not created 22 a certain what you call glossary. We just agreed 23 how to -- how to approach people. 24 Q. In looking at Mogford and accepting it, 25 do you mean you accepted what the contents of that</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Was the batting order to start at the top 2 and go to the bottom or start at the bottom and go 3 to the top or how did that work? 4 A. I -- we did not apply a principal 5 consistently because it was also a matter of 6 availability, who was available. We decided that 7 we wanted to talk to Don Parus at the very end 8 because -- I think I don't need to outline why we 9 consider Don Parus to be a key -- key figure, and 10 we wanted to talk to him after he had been deposed. 11 It happened in July only and to -- after we had 12 talked to everybody else. 13 We felt like we should start 14 with -- also, as a matter of availability, because 15 we have been here in Chicago and we knew that Ross 16 Pillari was here, we knew that Pat Gower was here. 17 So it was a start, you know. 18 We wanted to get away from just 19 reading papers. We wanted to hear from people 20 which we -- which were more or less involved, 21 intimately involved in all this to hear their 22 story, to get a first step into the door. 23 MR. COON: Let's go off the record 24 just a second. 25 THE VIDEOGRAPHER: We're going off</p>

<p style="text-align: right;">Page 110</p> <p>1 the record at 11:51.  2 (Recess taken.)  3 THE VIDEOGRAPHER: We are  4 returning to the record at 11:53.  5 Q. (BY MR. COON) Mr. Bonse, were decisions  6 made with respect to notifying the various persons  7 who were subject to the accountability audit as to  8 what the group was doing and what the intents and  9 plans of the group were?  10 A. Yeah, we informed them briefly why we do  11 it -- why we did it.  12 Q. And when were all the persons informed?  13 Would it be something they were informed shortly  14 before you would arrive or was there an effort made  15 to inform everybody early on, after your review of  16 the chain of command and decisions made as to who  17 you would want to talk to?  18 A. There was -- I think there was not one  19 standard. We give -- we give some -- some early  20 hints because, you know, we had to organize  21 ourself. We all had all our jobs to do besides the  22 accountability report.  23 So we -- we needed to get  24 organized and we needed to make sure that when we  25 were here or in Houston, that people we wanted to</p>	<p style="text-align: right;">Page 112</p> <p>1 knew that he was here; and we felt we should use  2 the opportunity to talk to him right away.  3 Q. Okay. Now, also, I believe that  4 Mr. Pillari was aware of this accountability audit  5 at the time of his deposition, but he had not yet  6 been interrogated by the committee; is that  7 correct?  8 A. I don't know. I can't tell you.  9 Q. Was it --  10 A. It may be you are right, but I am not --  11 Q. Was it that --  12 A. Wasn't he deposed twice?  13 Q. Was it that -- I believe Mr. Parus was  14 deposed twice, but not Mr. Pillari.  15 A. Not Pillari?  16 Q. Was it -- was it perhaps that the  17 notification in advance of the depositions was on a  18 somewhat ad hoc basis on the committee?  19 MR. GALBRAITH: Objection, form.  20 A. Yeah, again, we wanted to get started.  21 In particular, we wanted to talk to Mr. Pillari,  22 who, as I knew from my role, was not in the chain  23 of command of Texas City. So we want -- I wanted  24 to get his first insights.  25 Q. (BY MR. COON) And was there a conscious</p>
<p style="text-align: right;">Page 111</p> <p>1 talk to were there. So that was -- there was quite  2 a bit of telephone calls going on.  3 Q. Well, the reason I ask is, for instance,  4 when we deposed Mr. Gower, he told us about the  5 accountability audit; and I think he was the first  6 one to advise me --  7 A. Yeah.  8 Q. -- that there was an internal  9 accountability audit of the executive leadership of  10 BP. So he obviously knew about it in order to tell  11 us about it at his deposition.  12 A. Yeah, because we talked to him before you  13 deposed him.  14 Q. Okay. Now, that's the next question I  15 want to ask.  16 With respect to Mr. Gower, you  17 told us a few minutes ago that there was a decision  18 made not to interview the witnesses until after  19 they had given their deposition in these  20 proceedings, with the exception of Mr. Gower.  21 A. Yeah.  22 Q. And why was it that an exception was made  23 with respect to Mr. Gower?  24 A. A very simple reason: When we -- when we  25 were here in Chicago and talking to Mr. Pillari, we</p>	<p style="text-align: right;">Page 113</p> <p>1 decision not only -- at least an effort made not  2 only to tell people that were subject to your  3 investigation that they were not subject to it  4 until after their deposition was done, was there --  5 it's kind of hard to get this question out.  6 What I want to try to find out  7 from you is: Did the group make a decision not to  8 tell people that they were subject to an  9 accountability investigation until after -- after  10 their deposition? Was that something that was done  11 so it would not impact their deposition testimony  12 or was it something done for some other reason?  13 A. Well, it was -- I couldn't tell you. You  14 know, we interviewed almost 30 people; and I  15 couldn't tell you now when they had been informed  16 that we would like to talk to them.  17 Q. Who was responsible for informing them?  18 A. It was a joint decision that we wanted to  19 talk to those people. We -- we came to the  20 conclusion that we could not do everything jointly.  21 So we decided who would talk to certain people.  22 For instance, I interviewed a few  23 people directly and Rudy Blyweert talked to  24 somebody exclusively. The main principle was that  25 at least two should be present. We -- even this</p>

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1 principle was not always lived up to.  
 2 So I can't answer your question,  
 3 actually.  
 4 Q. Was the notice that was given something  
 5 that was typically done in writing or a phone  
 6 call as --  
 7 A. Just phone call.  
 8 Q. A phone call?  
 9 A. Mainly phone call. There may have been  
 10 some e-mails I'm not aware of.  
 11 Q. And who made the decision with respect to  
 12 which persons on the team would interview which  
 13 persons subject to the accountability audit?  
 14 A. We -- we discussed it jointly and agreed  
 15 upon it.  
 16 Q. And then who would be in charge of  
 17 collecting the information? Would everybody just  
 18 write down their own notes and record them? Was  
 19 there a recording? How was that all done?  
 20 A. There was never -- there was never a  
 21 recording. In -- in most cases, we had a clerk,  
 22 somebody of Mr. Heller's staff taking notes; but in  
 23 some cases, we did it without a note taker.  
 24 Q. And approximately how many people have  
 25 been interviewed to date?

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1 A. Close to 30.  
 2 Q. Do you have a list of the 30 or so  
 3 persons that have been subject to the  
 4 accountability interviews yet?  
 5 A. I'm sure this is in your files.  
 6 Q. Do you recall about how many of them were  
 7 in Texas City? Was it kind of broken down into  
 8 numbers?  
 9 A. I think closely to half of the number.  
 10 Q. And then the majority of the rest were  
 11 individuals that worked in Chicago or in Chicago  
 12 area and --  
 13 A. People in -- people in the segment and  
 14 people which were part of the -- well, like  
 15 Mr. Pillari, he was not in the segment; but he is a  
 16 permanent figure in the -- in the group. So -- and  
 17 some others.  
 18 Q. Were business unit leaders at other  
 19 refineries in the US interviewed just for  
 20 comparison notes?  
 21 A. One, yeah.  
 22 Q. Who was that?  
 23 A. Rick Porter.  
 24 Q. And where is he the BUL at?  
 25 A. He's at the Cherry Point refinery.

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1 Q. And why was he picked of the various  
 2 refineries in the US?  
 3 A. He made the gHSEr report in 2003. On the  
 4 request of Don Parus, he prepared a gHSEr report;  
 5 and we wanted to talk to him about this report.  
 6 Q. Are there any persons that you still need  
 7 to get a statement from that you have not had an  
 8 opportunity to interview with yet?  
 9 A. As of today, we do not plan to talk to  
 10 anyone else.  
 11 Q. Are there other documents that you want  
 12 to look at or review before putting together your  
 13 accountability report, the final report?  
 14 A. I think there are still some depositions  
 15 going on; and we may have a look at them, including  
 16 the one you have tomorrow.  
 17 Q. That being Mr. Mancini?  
 18 A. Uh-huh.  
 19 Q. Is there any particular interest in  
 20 Mr. Mancini from an accountability standpoint as we  
 21 sit here today?  
 22 A. Well, just -- just to look at it, whether  
 23 there are some findings which may be of relevance.  
 24 Q. Have you been following any of the  
 25 depositions that are going forward in the Houston

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1 area this week that are associated more to the  
 2 permitting issues with the TCEQ?  
 3 A. I am not familiar with this.  
 4 Q. Okay. Do you know what the TCEQ stands  
 5 for?  
 6 A. I learned it last night.  
 7 Q. And that's just from meeting with the  
 8 attorneys?  
 9 A. Yeah, from -- from a talk. I never knew  
 10 this acronym. I think -- what is it, Texas City  
 11 Environmental Quality or -- is that --  
 12 Q. It's the Texas Commission on  
 13 Environmental Quality.  
 14 A. Texas Commission. Texas Commission.  
 15 Q. You were close. It's a whole state down  
 16 there, but...  
 17 And just digressing briefly for  
 18 one minute, have you had an opportunity to meet  
 19 with BP representatives before your deposition  
 20 today just to get briefed on the subject matter?  
 21 A. No. We just had a, I assume, usual  
 22 preparation for such a deposition yesterday.  
 23 Q. And that would just be the legal  
 24 preparation --  
 25 A. Right.

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1 Q. -- meeting with the lawyers?  
 2 A. Right.  
 3 Q. And that was done yesterday?  
 4 A. (Nods head.)  
 5 Q. Who do you recall being the first person  
 6 that was interviewed by your group?  
 7 A. Can you repeat, please?  
 8 Q. Yes, sir.  
 9 Who was it that you recall being  
 10 the first person out of the gate that the group  
 11 interviewed?  
 12 A. It was Ross Pillari.  
 13 Q. Sir, I have some notes here from Ross  
 14 Pillari's interview taken April 27th, 2006. Does  
 15 that sound about right?  
 16 A. Here in Chicago?  
 17 Q. Yes, sir. It was actually -- it appears  
 18 to be taken at Cantera --  
 19 A. Yes.  
 20 Q. -- III, Warrenville, Illinois.  
 21 A. Right.  
 22 Q. We also have another document that I  
 23 believe we were provided with yesterday that  
 24 indicates that Mr. Gower was also interviewed that  
 25 same day.

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1 A. Right.  
 2 Q. Do you recall that?  
 3 A. Right.  
 4 Q. And I think if we just look at those --  
 5 and let's just start with the first one.  
 6 You talked with Mr. Pillari first;  
 7 is that correct?  
 8 A. To the best of my memory, yes.  
 9 Q. Now, I also take it that you did not  
 10 interview these persons at the same time so that  
 11 they could hear what each other said, correct?  
 12 A. Right.  
 13 (Exhibit Number 836 marked for  
 14 identification.)  
 15 Q. (BY MR. COON) Mr. Bonse, I have what I  
 16 am going to mark next as Exhibit 836; and this is  
 17 what we have been provided by BP counsel which  
 18 indicates that it's the interviews of Mr. Pillari.  
 19 Have you seen that document  
 20 before, sir?  
 21 A. Yes.  
 22 Q. And without belaboring the point, when I  
 23 go back and look at some of the other ones that  
 24 were identifying -- or a part of the document  
 25 production yesterday, there appears to be a lot of

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1 similarity between the --  
 2 MR. GALBRAITH: Can I see it?  
 3 THE WITNESS: I'm sorry (Tenders  
 4 documents.)  
 5 Q. (BY MR. COON) -- way that interview  
 6 apparently took place and the way the information  
 7 is reflected on the interview as what occurred with  
 8 the majority of the rest of the interviews. There  
 9 seems to be some consistency with respect to what  
 10 your interview notes and report look like.  
 11 Is that fair -- fair to state?  
 12 A. Yeah, if they were taken by the same note  
 13 taker, they look very similar. You will find a  
 14 note, for instance, by me, which is much shorter.  
 15 Q. Okay. Did you have a court reporter  
 16 there?  
 17 A. No.  
 18 Q. Okay. There was no court reporter, there  
 19 was no audio recording or video recording? You  
 20 didn't go in with a video camera and record them  
 21 that way, correct?  
 22 A. No, sir.  
 23 Q. So the most accurate record we have as to  
 24 what was discussed and what the witness said would  
 25 have been based on these interview reports that we

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1 have now?  
 2 A. Right.  
 3 Q. Did the witnesses have an opportunity to  
 4 go back and look at those and say, "I disagree with  
 5 the way you characterized some aspect of what I  
 6 told you"?  
 7 A. No.  
 8 Q. Are you pretty comfortable that the  
 9 information that was given at these interviews is  
 10 accurately reflected in the recording of these  
 11 interview notes?  
 12 A. Yes, sir.  
 13 MR. COON: And, Counsel, can we go  
 14 ahead and get an agreement, in light of the fact  
 15 that he's doing this on behalf of BP, that these  
 16 are all business records? I don't want to have to  
 17 pull out the rule book and go through all 14 points  
 18 proving up the business records.  
 19 MR. FERNELIUS: I don't have a  
 20 problem with that.  
 21 MR. GALBRAITH: I don't have a  
 22 problem with what we've identified so far. If we  
 23 come to something that wasn't generated by the  
 24 committee or some other source --  
 25 MR. FERNELIUS: Yeah --

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1 MR. GALBRAITH: -- we might.  
 2 MR. FERNELIUS: -- that's fine.  
 3 Q. (BY MR. COON) Okay. Sir, if we look at  
 4 this one as an example, the -- I'm going to  
 5 actually put this one up on this little screen if  
 6 we can. We may not need to do it with all of them;  
 7 but we'll be able to kind of follow through, get an  
 8 understanding as to how all this looks.  
 9 As we walk through these, what  
 10 would be done when you interviewed this  
 11 individual --  
 12 (Brief interruption.)  
 13 Q. (BY MR. COON) -- is that you would -- it  
 14 would indicate at the top here that it was the  
 15 interview summary, this would be the summary of the  
 16 contents of an interview, correct? And  
 17 there's several --  
 18 A. Yes.  
 19 Q. -- most of these summary reports are  
 20 several pages long and they have little subtopics  
 21 on them, correct?  
 22 THE VIDEOGRAPHER: Excuse me. Can  
 23 you slide that a little off center?  
 24 MR. COON: Well, the problem we  
 25 have when we go off center is you lose it on the

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1 Elmo.  
 2 THE WITNESS: That's about the  
 3 edge.  
 4 THE VIDEOGRAPHER: Okay. That's  
 5 good.  
 6 Q. (BY MR. COON) And if we look at this,  
 7 you have the date that the accountability team met  
 8 and who the person was that you met with.  
 9 And even up here it indicates  
 10 where it took place at, correct?  
 11 A. Yes.  
 12 Q. And then you also, for each one of these,  
 13 indicate the persons who were in attendance on the  
 14 team.  
 15 So, for instance, on this one, all  
 16 four of you were there. That was you, correct?  
 17 A. Right.  
 18 Q. And Mr. Blyweert, Ms. Moore  
 19 and Mr. Heller?  
 20 A. Right.  
 21 THE VIDEOGRAPHER: Excuse me.  
 22 You're going to have to slide that down a little  
 23 bit. We're not...  
 24 MR. COON: All right. This isn't  
 25 going to work particularly well. This is the

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1 first --  
 2 THE VIDEOGRAPHER: You are at the  
 3 top of the frame.  
 4 Q. (BY MR. COON) Okay. In looking at this,  
 5 you would have -- for each one of these, you would  
 6 have the date, where it occurred and the persons on  
 7 the team that were in attendance?  
 8 A. Yes, sir.  
 9 Q. And as we walk through some of these  
 10 other ones, it may be that you have some persons  
 11 missing from this team for various reasons, as  
 12 y'all spread yourselves out to cover all the  
 13 interviews?  
 14 A. Yes, sir.  
 15 Q. But you always had two or more there?  
 16 A. Not always, but in --  
 17 Q. Almost always?  
 18 A. -- the -- most of the meetings.  
 19 Q. Were they -- any of these persons told  
 20 that they could or should get their own personal  
 21 counsel before these meetings took place?  
 22 A. They were not told; but in the case that  
 23 we talked, for instance, to Don Parus, he had his  
 24 personal counsel with him. That was the only one.  
 25 He wanted this, and we did not disagree.

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1 Q. Now, in looking at this, do you know  
 2 how -- let me back up first.  
 3 I haven't seen his notes yet. Do  
 4 you know whether or not it indicates who the person  
 5 would have been that was there for Mr. Parus?  
 6 A. It's Judge -- Judge Starr, no, not  
 7 "Judge."  
 8 Q. Judson Starr?  
 9 A. No, Starr is sort of the main name.  
 10 Q. That's the gentleman that is --  
 11 A. But I --  
 12 Q. -- in Washington DC, I believe?  
 13 A. Yeah, in Washington.  
 14 Q. Okay. I'll take a --  
 15 A. I am not sure about his first name.  
 16 Q. I think we know him.  
 17 Now, within the interview, sir,  
 18 you have several breakdowns into categories. You  
 19 have -- on the interview, you talk about the  
 20 culture and environment and a number of notations  
 21 that are made.  
 22 On the next page you talk about  
 23 roles. Then you talk about the witness' role and  
 24 legal obligations. And then there is the subject  
 25 matter on quality of assets. And then you go to



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1 Mr. Parus' role.  
 2 And then "F" is "Texas City  
 3 Incident/Key People." And then the next page --  
 4 and at the very bottom, it talks about  
 5 "Accountability" --  
 6 MR. GALBRAITH: You can't see that  
 7 on the --  
 8 Q. (BY MR. COON) -- parens, "further up the  
 9 chain of command."  
 10 Did I read that correctly at the  
 11 very bottom there?  
 12 A. Yeah.  
 13 Q. And on the next page of the summary is  
 14 "Trailers/start-up" and then "Mr. Gower's Role" and  
 15 then the "Governing Structure" and then  
 16 "Significant Changes." And on the last page,  
 17 "Mr. Parus' Administrative Leave."  
 18 Who made the decision to break  
 19 down the interviews into those various subject  
 20 matters?  
 21 A. The way the note is prepared or the  
 22 course of -- of the interview? What is your  
 23 question?  
 24 Q. Yes, sir.  
 25 When you look at all of these

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1 different categories that were being discussed, who  
 2 was it that would make the decision as to those  
 3 being the various topics to cover with that  
 4 particular witness?  
 5 A. Well, that's what we talked about in the  
 6 group before preparing the -- to prepare, actually,  
 7 the interview, to have the most -- most effective  
 8 interview.  
 9 Q. So that was more or less a group --  
 10 A. Yeah.  
 11 Q. -- decision?  
 12 A. I'm -- I'm not sure -- I don't remember  
 13 how we prepared this particular meeting; but the  
 14 more we became familiar with -- with Texas City and  
 15 all -- getting all the insights, the more clarity  
 16 we had about how to structure a conversation and to  
 17 ask, in particular, special questions of particular  
 18 relevance for the -- the guy we interviewed.  
 19 Q. Were there specific things that you  
 20 recall early in these interviews specifically --  
 21 particularly people in Chicago that had a high  
 22 level of management and responsibility for  
 23 US operations, such as Mr. Pillari and Mr. Gower,  
 24 were there really areas that you really wanted to  
 25 focus in on for those first interviews and get

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1 their personal opinions on?  
 2 A. The first interviews were mainly focusing  
 3 on getting a picture, you know. If you just rely  
 4 on papers, they will never tell you the full story.  
 5 So I wanted to hear from different individuals  
 6 which were close to Texas City how they saw the  
 7 whole thing and to get a more comprehensive  
 8 picture.  
 9 Q. And if we just use some excerpts, for  
 10 example, out of Mr. Pillari, one of the things you  
 11 looked at early on in the interview -- and let me  
 12 back up.  
 13 When we look at these notes, are  
 14 these notes taken pretty much in the same order as  
 15 the interview went? For instance, was the culture  
 16 and environment issues the things that were  
 17 discussed first and then the things on the last  
 18 page here, where you have his administrative leave,  
 19 were these typically things that were talked about  
 20 last or did you talk about them all and then go  
 21 back and rearrange the batting order and the  
 22 interviews --  
 23 A. No, I think the -- the note pretty --  
 24 pretty well reflects how we had the interview.  
 25 Q. With respect to the interviews as we walk

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1 through them today, were the persons that you went  
 2 back and talked to again or made a phone call to to  
 3 fill in some gaps?  
 4 A. No, sir.  
 5 Q. Now, if we go to Mr. Pillari, this is a  
 6 gentleman that was BP North America's president at  
 7 the time, correct?  
 8 A. Yes.  
 9 Q. And this was the first person that was  
 10 interviewed?  
 11 A. Yes, sir.  
 12 Q. How long would those interviews typically  
 13 take place?  
 14 A. I think I -- I could tell you -- inform  
 15 you only about those where I was present myself.  
 16 So I think this was an interview, say, two hours.  
 17 Pillari had to leave, I think it was in the  
 18 morning, and he had to leave flying to Washington.  
 19 So we were in a time -- some time pressure.  
 20 Q. At these interviews, was anyone ever  
 21 present other than representatives of the team,  
 22 with the exception you told us about Mr. Parus?  
 23 For instance, was legal -- were people within the  
 24 legal departments of BP there or persons that  
 25 worked for the -- the person being interviewed?

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1 A. No, sir.  
 2 Q. So typically the interview summary would  
 3 indicate all persons that were in attendance, not  
 4 just the persons on the team?  
 5 A. Yes, sir.  
 6 Q. Do you know whether or not any of the  
 7 interviewees recorded any of the information for  
 8 their own purposes?  
 9 A. To my knowledge, they have not done so.  
 10 Q. Do you know what, if anything, these  
 11 interviewees were given by your team or by other  
 12 persons to help them prepare for the interviews?  
 13 A. To my knowledge, nothing has been given  
 14 to them.  
 15 Q. So you pretty much went into them just  
 16 saying, "We are going to come visit you"; and you  
 17 didn't want to tell them, "I want you to read this  
 18 or that" or anything else before the meeting?  
 19 A. We did not tell them.  
 20 Q. Now, with respect to the persons that  
 21 were deposed, after their deposition, do you know  
 22 how many, if any of them, actually had an  
 23 opportunity to read their deposition testimony  
 24 before the interviews?  
 25 A. I -- I have no knowledge.

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1 Q. All right. Let's talk about Mr. Pillari  
 2 first.  
 3 Early on in the interview, it  
 4 indicates that you tell him about the legal  
 5 standards of the interview and it will not be  
 6 protected under the attorney/client privilege. So  
 7 they knew going into it that it could be, in fact,  
 8 produced as part of the -- the various litigation  
 9 going around and the investigations going around?  
 10 A. That's what it says here.  
 11 Q. And then you go on into the interview  
 12 with that being the caveat.  
 13 And it appears that with  
 14 Mr. Pillari, for instance, one of the things you  
 15 asked him early on were his observations about the  
 16 culture and environment; and in that are we talking  
 17 about Texas City?  
 18 A. (Nods head.)  
 19 Q. Can you tell from looking -- let me back  
 20 up first.  
 21 Do you remember all the details of  
 22 those or --  
 23 A. No.  
 24 Q. -- is it really going to help you to go  
 25 back and read --

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1 A. No. I think when you ask -- ask specific  
 2 questions, we have to read it and then I --  
 3 Q. Okay. You --  
 4 A. -- to reactivate my memory.  
 5 Q. You didn't have an opportunity to go back  
 6 and read the documents again, what, yesterday or in  
 7 the very recent past to refresh your memory  
 8 about --  
 9 A. No, I did not.  
 10 Q. -- what occurred?  
 11 Okay. On this one, Mr. Bonse,  
 12 that would be you, you were talking to Mr. Pillari  
 13 and asking him about his general observation at  
 14 Texas City. And he goes on to actually give you an  
 15 example of his concerns out there being one of  
 16 casual acceptance of risk and gave some specific  
 17 examples?  
 18 MR. GALBRAITH: Objection, form.  
 19 Q. (BY MR. COON) That first paragraph?  
 20 A. Yeah, well, he talks about the -- the  
 21 fire alarm, huh?  
 22 Q. Yes, sir.  
 23 A. That's what you're referring to?  
 24 Q. Yes, sir.  
 25 So, apparently, Mr. Pillari, in

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1 your interview, said: I went out to Texas City  
 2 and, you know, there was a fire alarm out there and  
 3 I was talking to Mr. Parus and he didn't even seem  
 4 to be concerned about it.  
 5 That's kind of the inference  
 6 there, wasn't it?  
 7 MR. GALBRAITH: Objection, form.  
 8 A. Can you repeat your question?  
 9 Q. (BY MR. COON) Yes, sir.  
 10 It would probably be easier -- if  
 11 you look at this, what did you glean from  
 12 Mr. Pillari's discussion with your group as to  
 13 Mr. Pillari's impression of the culture in  
 14 Texas City?  
 15 A. Well, we just took this as a part of  
 16 information.  
 17 Q. Sure.  
 18 A. And we kept it in mind when talking later  
 19 on to others about, in particular, the question  
 20 how -- how Texas City dealt with fires.  
 21 Q. And apparently from this and asking  
 22 questions, Mr. Pillari was able to even give you a  
 23 specific example of --  
 24 A. Correct.  
 25 Q. -- of his impression that Mr. Parus acted

<p style="text-align: right;">Page 134</p> <p>1 under a casual acceptance of risk, I think those 2 are the words you used. 3 MR. GALBRAITH: Objection, form. 4 A. That's what he said. 5 Q. (BY MR. COON) And he gave you an example 6 of why he felt that way; and that was -- as I 7 understand, Mr. Pillari told you he was down there 8 visiting with Mr. Parus after the explosion, 9 correct? 10 A. That's what it says here. 11 Q. Yeah. 12 And in that meeting with 13 Mr. Parus, the alarms went off and Mr. Parus didn't 14 seem to be particularly concerned about it. He 15 said, "It happens all the time"? 16 MR. GALBRAITH: Objection, form. 17 A. That's what it says here. 18 Q. (BY MR. COON) And this being your first 19 interview in going out to find out what was going 20 on at Texas City, was that of any particular alarm 21 to you that the very first person that you meet to 22 talk about this accountability audit, the first 23 thing he tells you is that, "I don't think 24 Mr. Parus really appreciated risk" and gave you an 25 example of alarms going off while Mr. Pillari is</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. (BY MR. COON) Yes, sir. 2 When -- I'm just trying to 3 understand what's going on in your mind. 4 I mean, you've been charged with a 5 very important responsibility in putting together 6 this team and going out and conducting an 7 accountability audit, correct? That's -- that's an 8 important role, isn't it? 9 A. Sure. 10 Q. And BP is a major international company, 11 isn't it, sir? 12 A. It is. 13 Q. And to the best of your knowledge, this 14 is the first time that the company had ever made 15 the decision to investigate itself at this deep and 16 broad of a level in an accountability audit for 17 responsibilities associated with many people dying 18 and many others getting crippled, some of them 19 permanently -- 20 MR. GALBRAITH: Objection, form. 21 Q. (BY MR. COON) -- correct? 22 A. That's right. 23 Q. And you were in charge of that; and the 24 very first person that you met with, once this team 25 was put together, was Mr. Pillari, correct?</p>
<p style="text-align: right;">Page 135</p> <p>1 there and that Mr. Parus pretty much ignored them? 2 A. It caught my attention. 3 MR. GALBRAITH: Objection, form. 4 Q. (BY MR. COON) Did it send a chill down 5 your spine or anything, like, "Oh, my God, what are 6 we getting into? How bad is this?" 7 MR. GALBRAITH: Objection, form. 8 A. Look, when you -- when you know that 9 15 people have lost their lives and many, many have 10 been injured seriously, then you are already 11 prepared -- I think you would expect -- expect that 12 you will find issues which are seriously 13 disturbing; and I cannot say that -- that this has 14 not caught my attention. This was certainly 15 something which -- which I felt I should focus -- 16 we all felt we should focus on in our later 17 following conversations. 18 Q. (BY MR. COON) Okay. What was your 19 initial gut reaction to Mr. Pillari telling you 20 about a circumstance shortly after this explosion 21 where he confronted Mr. Parus down at Texas City 22 while alarms were going off and Parus didn't seem 23 particularly concerned? 24 MR. GALBRAITH: Objection, form. 25 A. Can you repeat your question?</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Right. 2 Q. And early on in your interview with the 3 first person, Mr. Pillari is telling you things 4 that he had personally observed; and one of those 5 was that Mr. Parus didn't even seem concerned when 6 alarms were going off all over the plant. He just 7 said, "It happens all the time. Don't worry about 8 it." 9 MR. GALBRAITH: Objection, form. 10 A. Yeah, that's what I call deeply 11 disturbing. On the other hand, you know, to come 12 to a fair conclusion at the end of all the work 13 that we listed those observations or those 14 insights, there's always a different story from the 15 other side. So the -- the principle that -- that 16 you always have to listen to the other side, as 17 well, we kept very high. 18 So we wanted -- we had to avoid 19 everything to make the impression to whoever -- to 20 whomever that we already took for granted what we 21 heard, we would check it again from a different 22 perspective. 23 Q. (BY MR. COON) Sure. 24 A. But -- 25 Q. You want to --</p>

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1 A. -- this information, without any doubt,  
 2 was deeply disturbing.  
 3 Q. Sure. A major red flag with you being  
 4 the CEO of a refining company before, right?  
 5 A. Right.  
 6 Q. As well as being group leader over all of  
 7 Europe?  
 8 A. Right.  
 9 Q. And if -- when you were working at a  
 10 refinery or when you were in charge of these other  
 11 refineries, would it have been deeply disturbing to  
 12 you to find out that your plant manager or business  
 13 unit leader did not appear to be concerned at all  
 14 when alarms were going off in the refinery  
 15 indicating the potential for an explosion?  
 16 MR. GALBRAITH: Objection, form.  
 17 A. Again, it's Mr. Pillari's story; and at  
 18 that time, we said what I -- what we hear is deeply  
 19 disturbing and we need to keep this -- keep an eye  
 20 on this and in our following interviews always  
 21 coming back to the question in particular, also  
 22 fueled by what we read in the depositions, whether  
 23 this fire issue was as -- as disturbing as we  
 24 sensed it was on the very first interview.  
 25 Q. (BY MR. COON) Well, and, sir, you strike

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1 me as being a fair man. You want to hear both  
 2 sides of the story before you convict him, right?  
 3 A. Sure.  
 4 MR. GALBRAITH: Objection, form.  
 5 Q. (BY MR. COON) But you also had the  
 6 responsibility, a major responsibility, for the  
 7 safety of your employees, both at Veba and then  
 8 after the merger acquisition by BP employees that  
 9 worked at refineries all over Europe; didn't you,  
 10 sir?  
 11 A. Yes.  
 12 MR. GALBRAITH: Objection, form.  
 13 Q. (BY MR. COON) And you strike me as the  
 14 kind of a person that would take safety very  
 15 seriously, particularly when it was your  
 16 responsibility to provide those services?  
 17 A. Sure.  
 18 Q. And if, in fact, you were able to  
 19 personally come to the conclusion that you had an  
 20 executive that was charged with the responsibility  
 21 of running the whole refinery, if he or she pretty  
 22 much was ambivalent about alarms going off at the  
 23 plant, what would you do to them if you believe  
 24 that to be true --  
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) -- when they were working  
 2 for you?  
 3 MR. GALBRAITH: Objection, form.  
 4 A. Well, this is a hypothetical question,  
 5 but --  
 6 Q. (BY MR. COON) Yes, it's hypothetical.  
 7 We're going to hypothetical now.  
 8 A. Hypothetical question --  
 9 Q. You're running things, you're --  
 10 A. -- but it's --  
 11 Q. -- GVP of Europe and it comes to your  
 12 attention and it ends up being your conclusion that  
 13 you've got a plant manager who doesn't care when  
 14 alarms are going off out there and is just  
 15 ambivalent to them, what would you do to them?  
 16 MR. GALBRAITH: Objection, form.  
 17 A. I think there's only one conclusion.  
 18 Q. (BY MR. COON) Which would be what?  
 19 A. This guy has first to be interviewed why  
 20 he did so; and if we have the -- if we get to  
 21 the -- come to the conclusion that this guy or the  
 22 lady is not living up to our safety standards, then  
 23 he has to go.  
 24 Q. He has to go, he has to be fired?  
 25 A. (Nods head.) Maybe -- in Germany and

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1 Europe, we are a bit -- we may say we take him out  
 2 of this job, maybe something -- a better place for  
 3 him or her --  
 4 Q. Where -- where would be a --  
 5 A. But he will --  
 6 Q. -- better --  
 7 A. -- not -- certainly we will not charge  
 8 him with the accountability for such a work.  
 9 Q. And where would be a better place for an  
 10 executive of that position to be if they're going  
 11 to stay in employment with BP when they have such a  
 12 casual attitude about things that are of such high  
 13 risk to the employees and to the infrastructure of  
 14 the facility?  
 15 MR. GALBRAITH: Objection, form.  
 16 A. This is -- you know, we are still  
 17 building on a hypothetical case?  
 18 Q. (BY MR. COON) Yes, sir.  
 19 A. So to come up with more hypothesis would  
 20 be a bit difficult. I don't know. I don't know.  
 21 Q. You would agree you would not want them  
 22 to have any roles or responsibilities associated  
 23 with the safety of the personnel at the facility or  
 24 the infrastructure of the facility?  
 25 A. Certainly not.

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1 MR. GALBRAITH: Objection, form.  
 2 A. Certainly not.  
 3 (Discussion off the record.)  
 4 Q. (BY MR. COON) Okay. Sir, if we go next  
 5 into other content on the front page, if we look at  
 6 the front page, it says, "Another impression of the  
 7 culture there was" -- not only the acceptance of  
 8 the risk levels being routine, but this next  
 9 comment was, "the gulf between the union and  
 10 management."  
 11 Is that something that you heard  
 12 or thought to exist before these interviews were  
 13 taking place?  
 14 A. No, I heard about it from these  
 15 interviews.  
 16 Q. Did you have any understanding as to what  
 17 the perceived reasons were for the animus between  
 18 management and the workforce?  
 19 A. I got --  
 20 MR. GALBRAITH: Objection, form.  
 21 A. I got some information, but I have no  
 22 firsthand knowledge.  
 23 Q. (BY MR. COON) As part of your  
 24 investigation into this from a management  
 25 standpoint, have there been any efforts made on the

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1 part of the accountability investigation to  
 2 actually talk to the labor representatives who can  
 3 speak on behalf of the labor issues that have been  
 4 accruing at the Texas City facility?  
 5 A. No, we did not.  
 6 Q. Have you or any persons in the management  
 7 team made efforts to reach out to the other people  
 8 in the international -- with the USW that represent  
 9 the -- not only the local down at Texas City, but  
 10 the various other locals around the country that  
 11 provide the workforce for the other refineries here  
 12 in the United States?  
 13 MR. GALBRAITH: Objection, form.  
 14 A. From our group?  
 15 Q. (BY MR. COON) Yes, sir.  
 16 A. No. No, sir.  
 17 Q. Do you know if any efforts have been made  
 18 to help mend the fences, so to speak, with respect  
 19 to organized labor that works in these plants here  
 20 stateside and the -- the management at higher  
 21 levels?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I didn't get your question. I'm sorry.  
 24 Q. (BY MR. COON) Yes, sir.  
 25 Do you know if any efforts have

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1 been made to reach out and close some of these gaps  
 2 in relationships between labor and management at BP  
 3 here in the States?  
 4 A. Aside -- outside of Texas City?  
 5 Q. Yes, sir, outside of Texas City and  
 6 outside this particular issue?  
 7 A. I'm not familiar --  
 8 MR. GALBRAITH: Objection, form.  
 9 A. -- with this.  
 10 Q. (BY MR. COON) You don't have anything to  
 11 do with any of the ongoing labor negotiations or  
 12 labor relations within BP management structure and  
 13 the hourly workforce?  
 14 A. In Texas City?  
 15 Q. Or just here in the States anywhere?  
 16 A. No, I'm not familiar with this.  
 17 Q. If you'll look at this next paragraph --  
 18 and I realize we can't spend all day talking about  
 19 every paragraph of every statement; but it helps me  
 20 get a feel for the things that y'all were talking  
 21 about. Another comment was made here, when you're  
 22 looking at this "Culture/Environment" issue, was,  
 23 "the culture at Texas City was a gulf between the  
 24 union and management." And it says, "It was  
 25 adversarial in nature..."

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1 Now, as I understand, these are  
 2 the things that were -- Mr. Pillari -- when you  
 3 were putting all this in here, these are  
 4 Mr. Pillari's impressions that he's relating to  
 5 you?  
 6 A. Yes, sir.  
 7 Q. And you don't really know too much about  
 8 the details of how he derived at those unless he  
 9 had particular comments to supplement that opinion?  
 10 A. Yes, sir.  
 11 Q. And down at the bottom where it's  
 12 highlighted, it talked about -- it says,  
 13 "Mr. Browne said that many things will not get  
 14 done."  
 15 Do you know if he's talking about  
 16 Lord Browne here?  
 17 MR. GALBRAITH: Objection --  
 18 A. I think we --  
 19 MR. GALBRAITH: -- form.  
 20 A. -- need to look at the preceding  
 21 sentence, isn't it?  
 22 Q. (BY MR. COON) Well, it says that  
 23 Mr. Browne and Mr. Pillari had met with the  
 24 International Union in September of 2005?  
 25 A. Uh-huh.

<p style="text-align: right;">Page 146</p> <p>1 Q. And it's my understanding that there had 2 been meetings with some of the senior executives 3 of -- 4 A. Yeah, that's what it says here; but I 5 have no -- I just rely on what Mr. Pillari has 6 said. So I couldn't confirm this. 7 Q. And then it goes on to talk about 8 management processes lacking, that's at the bottom 9 of the page. And the comment on the next page was 10 an example; and this was specific to the actual 11 explosion, apparently. It says, "For example, in a 12 morning meeting, the start-up" -- 13 A. Can you put the -- (indicating.) 14 Q. Yes, sir. 15 A. Thank you. 16 Q. "In a morning meeting, the start-up of 17 the ISOM was not even mentioned." 18 A. Yeah. 19 Q. And what he's talking about here is the 20 fact that there was a shift change on the ISOM the 21 day -- March 23, 2005 and there was a lot of 22 communication within the workforce, both on that 23 unit and elsewhere in the facility, as to whether 24 or not that unit was even going to start-up that 25 day; is that correct?</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Well, you know, we had, in Texas City in 2 2004, several serious incidents. 3 Q. Yes, sir. 4 A. We had a major explosion in March and we 5 had three fatalities. And three fatalities in one 6 year and a major explosion, that should give reason 7 for concern. 8 And what I call a lesson learned 9 is certainly a very deeply going investigation, why 10 it happened and when you know the reasons or the 11 roots of a -- of such an incident, to make sure 12 that it will not happen again. And I am missing in 13 the performance contract such -- such a 14 requirement. 15 Q. I'm sure the historical knowledge of the 16 facility is very important for the leadership, 17 isn't it? 18 A. Sure. 19 Q. And that's what you're talking about 20 "lessons learned." One is to know the history to 21 learn from your mistakes? 22 A. Right. 23 Q. And one of the problems that appeared to 24 exist at Texas City is there was very poor 25 historical communication of the problems associated</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Right. 2 MR. GALBRAITH: Objection, form. 3 A. Right. 4 Q. (BY MR. COON) Now, when it says when -- 5 "Mr. Pillari spoke to Stanley," are we talking 6 about the Stanley that authored the executive 7 report of the summer of 2005? 8 A. I think so. 9 Q. Let's talk about roles real briefly. 10 There was a -- a note from the 11 history that there were several major incidents in 12 2004; and that, again, was at Texas City, correct? 13 A. Yes, sir. 14 Q. And that Mr. Pillari knew that Mr. Gower 15 was aware of those prior problems in those 16 incidents, correct? 17 A. Yes. 18 Q. And that -- and here you were surprised 19 that in Mr. Parus' 2005 performance contract, there 20 was not a lessons learned section from these 21 incidents? 22 A. Yes. 23 Q. And why is that, sir? And first of all, 24 what is "lessons learned" and why is it important 25 to have that section reflected --</p>	<p style="text-align: right;">Page 149</p> <p>1 with the operation of that facility in the past? 2 MR. GALBRAITH: Objection, form. 3 A. That's what it's looking at. 4 Q. (BY MR. COON) And you would recommend, 5 as you did, as I understand, when you left group 6 vice president in August of this year, as you 7 retired from your position and had gone into a 8 part-time position plus your role in wrapping up 9 this report, you told us earlier that you spent a 10 significant amount of time after retirement 11 assisting in the transition with the new person in 12 charge of the group vice president, the French 13 gentleman you told us about -- 14 A. Yes, sir. 15 Q. -- Mr. Baptiste? 16 A. Yes, sir. 17 Q. And you recognized the importance of this 18 new transition to acclimate the new leader with 19 respect to their roles and responsibilities and to 20 help educate them and get them up to speed as to 21 where you left things? 22 A. Absolutely. 23 Q. And that's very important in any 24 transition of leadership at any facility, isn't it, 25 sir?</p>

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1 A. No question.  
 2 Q. And did you know that in this case that  
 3 Mr. Parus was removed from his position as business  
 4 unit leader in May of 2005?  
 5 A. I'm aware of this, yeah.  
 6 Q. And were you made aware of the  
 7 circumstances as to why he was put on leave?  
 8 A. No.  
 9 Q. Did it have anything to do with the  
 10 decision to remove Mr. Parus from his position as  
 11 the leader of that plant?  
 12 A. Not at all.  
 13 Q. Did you know who replaced him?  
 14 A. Sure, Colin Maclean.  
 15 Q. Did you know Mr. Maclean?  
 16 A. We had an interview with him.  
 17 Q. Did you assist in the decision to have  
 18 Mr. Maclean placed in the position of replacing  
 19 Mr. Parus?  
 20 A. No, sir.  
 21 Q. Okay.  
 22 A. I was not involved in anything before I  
 23 got the call from Manzoni in -- in January of this  
 24 year.  
 25 Q. Okay. So the interview you had with

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1 Mr. Maclean was not interviewing for replacing  
 2 Mr. Parus, but interviewing him this year specific  
 3 to this investigation?  
 4 A. Right.  
 5 Q. Were you made aware from that interview  
 6 or from other sources that when Mr. Maclean came in  
 7 and replaced Mr. Parus in the middle of May of  
 8 2005, that there was no transition?  
 9 MR. GALBRAITH: Objection, form.  
 10 A. I was not made aware, but I read in  
 11 various deposition transcripts that that was an  
 12 issue.  
 13 Q. (BY MR. COON) All right. Did you read  
 14 from Mr. Parus' deposition that he extended the  
 15 opportunity to meet with Mr. Maclean on several  
 16 occasions and brief him and assist him in the  
 17 transition of the responsibility of running what  
 18 was BP's largest refinery in the world?  
 19 A. I've -- I've read the deposition.  
 20 Q. Was it concerning to you that even though  
 21 those offers were made, Mr. Maclean made a decision  
 22 to rebuff those overtures of a transitional  
 23 briefing and not even talk to Mr. Parus at all  
 24 about what was going on out there at the time of  
 25 his departure from the facility?

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1 MR. GALBRAITH: Objection, form.  
 2 A. Well, I read this; but I didn't -- I  
 3 didn't give it much thought because I found it sort  
 4 of not of relevance for our work.  
 5 Q. (BY MR. COON) Sure.  
 6 It wasn't really relevant for your  
 7 accountability audit, correct? How well the  
 8 transition occurs after the fact wasn't really  
 9 something y'all were looking into, right?  
 10 MR. GALBRAITH: Objection, form.  
 11 A. Can you repeat that?  
 12 Q. (BY MR. COON) Yes, sir.  
 13 What was happening with respect to  
 14 any transitions after the explosion was not a major  
 15 focus of your investigation?  
 16 A. No, sir.  
 17 Q. But just from the standpoint of being a  
 18 leader at BP and group vice president and the CEO  
 19 of an oil company, was it concerning to you that  
 20 under all of these straining circumstances, with  
 21 such a large refinery being involved that the  
 22 person that replaced Mr. Parus did not even talk to  
 23 him about what was going on out there and where  
 24 they stood with respect to any transition?  
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) Was that something that  
 2 just bothered you?  
 3 MR. GALBRAITH: Objection, form.  
 4 A. It's difficult to judge from the  
 5 sidelines what was right. I really can't comment  
 6 on this.  
 7 If you have a handover without  
 8 such a tragedy as the cause for the hand over, then  
 9 it's, from my point of view, absolutely required  
 10 that you bring up to speed -- that you bring your  
 11 successor up to speed; but in this very particular  
 12 situation, it would be -- it would not be right  
 13 for -- from my perspective to -- to comment on  
 14 this.  
 15 Q. (BY MR. COON) All right. So -- so from  
 16 your position and your experience, you don't have  
 17 an opinion as to whether or not it was good or bad  
 18 for the new plant manager to come in and not even  
 19 entertain a phone call or a lunch discussion over  
 20 what was going on out there at the time that that  
 21 person was removed from his position, even though  
 22 he was offering to do so?  
 23 A. In this --  
 24 MR. GALBRAITH: Objection, form.  
 25 A. I have no experience in such a tragedy.

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1 So I couldn't tell you in my experience what  
 2 I've -- what I would have done in such a situation.  
 3 Q. (BY MR. COON) Okay. I want to ask you  
 4 some questions next briefly, sir, on the comments  
 5 you made about Mr. Pillari and his fiduciary  
 6 responsibilities.  
 7 What was meant here when you said  
 8 that Mr. Pillari was a fiduciary but is not  
 9 responsible for compliance?  
 10 A. That's -- that's something which -- which  
 11 I'm -- I've been struggling with also in my role.  
 12 We are required for your job description that we --  
 13 we -- as we look at -- at the company as a whole,  
 14 at our business and functions, that they are  
 15 compliant with the laws and with the -- with the  
 16 BP management regulations and rules. But the  
 17 implementation, the responsibility and the  
 18 accountability for implementation to compliance,  
 19 implementation and compliance, that goes with  
 20 the -- with the business and function unit leaders.  
 21 So it's a -- you know, it's a bit  
 22 like a referee. You are on the playing ground, and  
 23 you have to make sure that people are behaving  
 24 according to the rules.  
 25 Q. Was there some concern from your part

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1 that Mr. Pillari was taking this distant position  
 2 that he really wasn't responsible for what was  
 3 going on day to day at the refineries?  
 4 A. It was not disturbing to me because I  
 5 knew his role as -- I had some experience in this  
 6 aspect.  
 7 Q. Okay. So you knew and understood and  
 8 accepted that distant responsibility as it related  
 9 to day-to-day operations at the plant --  
 10 A. And because what --  
 11 MR. GALBRAITH: Objection, form.  
 12 THE WITNESS: I'm sorry.  
 13 A. -- it was in line with the -- with the  
 14 management philosophy of BP.  
 15 Q. (BY MR. COON) And as we understand from  
 16 other depositions in this case and the discovery,  
 17 it's really Mr. Gower in Chicago who would have  
 18 been the responsible person from an oversight role  
 19 at BP as to what was going on at the various  
 20 refineries here in the States?  
 21 A. Yes, sir.  
 22 Q. And Mr. Gower was the person that you  
 23 also talked to later that day, correct?  
 24 A. Right.  
 25 Q. I want to talk about the next paragraph.

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1 This is page 5 of the interview.  
 2 The "Quality of Assets," what are  
 3 we talking about there? The condition of the  
 4 facility?  
 5 A. Right.  
 6 Q. And one of the comments Mr. Pillari made  
 7 is when he went to Texas City and he saw some  
 8 reports, the next was TXC -- that's Texas City,  
 9 we're talking about the Texas City refinery,  
 10 correct?  
 11 THE VIDEOGRAPHER: Can you bring  
 12 it down a little? Okay.  
 13 Q. (BY MR. COON) When we talk about "TXC,"  
 14 we're talking about the Texas City refinery where  
 15 the --  
 16 A. Yes, sir.  
 17 Q. -- explosion happened?  
 18 A. Yes, sir.  
 19 Q. And the comment here is that "TXC had  
 20 been neglected."  
 21 And can you elaborate on that?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I believe that he was building on  
 24 hearsay. That's what I believe. Now, I can't give  
 25 you more comments.

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1 Q. (BY MR. COON) Do you know what  
 2 Mr. Pillari was talking to when he said he saw the  
 3 reports at Texas City?  
 4 A. I think he -- if my memory serves me  
 5 right, then he was referring to the A.T. Kearney  
 6 report.  
 7 Q. That being the 2002 report?  
 8 A. Yes.  
 9 Q. And you saw that report, did you not,  
 10 sir?  
 11 A. I did.  
 12 Q. And you understand that that report had a  
 13 number of charts and graphs showing that there had  
 14 been a long term underinvestment in the assets of  
 15 Texas City?  
 16 MR. GALBRAITH: Objection, form.  
 17 A. I saw a decline in investment.  
 18 Q. (BY MR. COON) Do you recall generally  
 19 how much decline in investment there had been at  
 20 the Texas City facility over the decade preceding  
 21 the Veba report?  
 22 A. I remember the view graph, but I don't  
 23 have any numbers in mind.  
 24 Q. I think we have copies we may be able to  
 25 look at later.



<p style="text-align: right;">Page 158</p> <p>1 But do you recall that the fixed 2 operational budget at Texas City was in the 3 neighborhood of 450 million a year circa 1992; and 4 by the time of the merger in 1999, it was somewhere 5 under 400, and even in the mid 3's range? 6 A. Maybe. Again, I don't recall the 7 numbers. 8 Q. That brought up the other issue. 9 Were you aware of the budget cut 10 emanating from London as a result of the merger 11 between BP and Amoco in January of 1999? 12 A. I was not part of BP in those days. 13 Q. I know -- I understand that, sir. 14 But were you ever made aware that 15 there was an edict from London in 1999 to cut the 16 fixed operational budget at all the refineries 17 25 percent? 18 A. I've never seen such an edict. 19 MR. GALBRAITH: Objection, form. 20 A. What I've seen is view graphs which say 21 "budget cut," but I've never seen an edict from 22 London. 23 Q. (BY MR. COON) Okay. You've never heard, 24 as part of your investigation here or in your years 25 working for BP since the acquisition of Veba, that</p>	<p style="text-align: right;">Page 160</p> <p>1 available in the public domain, compared us with 2 the major competitors like ExxonMobil, Shell and so 3 on. And it was a very global number which -- which 4 had been presented to us was telling where we are 5 too costly, we need to reduce our costs; but it was 6 for the group as a whole. 7 THE VIDEOGRAPHER: Excuse me. 8 We're just under five minutes. 9 MR. COON: Thank you. 10 Q. (BY MR. COON) Did you read the 11 depositions or were you provided with summaries of 12 the depositions of persons that you did not intend 13 on interviewing, such as Mr. Carter or Mr. Scruggs 14 at Texas City? 15 A. I have not read their depositions. 16 Q. Have you read the deposition of Paul 17 Maslin, who is head of technology in London? 18 A. Yeah, but very superficially. Yeah. 19 Q. Okay. Do you recall from his or from 20 Ms. Lucas or some of the other people, Mr. Parus, 21 that there was an acknowledgment that there was a 22 budget cut emanating from London in 1999 that 23 apparently applied to most, if not all, of the 24 business units internationally -- 25 A. I've --</p>
<p style="text-align: right;">Page 159</p> <p>1 there was a budget cut emanating from London after 2 the merger -- 3 MR. GALBRAITH: Objection. 4 Q. (BY MR. COON) -- by Lord Browne to cut 5 the fixed operational budget at all the refineries 6 about 25 percent across the board? 7 A. I've -- 8 MR. GALBRAITH: Objection, form. 9 A. I've never heard this. What I'm -- as 10 part of the group vice president level, we have 11 been, of course, in meetings where we debated to 12 what extent we -- we are at a same cost level as 13 our competitors, whether we are too -- too costly, 14 operating too costly or not. And this is a 15 continuous conversation -- conversation you have. 16 I had it in my company, as well. 17 Q. (BY MR. COON) Is that what you're 18 talking about in the Solomon benchmarking and other 19 indices within the sector? 20 A. Well, what we have -- Solomon is 21 certainly a very important indicator as far as 22 refineries are concerned; and we -- we based on 23 Solomon as a very important indicator. 24 But I think it was a group within 25 a group strategy which compared -- built on data</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. -- in the BP -- 2 A. I've seen -- 3 MR. GALBRAITH: Objection, form. 4 A. I've seen in many, many depositions that 5 that was a topic you have dealt with; but that's -- 6 that's only my -- my only knowledge. 7 Q. (BY MR. COON) Have you been made aware 8 from discovery in this case and the depositions of 9 a number of individuals that there have been 10 opinions expressed by BP representatives that the 11 budget cut in London in 1999 further compromised 12 the infrastructural integrity of the BP Texas City 13 system? 14 MR. GALBRAITH: Objection, form. 15 A. Again, I have read a number of such 16 statements, but that was all. 17 Q. (BY MR. COON) Did you see anything or 18 hear anything with respect to -- for instance, Paul 19 Maslin, who was the business unit leader of Coryton 20 in 1999 and received a copy of the budget cut 21 mandate from London, were you made aware of his 22 testimony? 23 A. I went superficially through his 24 testimony, and -- 25 Q. Do you understand --</p>

<p style="text-align: right;">Page 162</p> <p>1 A. -- and I --</p> <p>2 Q. Do you understand --</p> <p>3 A. -- remember that I've seen something like</p> <p>4 this.</p> <p>5 Q. Do you recall -- do you know Mr. Maslin?</p> <p>6 He heads the technology sector over in London?</p> <p>7 A. Yeah, I've heard his name and I had some</p> <p>8 phone -- e-mail exchange with him; but if you put</p> <p>9 him in this room -- this room, I think I would not</p> <p>10 recognize him.</p> <p>11 Q. Okay. Mr. Maslin testified that he was</p> <p>12 the business unit leader at the Coryton facility in</p> <p>13 the UK in 1999 when the budget cut came down. Do</p> <p>14 you know that facility?</p> <p>15 A. No.</p> <p>16 MR. GALBRAITH: Objection, form.</p> <p>17 Q. (BY MR. COON) Did you know him as a</p> <p>18 business unit leader at that facility at the time?</p> <p>19 A. Again, in '99, I was not part of BP.</p> <p>20 Q. He complained that when he received a</p> <p>21 copy of the budget reduction mandate from London,</p> <p>22 that he could not accommodate a 25 percent budget</p> <p>23 cut because they had already been through lean</p> <p>24 times all through the 1990s and didn't have any</p> <p>25 more budget cuts they could make?</p>	<p style="text-align: right;">Page 164</p> <p>1 refining sector that had occurred through the</p> <p>2 1990s.</p> <p>3 MR. GALBRAITH: Objection, form.</p> <p>4 Q. (BY MR. COON) Now, if he said that,</p> <p>5 that's not something that would surprise you, is</p> <p>6 it, sir, because you were dealing with those same</p> <p>7 issues as the CEO of Veba during those same years,</p> <p>8 weren't you?</p> <p>9 MR. GALBRAITH: Objection, form.</p> <p>10 A. I have -- I have been in similar</p> <p>11 situations for the whole company, and I pushed</p> <p>12 back.</p> <p>13 THE VIDEOGRAPHER: Excuse me. We</p> <p>14 need to change tape.</p> <p>15 MR. COON: That's fine.</p> <p>16 THE VIDEOGRAPHER: This is the</p> <p>17 conclusion of Tape 3. We are going off the record</p> <p>18 at 12:46. We will continue on Tape 4.</p> <p>19 (Lunch recess taken.)</p> <p>20 THE VIDEOGRAPHER: This is the</p> <p>21 beginning of Tape 4. We are going on the record at</p> <p>22 2:03 p.m.</p> <p>23 Q. (BY MR. COON) Mr. Bonse, before the last</p> <p>24 break, we were talking about the first of these</p> <p>25 interview summaries, this one being on Mr. Pillari.</p>
<p style="text-align: right;">Page 163</p> <p>1 A. That's what --</p> <p>2 MR. GALBRAITH: Objection --</p> <p>3 A. -- he says.</p> <p>4 MR. GALBRAITH: -- form.</p> <p>5 Q. (BY MR. COON) Is -- is that consistent</p> <p>6 with what you had told us about earlier, that when</p> <p>7 you were over at Veba, y'all were dealing with the</p> <p>8 same types of financial difficulties because of the</p> <p>9 down cycle in the energy sector that impacted the</p> <p>10 refinery operations of oil facilities throughout</p> <p>11 the 1990s?</p> <p>12 MR. GALBRAITH: Objection, form.</p> <p>13 A. The way our parent company dealt with us</p> <p>14 on such issues was that they came up with global</p> <p>15 expectations. They said: We want you to deliver a</p> <p>16 cash flow or a profit of that and that size; and if</p> <p>17 you can't do it, come up with proposals how to</p> <p>18 deliver what we want, what we need.</p> <p>19 And then it was our job to think</p> <p>20 about the options we have.</p> <p>21 Q. (BY MR. COON) Well, Mr. Maslin, as an</p> <p>22 example, said when the budget cut came from London</p> <p>23 after the merger that he could not accommodate</p> <p>24 because they had already cut the budget everywhere</p> <p>25 they could to accommodate the down cycle in the</p>	<p style="text-align: right;">Page 165</p> <p>1 And we were at the fifth page. We were talking</p> <p>2 about the quality of assets; and you can see it on</p> <p>3 the monitor there in front of you, if you --</p> <p>4 A. Yes.</p> <p>5 Q. -- need to review the contents of the</p> <p>6 interview itself. And in talking about that page</p> <p>7 under "Quality of Assets," we were discussing the</p> <p>8 issue of the -- what I'm going to call the sector,</p> <p>9 the energy sector back in the 1990s because it's</p> <p>10 referenced again here (indicating) when it talks</p> <p>11 about -- the third sentence here, it says the</p> <p>12 directive -- let me back up here.</p> <p>13 It talks about when Mr. Pillari</p> <p>14 went to Texas City, he saw some reports; and we</p> <p>15 talked about those before the break and the</p> <p>16 acknowledgement that TXC, which was Texas City, in</p> <p>17 his opinion had been neglected. And that's about</p> <p>18 where we left off.</p> <p>19 I want to talk next about the next</p> <p>20 sentence here: "Doug Ford and Al Kozinski were</p> <p>21 involved..."</p> <p>22 Who were those gentlemen?</p> <p>23 A. Doug Ford was the -- was the predecessor</p> <p>24 to John Manzoni and Al Kozinski, the predecessor to</p> <p>25 Mike Hoffman.</p>

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1 THE VIDEOGRAPHER: Can you bring  
 2 that down just a little bit?  
 3 Q. (BY MR. COON) And his comments, as I  
 4 understand, to you as a group was that these  
 5 gentlemen "tried to squeeze as much out of  
 6 Texas City, so maintenance was neglected."  
 7 And I'm inferring from that that  
 8 they did not invest what they could have or should  
 9 have in maintenance because they were trying to  
 10 squeeze what profit margins were available out of  
 11 it. Is that --  
 12 MR. GALBRAITH: Objection, form.  
 13 Q. (BY MR. COON) -- your --  
 14 A. Well, that --  
 15 Q. (BY MR. COON) -- understanding?  
 16 A. That's what --  
 17 MR. GALBRAITH: Objection, form.  
 18 A. That's what I hear Ross Pillari is saying  
 19 because I was -- as you know, I was not present  
 20 there.  
 21 Q. (BY MR. COON) That wasn't your -- you  
 22 didn't have any personal knowledge one way or the  
 23 other, correct?  
 24 A. No.  
 25 Q. But Mr. Pillari was relating these issues

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1 to you as his opinions as to what was --  
 2 A. His opinions --  
 3 Q. -- transpiring during the --  
 4 A. Yes.  
 5 Q. -- time frame?  
 6 A. Yes.  
 7 Q. And then it says, "The directive was to  
 8 keep expenditures low because of ten years of  
 9 lousy" refining margins -- "refinery margins."  
 10 And, first of all, when he's  
 11 talking about these "ten years of lousy refinery  
 12 margins," do you know if he was talking about  
 13 Texas City specifically or just generally in the  
 14 refining sector nationally or internationally like  
 15 what you saw at Veba during those same years?  
 16 A. If my memory serves me right --  
 17 MR. GALBRAITH: Objection, form.  
 18 A. If my memory serves me right, then he was  
 19 talking about the refinery margins in the Gulf  
 20 area.  
 21 Q. (BY MR. COON) And then it comments on --  
 22 it says, "London did not say reduce maintenance, it  
 23 said capital and capital choices favored  
 24 commercial."  
 25 What does that mean, "capital

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1 choices favored commercial"?  
 2 A. Well, the --  
 3 MR. GALBRAITH: Objection, form.  
 4 Same objection.  
 5 A. The way they allocate -- they allocate a  
 6 certain capital budget to a -- to a business.  
 7 That's usually done. I experienced this myself.  
 8 And then it's up to the -- responsible to the  
 9 business unit leader to decide where he invests the  
 10 funds made -- made available to him. It can be  
 11 done for several purposes, different purposes.  
 12 Q. (BY MR. COON) All right. Are you left  
 13 with somewhat of a Hobson's choice when you're in  
 14 that predicament?  
 15 A. To some extent, yeah.  
 16 MR. GALBRAITH: Objection, form.  
 17 MR. COON: I'm going to start  
 18 asking you on what basis.  
 19 MR. GALBRAITH: Okay.  
 20 MR. COON: Just because you don't  
 21 know what a "Hobson's choice" is doesn't mean the  
 22 witness doesn't.  
 23 MR. FERNELIUS: He's confused by  
 24 the question.  
 25 MR. COON: It's not a hurtful --

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1 MR. GALBRAITH: I'm trying to be  
 2 in the background here. I'm not trying to  
 3 interrupt, but I do have to lodge some --  
 4 MR. COON: There's a first time  
 5 for everything, isn't there, Counsel?  
 6 MR. GALBRAITH: Okay.  
 7 Q. (BY MR. COON) All right. Now, the next  
 8 comment he made, sir, was: "It was a sad  
 9 environment."  
 10 Now, was this what Mr. Pillari  
 11 told your group his opinion was with respect to  
 12 this set of circumstances?  
 13 A. Right.  
 14 Q. Were you in position of concurring based  
 15 on what you knew about the environment and what you  
 16 understood to be the issues in this case?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. In -- in a more general way, yes.  
 19 Q. (BY MR. COON) And then it goes on to  
 20 talk about the contractors. Now, we know in this  
 21 case that Texas City utilized contractors for a  
 22 number of processes, one of those was new  
 23 construction projects.  
 24 And it's not uncommon, is it, sir,  
 25 for refineries that have their own workforce to

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1 bring in contractors for a number of different  
 2 purposes, including new construction?  
 3 MR. GALBRAITH: Objection, form.  
 4 A. I agree.  
 5 Q. (BY MR. COON) And in this case there had  
 6 been a long history of utilizing contractors for  
 7 various purposes out at Texas City and other  
 8 BP owned facilities, have they not?  
 9 A. To my knowledge, yes.  
 10 Q. And a comment that Mr. Pillari noted  
 11 here, under this section under "Quality of Assets"  
 12 in talking about the condition of those assets, is  
 13 that, "Contractors had told Mr. Pillari that  
 14 Texas City was not a good place to work."  
 15 And this is, again, something  
 16 Mr. Pillari related to you; is that correct?  
 17 A. Yeah, he relayed -- yeah, he told us,  
 18 yeah, that -- this is a reflection or a -- it's,  
 19 yeah, reporting what he has told us.  
 20 Q. Sure. And so when you're -- when you're  
 21 putting these quotes in here, basically what this  
 22 says right here is that you're talking to  
 23 Mr. Pillari and you're taking notes down and this  
 24 is what your investigation is doing.  
 25 And one of the notes that was

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1 taken down was that Mr. Pillari was not only  
 2 telling you things that he knew, but he's also  
 3 relating to you things that he had been told by  
 4 other people?  
 5 A. That's right.  
 6 MR. GALBRAITH: Objection, form.  
 7 Q. (BY MR. COON) And the comment here is  
 8 that, while he's talking to you, telling you his  
 9 observations and the things that he had seen and  
 10 his opinions, he also tells you that it was not  
 11 only his opinions about the problems in Texas City,  
 12 but he corroborated that by saying contractors had  
 13 also told him that Texas City was not a safe place  
 14 to work. It was a reinforcement of his own  
 15 opinion, wasn't it?  
 16 MR. GALBRAITH: Objection, form.  
 17 A. It was reported by him, right.  
 18 Q. (BY MR. COON) Yeah.  
 19 So did -- did he tell you which  
 20 contractors? Was it all the contractors or the  
 21 major contractors? Did he give you any details as  
 22 to the circumstances in which contractors would  
 23 personally tell Mr. Pillari that Texas City was not  
 24 a good place to work?  
 25 A. If he did so, I don't recall.

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1 Q. Okay. Do you know what circumstances  
 2 would be entertained for the contractors to go to  
 3 the effort of talking directly to Mr. Pillari in  
 4 Chicago about doing work in Texas City?  
 5 MR. GALBRAITH: Objection, form.  
 6 A. I don't know. I can't comment.  
 7 Q. (BY MR. COON) Because Mr. Pillari, as  
 8 the president of BP North America, was not normally  
 9 responsible for engaging the contractors in the  
 10 work to be done at the refineries, was he, sir?  
 11 A. No, he was not.  
 12 Q. And, in fact, we talked about that  
 13 earlier.  
 14 And, specifically, Mr. Pillari, in  
 15 the chain of command and his fiduciary  
 16 responsibilities, that did not entertain direct  
 17 work with the contractors at any levels, did it,  
 18 sir?  
 19 A. That's right.  
 20 Q. And yet in spite of that, he admitted to  
 21 you that in spite of his chain of command and where  
 22 he sat at BP, it was still called personally to his  
 23 attention by the contractors that would engage BP  
 24 that they did not work at Texas City because of the  
 25 condition of that facility?

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1 A. That's right.  
 2 Q. And, in fact, the additional comment made  
 3 here was that those contractors told him that they  
 4 would rather work someplace else because Texas City  
 5 was not -- just not a place -- was not a good place  
 6 to work, they actually said because Texas City was  
 7 dangerous?  
 8 A. That's right.  
 9 Q. And they meant "dangerous" from the  
 10 standpoint that they were concerned for their  
 11 safety and health and lives working at that plant  
 12 because of the condition of that plant, correct?  
 13 A. That's what --  
 14 MR. GALBRAITH: Objection, form.  
 15 A. -- he says.  
 16 Q. (BY MR. COON) And these were things that  
 17 were expressed to Mr. Pillari throughout the time  
 18 that he had oversight roles at Texas City. This is  
 19 not just stuff that was reflected after the  
 20 explosion, is it?  
 21 MR. GALBRAITH: Objection, form.  
 22 A. Well, I -- I have to say that I don't  
 23 recall what time frame his observations were made.  
 24 He just described it from -- from the day we were  
 25 meeting him.

<p style="text-align: right;">Page 174</p> <p>1 Q. (BY MR. COON) And I'm going to clarify 2 one other thing for you here so it's not 3 misleading. 4 I noticed when I referenced you to 5 that second line of questions on that page, I'll 6 point out that it was at page 5; and then in 7 looking at it, all of these pages have "5" at the 8 bottom. So I don't think we have any other 9 numbering system for there, but we were talking 10 about -- I guess we need to keep identifying it by 11 the paragraph. 12 That was all under Paragraph D, 13 that identifies Paragraph D, correct? 14 A. Uh-huh. 15 Q. Now, then you went on, in talking with 16 Mr. Pillari, to discuss Mr. Parus' role at 17 Texas City. 18 And what was the purpose of trying 19 to get a better understanding from Mr. Pillari as 20 to what Mr. Parus' roles were since he didn't have 21 any day-to-day responsibilities of oversight of 22 Mr. Parus? 23 A. Well, again, as I -- as I said, we wanted 24 to have as many views in the beginning, in 25 particular, to better understand what was going on</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. (BY MR. COON) Thank you for that 2 clarification. 3 Let's go to the second paragraph 4 he talks about here. He talks about, "When changes 5 were made, Mr. Hoffman did not want Mr. Parus at 6 Texas City or Tim Scruggs at Carson City," and yet 7 that is what occurred, isn't it? 8 A. Yes. 9 Q. Did you know how it was that Mr. Pillari 10 knew that Mr. Hoffman didn't -- did not want 11 Mr. Parus to be the business unit leader at 12 Texas City? 13 A. Yeah, that's what he says. 14 Q. Okay. Did you have any understanding as 15 to how Mr. Pillari knew that his boss, Mr. Hoffman, 16 or -- let me back up. 17 Did Mr. Hoffman operate in the 18 chain of command where he had an oversight 19 responsibility to Mr. Pillari? 20 A. No, he did not. 21 Q. Okay. 22 A. Because Mr. Hoffman was in the -- in 23 the -- and still is, in the refining segment, 24 whereas Mr. Pillari is in the region. 25 Q. Do you know how it was that Mr. Pillari</p>
<p style="text-align: right;">Page 175</p> <p>1 or had happened or has led, maybe, to the 2 March 23 tragedy. And I wanted to hear from -- 3 from Ross Pillari, in the light of our 4 accountability investigation, how he sees, 5 actually, the role Mr. Parus has played in 6 Texas City over time. 7 Q. And even though Mr. Parus did not answer 8 directly to Mr. Pillari, Mr. Pillari still had 9 enough of an understanding as to what was going on 10 to form some opinions about Mr. Parus' overall 11 competency areas and -- and things that may be 12 relevant to the business cycle and the business 13 structure there? 14 MR. GALBRAITH: Objection, form. 15 A. Well, you should recall that this 16 interview has taken place in April. It was more 17 than a year after the event itself. So there was 18 certainly, in between, a lot of debate; and Don 19 Parus -- Ross Pillari was much more involved in 20 Texas City matters than he was in prior times. 21 So I couldn't tell you to what 22 extent he has gained this knowledge from 23 overwatching Mr. Parus during the time before 24 March 23 or to what extent those were insights he 25 gained after the March 23 event.</p>	<p style="text-align: right;">Page 177</p> <p>1 was made aware that Mr. Hoffman did not want 2 Mr. Parus to run Texas City? 3 A. I have no first-hand knowledge. 4 Q. But you were given information from 5 Mr. Pillari in the interview that as far as 6 Mr. Pillari was concerned, he was of the opinion, 7 from whatever sources, that Mike Hoffman did not 8 want Don Parus to be the Texas City manager and 9 that that had been someone else's decision? 10 A. That's what he -- 11 MR. GALBRAITH: Objection, form. 12 A. -- told us. 13 Q. (BY MR. COON) Did you have an 14 understanding, from your conversation with 15 Mr. Pillari, as to why Mr. Hoffman had not wanted 16 Mr. Parus to be the plant manager at Texas City? 17 MR. GALBRAITH: Objection, form. 18 A. No, I did not get any information of the 19 sort. 20 Q. (BY MR. COON) Okay. The same question 21 when it comments also that Mr. Hoffman had not 22 wanted Tim Scruggs to be the plant manager at 23 Carson City. 24 Did you understand that 25 Mr. Scruggs was the plant manager of Texas City</p>

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1 before Don Parus?  
 2 A. That's right.  
 3 Q. Did you talk to Mr. Scruggs as part of  
 4 your investigation?  
 5 A. No, we did not.  
 6 Q. Any particular reason why you did or did  
 7 not?  
 8 A. No. Because he left, I think, in 2002;  
 9 and we didn't find this of major relevance for the  
 10 March 23.  
 11 Q. Okay. And when you say he left in 2002,  
 12 it was your understanding that Mr. Scruggs left the  
 13 Texas City facility in 2002 and was transferred  
 14 over to a management position at Carson City, which  
 15 was another BP facility?  
 16 A. Carson City is a BP facility.  
 17 Q. Right.  
 18 And that's where Mr. Scruggs was  
 19 transferred to after he was transferred out of  
 20 Texas City?  
 21 A. Right.  
 22 Q. Did you have an understanding as to why  
 23 Mr. Scruggs or his operations manager, Mr. Carter,  
 24 were transferred out of Texas City?  
 25 A. I didn't get the information.

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1 Q. Did you have an understanding, at any  
 2 point in talking to Mr. Hoffman and others, that  
 3 there were questions concerning the competency or  
 4 attitudes of Mr. Scruggs or Mr. Carter?  
 5 A. No, I have not.  
 6 Q. Did you have an opportunity to interview  
 7 Mr. Carter, George Carter?  
 8 A. No, we didn't seek -- seek to talk to  
 9 him.  
 10 Q. Okay. Did you understand that Mr. Carter  
 11 was deeply involved in the budget cuts made at  
 12 Texas City in 1999 that arguably impacted the  
 13 infrastructure there?  
 14 A. I have read this in some transcripts.  
 15 Q. Did you feel that there was enough  
 16 information with respect to what had been made  
 17 available through the litigation in this case to  
 18 where you did not need to depose or interrogate  
 19 Mr. Carter as part of your investigation?  
 20 A. Not referring to the information we got.  
 21 We felt, as he had left Texas City in 2002, it  
 22 wouldn't make sense to talk to him.  
 23 Q. Okay. Now, you understood that human  
 24 resources came over from London in 2002 to talk to  
 25 a number of the management personnel at Texas City

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1 regarding Mr. Carter, didn't you, sir?  
 2 A. I don't know.  
 3 Q. Were you not made aware that Mr. Carter  
 4 had numerous allegations of being a racist and a  
 5 sexist and unfit for his position at Texas City and  
 6 that brought the human resources department in from  
 7 London?  
 8 A. I have not been --  
 9 MR. GALBRAITH: Objection, form.  
 10 A. -- made aware.  
 11 Q. (BY MR. COON) Okay. And you know what a  
 12 racist is, don't you, sir?  
 13 A. Sure.  
 14 MR. GALBRAITH: Objection, form.  
 15 A. Sure, I know.  
 16 Q. (BY MR. COON) And you know what a  
 17 "sexist" is, don't you, sir?  
 18 A. I have some slight idea.  
 19 Q. Okay. What's your understanding of what  
 20 a "sexist" is --  
 21 MR. GALBRAITH: Objection, form.  
 22 Q. (BY MR. COON) -- since Mr. Carter was  
 23 transferred out of his position at Texas City,  
 24 according to Mr. Parus, for being both a racist and  
 25 a sexist?

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1 MR. GALBRAITH: Objection, form.  
 2 A. Well, I -- my interpretation would be  
 3 that such a guy would consider other races and  
 4 non-male -- females as second-class people, maybe.  
 5 Q. (BY MR. COON) And I take it that's a  
 6 position that you would not espouse. Is that a  
 7 fair statement?  
 8 A. Sure not.  
 9 Q. And if you had a person who was in a high  
 10 level of authority at a refinery that you were  
 11 responsible for, would you tolerate their  
 12 employment in any capacity if they were wearing  
 13 racist attitudes or sexist attitudes on their  
 14 sleeve to the level that it disrupted the  
 15 operations in the facility or adversely impacted  
 16 the emotional attitudes of those sensitive to those  
 17 issues?  
 18 A. In --  
 19 MR. GALBRAITH: Objection, form.  
 20 A. In my country, it's strictly against the  
 21 law.  
 22 Q. (BY MR. COON) And as a result, they  
 23 would not have employment in a position where you  
 24 had an ability to terminate their employment?  
 25 A. We would.

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1 MR. GALBRAITH: Objection, form.  
 2 A. We would.  
 3 Q. (BY MR. COON) Now, as I understand from  
 4 the issues concerning Mr. Carter's investigation  
 5 that brought in human resources from London, they  
 6 interviewed a number of the people there.  
 7 Do you know who it was that they  
 8 actually interviewed that had been making the  
 9 complaints?  
 10 A. No, I'm --  
 11 MR. GALBRAITH: Objection, form.  
 12 A. -- not familiar with it.  
 13 Q. (BY MR. COON) Now, you told me that one  
 14 of the persons on your team actually came from  
 15 human resources in London; is that correct?  
 16 A. No. We have Stephanie Moore. She is  
 17 from human resources in Houston.  
 18 Q. Okay. So there weren't any from the  
 19 London office?  
 20 A. No.  
 21 Q. Do you know if -- was it Stephanie Moore?  
 22 A. Stephanie Moore.  
 23 Q. Do you know if -- that's a she?  
 24 A. That's a she.  
 25 Q. Did you know if Ms. Moore was aware of

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1 the issues associated to Mr. Carter or other  
 2 persons out there that had brought in the London  
 3 department human resources?  
 4 A. To my recollection, we never touched  
 5 that -- touched that issue.  
 6 Q. As part of your investigation into --  
 7 into these issues from an accountability  
 8 standpoint, sir, did y'all go back and look at  
 9 those types of issues as to see whether or not  
 10 attitudinal positions -- that was issues of  
 11 arrogance or intolerance, racial, sexual or  
 12 otherwise -- were at -- an issue with any of the  
 13 people that you talked to?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. Can you repeat your question?  
 16 Q. (BY MR. COON) Yes, sir.  
 17 When you went back into these  
 18 accountability --  
 19 A. Yeah.  
 20 Q. -- audit interviews, was part of the  
 21 purpose of the interviews ever to deal with any  
 22 concerns about the underlying attitudes of those  
 23 personnel; that is, that they carried negative  
 24 attitudes in the operations that they were  
 25 committed to, such as negative attitudes regarding

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1 race or sex or religion --  
 2 A. No, it was not.  
 3 Q. -- or things of that nature?  
 4 A. It was not.  
 5 Q. None of those were germane to your  
 6 investigation?  
 7 A. No. What is "germane"?  
 8 Q. Or relevant to your investigation?  
 9 A. No, that was not our focus.  
 10 Q. I want to talk to you briefly, sir, about  
 11 the next paragraph. This is "F." And, again,  
 12 we're still talking about Mr. Pillari's interview  
 13 summary.  
 14 And can you see that there, sir?  
 15 Can you see that in front of you there on the  
 16 screen?  
 17 MR. GALBRAITH: It's actually  
 18 pretty hard to read.  
 19 (Discussion off the record.)  
 20 Q. (BY MR. COON) All right. Can you read  
 21 that, sir?  
 22 A. We can.  
 23 Q. (BY MR. COON) Okay. If we go to the  
 24 paragraph that we've highlighted there, "F,  
 25 Texas City Incident/Key People," I want to talk

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1 about some of the things that were underlined  
 2 there. And again, this underlining, I'll let you  
 3 know, these are the things that we're highlighting  
 4 as we go along. That's not the way we received the  
 5 documents.  
 6 You did not highlight certain  
 7 portions of the interview yourself, did you, sir?  
 8 A. To my knowledge, we did not.  
 9 Q. Now, in looking at that first paragraph,  
 10 it talks about Mr. Pillari and Kathleen Lucas. It  
 11 says, "Kathleen Lucas took control of the  
 12 disciplinary process. Mr. Pillari made the  
 13 decision to keep Mr. Parus away from the cameras  
 14 and press because he was not thinking clearly."  
 15 Did I read that correctly?  
 16 A. Yes, you did.  
 17 Q. Now, is this talking about his attitudes  
 18 after the explosion or throughout the duration of  
 19 his employment there or do you know?  
 20 MR. GALBRAITH: Objection, form.  
 21 A. Can you repeat?  
 22 Q. (BY MR. COON) Yes, sir.  
 23 On these comments that  
 24 Mr. Parus --  
 25 A. Yeah.

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1 Q. -- was taken away from the cameras and  
 2 the press because he was not thinking clearly, was  
 3 he talking about how he was responding to the press  
 4 post-explosion?  
 5 A. Yes.  
 6 MR. GALBRAITH: Objection, form.  
 7 Q. (BY MR. COON) Did you understand that  
 8 Mr. Parus was having some emotional issues coping  
 9 with what had happened out there in March?  
 10 MR. GALBRAITH: Objection, form.  
 11 A. Yes, that's what I have heard.  
 12 Q. (BY MR. COON) Okay. Did you ever have  
 13 an understanding as to what it was that was  
 14 bothering him mentally associated to the explosion?  
 15 MR. GALBRAITH: Objection, form.  
 16 A. No, we did not discuss this.  
 17 Q. (BY MR. COON) Any understanding as to  
 18 whether -- whether it was associated to his  
 19 feelings of guilt for not doing more while he was  
 20 the plant manager to reduce the risk of something  
 21 like this happening?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. We didn't talk about it.  
 24 Q. (BY MR. COON) Have -- on that subject  
 25 matter, do you know what at Texas City, if

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1 anything, is being done to help the -- the  
 2 management team that was out there at the time deal  
 3 with what happened? I'm not talking about the  
 4 hourly people yet, just -- just even the  
 5 management.  
 6 Do you know what's been done, if  
 7 anything, with respect to grief counseling and  
 8 other coping issues for emotional distress of the  
 9 management team as a result of their personal  
 10 feelings of guilt or remorse associated to what  
 11 happened and the -- any management responsibility  
 12 associated to it?  
 13 A. I haven't heard anything.  
 14 Q. Have you been made aware that there have  
 15 been several management people at Texas City who  
 16 have attempted to take their lives over the last  
 17 year since the explosion?  
 18 MR. GALBRAITH: Objection, form.  
 19 A. No.  
 20 Q. (BY MR. COON) Were you made aware that  
 21 there have been at least two of those management  
 22 people who have committed suicide, apparently, on  
 23 BP's premises over the last year since the  
 24 explosion?  
 25 MR. GALBRAITH: Objection, form.

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1 A. I have no firsthand knowledge, no.  
 2 Q. (BY MR. COON) Did you ever even -- you  
 3 were never even apprised that at least two of the  
 4 management people at Texas City have apparently  
 5 committed acts of suicide on BP premises since the  
 6 explosion?  
 7 A. I remember --  
 8 MR. GALBRAITH: Objection, form.  
 9 A. I remember I've heard something, but I  
 10 didn't -- didn't look at it closer.  
 11 Q. (BY MR. COON) How was it that you heard  
 12 about that, sir?  
 13 MR. GALBRAITH: Objection, form.  
 14 A. During one of the conversations, but I  
 15 don't recall that it was precise information.  
 16 Q. (BY MR. COON) Okay. Are you aware of  
 17 efforts upon other people in management at  
 18 Texas City where they have been dealing with bouts  
 19 of depression and other issues since the explosion  
 20 where they have at least made attempts to take  
 21 their own lives?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I am not aware of it.  
 24 Q. (BY MR. COON) Do you know of any type of  
 25 special grief counseling or other types of

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1 emotional counseling that have been put in place by  
 2 BP to help address the emotional coping issues of  
 3 management out at that facility?  
 4 A. No, I'm not aware of it.  
 5 Q. The same question with respect to the  
 6 hourly employees or the contract employees out  
 7 there.  
 8 Do you know what efforts, if any,  
 9 have been initiated by BP from a management  
 10 standpoint to help people cope with the emotional  
 11 issues associated with that tragedy?  
 12 A. I don't know.  
 13 Q. Did you ever have any major explosions  
 14 within the Veba facilities while you were a CEO?  
 15 MR. GALBRAITH: Objection, form.  
 16 A. It was -- we had a major explosion in  
 17 '91. I was acting CEO at that time. It was our  
 18 hydrocracker, due to a leak, exploded. And then we  
 19 had a major tragic incident which killed a number  
 20 of people due to a break of the pipeline.  
 21 Q. (BY MR. COON) Where was that and when  
 22 was that?  
 23 A. The latter -- the first one was in 1991.  
 24 I was acting CEO, and then the other one was two  
 25 years later.



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1 Q. About 1993?  
 2 A. Yeah, I think so.  
 3 Q. Were you still acting CEO at that time?  
 4 A. At that time I was not, no.  
 5 Q. What was your title at that time, sir?  
 6 A. Well, you know, I was only acting CEO if  
 7 the CEO was not present.  
 8 Q. Okay. What was your title in '91?  
 9 A. '91? I was a member of the management  
 10 board; but according to our -- what is it, yeah,  
 11 rules, the most senior member of the management  
 12 board is acting CEO when -- if and when the actual  
 13 CEO is not available or present.  
 14 Q. And in 1991, when you had an incident,  
 15 you were the senior person on the management board  
 16 and you were the interim CEO in his --  
 17 A. Right.  
 18 Q. -- his or her absence?  
 19 A. Right.  
 20 Q. And where was that person at the time of  
 21 that explosion?  
 22 A. I think he was in the US or in -- or in  
 23 South America, I'm not sure.  
 24 Q. Okay. So anytime they're outside the  
 25 state or outside the refinery or something,

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1 somebody else steps into the role of interim --  
 2 A. Right.  
 3 Q. -- CEO?  
 4 A. Right.  
 5 Q. And then in 1993, were you still on the  
 6 management board?  
 7 A. Yes, I was.  
 8 Q. Was there someone who had somehow become  
 9 more senior to you?  
 10 A. Well, my -- my our CEO was there, and we  
 11 jointly went there to decide where people had been  
 12 killed.  
 13 Q. Okay. But you were still the senior  
 14 person on the management board who would still act  
 15 as the interim CEO in the event that person was  
 16 outside --  
 17 A. Right.  
 18 Q. -- the area?  
 19 A. Right.  
 20 Q. And what happened in that incident, sir,  
 21 the 1993 incident?  
 22 A. We had a -- we had an open trench where a  
 23 pipeline carrying some sort of naphtha broke and  
 24 the fluid filled the trench to some extent, and all  
 25 of a sudden it ignited and it killed some people.

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1 Q. Do you have a recollection as to the  
 2 approximate number of people who were killed in  
 3 that explosion?  
 4 A. I think it was three or four.  
 5 Q. And were they killed from the blast  
 6 itself or were --  
 7 A. Burned --  
 8 Q. -- they burned?  
 9 A. Burned.  
 10 Q. They burned -- burned to death?  
 11 A. Yes.  
 12 Q. Was that the only time you've been  
 13 involved in management at a facility when  
 14 individuals burned to death?  
 15 A. Can you repeat?  
 16 Q. Yes, sir.  
 17 Is that the only time you've been  
 18 involved in a senior management position at a  
 19 refinery when an employee was burned to death?  
 20 A. That was the only.  
 21 Q. Okay. Have you seen -- first of all,  
 22 have you ever witnessed anybody burning to death?  
 23 A. Ever?  
 24 Q. Yes, sir.  
 25 MR. GALBRAITH: Objection, form.

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1 A. No, that -- maybe I didn't express myself  
 2 clearly. I was present immediately after -- after  
 3 the --  
 4 Q. (BY MR. COON) Incident?  
 5 A. -- incident. I was there, and I saw  
 6 people lying on the ground.  
 7 Q. You still saw -- you saw the people  
 8 there?  
 9 A. I saw them dying.  
 10 Q. It's kind of hard to take that vision out  
 11 of your mind, isn't it, sir?  
 12 A. Absolutely.  
 13 MR. GALBRAITH: Objection, form.  
 14 Q. (BY MR. COON) Do you understand that a  
 15 lot of people that worked at Texas City had similar  
 16 visions back on March 23rd, 2005?  
 17 A. I'm sure.  
 18 Q. Was counseling provided for the people  
 19 that were out there back in March 19 -- or whatever  
 20 time it was in 1993 when this naphtha filled trench  
 21 exploded?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I can't tell you because as I told you  
 24 earlier today, I was in charge of upstream; and I  
 25 was just there because I was there with my CEO more

<p style="text-align: right;">Page 194</p> <p>1 incidentally. So I was not involved in the 2 follow-up actions. 3 Q. (BY MR. COON) I want to bring a couple 4 of comments to you here underlined in that same 5 paragraph, sir. 6 A. Yep. 7 Q. It talks about here -- it says, 8 "Mr. Pillari told Mr. Manzoni" that EJPB -- 9 A. That's Lord Browne. 10 Q. Okay. I was wondering if that was. 11 What does "EJPB" mean? 12 A. I can't tell you. I can't tell you, but 13 the second letter is John. What "E" and "P" means, 14 I can't tell you; but the last letter is Browne. 15 Because there are so many Johns in -- in BP and 16 also some Brownes, this is the acronym for the CEO. 17 Q. Okay. I also understand that he was at 18 some point invested with titles in Britain, the 19 first was to be knighted. He was made a sir; is 20 that correct? 21 A. Right. 22 Q. Did you have anything to do with 23 attending any of the celebrations or ceremonies 24 associated with that knightship? 25 A. No.</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. Does having the title of lord vest with 2 it in the UK for Lord Browne any special 3 privileges? 4 MR. GALBRAITH: Objection, form. 5 A. I am not aware. 6 Q. (BY MR. COON) Do you know if it gives 7 him a position in politics with respect to the 8 House of Lords there as the title? 9 A. Yeah, he's sitting -- he's certainly a 10 member of the Upper House there of the lords. 11 Q. And in Britain, that's kind of like we 12 have here in the US, we have a senate and a house 13 of representatives? 14 A. I know. 15 Q. And that's the -- in the UK they have a 16 somewhat similar bifurcated system of politics? 17 A. That's right, but don't ask me about 18 British politics. I'm no expert. 19 Q. Well, I just want to go into another 20 parallel on that; and that is with some other 21 organizations. 22 First of all, did you know 23 Secretary James Baker? 24 A. No. 25 Q. Had any dealings with them or contacts or</p>
<p style="text-align: right;">Page 195</p> <p>1 Q. I'm just asking. I don't know. 2 Have you ever -- 3 A. Actually, he was knighted and was made a 4 lord before I joined BP. So -- 5 Q. Well, that's the next thing I was going 6 to ask, if you knew what was involved in the 7 process and what titles, if any, knighthood bestows 8 upon you in London? 9 A. I can't tell you. 10 Q. Okay. The next question I then had was 11 with respect to his title as a lord. 12 Do you know how it is that he is 13 vested with the title as a lord? What's involved 14 in it? 15 A. I can't tell you. 16 Q. Don't know what's involved in the 17 ceremony or what types of credentials that 18 requires? 19 A. Germany is a republic. 20 Q. No lords there? 21 A. No, just one Lord -- 22 Q. One Lord there? 23 A. -- if you believe in him. 24 Q. And I take it there's no sirs there? 25 A. No, sir.</p>	<p style="text-align: right;">Page 197</p> <p>1 communications with them associated to your 2 investigation? 3 A. No. 4 Q. Do you know anything about an 5 organization called The Carlyle Group? 6 A. Carlyle? 7 Q. Carlyle Group, yes, sir. 8 A. Carlyle Group. I've heard the name, 9 but -- but that's all. 10 Q. All right. You don't have any active 11 roles or support in that organization yourself? 12 A. No, sir. 13 Q. Haven't attended any of their meetings or 14 anything of that nature? 15 A. No, sir. 16 Q. I wanted to talk to you again as we were 17 going to -- these comments that Mr. Pillari had, it 18 says here that -- we were on this sentence here: 19 "EJPB" -- that's Lord Browne, right? 20 A. Yes. 21 Q. So it says here, it says "Mr. Pillari" -- 22 this is what he's telling you. So he told you that 23 he had told Mr. Manzoni and Lord Browne to talk to 24 people. Did he say what people, what that context 25 was in?</p>

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1 MR. GALBRAITH: Objection, form.  
 2 Q. (BY MR. COON) Was it talk to people in  
 3 Texas City and come down there and visit with them  
 4 or talk to the press or just talk to the people in  
 5 the BP system or do you recall?  
 6 A. I'm --  
 7 MR. GALBRAITH: Objection, form.  
 8 A. I'm -- my memory doesn't help me. I  
 9 can't -- but I would -- I would assume from the  
 10 context that Pillari has said that Manzoni and  
 11 Browne should talk to BP staff in Texas City, but I  
 12 may be wrong.  
 13 Q. (BY MR. COON) And then it goes on here,  
 14 it says, "Mr. Pillari told Mr. Hoffman that  
 15 Mr. Parus" -- that's the plant manager there,  
 16 right?  
 17 A. Right.  
 18 Q. -- "that Mr. Parus lost it after the  
 19 explosion..."  
 20 Do you know what he meant there  
 21 when he said "Mr. Parus lost it"?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I can't tell you.  
 24 Q. (BY MR. COON) Well, we're not talking  
 25 about losing it from the standpoint that he -- he

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1 lost any personal possessions, are we?  
 2 MR. GALBRAITH: Objection, form.  
 3 Q. (BY MR. COON) We're talking about like  
 4 he lost it, like he lost it emotionally?  
 5 MR. GALBRAITH: Objection, form.  
 6 A. Maybe.  
 7 Q. (BY MR. COON) And then it goes on to  
 8 say, "Mr. Pillari found out that Mr. Parus'  
 9 behavior was routine."  
 10 And the way I'm reading  
 11 this and -- it just seems to indicate to  
 12 Mr. Pillari -- Mr. Parus was emotionally imbalanced  
 13 after the explosion and he was routinely  
 14 emotionally unbalanced after the explosion and  
 15 that's why he was asked to leave the site. Is that  
 16 your understanding of the conversation?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. I think it would make some sense what  
 19 you're saying; but, again, it's quite some time  
 20 ago.  
 21 Q. (BY MR. COON) And then it goes on to say  
 22 here, it says, "Mr. Pillari was told that Mr. Parus  
 23 would be put on administrative leave."  
 24 Did you have an awareness that he  
 25 subsequently was put on administrative leave?

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1 A. Well, that's --  
 2 MR. GALBRAITH: Objection, form.  
 3 A. -- that's apparent from all that we read  
 4 that he was -- by mid May, if my memory serves me  
 5 right, he was put on administrative leave.  
 6 Q. (BY MR. COON) All right. Did you have  
 7 an opportunity to read the press statements that  
 8 were distributed to the regional press down in  
 9 Texas City, Galveston, Houston area around the  
 10 middle of May of 2005 with respect to the interim  
 11 findings?  
 12 I believe Mr. Pillari, for  
 13 instance, was one of the persons that disseminated  
 14 the statements and actually read the statement to  
 15 the press around May 17, 2005.  
 16 A. I -- I believe I have seen those press  
 17 statements in those many binders I received earlier  
 18 this year, but I have no particular memory.  
 19 Q. Okay. Do you recall that there were  
 20 statements to the press by BP executives, including  
 21 Mr. Pillari, in the middle of May 2005 that  
 22 inferred that the -- one is that BP would accept  
 23 responsibility for what had happened out there and  
 24 that it was their initial conclusions that it was  
 25 due primarily to operator error and that those

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1 employees were terminated as a result of their  
 2 actions or inactions contributing to the explosion?  
 3 Do you recall any of that?  
 4 A. I'm not sure about the second half of  
 5 your question. If you can repeat this.  
 6 Q. (BY MR. COON) Yes, sir. Were you  
 7 aware -- first of all, let me bring in a couple of  
 8 things.  
 9 Were you aware that some employees  
 10 were fired as a result of what Ms. Lucas and others  
 11 determined to be their role and responsibilities  
 12 associated to the explosion?  
 13 A. That's what I learned from the binders.  
 14 Q. And did you ever independently  
 15 investigate any of those root cause analysis issues  
 16 to independently ascertain whether or not you would  
 17 agree or disagree that any or all of those  
 18 employees should have been terminated for their  
 19 roles in that explosion?  
 20 A. Well, I think I said this morning already  
 21 that we did not challenge what had been decided by  
 22 Ms. Lucas.  
 23 Q. Right. You just took what she had said  
 24 with respect to her opinions as to who should be  
 25 fired for granted and moved on from there?

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1 A. Yes, sir.  
 2 Q. And y'all have not gone back to  
 3 individually review the facts associated with those  
 4 terminations to independently determine whether or  
 5 not she was or was not making the right decision  
 6 under the circumstances?  
 7 A. That's right.  
 8 Q. We understand that Mr. Pillari took that  
 9 information and those terminations to the press  
 10 shortly after they occurred, which was around  
 11 May 17th, and at a press conference in Texas City,  
 12 advised that disciplinary actions had been  
 13 initiated against those individuals and that they  
 14 were being terminated.  
 15 Are you aware of that?  
 16 A. Yeah.  
 17 Q. And also that Mr. Parus was going to be  
 18 transferred from his position of leadership as the  
 19 business unit leader, but he was going to be  
 20 transferred over to assist in the investigations  
 21 that were ongoing.  
 22 Did you recall any information of  
 23 that nature?  
 24 A. I remember that I was informed that --  
 25 that he would be, yeah, put on administrative

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1 leave; but I was not aware that he should assist in  
 2 the investigation.  
 3 Q. Okay. Did you have an understanding or  
 4 an impression that the decision to announce that  
 5 Mr. Parus was going to work on the investigation  
 6 was, at any point in time thereafter, misleading  
 7 based on the fact that, one, Mr. Parus was already  
 8 determined by management to be emotionally unstable  
 9 and, two, is the fact that Mr. Parus was never  
 10 asked to assist in the investigation, according to  
 11 Mr. Parus?  
 12 MR. GALBRAITH: Objection, form.  
 13 A. That's what I read in the deposition  
 14 transcripts.  
 15 Q. (BY MR. COON) Okay. Did it surprise you  
 16 in reading Mr. Parus' deposition that it was  
 17 understood that BP executives told the press down  
 18 in Texas City that Mr. Parus was being transferred  
 19 to an investigative role when, in fact, he was not,  
 20 that he was getting a leave of absence of an  
 21 indefinite nature and was not to work on the  
 22 investigation?  
 23 MR. GALBRAITH: Objection, form.  
 24 A. Well, I think we dealt with this topic  
 25 before lunch; and it's difficult for me to -- to

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1 give a judgment whether this was right or not.  
 2 Q. (BY MR. COON) Okay. And irrespective of  
 3 whether it was right or not to put him on leave of  
 4 absence of that nature, would you agree that it  
 5 would maybe be inappropriate to mislead the public  
 6 through the press that the leader of a facility  
 7 where such a tragedy had occurred was to be  
 8 transferred to an investigative role when, in fact,  
 9 they had been put on indefinite leave of absence  
 10 because of emotional instability?  
 11 A. Again --  
 12 MR. GALBRAITH: Objection, form.  
 13 A. Again, I was not part of the decision  
 14 making in this respect; so I can't comment.  
 15 Q. (BY MR. COON) Okay. Well, as a senior  
 16 vice president of BP, would you commend the  
 17 practice of misrepresenting to the public, either  
 18 directly or through the press, the intentions of  
 19 the company with respect to its personnel?  
 20 MR. GALBRAITH: Objection, form.  
 21 A. Again, I was not part of the decision  
 22 to -- to put him on leave and to say he should help  
 23 in the investigation; so I can't comment on this.  
 24 Q. (BY MR. COON) Okay. And, again, I'll  
 25 just go to a hypothetical, if we can, with you,

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1 sir.  
 2 In your position that you've held,  
 3 both with Veba as the CEO and in your senior  
 4 president -- vice president role in Europe for BP,  
 5 would you generally commend the practice of  
 6 misleading the public, either directly or through  
 7 the press, and making statements that you know not  
 8 to be true with respect to the position and status  
 9 of your employees?  
 10 MR. GALBRAITH: Objection, form.  
 11 A. Without now answering your question  
 12 related to Texas City, it happened very often in my  
 13 life that I said something and then I got  
 14 additional information or circumstances have  
 15 changed and I had to -- had to -- to change my  
 16 mind; and it may have looked from outside that I  
 17 have misled because I am doing something different  
 18 from what I have indicated I would do.  
 19 I would not accept that -- the  
 20 fact that he has been -- the public has been told  
 21 he would -- he would help in the investigation,  
 22 that some thoughts came up and information came up  
 23 and circumstances have changed which have changed  
 24 the intention. But I would not accept that the  
 25 company that -- the way I know it, that they

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1 deliberately misled somebody.  
 2 Q. (BY MR. COON) Okay. And I understand  
 3 you were not in Texas City and did not know about  
 4 Mr. Parus' emotional condition back in May of 2005,  
 5 correct?  
 6 A. I didn't know.  
 7 Q. And I'm just asking you this, sir,  
 8 hypothetically: If you had an employee who was  
 9 emotionally unstable and had a prominent position  
 10 in a local community and you told the press --  
 11 instead of saying he has emotional problems, you  
 12 instead told the press that you were transferring  
 13 him to an inferred important role in an  
 14 investigation when, in fact, you knew you weren't  
 15 going to do that because the person was unstable,  
 16 would you recommend that course of action in  
 17 dealing with the press and your community?  
 18 MR. GALBRAITH: Objection, form.  
 19 A. Sir, it's very difficult to argue about  
 20 hypothetical cases. What I feel is what we need to  
 21 do is protect also the individual so that we do not  
 22 harm him. On the other hand, we must not lie  
 23 to our -- to somebody else; but, again, I'm not --  
 24 I'm not actually in a position to -- to comment  
 25 what has happened around March 13th.

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1 Q. (BY MR. COON) Okay. I understand and  
 2 appreciate it.  
 3 MR. COON: But I'm going to object  
 4 to nonresponsive.  
 5 Q. (BY MR. COON) And I'll try to rephrase.  
 6 Mr. Bonse, I'm just trying to get  
 7 an understanding as to what you would do under  
 8 these circumstances; and that is, you had numerous  
 9 very important roles in Veba and then later at BP,  
 10 correct?  
 11 A. Uh-huh.  
 12 Q. (BY MR. COON) And you had to deal with  
 13 all kinds of circumstances over the years, correct?  
 14 A. Sure.  
 15 Q. And sometimes circumstances change after  
 16 the fact, as you said, some decisions you made may,  
 17 down the road, be wrong or you may want to change  
 18 it because you're open minded to making changes in  
 19 the future as you need and what's in the best  
 20 interest of you and your employees and the company,  
 21 correct?  
 22 A. Correct.  
 23 Q. And the question I would have for you is  
 24 in a hypothetical. We're not talking about  
 25 Mr. Parus now. We're talking about a hypothetical.

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1 If you had an employee who had a  
 2 role in the -- in your company that was important  
 3 enough to where the press would know who he was or  
 4 she was, if that person went through a bad set of  
 5 circumstances such as the plant that they were  
 6 responsible for having a major explosion and that  
 7 person then started demonstrating a number of  
 8 significant emotional problems such that you or  
 9 people that worked for you determined that person  
 10 needed to be put on leave of absence because they  
 11 were emotionally unstable --  
 12 A. Right.  
 13 Q. -- would you then go to the press and  
 14 tell people that the person was being transferred  
 15 to another investigative role or other important  
 16 role within the company? Is that what you would  
 17 tell the press?  
 18 MR. GALBRAITH: Objection, form.  
 19 A. I would do so if it -- if it was my clear  
 20 intention and honest intention at the time I  
 21 informed the media.  
 22 Q. (BY MR. COON) But -- and I understand  
 23 it. But I'm saying: At the time you informed the  
 24 media, if you know that you were sending that  
 25 person home on an indefinite leave of absence

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1 because they were mentally, emotionally unstable  
 2 and you had no intention at that time to have them  
 3 work on anything and you want them to go home and  
 4 emotionally rest, would you then tell the press  
 5 anyway that that person was going to continue to  
 6 retain an important role within the company?  
 7 MR. GALBRAITH: Objection, form.  
 8 A. Now you worded your question a different  
 9 way, that I never would have the intention to make  
 10 him part of the investigation and tell the public  
 11 something different, actually would lie. I would  
 12 not do -- I would not do this.  
 13 Q. (BY MR. COON) You would not do that.  
 14 Instead if the person was emotionally unstable, you  
 15 may try to protect their emotional condition. You  
 16 may not go to the press and say, "This man has lost  
 17 his mind."  
 18 You wouldn't do that, would you?  
 19 A. I would not.  
 20 MR. GALBRAITH: Objection, form.  
 21 A. I would not. I would --  
 22 Q. (BY MR. COON) You would respect the --  
 23 the desire to keep his personal issues personal to  
 24 the extent you could, correct?  
 25 MR. GALBRAITH: Objection, form.

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1 A. I would.  
 2 Q. (BY MR. COON) And if the person has  
 3 significant emotional issues, you would want to  
 4 respect his right to privacy on those issues,  
 5 correct?  
 6 MR. GALBRAITH: Objection, form.  
 7 A. I would.  
 8 Q. (BY MR. COON) And you would do what you  
 9 could to protect those --  
 10 MR. GALBRAITH: Object --  
 11 Q. (BY MR. COON) -- within reason?  
 12 MR. GALBRAITH: Objection, form.  
 13 A. Without harming the business I'm in  
 14 charge of.  
 15 Q. (BY MR. COON) Sure.  
 16 And a way of doing that without  
 17 harming the business is to remove them from their  
 18 position and put them on a leave of absence where  
 19 they don't have the responsibilities associated  
 20 with doing anything at the company at the time --  
 21 MR. GALBRAITH: Objection, form.  
 22 Q. (BY MR. COON) -- correct?  
 23 A. Right.  
 24 MR. GALBRAITH: Objection, form.  
 25 Q. (BY MR. COON) But instead of doing that,

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1 if you instead went to the press and told the press  
 2 that the person was being transferred to another  
 3 responsible position, that that, you would agree,  
 4 under those facts, would be a misrepresentation,  
 5 correct?  
 6 MR. GALBRAITH: Objection, form.  
 7 A. Again, I would not -- I would never lie.  
 8 Q. (BY MR. COON) We understand you would  
 9 never, and so I'm asking --  
 10 A. I would never lie.  
 11 Q. And you would not commend other people  
 12 within BP to misrepresent known facts? Facts that  
 13 were known at the time, you would never commend  
 14 them to deliberately misrepresent those facts to  
 15 their own employees or to the press, would you,  
 16 sir?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. Can you repeat again --  
 19 Q. (BY MR. COON) Yes, sir.  
 20 A. -- because obviously it's a very  
 21 important --  
 22 Q. Yes, sir. It's very important to us,  
 23 too, and so I do want to have good clarity with it  
 24 and I appreciate that.  
 25 I just want to make sure, first of

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1 all, one, is that you would never commend your  
 2 company to deliberately, consciously misrepresent  
 3 the roles and responsibilities of individuals that  
 4 work for you?  
 5 A. No, I would never do it.  
 6 Q. And so if you put somebody on a leave of  
 7 absence because they were emotionally unbalanced,  
 8 you would not instead go to the press and say that  
 9 person is being transferred to another prominent  
 10 role in the company, would you, sir?  
 11 MR. GALBRAITH: Objection, form.  
 12 A. I -- no, I would not -- I had a case, a  
 13 similar case in my role as CEO where we both agreed  
 14 on a -- on wording which was not a lie, which kept  
 15 his personal reputation.  
 16 Q. (BY MR. COON) And protected their  
 17 privacy?  
 18 A. Yeah, and it was not a lie. So this is  
 19 something -- the language is rich in finding the  
 20 right formula.  
 21 Q. Sure.  
 22 So if you had somebody who is  
 23 emotionally unstable and you didn't want to  
 24 embarrass them, you can just say that person is  
 25 being transferred out and not tell them what the

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1 responsibilities are, just that person is taking a  
 2 leave or say nothing about them. You could --  
 3 those are all options, right?  
 4 A. There are many --  
 5 MR. GALBRAITH: Objection --  
 6 A. -- options.  
 7 MR. GALBRAITH: -- form.  
 8 Q. (BY MR. COON) But you don't have to go  
 9 out and make up some excuse for why you're  
 10 transferring them so that there's not a red flag.  
 11 You don't have to do that, go out and make up an  
 12 excuse and make up a reason for the departure that  
 13 is not true?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. I don't need to.  
 16 Q. (BY MR. COON) And you would not commend  
 17 anybody that works for BP, even if it's in public  
 18 relations, to do something like that, would you,  
 19 sir?  
 20 MR. GALBRAITH: Objection, form.  
 21 A. I would not.  
 22 Q. (BY MR. COON) The top of the next page,  
 23 this is dealing with the trailers and start-up,  
 24 under "H."  
 25 A. Uh-huh.

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1 Q. Why did y'all have the trailers as an  
 2 issue to talk to these folks about, trailer siting?  
 3 A. Why we did talk about it?  
 4 Q. Yes, sir.  
 5 A. Well, because we had learned already from  
 6 all the papers we had read in preparation of these  
 7 interviews that there was reason to assume that the  
 8 trailers were too close to the -- to the plant --  
 9 to the blowdown stack, and that's why we addressed  
 10 it.  
 11 Q. And, in fact, you understood from the  
 12 Mogford report and other things you had read that  
 13 if the trailers had been located pursuant to BP's  
 14 own trailer siting studies and recommendations,  
 15 that it was highly likely none of these people  
 16 would have been killed?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. You are right.  
 19 Q. (BY MR. COON) Did Veba have any trailer  
 20 siting guidelines when you were the CEO there from  
 21 '95 to 2002?  
 22 A. I -- I can't tell you, actually.  
 23 Q. Do you recall whether or not you even  
 24 allowed temporary trailers on to the premises  
 25 during construction projects?

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1 A. Well, we had trailers. When -- I  
 2 remember when we had construction going on in the  
 3 refinery, there were trailers; but I can't tell you  
 4 whether we had rules which clearly spelled out  
 5 where to place them.  
 6 Q. Did you have an understanding or  
 7 recollection as to what the BP standards were with  
 8 respect to trailer siting at the time of this  
 9 explosion?  
 10 A. No, no.  
 11 Q. Have you since gained an understanding  
 12 that the trailer siting guidelines for Texas City  
 13 and within the BP system, as a result of Amoco  
 14 Heritage on trailer siting going back to Stan  
 15 Sorrels' 1995 handbook, was that trailers were not  
 16 to be located within 350 foot of an operating unit?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. That's what I've read.  
 19 Q. (BY MR. COON) Did you understand that  
 20 even though trailers were not to be located within  
 21 350 foot, that solid constructed buildings such as  
 22 concrete block buildings had to be even further  
 23 away from a unit?  
 24 A. That's what --  
 25 MR. GALBRAITH: Objection, form.

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1 A. -- I've read.  
 2 Q. (BY MR. COON) Did you have an  
 3 understanding from the trailer siting issues, the  
 4 Mogford report and elsewhere, why it was that you  
 5 could put a trailer closer to a unit than a  
 6 concrete block building?  
 7 A. I don't know.  
 8 MR. GALBRAITH: Objection, form.  
 9 Q. (BY MR. COON) Does it seem odd that BP  
 10 would have a policy allowing these flimsy temporary  
 11 trailers to be located much closer to a unit, even  
 12 under their own guidelines, than a concrete block  
 13 building?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. I did not.  
 16 Q. (BY MR. COON) Okay. You have been in  
 17 these temporary trailers, haven't you, sir?  
 18 MR. GALBRAITH: Objection, form.  
 19 A. Not in a refinery.  
 20 Q. (BY MR. COON) But you've been in  
 21 temporary trailers --  
 22 A. I have --  
 23 Q. -- or trailer houses and stuff like that,  
 24 you've been in those, right?  
 25 A. Yeah, not in a refinery.

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1 Q. Okay. But you understand most of them  
 2 are made out of construction material like 2-by-2's  
 3 instead of 2-by-4's and 2-by-6's. They're kind of  
 4 flimsy?  
 5 A. Yeah.  
 6 MR. GALBRAITH: Objection, form.  
 7 Q. (BY MR. COON) Unless you buy a blast  
 8 resistant or blast proof trailer?  
 9 A. Right.  
 10 Q. And those are something that refineries  
 11 use sometimes, which are made out of solid rigid  
 12 metal and you can't really blow them up, that's why  
 13 they're called blast proof, right?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. Correct.  
 16 Q. (BY MR. COON) And these were not blast  
 17 proof trailers, were they, sir?  
 18 MR. GALBRAITH: Objection, form.  
 19 Q. (BY MR. COON) The ones out at the  
 20 plant --  
 21 A. What I've read, they were not.  
 22 Q. And they were just your temporary flimsy  
 23 trailers?  
 24 MR. GALBRAITH: Objection, form.  
 25 A. That's what I've heard or read.

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1 Q. (BY MR. COON) And were you aware that BP  
 2 determined, in their own handbook siting analysis,  
 3 why it was that these flimsy trailers could be  
 4 closer to operating units and exposed to vapor  
 5 cloud explosions at a distance closer than a  
 6 concrete block building?  
 7 MR. GALBRAITH: Objection, form.  
 8 A. No, I -- I can't tell you.  
 9 Q. (BY MR. COON) Did anybody ever tell you  
 10 about the concept of trailers rolling in a vapor  
 11 cloud explosion?  
 12 A. Nobody told me.  
 13 Q. Have you ever heard of the concept of  
 14 trailers rolling in a vapor cloud explosion?  
 15 A. I learned it from the transcripts.  
 16 Q. Of whom, sir?  
 17 A. I learned in -- it was mentioned, I  
 18 think, in two or three transcripts that they talked  
 19 about trailers which can roll -- that would roll.  
 20 Q. Okay. These trailers weren't round, were  
 21 they?  
 22 A. No, surely not.  
 23 Q. Well, they're not really meant to roll is  
 24 what I'm getting to, right?  
 25 A. You are right.

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1 Q. Now, you're been in trailers enough to  
 2 understand their construction materials and  
 3 quality, haven't you, sir?  
 4 A. Right.  
 5 Q. You wouldn't want to be in a trailer  
 6 rolling down a hill, would you, sir?  
 7 A. Certainly not.  
 8 Q. And common sense would tell you that you  
 9 wouldn't want to be in a trailer rolling over,  
 10 right?  
 11 A. Can you repeat?  
 12 Q. Yes, sir.  
 13 Common sense would tell you that  
 14 you would not want to be in a trailer rolling over?  
 15 A. Obviously.  
 16 Q. Bad things could happen to you if that  
 17 happened, huh?  
 18 A. Sure.  
 19 Q. Did you -- did you understand from  
 20 Mr. Pillari's deposition when you read it that  
 21 Mr. Pillari did not have an opinion one way or the  
 22 other as to whether or not he would want to roll  
 23 down a hill in a trailer?  
 24 A. I don't recall.  
 25 MR. GALBRAITH: Objection, form.

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1 Q. (BY MR. COON) Do you recall Mr. Pillari  
 2 said he'd have to see an analysis of what happens  
 3 to you if you're in a trailer rolling down a hill  
 4 before he would volunteer to do so?  
 5 A. I don't recall.  
 6 Q. If you had the president of BP say that  
 7 he didn't have enough common sense to know that he  
 8 didn't want to be in a trailer rolling down a hill,  
 9 would that concern you?  
 10 MR. GALBRAITH: Objection, form.  
 11 A. I'm surprised about this.  
 12 Q. (BY MR. COON) Did you see the report  
 13 called "The Three Little Pigs"?  
 14 A. I did.  
 15 Q. Did that bother you?  
 16 MR. GALBRAITH: Objection, form.  
 17 A. I found this a very bizarre approach.  
 18 Q. (BY MR. COON) And I think Mr. Manzoni,  
 19 when we showed him "The Three Little Pigs" story, I  
 20 think the words he used for it -- first, do you  
 21 recall that he said that he didn't think that was  
 22 their report, that BP didn't do things like that?  
 23 Do you recall that in his testimony?  
 24 A. Not exactly, but I think I've read it.  
 25 Q. And then we pointed out where it was

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1 actually a BP document and had the BP crest on it.  
 2 Do you recall that?  
 3 A. Yeah, that's what I recall.  
 4 Q. And then after he realized it was a BP  
 5 document and saw what it meant, do you remember the  
 6 words he used to describe his impression that BP  
 7 would engage in a cost risk benefit analysis and  
 8 put lives at risk with a number on it?  
 9 A. Can you repeat this?  
 10 Q. Yes, sir.  
 11 Do you recall the words he used  
 12 when he realized that was a BP document that  
 13 utilized the concept of putting a dollar figure on  
 14 people's lives and making a decision, what his  
 15 words for that were?  
 16 A. No, I don't recall his words.  
 17 Q. Do you recall something to the effect  
 18 that he thought it was extraordinary --  
 19 MR. GALBRAITH: Objection, form.  
 20 Q. (BY MR. COON) -- that BP would have such  
 21 a document and use such a concept?  
 22 MR. GALBRAITH: Objection --  
 23 A. Well, if you --  
 24 MR. GALBRAITH: -- form.  
 25 A. -- if you recall this, then he must have



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1 said so.  
 2 Q. (BY MR. COON) And if he said that it was  
 3 extraordinary in his opinion and somewhat difficult  
 4 to believe, would you concur?  
 5 A. It's very, very difficult --  
 6 MR. GALBRAITH: Objection, form.  
 7 A. -- to -- to believe.  
 8 Q. (BY MR. COON) Well, it's hard for you to  
 9 have a senior position at BP and have an  
 10 understanding that it's acceptable within the  
 11 culture of your employer to put a dollar figure on  
 12 human lives in making decisions, isn't it?  
 13 MR. GALBRAITH: Objection, form.  
 14 A. It would be very strange, but I haven't  
 15 ever -- in all my years at BP, I have never  
 16 experienced this.  
 17 Q. (BY MR. COON) And when you saw the  
 18 documents that Mr. Manzoni was shown that came from  
 19 BP that acknowledged that that is, in fact, a noted  
 20 practice there -- you saw those documents, didn't  
 21 you, sir?  
 22 MR. GALBRAITH: Objection, form.  
 23 A. I saw the -- the documents, but I have  
 24 doubts that they have ever been applied.  
 25 Q. (BY MR. COON) Okay. And, in fact, one

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1 of the documents was from Mr. Mancini where he  
 2 acknowledged that in the culture of BP, that it was  
 3 acceptable to put a cost on human lives, whereas  
 4 that was something that was not part of the  
 5 accepted culture at Amoco preceding the merger.  
 6 You recall that document, do you  
 7 not, sir?  
 8 A. I remember --  
 9 MR. GALBRAITH: Objection, form.  
 10 A. I remember to have read this.  
 11 Q. (BY MR. COON) Okay. And that was  
 12 another disturbing document for you to see a person  
 13 such as Mr. Mancini, in his cost risk analysis and  
 14 review of the cultural differences between BP and  
 15 its practices at Amoco, to specifically comment on  
 16 things that were so cold blooded?  
 17 MR. GALBRAITH: Objection, form.  
 18 A. I have to say I've never experienced that  
 19 BP has applied a price to a human life.  
 20 Q. (BY MR. COON) Have you seen any  
 21 documents that indicate what that dollar figure is  
 22 that BP has used to put a price on human lives in  
 23 determining whether or not they implement a safe  
 24 practice?  
 25 MR. GALBRAITH: Objection, form.

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1 A. I've seen the papers, but I don't recall  
 2 details.  
 3 Q. (BY MR. COON) Do you recall what any of  
 4 the numbers were that generally referenced a BP  
 5 number that would be put on the price of a human  
 6 life in formulating decisions on where they would  
 7 spend money for safety practices?  
 8 MR. GALBRAITH: Objection, form.  
 9 A. I don't recall numbers.  
 10 Q. (BY MR. COON) Do you recall the number  
 11 of \$10 million coming out in one or more of those  
 12 reports?  
 13 A. I don't recall.  
 14 MR. GALBRAITH: Objection, form.  
 15 Q. (BY MR. COON) Do you think it's fair or  
 16 appropriate for your employer, through any of its  
 17 officers or representatives, to determine  
 18 arbitrarily a number that's appropriate for the  
 19 value of the lives of one of their employees or  
 20 contractors?  
 21 MR. GALBRAITH: Objection, form.  
 22 A. Can you repeat?  
 23 Q. (BY MR. COON) Yes, sir.  
 24 MR. COON: Would you read that  
 25 back please? And I'll give you the objection.

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1 (The requested testimony was read  
 2 by the reporter.)  
 3 A. It would certainly not be appropriate.  
 4 Q. (BY MR. COON) Mr. Bonse, in looking at  
 5 Mr. Manzoni's deposition and seeing those types of  
 6 documents being discussed with him, you understood  
 7 that one of the things we requested was the  
 8 opportunity to depose Mr. Mancini himself; is that  
 9 correct?  
 10 A. Obviously.  
 11 Q. And that's been something that's been --  
 12 that you've been made aware of before your  
 13 deposition here today, that we were going to  
 14 actually request the deposition of Mr. Mancini  
 15 regarding these various documents that were shown  
 16 to Mr. Manzoni in his deposition when I took it --  
 17 A. That's what I heard yesterday.  
 18 THE VIDEOGRAPHER: We're at five  
 19 minutes.  
 20 Q. (BY MR. COON) And as I understand, you  
 21 said earlier today that although Mr. Mancini was  
 22 not part of your accountability audit, that is  
 23 another deposition that you now want to see?  
 24 A. I want to see his deposition; and then I  
 25 will decide whether we have an interview with him,

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1 as well.  
 2 Q. Okay. And is there any particular reason  
 3 you are wanting to see the deposition and make a  
 4 decision as to whether or not Mr. Mancini has a  
 5 role in this accountability audit, other than the  
 6 fact that he apparently knows a number of things  
 7 about the cost benefit analysis of human lives  
 8 through the exhibits we have used with Mr. Manzoni?  
 9 A. I would like to see his deposition and to  
 10 find out whether what he is telling you tomorrow is  
 11 of relevance for our work.  
 12 MR. COON: And we will take our  
 13 break there. Thanks.  
 14 THE WITNESS: Thank you.  
 15 THE VIDEOGRAPHER: This is the  
 16 conclusion of Tape Number 4. We are going off the  
 17 record at 3:00 p.m.  
 18 (Recess taken.)  
 19 THE VIDEOGRAPHER: This is the  
 20 beginning of Tape Number 5. We are on the record  
 21 at 3:10 p.m.  
 22 Q. (BY MR. COON) Mr. Bonse, we took a break  
 23 and we were talking about the trailers and I want  
 24 to talk about startups, as well.  
 25 But on the subject of the

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1 trailers, you understood that after this explosion,  
 2 BP made a decision to start relocating all the  
 3 temporary trailers off site away from the units?  
 4 A. That's right.  
 5 Q. And do you know if that's a policy that  
 6 is now being implemented throughout the system or  
 7 just at Texas City?  
 8 A. To my knowledge, it's not only applied  
 9 within BP, but also shared with the industry.  
 10 Q. And so that's a "yes," there are no more  
 11 temporary trailers located within the fences of any  
 12 of the BP plants?  
 13 MR. GALBRAITH: Objection, form.  
 14 A. I am not aware of details.  
 15 Q. (BY MR. COON) You don't know one way or  
 16 the other if that policy is being implemented and  
 17 adhered to at all the refineries that BP owns and  
 18 operates?  
 19 A. I've been told, but this was not related  
 20 to our work, that we have now removed almost all  
 21 trailers to the outside.  
 22 Q. And you certainly understood from this  
 23 case that the trailers could have been located  
 24 somewhere else in the first place, that there had  
 25 been no real reason that they had to be where they

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1 were the date this explosion occurred?  
 2 MR. GALBRAITH: Objection, form.  
 3 MR. COON: Basis?  
 4 A. I believe that they were --  
 5 MR. COON: I'm sorry. Basis?  
 6 MR. GALBRAITH: Basis?  
 7 MR. COON: Basis of the objection?  
 8 MR. GALBRAITH: You said no real  
 9 reason and I think that's an etherial concept,  
 10 vague and I don't think it's heretofore in evidence  
 11 and I don't think it's a reasonable question --  
 12 MR. COON: What do you mean it's  
 13 not in evidence? You've admitted to it. It's in  
 14 your own report.  
 15 MR. GALBRAITH: I don't think that  
 16 anyone has said there is no real reason for a  
 17 trailer ever being sited where a trailer is sited.  
 18 I don't think that's in evidence.  
 19 MR. COON: I said --  
 20 MR. GALBRAITH: I don't think it's  
 21 reasonable --  
 22 MR. COON: That's not my --  
 23 MR. GALBRAITH: -- to conclude --  
 24 MR. COON: -- question, Counsel.  
 25 My question was: Is there a reason that it had to

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1 be there?  
 2 MR. GALBRAITH: No, you said -- I  
 3 don't think that was your question. I think your  
 4 question was that they were sited without --  
 5 with -- they were sited with no real reason.  
 6 MR. COON: I'll rephrase.  
 7 Q. (BY MR. COON) Are you ready, sir?  
 8 A. Would you?  
 9 Q. Mr. Bonse, with respect to the trailers  
 10 that were flattened in this explosion, did you have  
 11 an understanding that there was no reason that  
 12 those trailers had to be located where they were on  
 13 the date of the explosion?  
 14 MR. GALBRAITH: Objection, form.  
 15 A. I'm -- I don't --  
 16 MR. COON: Basis?  
 17 MR. GALBRAITH: "No reason" is  
 18 vague and --  
 19 MR. COON: What's no reason --  
 20 Q. (BY MR. COON) Do you know the difference  
 21 between no reason and a reason, sir?  
 22 A. Well, again, I --  
 23 Q. No reason kind of means there is no  
 24 reason. A reason --  
 25 MR. GALBRAITH: Let him answer.

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1 He was about to answer.  
 2 MR. COON: Now, look --  
 3 MR. GALBRAITH: You cut him off.  
 4 MR. COON: -- Jim, let me tell  
 5 you, brother: I've been very polite to you all day  
 6 and you can have a running objection to the form of  
 7 every question to protect your butt; but you're  
 8 objecting with form and substance on every one of  
 9 these questions when, in fact, most of those  
 10 objections are auspicious. So if you just want a  
 11 running objection to form on every question, do it;  
 12 but quit interrupting the deposition.  
 13 MR. GALBRAITH: Well, I accept --  
 14 MR. COON: I'll give it to you.  
 15 MR. GALBRAITH: First of all --  
 16 MR. COON: If you're going to --  
 17 if you're going to say "objection, form" to every  
 18 question we ask all day long, where the court  
 19 reporter is having trouble getting all three of us  
 20 talking, I'll give you a running objection to form  
 21 to every question I ask today. And that way you're  
 22 protected and you'll quit interrupting our  
 23 deposition.  
 24 MR. GALBRAITH: I have striven  
 25 mildly not to interrupt.

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1 THE VIDEOGRAPHER: Your  
 2 document --  
 3 MR. COON: Okay. Well, that --  
 4 THE VIDEOGRAPHER: -- got bumped.  
 5 MR. COON: -- that's not -- that's  
 6 not the question. The question is, of you on the  
 7 record: Will you agree to quit objecting to every  
 8 one of my questions on a form basis, when I  
 9 personally believe most of them have no basis to be  
 10 objecting to the form, if I would just give you a  
 11 running objection to form to each question?  
 12 MR. GALBRAITH: Which means  
 13 objections are reserved for a later time?  
 14 MR. COON: That's what they always  
 15 mean.  
 16 MR. GALBRAITH: Okay. Yes, I will  
 17 quit saying, "Objection, form."  
 18 MR. COON: Thank you, sir. May we  
 19 continue?  
 20 MR. GALBRAITH: Fine with me.  
 21 THE WITNESS: Do you mind  
 22 repeating the question?  
 23 Q. (BY MR. COON) I think we'll start over.  
 24 Would you state your name for the  
 25 record, please?

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1 Seriously, what we're talking  
 2 about, sir, is these trailers. And what I --  
 3 THE VIDEOGRAPHER: Excuse me. The  
 4 alignment is a little off now.  
 5 MR. COON: That's okay.  
 6 (Discussion off the record.)  
 7 Q. (BY MR. COON) Can you see it there, sir?  
 8 A. Huh?  
 9 Q. "Trailers" --  
 10 A. Yeah.  
 11 Q. -- right there. We've digressed.  
 12 We have trailers and start-up.  
 13 This is what we are talking about?  
 14 A. Yeah.  
 15 Q. And in this interview, I just want to go  
 16 back and ask you a few follow-up questions.  
 17 One was: In your investigation  
 18 from everything you've seen, were you available to  
 19 ascertain that there was some reason that the  
 20 trailers were there on that occasion to the  
 21 exclusion of all other locations; that is, that  
 22 they had to be there that day and they could not  
 23 have been put anywhere else?  
 24 A. We -- we mainly focused on the question  
 25 who had made the MOC for siting the -- the trailers

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1 at the place they had been placed. We did not  
 2 discuss whether there were other options.  
 3 Q. Okay. Well, certainly one other option  
 4 for locating temporary trailers is to locate them  
 5 off the premises, correct?  
 6 A. I would assume so.  
 7 Q. And if, in fact, the trailers that were  
 8 destroyed in this particular explosion were never  
 9 replaced with trailers located in a same or similar  
 10 position, were they, sir?  
 11 A. Can you repeat it?  
 12 Q. Yes, sir.  
 13 BP did not go back and put more  
 14 trailers on top of where these trailers were the  
 15 day they blew up, did they, sir?  
 16 A. To my knowledge, they did not.  
 17 Q. And, in fact, what BP Texas City did was  
 18 not only locate the trailers that would have gone  
 19 back there to finish those jobs, but they also took  
 20 all the other trailers at BP Texas City and moved  
 21 them off the premises?  
 22 A. That's what I've been told.  
 23 Q. And you understand, from your position in  
 24 running refineries in the past, that there is no  
 25 reason that you have to have the temporary trailers

<p style="text-align: right;">Page 234</p> <p>1 next to the units. There's no circumstance that 2 mandates the trailers have to be next to the units? 3 A. I'm not a refinery expert, to -- to be 4 clear. But if you -- if you put them close to a 5 plant, then you must have a very special reason and 6 certainly certain -- appropriate protection. 7 Q. Okay. And I'll ask you: In all the 8 years that you have been in the refining business 9 as a CEO of a refining corporation and in your vice 10 president position with BP for all of Europe, was 11 there ever any circumstance you are personally 12 aware of where you had to put temporary trailers in 13 close proximity to a unit during start-up? 14 A. I was never involved such -- in such a 15 question. 16 Q. Well, I'm asking you that question today, 17 sir. 18 Are you aware, in all your years, 19 in all the responsibilities, of one set of 20 circumstances that you can name today where you had 21 to put a temporary trailer next to a unit that was 22 about to be started up and put people in it? 23 A. I was not -- 24 Q. One occasion? 25 A. I was not aware because I was never</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. And that is then, sir -- I take it your 2 answer is, no, nobody has ever told you one set of 3 circumstances where a trailer had to be there? 4 A. No, I have not been told because it was 5 never in my area of responsibility. 6 Q. I understand and appreciate it's not your 7 area of responsibility, sir. That's not my 8 question. 9 My question of you, sir, is: Has 10 anybody ever told you of one set of circumstances 11 where a temporary trailer had to be located 12 immediately next to a unit when it was being 13 started up and that you had to have people located 14 in that temporary trailer? 15 A. No, it has never been. I've never been 16 told. 17 Q. Thank you, sir. 18 Now, with respect to the MOC on 19 these trailers, you understood that there was an 20 MOC process at BP Texas City to locate trailers 21 out -- for construction projects, correct? 22 A. Yes. 23 Q. And you understood that in this case, the 24 MOC process had not been completed as -- as was 25 required by BP procedures, correct?</p>
<p style="text-align: right;">Page 235</p> <p>1 involved in such questions. 2 Q. Have you ever heard of anybody who has 3 ever told you they had to put a temporary trailer 4 next to a unit in start-up mode and put people in 5 it? 6 A. It never got to my attention. 7 Q. Okay. The question, sir, is: Have you 8 ever heard -- 9 A. No -- 10 Q. -- you, sir -- 11 A. -- I have not heard because it never came 12 to my attention. 13 Q. Okay. 14 A. That was left with the corresponding 15 management. 16 Q. So in all of your accountability 17 investigation and all the things you reviewed and 18 your position of authority at BP, nobody has ever 19 told you, as we sit here today, in all of your 20 years, one set of circumstances where a temporary 21 trailer had to be located immediately adjacent to a 22 unit while it was being started up and there had to 23 be people occupying that trailer? 24 A. It has never been discussed with me. I 25 have not been informed.</p>	<p style="text-align: right;">Page 237</p> <p>1 A. That's what the Mogford report says. 2 Q. And you do not take issue with that part 3 of the Mogford report, do you, sir? 4 A. I don't know -- I do not. I do not. I'm 5 sorry. I do not. 6 Q. Okay. Now, also you understand that 7 there were approximately 45 or 50 trailers that 8 were being utilized for various purposes at 9 BP Texas City at the time of this explosion? 10 A. I never heard this. 11 Q. Okay. Do you recall that being reflected 12 in the Mogford report, that in addition to those 13 two trailers that were decimated in this explosion, 14 that there were dozens more trailers in other areas 15 around the plant on the date of the explosion? 16 A. Well, if that -- again, I don't recall it 17 from my reading. 18 Q. Okay. Did you recall anything from your 19 review of the Mogford report that it was determined 20 that of the 50 or so trailers that were on the 21 premises on the date of the explosion, that only 22 one set of four had gone through any MOC to 23 completion? 24 A. That's what I have read, yes. 25 Q. And as part of your investigation into</p>

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1 accountability and safety practices at  
 2 BP Texas City and elsewhere, was it a concern to  
 3 you that not only had the trailers that were  
 4 destroyed in this occasion slip through the cracks  
 5 with respect to MOCs, but that almost all the  
 6 trailers were being utilized and occupied out at  
 7 Texas City without having gone through a plain,  
 8 simple MOC protocol?  
 9 A. I was concerned seeing that, obviously,  
 10 the rule -- MOC rules have not applied the way they  
 11 should have been applied.  
 12 Q. And, in fact, they were not being applied  
 13 at all under most circumstances, correct?  
 14 A. I've -- can you repeat what you've said?  
 15 Q. Sure.  
 16 With respect to trailers, the  
 17 reality was that they were almost never complied  
 18 with and utilized and on the date of this  
 19 explosion, there was only one properly filled out  
 20 MOC and it involved just four of the 50 trailers  
 21 that were out there on that date, correct?  
 22 A. That's what I think the Mogford report  
 23 has said.  
 24 Q. And it's fair to state that of the  
 25 50 trailers, 46 of them were not supposed to be out

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1 there and occupied when, in fact, they were --  
 2 A. Uh-huh.  
 3 Q. -- correct?  
 4 A. Again, it's in the Mogford report.  
 5 Q. Yeah.  
 6 And that's a very sloppy practice,  
 7 isn't it, sir, to have trailers all over the plant?  
 8 This wasn't something where some -- one person in  
 9 one area of the plant wasn't doing his job. Nobody  
 10 in any of these areas of the plant where these  
 11 trailers were located were doing their jobs, were  
 12 they, sir?  
 13 A. It is certainly not right that the --  
 14 this rule has not -- has been applied as it --  
 15 Q. And it --  
 16 A. -- as it should have been.  
 17 Q. I'm sorry. I didn't mean to interrupt.  
 18 The issue of trailers is a very  
 19 important issue in the refining sector, isn't it,  
 20 sir?  
 21 A. It is one of very -- a number of very,  
 22 very important issues --  
 23 Q. Sure.  
 24 A. -- I agree.  
 25 Q. I mean, it's a high priority because

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1 these trailers are very -- these trailers are very  
 2 vulnerable to a VCE or vapor cloud explosion,  
 3 correct?  
 4 A. There's no question.  
 5 Q. And at the refineries like Texas City, in  
 6 particular, where you had a long history of vapor  
 7 cloud releases and hydrocarbon releases, there's  
 8 all the more reason to be concerned about locating  
 9 trailers, correct?  
 10 A. In any case it is important.  
 11 Q. And did you know about the long and sad  
 12 history of excess hydrocarbon leaks and fires at  
 13 the Texas City plant prior to the  
 14 March 23 explosion?  
 15 A. That's what I learned during our  
 16 investigation.  
 17 Q. Sure.  
 18 Did you see -- recall in the Veba  
 19 report where, in August of 2002, that report came  
 20 out saying that the extensive number of hydrocarbon  
 21 leaks and fires alone poised Texas City for a  
 22 catastrophic event; to wit, an explosion?  
 23 A. I don't recall the precise words, but  
 24 it's pointing to this direction.  
 25 Q. Yeah.

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1 In fact, they reflected that there  
 2 were 50 to 100 hydrocarbon escapes and fires a year  
 3 out there in the years prior to this explosion.  
 4 Isn't that what the Veba report said, sir?  
 5 A. I don't recall the number, but I recall  
 6 it was a worrying number.  
 7 Q. I'm sorry. What kind of number?  
 8 A. It was a worrying --  
 9 Q. A worry --  
 10 A. -- number.  
 11 Q. Worrying. I don't think I can say it as  
 12 well as you did. A worry -- w-o-r-r-y-i-n-g,  
 13 worrying?  
 14 A. Worrying.  
 15 Q. Bothersome? A major worry?  
 16 A. Cumbersome.  
 17 Q. And you also recall that there were all  
 18 kinds of problems out there with fires that had  
 19 existed for years, according to Mr. McLemore, the  
 20 fire chief. Do you recall that?  
 21 A. I've seen all these comments.  
 22 Q. Now, you also understood that there was a  
 23 sad history with respect to fatalities at that  
 24 plant over the years, correct?  
 25 A. I have seen the presentation by

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1 Mr. Parus.  
 2 Q. Which presentation was this, sir?  
 3 A. Which was given, I think, late in 2004.  
 4 Q. Okay.  
 5 A. Coming up with a number of 18 months --  
 6 of one fatality per 18 months.  
 7 Q. This had to do with the Safety Reality  
 8 programs and the educational programs he had with  
 9 the leadership at Texas City as a result of the  
 10 three additional fatalities that had occurred there  
 11 in 2004?  
 12 A. Yeah, that's my guess.  
 13 Q. Did you have any dealings with Mr. Parus  
 14 before this explosion?  
 15 A. Never.  
 16 Q. Never talked to him, never met him?  
 17 A. I met him, to my recollection, only once.  
 18 That was -- I think it was in 2005, early 2005,  
 19 when we had the regular annual conference of R&M in  
 20 Orlando; and I saw him just during one of the  
 21 programs.  
 22 Q. And part of his Safety Reality programs  
 23 for the leadership at Texas City in the fall of  
 24 2004, following these last three fatalities, it  
 25 went back and, again, from a lessons learned

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1 reminded the leadership of the sad fact that  
 2 Texas City had a fatality on average of one or two  
 3 every two or three years for the proceeding 20 or  
 4 30 years, didn't it?  
 5 A. Well, again, what I recall is the average  
 6 number I've quoted.  
 7 Q. And that combined with the 15 that  
 8 occurred in March of 2005, you're -- you're  
 9 averaging almost two fatalities a year for the last  
 10 30 years at Texas City, are you not?  
 11 A. I would put it the other way around.  
 12 It's that we had three fatalities in 2004 and 15 in  
 13 2005. That's deeply, deeply worrying.  
 14 Q. And you would agree with the fundamental  
 15 tenet at refineries is that one fatality is one  
 16 too many, would you not?  
 17 A. No -- no disagreement at all.  
 18 Q. And you would also agree that the  
 19 15 fatalities that occurred in March of 2005 are  
 20 due to process safety issues, not personal safety  
 21 issues?  
 22 A. That's what it looked like -- looking  
 23 like, yeah.  
 24 Q. I want to talk to you briefly about the  
 25 start-up protocols, as well. That's also, sir,

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1 under that same chapter "H," where it talks about  
 2 trailers and start-up. Let me ask you one more  
 3 thing, too, on trailers.  
 4 As part of your accountability  
 5 audit, did you have an interest in finding out who  
 6 in BP management allowed for those trailers to be  
 7 located there for all those months before the  
 8 explosion without being --  
 9 A. This --  
 10 Q. -- through a proper MOC?  
 11 A. This was one of our questions, who  
 12 actually was accountable for this.  
 13 Q. And who did you determine was accountable  
 14 in management at Texas City for allowing those  
 15 trailers to have been occupied for that length of  
 16 time in such close proximity to a known vapor cloud  
 17 explosion hazard?  
 18 A. We have not yet made up our mind what our  
 19 final conclusions are; so I can't answer your  
 20 question.  
 21 Q. Is the intent of your accountability  
 22 audit to make an effort to place blame on one or  
 23 more persons in management at Texas City for the  
 24 responsibility associated to the --  
 25 A. If we --

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1 Q. -- trailers?  
 2 A. If we come to the conclusion that there  
 3 are serious failures by one or more individuals, we  
 4 will address them.  
 5 Q. Okay. Is that something that you are at  
 6 least contemplating at this time?  
 7 A. I think we -- we have to contemplate  
 8 this.  
 9 Q. Okay. Is Mr. Risinger one of those  
 10 persons that you are looking at?  
 11 A. He is -- he is one of those which we  
 12 have -- who we have interviewed, but I couldn't  
 13 tell you right now who would be considered or even  
 14 nominated -- identified --  
 15 Q. Okay.  
 16 A. -- on that.  
 17 Q. Do you know a gentleman out there named  
 18 Joseph Runfola?  
 19 A. Yes, sir.  
 20 Q. How is it you recall Mr. Runfola?  
 21 A. If my memory serves me right, his  
 22 testimony was -- was quoted in the Manzoni  
 23 deposition.  
 24 Q. Okay. Do you recall Mr. Runfola  
 25 was some -- let me back up.

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1 Have you seen Mr. Runfola's  
 2 deposition?  
 3 A. Parts of it.  
 4 Q. Was that because of what Mr. Manzoni  
 5 talked about with him and what was brought to  
 6 Mr. Manzoni's attention?  
 7 A. Yes, because it was raised in -- in his  
 8 deposition, I -- I requested to get a copy of his  
 9 transcript; and from the glossary or whatever you  
 10 call it, the vocabulary at the end, I tried to  
 11 figure out where it -- where -- on what passage --  
 12 what paragraph you were referring to.  
 13 Q. Okay. Yeah. I understand that  
 14 Mr. Runfola was the instrumentation technician on  
 15 the ISOM unit?  
 16 A. Yeah.  
 17 Q. And do you recall that he has testified  
 18 in this case that he made numerous warnings to the  
 19 people in management regarding the location of the  
 20 trailers before the explosion?  
 21 A. That's right.  
 22 Q. And it doesn't take a rocket scientist or  
 23 a specialist in safety to just make a casual  
 24 observation as to the distance of the trailers from  
 25 an open ventilation system, does it, sir?

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1 You can -- you can see a trailer  
 2 right over here and see an open ventilation system  
 3 right over there and if you've been working in  
 4 plants, you can -- you have the potential for  
 5 appreciating some degree of risk of the proximity  
 6 between the trailer and the blowdown drum. Fair  
 7 statement?  
 8 A. I think we -- you have to be conscious  
 9 when you see this that this is a -- obviously  
 10 accepting a high risk.  
 11 Q. And as it related to that ISOM unit, we  
 12 knew that this blowdown drum was located right in  
 13 the middle of the unit itself. It had not been  
 14 routed out to a location away from the unit  
 15 personnel --  
 16 A. That's what I --  
 17 Q. -- correct?  
 18 A. That's what I understand, yeah.  
 19 Q. And by being a blowdown system, there was  
 20 a pretty good understanding from the people that  
 21 would work out there on that unit that if there was  
 22 an upset, that the vapors and potentially the  
 23 liquids would run through the blowdown drum and  
 24 into the stack and potentially out of the stack  
 25 right there in the unit itself as opposed to

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1 venting out of a place such as a flare yard or  
 2 something?  
 3 A. Well, if you say a flare is much more --  
 4 much safer than a blowdown stack, I would not  
 5 disagree.  
 6 Q. Sure. I think we all agree with that.  
 7 And I think the Mogford report  
 8 confesses to that, as well, that flares are safer  
 9 than blowdown drums, right?  
 10 A. I think that's what he has said, yes.  
 11 Q. Sure.  
 12 And you would agree with that,  
 13 just from your experience in the refining sector,  
 14 would you not?  
 15 A. We did not have blowdown stacks in Veba.  
 16 Q. That's what I was going to ask you, too.  
 17 We're kind of jumping ahead.  
 18 But you did not have -- since  
 19 we're on that subject, when you were CEO at Veba,  
 20 your refineries did not utilize blowdown drums,  
 21 correct?  
 22 A. To my -- to the best of my knowledge, we  
 23 didn't have them. I think we had a -- what we  
 24 called a closed system already in the '70s.  
 25 Q. And that's because '70s technology

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1 advocated the use of closed systems because that  
 2 was Rule Number 1 of process safety management  
 3 was -- which was to keep your hydrocarbons  
 4 contained, correct?  
 5 A. I think it's certainly due to safety  
 6 considerations. I would even believe that we had  
 7 very tough regulations from the regulator.  
 8 Q. Okay. That brings up another issue; and  
 9 that is, safety regulations and environmental  
 10 regulations in Germany and in Europe.  
 11 First of all, is there a -- is  
 12 there an omnibus or global regulatory body for  
 13 environmental or for refinery practices or for  
 14 safety for all of Europe? Just like you have the  
 15 Euro for the dollar, is there some kind of  
 16 broad-based intercountry governing body on those  
 17 issues?  
 18 A. As I said, my background is the upstream  
 19 business and I'm not a refinery expert; but we have  
 20 quite a number of regulations that we have to live  
 21 up to. For instance, we abide by -- by the  
 22 regulations where we have -- we are required to  
 23 have regular turnarounds. We have very, very tough  
 24 regulations as far as emissions are concerned, be  
 25 it loss of containment, be it just emitting any

<p style="text-align: right;">Page 250</p> <p>1 fumes. 2 So the -- I think the surveillance 3 we -- we have from authorities and regulators in 4 Germany appear to me to be much tougher than it is 5 in -- in this country. 6 Q. Do you know whether or not those same 7 tougher standards exist in other countries of 8 Europe as they do in Germany? 9 A. I'm -- I couldn't tell you. 10 Q. Do you know whether or not any of the 11 refineries that you were -- you were responsible 12 for while the CEO at Veba had -- at some point in 13 time, had blowdown drums in their past design and 14 those had been replaced with flares as a result of 15 the recognized technology improvements and/or as a 16 result of regulatory mandates? 17 A. To my knowledge, when I joined Veba Oil 18 in the late '70s, we did not have any blowdown 19 stacks; and I can't tell you whether we ever had 20 them. 21 Q. Okay. You do not know, sitting here 22 today, whether or not there were some blowdowns at 23 some point that were replaced due to technology and 24 regulation or if they had always had flares? 25 A. I have no knowledge.</p>	<p style="text-align: right;">Page 252</p> <p>1 A. I don't recall, but -- but what I recall 2 is that it was around the time when we announced 3 that six employees were being terminated and Don 4 Parus was put on administrative leave -- leave. 5 That's what we had been informed about. 6 Q. And it was at that time, which you 7 believe to be around the middle of May 2005, that 8 you were informed that what happened with the 9 ISOM unit was that vapors and liquids went through 10 a blowdown drum and caught fire -- 11 A. Yeah -- 12 Q. -- and exploded? 13 A. -- I was surprised to -- to hear that we 14 had an open system. 15 Q. And it surprised you that BP was still 16 utilizing an open vent system like a blowdown drum 17 because you had many years of experience working in 18 Germany where such blowdown drums were no longer 19 utilized because of legal restrictions on the use 20 of -- of the containment systems and in Germany you 21 were required to have a closed system? 22 A. I think I've said I assume. It appears 23 to me that even from the regulation, we weren't 24 allowed to use them; but in any case, since I 25 joined BP -- joined Veba in '78, we had no open</p>
<p style="text-align: right;">Page 251</p> <p>1 Q. When was it that you first personally had 2 any kind of understanding that some plants still 3 utilized the more antiquated ventilation systems 4 like the blowdowns? 5 A. I heard it when -- when the senior 6 executive forum, which is the -- which is the 7 manage -- top management of BP, the managing 8 directors and the group vice presidents, were 9 informed by telephone conference on the very day 10 when the announcements were made in March -- was it 11 March 13 -- when the determination was announced 12 and that -- that day I think it -- it was mid May, 13 mid May last year. 14 Q. Okay. You're talking about mid May last 15 year, May 17 or May 13, whatever it was that they 16 made the press statements? 17 A. I think it was around the same time. 18 Q. And this was right after the Mogford 19 interim report came out on May 12th? 20 A. Was that the Stanley report you're 21 referring to? 22 Q. No, sir. 23 You -- were you aware that Mogford 24 and the fatal accident investigative review team 25 had an interim report that came out in May of 2005?</p>	<p style="text-align: right;">Page 253</p> <p>1 system. 2 Q. And that was due to the recognized safety 3 benefits of flares, as well as regulatory -- 4 A. Safety -- 5 Q. -- advances? 6 A. Safety concerns, emission. You know, 7 when you release hydrocarbons, even if they don't 8 burn, they are -- they are dangerous for the 9 environment. So there are many reasons not to do 10 it. 11 Q. Sure. A lot of the escaping fumes not 12 only subject people that are working there in the 13 plant to the health hazards, but can sometimes 14 drift in to the adjacent neighborhoods as well and 15 pose a health hazard, as well, correct? 16 A. It may have all sorts of consequences. 17 Q. And many of these hydrocarbons utilized 18 at refineries are known to cause cancer down the 19 road, aren't they, sir? 20 A. I would not -- I would not agree in this 21 aspect. 22 Q. You would not agree that hydrocarbons and 23 some of the process have the potential for causing 24 cancer in human -- 25 A. To my knowledge, benzene is</p>



<p style="text-align: right;">Page 254</p> <p>1 cancerigenous; but simple hydrocarbons like fumes 2 from gasoline don't -- because the benzene content 3 is very, very low; so it would -- you cannot assume 4 that it has -- this has a cancerigenic impact. 5 Q. What about toluene? 6 A. Huh? 7 Q. What about toluene? 8 A. Toluene, that's even -- it also has very 9 small, but benzene is the most critical one. 10 Q. Do you agree all the aromatic 11 hydrocarbons have known carcinogenic propensities, 12 do they not? 13 A. Aromatics are -- are dangerous. 14 Q. That includes xylene, ethylene? 15 A. Ethylene is not an aromatic. 16 Q. What about some of the other processes 17 out there that are utilized in the chemical 18 refining sector? Any of those -- 19 A. Processes? 20 Q. Any of -- any of the other processes 21 known to have carcinogenic propensities? 22 A. I'm not an expert in this respect; so I 23 couldn't tell you. 24 Q. What is the regulatory body in Germany 25 that has oversight of environmental issues?</p>	<p style="text-align: right;">Page 256</p> <p>1 your car every three years -- every two years, 2 actually. After the first three years, every two 3 years for inspection. We have a much more 4 stringent system in -- 5 Q. Okay. 6 A. -- in Germany. 7 Q. And so these German inspection groups 8 come out to the plants and look at them to make 9 sure that they're operating properly and that 10 they -- 11 A. That's right. 12 Q. -- are in good working condition? 13 A. That's right. 14 Q. And what happens if they are not? 15 A. It didn't happen to us. 16 Q. Do you understand what -- what can happen 17 if they are not? Do they shut -- 18 A. Then they -- 19 Q. -- the place down? 20 A. Then they can order you not to set up the 21 plant again. 22 Q. Can they also put people in jail that are 23 deliberately attempting to avoid the laws that 24 mandate that these plants are in good working 25 condition?</p>
<p style="text-align: right;">Page 255</p> <p>1 A. I think we have several authorities. We 2 have the so-called -- it's difficult to -- to 3 translate it. It's a -- we have an authority which 4 is dealing with the technical integrity of the 5 plants. 6 Q. What does "technical integrity" mean? 7 A. Well, that -- you know that we do regular 8 inspections that we report failures to them. I 9 mentioned to you that we had the hydrocracker 10 explosion. They came immediately to us to see 11 what -- what was the cause for the explosion. 12 Q. Do they look at things such as deferred 13 maintenance and the actual integrity of the 14 infrastructure of the units? 15 A. They -- they have a look at the regular 16 inspections which have to be done on a four years 17 or five years -- 18 Q. Are these government inspections? 19 A. This is a -- an independent body created 20 on -- based on government laws or rules. 21 Q. Okay. And so you understand they are 22 mandated inspections by outside sources into the 23 plants? 24 A. Yeah. Like when you drive a car in 25 Germany, you have to bring -- you have to bring</p>	<p style="text-align: right;">Page 257</p> <p>1 A. We have never had such a case, but they 2 would have to go to court and then they would have 3 to move -- have to apply for a corresponding judge. 4 Q. Okay. So you understand there's a 5 potential for failure to comply that would be, one, 6 to shut units down. 7 And then the question is: Do you 8 also know whether or not it attaches any criminal 9 liabilities; that is, that the people in charge of 10 running those plants can be put in jail if they 11 deliberately violate those laws? 12 A. I think we have -- of course, we have 13 laws which say if you have willful misconduct or 14 gross negligence, then you're up for severe 15 penalty. 16 Q. Up for -- up for some sort of criminal 17 charge? 18 A. Maybe this, as well. 19 Q. Okay. Now, you told us about the 20 mandates in countries that you have worked at 21 before, that there are mandatory requirements 22 with -- with regard to what you call the turnaround 23 procedures. 24 A. Right. 25 Q. Can you elaborate on that, please, sir?</p>

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1 A. Well, they -- this body is requiring us  
2 to -- to -- to have a turnaround of a certain plant  
3 in certain installments, be it four years, be it  
4 five years; and this is done under their  
5 supervision, too.

6 Q. Okay. It's my understanding, Mr. Bonse,  
7 that BP looks at and tries to adapt what are called  
8 "best practices." Are you familiar with that  
9 general concept?

10 A. To apply best practices by --

11 Q. Yes, sir.

12 A. -- BP? My impression is that BP is very  
13 conscious that whatever they do has to apply the  
14 best practice, yes.

15 Q. Why is it that BP would have facilities  
16 in countries that mandate that you have flares;  
17 that is, that they expressly forbid blowdown drums  
18 because the best practice is to go to a flare?

19 And why would it be that your  
20 company that's international, when they have plants  
21 in Germany that says, "You cannot have a blowdown  
22 drum. You have to have a flare. That is a best  
23 practice. It's the safest practice," why would  
24 that company then continue to use a blowdown drum  
25 at another refinery in a country that does not make

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1 them get rid of the blowdown drum and go to a flare  
2 when they know that the flare is safer and better?

3 A. Let me say -- repeat again. I'm not sure  
4 whether it is mandated in Germany, but I'm not sure  
5 whether we have any refinery at all -- which not  
6 only us, but also other countries -- which have a  
7 blowdown stack. So I can't tell you whether it  
8 is -- I speculated that I believe it's even -- from  
9 the regulations, it's not allowed. So just to --  
10 to correct this --

11 Q. All right. With that caveat --

12 A. And I can't tell you -- I can't tell you  
13 why -- why we have kept blowdown stacks in  
14 Texas City.

15 Q. Did you know about the history of  
16 problems that Texas City alone had had in the past  
17 with their blowdown drums with respect to fugitive  
18 emissions coming from the top of the stacks and  
19 sometimes liquids coming from the top of the stacks  
20 posing fire hazards?

21 A. That's what I have read.

22 Q. Were you aware that that blowdown stack  
23 on the ISOM unit had had 19 prior recorded problems  
24 such that had been utilized in the ISOM unit since  
25 1994?

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1 A. I've read that there were a number of  
2 failures.

3 Q. Were you aware that in addition to those  
4 log reported failures, there had been a number of  
5 others that had come up in depositions about people  
6 who observed other problems that did not make it to  
7 the logs?

8 A. I'm not aware of this.

9 Q. Were you aware that one of those that was  
10 not in the logs was documented by e-mails in 2000  
11 and 2001, reflecting that the blowdown drum had  
12 caught on fire and burned for two days  
13 uncontrolled? Were you --

14 A. I'm --

15 Q. -- aware of this?

16 A. I'm not aware of this.

17 Q. Were you aware that there had been other  
18 blowdown drums that had excess vapors or liquids  
19 emanating from them at other times in the past,  
20 including the ones that had resulted in OSHA  
21 citations?

22 A. I believe I have read something like  
23 this.

24 Q. Do you know what OSHA is? Do you  
25 understand that's the US governing body for safety

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1 and health in America?

2 A. Yes, Office for Safety & Health in  
3 America. This was mainly handled by -- by our  
4 manufacturing expert.

5 Q. And you understood that going back at  
6 least to 1991, that OSHA had, on one or more  
7 occasions, written up citations to BP for allowing  
8 blowdown drums to overpressure and form vapor  
9 clouds at ground level that posed an explosion  
10 risk?

11 A. I've read this in the papers.

12 Q. It would be kind of hard for you as an  
13 employer running a refinery to deny the recognition  
14 of a potential problem with blowdown drums if you  
15 had been given citations by the government telling  
16 you that they were a risk and if your own people  
17 had logged problems in the past with those units?

18 A. Well, I'm not close to this. I only --  
19 what I've seen is that there are some complaints in  
20 the papers, yeah.

21 Q. Okay. And you really don't need a  
22 government agency to come out there and write you a  
23 ticket for having vapors coming out of a blowdown  
24 drum to realize that blowdown drums are not as safe  
25 as flares? You don't need the government to tell

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1 you that, do you?  
 2 A. Well, as I told you, we didn't have them.  
 3 Q. Sure. You did not have them in Germany?  
 4 A. No.  
 5 Q. And you knew why you did not have them?  
 6 A. Because we feel it's not acceptable to  
 7 lead -- to let those things leak to the  
 8 environment.  
 9 Q. Sure.  
 10 And you knew that 30 years ago,  
 11 didn't you?  
 12 A. Well, we didn't have it when I came to  
 13 BP -- to Veba.  
 14 Q. And that was in 1978?  
 15 A. Yeah.  
 16 Q. So you've known it for at least 28 years.  
 17 When you came to work there in 1978 you knew it,  
 18 didn't you?  
 19 A. I have -- I have to tell you that I was  
 20 not aware that blowdown stacks were -- were a part  
 21 of the refinery because I've never seen them.  
 22 Q. All right. But your company knew  
 23 28 years ago -- that is, Veba knew -- that flares  
 24 were better than blowdown drums and they were  
 25 safer?

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1 A. That seems to be the case.  
 2 Q. And you knew as an engineer when you went  
 3 to work out there that common sense would tell you  
 4 that they were safer?  
 5 A. Right.  
 6 Q. And, nonetheless, you understood at some  
 7 point in time after this explosion that your  
 8 employer, BP, unfortunately still utilized blowdown  
 9 drums in certain countries where they were not  
 10 required to get rid of them?  
 11 A. It came out from the -- yeah, from  
 12 what -- all the information that we got that we  
 13 operated still such facilities.  
 14 Q. And you understand why they continued to  
 15 use blowdown drums instead of flares at Texas City,  
 16 don't you, sir?  
 17 A. I can't tell you why they continued to  
 18 keep them.  
 19 Q. The only reason that they continued to  
 20 use them is because it costs money to change them  
 21 out?  
 22 A. I'm not sure whether this was the only  
 23 reason, but I can't give you any additional reason  
 24 right now.  
 25 Q. Well, has anybody told you any reason at

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1 all, crazy as it may sound or otherwise, why there  
 2 would be blowdown drums used at those plants in  
 3 Texas City and elsewhere in the BP system, why  
 4 there would still be blowdown systems used instead  
 5 of flares in 2005?  
 6 A. No, nobody told me.  
 7 Q. Did you know that BP had a standing  
 8 process safety standard called PSS Number 6 that  
 9 admonished those facilities, including Texas City,  
 10 going back to the 1970's, to get rid of their  
 11 blowdown drums and go to flares because of the  
 12 environmental and safety considerations?  
 13 A. I've read something like this in the  
 14 transcripts.  
 15 Q. So seeing the PSS Number 6 out at Amoco  
 16 Heritage going back to '77 saying that flares are  
 17 better and safer, environmentally and from a safety  
 18 standpoint, is very consistent with what your  
 19 practice was at Veba back in that same time frame  
 20 in Germany, wasn't it?  
 21 A. That's the way it looks.  
 22 Q. Are you aware that when the ISOM unit was  
 23 converted from the ultraformer in 1984, that it was  
 24 originally designed to get rid of the blowdown drum  
 25 and go to a flare?

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1 A. I have read that that -- that was  
 2 considered.  
 3 Q. Do you know why they did not convert to a  
 4 flare in 1984 when they modified the ultraformer  
 5 unit to an ISOM unit?  
 6 A. We did not go back to 1984.  
 7 Q. Have you seen any of the documents that  
 8 indicate that the reason they did not do so was  
 9 because the flare was going to cost in excess of  
 10 \$2 million and they were going to scrap the  
 11 project?  
 12 A. I have -- I can't tell you why they  
 13 decided to do so in '84.  
 14 Q. Would it disappoint you that a company as  
 15 big as BP Amoco would have made a decision that put  
 16 people's lives at risk to save \$2 million?  
 17 A. I'm not sure whether that was the  
 18 intention.  
 19 Q. Assuming that is, would that disappoint  
 20 you?  
 21 A. I would not assume that BP had such sort  
 22 of consideration. I -- I would rather assume that  
 23 they were -- that they thought that they could  
 24 accept running it possibly in the future.  
 25 Q. But we do know that in 1984, there was a

<p style="text-align: right;">Page 266</p> <p>1 recognized appreciation of the safety benefits of a 2 flare, do we not? 3 A. I think that -- that you refer to a 4 regulation which obviously was in existence; but I 5 would -- I would question that deliberately Amoco, 6 in those days, put people and human lives at risk. 7 Q. Well, if you don't -- if you don't build 8 a flare and you continue to use a blowdown drum and 9 you know that a flare is safer and you deliberately 10 don't build one, then you know that you're putting 11 people at a higher level of risk than if you have a 12 flare, right? 13 A. I think this is not a conclusion I would 14 share. 15 Q. So you're saying now that flares are no 16 safer than blowdown drums? 17 A. I'm not saying this. What I'm saying is 18 that you have always to ask yourself to what extent 19 you -- a risk is, let me call it, tolerable or 20 acceptable. And so I was not part of the process; 21 so I can't judge what has made them to decide not 22 to put it to a flare. 23 Q. Okay. Well, killing 15 people is not 24 tolerable, is it, sir? 25 A. I can't tell you.</p>	<p style="text-align: right;">Page 268</p> <p>1 just to save money, if that's the facts? 2 A. All I can tell you is it is not 3 acceptable to -- to risk human lives. 4 Q. And, therefore, if you do not put a flare 5 in on purpose, you would agree that you're taking 6 unnecessary risk of lives, if you deliberately 7 refuse to put in a flare when you know it's safer? 8 A. I'm not sure whether it has been 9 deliberately. All I can tell you -- 10 Q. If it was -- I understand, sir, I 11 understand you were not there. 12 I'm just saying: Hypothetically, 13 if there was a deliberate decision made to scrap a 14 program to put in a flare after it had already been 15 decided that we should put a flare in, if the 16 decision was then made not to do it because you 17 could save \$2 million, wouldn't you agree that 18 that's not an acceptable practice in light of the 19 safety benefits of flares? 20 A. That is not acceptable to -- to save -- 21 to -- not to invest -- to make an investment and to 22 put people's life at risk. 23 Q. And certainly a 2 million-dollar 24 investment in investing in a flare on the ISOM unit 25 in 1984 would have been a good investment because</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. You would agree that killing 15 people is 2 intolerable, would you not? That's unacceptable? 3 A. I think we agreed that even one human 4 life is already too many. 5 Q. Now, if it turns out that BP Amoco did 6 not put a flare on that unit in 1984 because they 7 wanted to save \$2 million and that's the only 8 reason they didn't do it, you would agree that that 9 was intolerable, wouldn't you, sir? 10 A. Again, I was not part of the decision 11 which has been made in those days. 12 Q. I understand. 13 I'm just saying hypothetically if 14 it is proven at trial that BP Amoco could have put 15 a flare out there for \$2 million in 1984 and they 16 didn't do it because they did not want to spend the 17 money and as a result 15 people were killed, that 18 would be unacceptable, wouldn't it? 19 A. Again, it is not acceptable to put 20 deliberately people's lives at risk. 21 Q. And if they had an opportunity to put a 22 flare in there and deliberately chose not to do so, 23 even though they already had a policy statement out 24 that said flares are safer, it would be 25 unacceptable for them to have not put in a flare</p>	<p style="text-align: right;">Page 269</p> <p>1 it would have saved a lot of lives, wouldn't it, 2 sir? 3 A. A flare is safer than a blowdown stack. 4 Q. And a flare on that unit would have saved 5 a lot of lives in March 23, 2005, wouldn't it, sir? 6 A. Most likely. 7 Q. Now, let's go to the next step. 8 Did you know that in 1997, BP made 9 a decision to replace that blowdown drum with 10 another one instead of going to a flare after that 11 blowdown drum was determined to be inoperable as a 12 result of rust and corrosion? 13 A. Uh-huh. 14 Q. Were you aware of that? 15 A. That's what I've read. 16 Q. Did it disappoint you to find out that 17 BP, in 1997, made a conscious decision, when they 18 had an opportunity to run it to a flare, to 19 deliberately again not do so because it's cheaper 20 to build a new blowdown drum than it was to run it 21 to a flare? 22 A. We did not investigate this. 23 Q. If that's the facts, would that again be 24 another layer of disappointment you would have in 25 the operations of the BP Texas City facility?</p>

<p style="text-align: right;">Page 270</p> <p>1 A. It was an Amoco facility in those days --</p> <p>2 Q. I did say --</p> <p>3 A. -- "yes" or "no"?</p> <p>4 Q. -- BP Amoco, yes, sir.</p> <p>5 A. Yeah. And again, I think we are -- we</p> <p>6 are dealing with the same subject. We did not have</p> <p>7 these facilities; and it would certainly have been</p> <p>8 better, to put it mildly, if the blowdown stacks</p> <p>9 had been removed. We can't argue about this.</p> <p>10 Q. Let's bring that -- you said we didn't</p> <p>11 have the facility. Who do you mean "we"?</p> <p>12 A. Veba.</p> <p>13 Q. Oh, Veba did not have the facility?</p> <p>14 A. Yeah.</p> <p>15 Q. But it is a BP facility?</p> <p>16 A. Yeah. So it would certainly have --</p> <p>17 would have been much better if BP Amoco would have</p> <p>18 removed the blowdown stacks, no question.</p> <p>19 Q. Okay. Let's go to 2002.</p> <p>20 Do you know anything about what's</p> <p>21 called the Clean Streams project that took place --</p> <p>22 A. No. I understand that was related to</p> <p>23 benzene emissions, benzene content in the ground</p> <p>24 water, in what I've read in -- in all the documents</p> <p>25 I've studied.</p>	<p style="text-align: right;">Page 272</p> <p>1 regulations regarding the operations and the safety</p> <p>2 of the refineries here are not as strict as they</p> <p>3 are in Germany?</p> <p>4 A. Well, I'm not -- I'm not -- as I said,</p> <p>5 I'm not a refinery expert; but it appears to me</p> <p>6 that we are working under much tougher supervision</p> <p>7 and regulations, but this is my personal</p> <p>8 perception. I never made a comparison in detail.</p> <p>9 Q. And when you say you work under much</p> <p>10 tougher regulations, you're talking about the</p> <p>11 regulations in Germany?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And did you have an understanding that</p> <p>14 the Clean Streams project was one that had not been</p> <p>15 previously funded but was an emergency measure</p> <p>16 undertaken at BP as a result of EPA mandates that</p> <p>17 they clean up those units or shut them down?</p> <p>18 A. I think that was the reason.</p> <p>19 Q. Did you understand that BP officials were</p> <p>20 also concerned that people may end up going to jail</p> <p>21 as a result of being out of compliance with the</p> <p>22 EPA regulations regarding NESHAP and benzene</p> <p>23 emissions?</p> <p>24 A. I think one has to be concerned if this</p> <p>25 happens, and it -- it's no different from other</p>
<p style="text-align: right;">Page 271</p> <p>1 Q. Did you understand that here in the</p> <p>2 21st century, that BP Texas City was still dumping</p> <p>3 benzene in the waste sewers?</p> <p>4 A. Obviously there was some happening in</p> <p>5 this respect.</p> <p>6 Q. Isn't that a cause for concern to you</p> <p>7 with the known carcinogenic properties of benzene?</p> <p>8 A. It's certainly not right; and it was</p> <p>9 against regulations, I understand.</p> <p>10 Q. Sure.</p> <p>11 And you would agree that the</p> <p>12 regulations in America are not as tough as they</p> <p>13 could be or even should be, are they?</p> <p>14 A. I can't comment on this because I've</p> <p>15 never made a comparison.</p> <p>16 Q. Well, I thought you had said earlier that</p> <p>17 Germany had more restrictive regulations than</p> <p>18 places like America?</p> <p>19 A. Yeah, but -- but you said to other</p> <p>20 countries. If you had referred --</p> <p>21 Q. Okay.</p> <p>22 A. -- your question to Germany, I would have</p> <p>23 agreed.</p> <p>24 Q. Okay. Well, let's make it Germany then.</p> <p>25 You would agree that America's</p>	<p style="text-align: right;">Page 273</p> <p>1 countries.</p> <p>2 Q. Did you know that as part of the Clean</p> <p>3 Streams project, that consultants were brought in</p> <p>4 and reconfigured certain portions of the facility</p> <p>5 and one of them was the ISOM unit and it was</p> <p>6 redesigned to go to a flare?</p> <p>7 A. That's what I have read.</p> <p>8 Q. And did you understand that the business</p> <p>9 unit leader at Texas City killed that project to</p> <p>10 run the ISOM unit to a flare because he was</p> <p>11 spending too much money?</p> <p>12 A. I -- I tried to -- to really understand</p> <p>13 why this project had been, as you call it, killed.</p> <p>14 I never found the right explanation for it.</p> <p>15 Q. Do you remember talking to Rick Hale, who</p> <p>16 was the business unit leader in 2002, at the time</p> <p>17 that the Clean Streams project was undertaken?</p> <p>18 A. I don't recall whether we talked about</p> <p>19 this with him.</p> <p>20 Q. Do you recall information from him or</p> <p>21 anyone else that the project was, in fact, killed</p> <p>22 by Mr. Hale because they were running way over</p> <p>23 budget on getting back into compliance with the</p> <p>24 EPA?</p> <p>25 A. Here I have to admit my memory doesn't</p>

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1 help me.  
 2 Q. Okay. Fair enough, sir. Let's then go  
 3 to 2003.  
 4 Do you recall that in 2003, a new  
 5 unit was built in Texas City called the NDU?  
 6 A. That's what I have seen in the papers.  
 7 Q. Did you understand that the NDU, being  
 8 brand-new construction, had a flare attached to it?  
 9 A. That's, I think, what I've read.  
 10 Q. Okay. Were you made aware of the fact  
 11 that the consultants recommended that the ISOM unit  
 12 and the antiquated blowdown drum be run to the  
 13 flare at the NDU?  
 14 A. I'm not sure whether this -- whether I've  
 15 read this. Again, I didn't -- my memory in this  
 16 aspect, it leaves me alone.  
 17 Q. Okay. Did you have any recollection from  
 18 your investigation into this matter and the review  
 19 of documents that the opportunity to run the  
 20 ISOM unit to a flare in 2003 was also killed by the  
 21 management in place at Texas City at the time?  
 22 A. Again, this part of the story is not  
 23 present to me.  
 24 Q. Did you know that there were at least two  
 25 reasons it was killed, one of those had to do with

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1 the fact that there had been no comprehensive  
 2 relief valve study done on the ISOM unit in  
 3 20 years and, therefore, they couldn't even get  
 4 started on the project because they did not have  
 5 the underlying data required to do so?  
 6 A. I have just seen some comments on this  
 7 aspect, yes.  
 8 Q. Are there requirements that have  
 9 up-to-date relief valve studies in the refineries  
 10 in Germany?  
 11 A. I couldn't tell you.  
 12 Q. Was it a concern to you to see and read,  
 13 in Mogford and elsewhere, that BP Texas City had  
 14 not done any comprehensive relief valve studies in  
 15 20 years at that facility in violation of  
 16 compliance regulations?  
 17 A. It was very surprising.  
 18 Q. It was very surprising to you?  
 19 A. Yes, sir.  
 20 Q. And why so?  
 21 A. Because I feel you need -- if you -- if  
 22 we have a regular turnaround of a facility, as I  
 23 told you, every four to five years all the valves  
 24 will be inspected, as well.  
 25 Q. Did you know that another reason that the

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1 project to adapt the ISOM blowdown drum to a flare  
 2 at the NDU was killed because it required a bigger  
 3 pipe that was going to cost an extra \$150,000?  
 4 A. This is not known to me.  
 5 Q. You did not know that Mr. Carter and  
 6 Mr. Wundrow had killed that program because it was  
 7 going to cost an extra \$150,000 to build a big  
 8 enough pipe to accommodate ISOM overflow?  
 9 A. I'm not -- I'm not aware of this.  
 10 Q. If, in fact, there are a number of  
 11 documents reflecting the fact that that project was  
 12 killed at a mere savings of \$150,000, would that be  
 13 yet another level of concern that you would have  
 14 with respect to the decision-making process in  
 15 place at Texas City at the time?  
 16 A. But, again, I think we are dealing all  
 17 the time with the same question, how blowdown stack  
 18 have -- why they have been accepted and why this  
 19 has not been changed. So all I can say, I'm  
 20 surprised about the whole -- I was surprised to  
 21 hear, in May, 2 -- 2005, that we were operating  
 22 such units.  
 23 Q. You were surprised to hear that you were  
 24 operating units like the ISOM in the condition they  
 25 were in --

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1 A. That we had blowdown stacks. That's what  
 2 I was referring to.  
 3 Q. Did you also know about other problems  
 4 with that unit the day they started up, like there  
 5 were problems with level indicators, there were  
 6 problems with the alarms, that some of the alarms  
 7 were known to not be working?  
 8 A. I think that has been addressed in the  
 9 Mogford report, if my memory serves me right.  
 10 Q. Did those things bother you?  
 11 A. But, again, it is something -- yeah, it  
 12 is bothering me because we are also dealing with  
 13 explosive stuff in the refinery. So you need to  
 14 make sure that everything is functioning right.  
 15 Q. Did you get an understanding as to some  
 16 of the staffing changes that had taken place in the  
 17 years proceeding this explosion as they related to  
 18 the ISOM unit?  
 19 A. Which staffing changes are you referring  
 20 to?  
 21 Q. Well, generally all of them, but we can  
 22 specifically go to the ISOM control room.  
 23 Have you ever worked in a control  
 24 room or been in a control room?  
 25 A. I have been in, but never worked there.

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1 Q. Have you seen a control room for the  
 2 ISOM unit that tied also into the ARU and into the  
 3 NDU?  
 4 A. No, I haven't seen it.  
 5 Q. Have you seen pictures of it?  
 6 A. No.  
 7 Q. I will represent to you it looks kind of  
 8 like a NASA space center. There's a bunch of  
 9 monitors and gauges and dials and all that kind of  
 10 stuff. Have you seen stuff that looked like that  
 11 in other control rooms?  
 12 A. I don't know.  
 13 Q. What did the control rooms look like that  
 14 you've been in in the past?  
 15 A. They looked clean and --  
 16 Q. Well, like the floors swept?  
 17 A. Floors wet?  
 18 Q. Floors swept, swept clean?  
 19 A. Yes.  
 20 Q. Have you been in one in America?  
 21 A. No.  
 22 Q. Have the ones that you've been in, in  
 23 addition to being clean, were there a number of  
 24 monitors to look at?  
 25 A. Of course. We had -- we had highly

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1 centralized -- we had -- we have highly centralized  
 2 control rooms which are monitoring and -- yeah,  
 3 monitoring a number of prompts.  
 4 Q. Did you know that on the ISOM unit that  
 5 until 1999, there were two men or two employees  
 6 that operated the control room?  
 7 A. I think I have read this.  
 8 Q. And were you aware that in 1999, as a  
 9 result of the budget cut at Texas City coming from  
 10 Lord Browne, that a decision was made to go from  
 11 two board members to one board member?  
 12 A. All I know that it was -- the number was  
 13 reduced to one, but I'm not sure what the reason  
 14 for this was.  
 15 Q. Did you not see in George Carter's  
 16 deposition the line item budget cuts that took  
 17 place to accommodate the 25 percent budget  
 18 reduction in the fixed operational budget coming  
 19 from Lord Browne --  
 20 A. I think I mentioned that I did not read  
 21 Carter's deposition.  
 22 Q. Okay. You can go back and read  
 23 Mr. Carter's deposition, sir. And there's a  
 24 document attached to it that is the line item  
 25 budget cut for all the budget cuts that were made

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1 at Texas City in 1999 to try to get them into  
 2 compliance to the 25 percent budget reduction  
 3 coming from Lord Browne. Okay?  
 4 That being the case, let me just  
 5 ask you some follow-up questions.  
 6 One is: Are you aware of any of  
 7 the budget cuts emanating from Texas City in 1999  
 8 to accommodate the budget reduction mandate from  
 9 London?  
 10 A. No, I'm not -- I did not look into this,  
 11 and I can't comment on this.  
 12 Q. Did you have first aid kits at your units  
 13 in Germany?  
 14 A. Of course.  
 15 Q. Was it good to have a first aid kit on  
 16 every one of your units?  
 17 A. I think it's required.  
 18 Q. Did you know at Texas City they made a  
 19 decision to get rid of all the first aid kits in  
 20 each of the units to save them a couple thousand  
 21 dollars a year?  
 22 A. I'm not aware of this.  
 23 Q. If that was the case, would that be yet  
 24 again another disappointing decision made by the  
 25 management at Texas City that potentially impacted

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1 health and safety?  
 2 A. I think it is required to have these  
 3 first aid kits wherever they -- in a -- in a  
 4 carefully thought through distribution --  
 5 Q. And a good --  
 6 A. -- throughout the company.  
 7 Q. And a good distribution --  
 8 A. Throughout the refinery.  
 9 Q. Sure. To make them readily accessible in  
 10 the event that somebody had at least a minor  
 11 emergency and it was something that could be at  
 12 least preliminarily treated with a first aid kit,  
 13 correct?  
 14 A. No question about it.  
 15 Q. Would it be surprising and disappointing  
 16 to you that management at a major refinery would  
 17 have such a myopic view of budgets and safety that  
 18 they would kill the first aid kits located at each  
 19 unit in order to save a couple of paltry thousand  
 20 dollars a year?  
 21 A. I think I said already that I feel we  
 22 have to have those first aid kits in a reasonable  
 23 number across the -- the refinery.  
 24 Q. And that's required by the laws in  
 25 Germany?

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1 A. I don't know, but we have it.  
 2 Q. Did you know that at Texas City, they  
 3 also killed most of the safety programs and most of  
 4 the safety training as a result of budget cuts  
 5 emanating from London?  
 6 A. I have read this in transcripts.  
 7 Q. Did you recall that after the reduction  
 8 in staffing in the control room in 1999, that there  
 9 were recurrent requests by the union to go back to  
 10 two board operators out of grave safety concerns  
 11 resulting from overworked and the  
 12 overresponsibility of one operator having to  
 13 monitor all of those panels?  
 14 A. I think I have read this in one of these  
 15 transcripts.  
 16 Q. Was that disturbing to you?  
 17 A. Actually, I -- I'm -- I did not know the  
 18 background; and if you would ask me right now how  
 19 do we do it in Germany or have done in those days,  
 20 I couldn't tell you.  
 21 Q. Did you know that in 2001, the union  
 22 filed additional grievances against the plant again  
 23 out of safety concerns for not having two operators  
 24 at least during start-up and shutdown procedures?  
 25 A. I have read that in transcripts.

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1 Q. Was that a concern to you?  
 2 A. I think during start-up, you have to be  
 3 very, very careful that you have the right people  
 4 and an adequate number of people on the site.  
 5 Q. Sure.  
 6 A. And that's because that's the  
 7 highest risk of something bad happening, when  
 8 you're shutting down and starting up?  
 9 A. That's right.  
 10 Q. And you're aware that on that ISOM unit  
 11 in the prior startups, that more than half of them  
 12 had unusual pressure ratings and other problems  
 13 associated with the start-up?  
 14 A. It doesn't -- it's not in my memory, but  
 15 so -- so I can't comment on this.  
 16 Q. Did you know that in 2003, that not only  
 17 did the various personnel that worked on the  
 18 ISOM unit, but low level management persons also  
 19 filed an additional request basically begging plant  
 20 management to put two people back on that unit  
 21 because it was unsafe running that control room  
 22 with one employee?  
 23 A. I'm not aware of this.  
 24 Q. Let's talk about Pat Gower here, sir.  
 25 Let me back up first. We'll talk about these

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1 startups.  
 2 When you have this section here  
 3 that's called about trailers and startups, the  
 4 other thing that's here is that you said that it  
 5 was not clear who put the trailers in there. And  
 6 you told us that you were looking at Mr. Risinger  
 7 and other people, right?  
 8 A. Yeah, it's not clear, that was in -- when  
 9 we interviewed Ross Pillari.  
 10 Q. Okay. But you do know that Mr. Runfola  
 11 has testified under oath that he particularly told  
 12 several individuals and named them -- being  
 13 Mr. Willis, I think, and Mr. Hawkins and some  
 14 others -- as being aware of the issues before the  
 15 explosion?  
 16 A. That's what I have read.  
 17 Q. I just want to be sure that we've called  
 18 that to your attention so you have an opportunity  
 19 to follow up as part of your investigation. Okay,  
 20 sir?  
 21 A. Yes, sir.  
 22 Q. Now, in addition, it was noted in this  
 23 report that there was difficulty in determining who  
 24 decided to start the -- it said "who decided the  
 25 start-up," you're talking about start-up of the

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1 ISOM unit, correct?  
 2 A. To -- I think it's difficult to -- "who  
 3 decided to put the trailers there and who decided  
 4 to start-up," yeah.  
 5 Q. Okay. So in looking at those two issues,  
 6 BP Texas City had never really found out who was  
 7 responsible for the trailers and who was  
 8 responsible for the start-up of the ISOM unit on  
 9 March 23rd?  
 10 A. We didn't find any statements or  
 11 documents which underpinned an answer to those  
 12 questions.  
 13 THE VIDEOGRAPHER: We are at five  
 14 minutes.  
 15 Q. (BY MR. COON) Okay. And you would agree  
 16 that the siting of the trailers out at Texas City  
 17 is something that is the responsibility of  
 18 management personnel there, is it not?  
 19 A. I would guess so.  
 20 Q. Okay. I mean, that's -- a regular hourly  
 21 person can't go out there and make the decisions  
 22 and just tell the contractors, "Put your trailer  
 23 here. And you do this and you do that and I'm  
 24 going to start this up today without checking with  
 25 my boss."



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1           They can't do stuff like that, can  
 2 they?  
 3       A. I think management is responsible for a  
 4 proper operation.  
 5       Q. Okay. And we do know that management was  
 6 responsible for the approval of the trailer sitings  
 7 with respect to the trailers that were destroyed in  
 8 the explosion, correct?  
 9       A. I think the carrier responsibility that  
 10 everything is --  
 11       THE VIDEOGRAPHER: Excuse me. I'm  
 12 losing his answer through a cell phone or a PDA.  
 13       Okay. It's clear now.  
 14       MR. COON: Okay.  
 15       THE WITNESS: Can you repeat the  
 16 question, please?  
 17       (Discussion off the record.)  
 18       Q. (BY MR. COON) Yes, sir.  
 19       The question was: Was there --  
 20 you would agree that it was the responsibility of  
 21 the management personnel at Texas City to locate  
 22 and site the trailers, including those trailers  
 23 that were impacted in the --  
 24       A. Again, they have to -- they're  
 25 responsible that everything is done in a safe way.

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1       Q. And obviously in this case it was not  
 2 done in a safe way and the MOC process was never  
 3 even completed, correct?  
 4       A. It's quite obvious that serious failures  
 5 have been made.  
 6       Q. Now, in this case, also, with respect to  
 7 the start-up, as I understand, there was never a  
 8 determination made as to who ordered that unit to  
 9 be started up that day?  
 10       A. We couldn't find out.  
 11       Q. And that, again, would have been a  
 12 management decision to start that unit up, correct?  
 13       A. It should have been a management  
 14 decision.  
 15       Q. Did -- didn't you find it bizarre that  
 16 you would come out to BP's largest refinery in the  
 17 world and they can't even tell you who was in  
 18 charge of putting the trailers there that killed  
 19 all the people and couldn't even tell you who was  
 20 in charge of starting the unit up that blew up that  
 21 day?  
 22       A. When you look at what -- what is  
 23 described in detail in the Mogford report, what  
 24 happened during the night and the day shift, you  
 25 really don't -- don't understand how this could

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1 happen.  
 2       Q. Did you wonder what in the heck was going  
 3 on at Texas City for such fundamental issues to be  
 4 so confusing?  
 5       A. This is actually my key question.  
 6       Q. Are you getting some answers to it?  
 7       A. Not yet.  
 8       Q. Are you working on it?  
 9       A. You bet.  
 10       MR. COON: Good place for a break.  
 11 Thank you.  
 12       MR. GALBRAITH: How much longer do  
 13 you got?  
 14       THE VIDEOGRAPHER: This is the  
 15 conclusion of Tape Number 5. We are --  
 16       MR. COON: Who knows?  
 17       THE VIDEOGRAPHER: -- going off  
 18 the record --  
 19       MR. COON: We have 15,000  
 20 documents and I'm on page --  
 21       THE VIDEOGRAPHER: We're going off  
 22 the record at 4:09 p.m. We will continue on  
 23 Tape 6.  
 24       (Recess taken.)  
 25       THE VIDEOGRAPHER: This is the

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1 beginning of Tape 6. We are going back on the  
 2 record at 4:32 p.m.  
 3       Q. (BY MR. COON) Mr. Bonse, I want to turn  
 4 your attention next to Paragraph I, "Pat Gower's  
 5 Role," sir.  
 6       A. Yes, sir.  
 7       Q. And if you look at that -- no, I'm sorry.  
 8 Let me back up.  
 9       When we left off, we were still on  
 10 this one, "H, Trailers/Start-ups." And there was  
 11 one other question I wanted to ask you, or line of  
 12 questions and that dealt with these comments here  
 13 and we talked about not understanding who put the  
 14 trailers --  
 15       (Discussion off the record.)  
 16       Q. (BY MR. COON) Okay. Mr. Bonse, when we  
 17 left off, we were talking about Paragraph H,  
 18 "Trailers/Start-up."  
 19       And one of the things I wanted to  
 20 follow up with you on is that it noted here that it  
 21 was not clear who decided to put the trailers there  
 22 and who decided the start-up. And you told us that  
 23 that's something that you were looking into.  
 24       And then the next paragraph here  
 25 was -- the next sentence, it says, "Mr. Pillari

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1 declared that someone is not telling the truth that  
 2 the operations manager did not know it was start-up  
 3 day."  
 4 Do you recall that?  
 5 A. Yeah.  
 6 Q. That seems to be a pretty important  
 7 statement.  
 8 A. Yeah, but it was just a statement and we  
 9 did not go deeper because Mr. Pillari had no other  
 10 knowledge. So what he's saying is just -- from my  
 11 perspective, it's some sort of speculation --  
 12 Q. And --  
 13 A. -- or assumption.  
 14 Q. So Mr. Pillari is out there and he's  
 15 saying: You know, somebody out there has to know.  
 16 We talked to everybody about who's responsible and  
 17 nobody admits to anything and so somebody is  
 18 covering up or not admitting.  
 19 And that was his frustration,  
 20 wasn't it?  
 21 A. That's what -- that's what it's looking  
 22 like, yeah.  
 23 Q. And here a year later, it's pretty much  
 24 the same status quo. Nobody has raised their hand  
 25 to say, you know, "My bad" --

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1 A. That's right.  
 2 Q. -- "my mess up"?  
 3 A. That's right.  
 4 Q. And so at the end of the day, you and  
 5 your team are going to have to make the unfortunate  
 6 decision between two choices, either decide not to  
 7 go down the road of blaming somebody when nobody  
 8 professed guilt or going ahead and making a  
 9 decision that somebody was responsible even though  
 10 they profess their innocence?  
 11 MR. FERNELIUS: Objection, form.  
 12 Go ahead.  
 13 A. We will -- we will have to invest a lot  
 14 of time in making up our mind on how to deal with  
 15 that issue.  
 16 Q. (BY MR. COON) Are your present plans to  
 17 continue to stick on this issue until you get some  
 18 convincing amount of evidence as to who or -- and  
 19 if it's more than one person, which persons were  
 20 responsible in management for the trailer tragedy,  
 21 as well as the start-up?  
 22 A. I think, as you know from the Mogford  
 23 report, they already invested quite a bit of time  
 24 in trying to find out who did what and who did  
 25 whatnot -- did not do something -- do the right

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1 thing.  
 2 So I -- I think we are running out  
 3 of options on what to do even more. So we will  
 4 have to make up our minds. And that's one very  
 5 important element of our investigation, how to deal  
 6 with it under the accountability auspices.  
 7 Q. And at this juncture, are your team  
 8 members or are you in the position of getting close  
 9 to the point of saying, "Even if we do not  
 10 ascertain clearly who was responsible or which  
 11 persons were responsible for allowing those  
 12 trailers to have been there and occupied during  
 13 that time" -- as well as the start-up debacle, that  
 14 you would at least identify the title of the person  
 15 that should have been responsible; that is, even  
 16 though the plant manager says it wasn't his fault  
 17 and he didn't know, at the end of the day we're  
 18 saying that is the plant manager's fault or that is  
 19 the West Plant manager's fault or that is the unit  
 20 supervisor's fault?  
 21 Are you going to at least get to  
 22 the point of designating a title person who, in  
 23 your mind, should have ended up holding up the  
 24 responsibility for both of those issues?  
 25 MR. FERNELIUS: Objection, form.

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1 A. I think we will -- we will invest, as I  
 2 said, a lot of time in getting -- getting the right  
 3 answer to these questions because it's of crucial  
 4 importance.  
 5 Q. (BY MR. COON) Now, in addition to the  
 6 start-up issues I brought up with you in the  
 7 control room about the person that was working the  
 8 start-up in the ISOM and the responsibility that he  
 9 had with overseeing several other units at that  
 10 time -- do you remember we talked about the two  
 11 people in that control room and then one --  
 12 A. Yeah.  
 13 Q. -- and the downsizing?  
 14 Were you also aware that the one  
 15 remaining person in the control room had worked  
 16 somewhere between 30 and 40 days consecutively  
 17 without a day off a minimum of 12 hours to  
 18 potentially 18 hours a day on occasion?  
 19 MR. FERNELIUS: Objection, form.  
 20 A. I am aware that there was a lot of  
 21 overtime accumulated, which I have to say I feel  
 22 it's not acceptable.  
 23 Q. (BY MR. COON) And in your opinion, in  
 24 your understanding as to how many hours of extra  
 25 overtime, for instance, Mr. Briggs had worked in

<p style="text-align: right;">Page 294</p> <p>1 that control room, it was your opinion that working 2 that many consecutive days in that position was an 3 unacceptable practice? 4 A. Absolutely. 5 Q. And does that have to do with fatigue 6 factors that can come in to play where even if you 7 show up at work, you may just not be mentally sharp 8 to stay on top of your job like you should? 9 A. Well, I have to say that it's beyond my 10 imagination that people work so long for so many 11 days; and it's beyond my imagination because it's 12 against any law in my -- in my country. 13 Q. Well, that's what I wanted to ask you 14 about, too. And, you know, there were a lot of 15 things that we looked forward to talking to you 16 today about and, unfortunately, we don't have 17 enough time to cover them all; but one of them is 18 that you bring the perspective of BP operations in 19 Germany to the table and we haven't had an 20 opportunity to talk to anyone in the system that 21 knows a lot about the German operations. 22 But it's our understanding that 23 there are a lot of things that happened here in the 24 States that are very surprising to you because 25 they're just not allowed in Germany and this is yet</p>	<p style="text-align: right;">Page 296</p> <p>1 be, say, accepted over five or six working days; 2 but absolutely out of proportion to have such a -- 3 such a volume of overtime as it is -- as it was 4 obviously standard practice in -- in Texas City. 5 Q. What do you understand to be the limits 6 on the number of days consecutively an employee can 7 work at a refinery in Germany? 8 A. They work five -- five days a week. And 9 you know -- 10 Q. Okay. 11 A. -- we have these shifts. We do not have 12 12-hour shifts. We have 8-hour shifts. And after 13 five days, there are several breaks; and because 14 it's around the clock -- shifts are around the 15 clock, as you know -- 16 Q. Sir, do you have -- 17 A. -- we have a very -- we have a very 18 highly sophisticated schedule so that doctors tell 19 us what can be -- what is acceptable for people to 20 work, how much free time is -- is required. I 21 can't tell you the details; but I think we even 22 have four shifts, at least in some plants, so they 23 have some -- some overlap between the different 24 shifts. 25 Q. And when you're talking about these</p>
<p style="text-align: right;">Page 295</p> <p>1 another example, which is the -- the hours of 2 employment. 3 Do you have specific restrictions 4 on the number of days consecutive or number of 5 hours that operators working in these refineries 6 can work consecutively? 7 MR. FERNELIUS: Objection, form. 8 A. I have -- 9 MR. COON: I'll give you the same 10 objection. 11 MR. FERNELIUS: Same running -- 12 same running objection to form? Okay. Appreciate 13 it, Counsel. 14 A. We -- I'm not familiar with all details; 15 but what I can tell you for sure, we are not 16 allowed to keep people working for more than 17 ten hours per day. 18 Q. (BY MR. COON) So it's ten hours per day 19 is the limit for -- 20 A. Is the limit. 21 Q. -- someone such as -- 22 A. Under extraordinary circumstances, with 23 the approval of the Works Council, this can be 24 extended, but only for one day, not -- and for 25 all -- I couldn't tell you how much overtime would</p>	<p style="text-align: right;">Page 297</p> <p>1 fatigue issues -- 2 (Brief interruption.) 3 (Discussion off the record.) 4 Q. (BY MR. COON) Mr. Bonse, when you said 5 that docs tell you, are these the physicians that 6 put these parameters on or are you talking about 7 documents? 8 A. No, no, it's -- I -- well, again, from 9 my -- my very superficial knowledge, it is 10 something which is, to some extent, by the rules, 11 by the labor laws we have in Germany. It has been 12 developed in accordance with physicians. 13 Q. In accordance with physicians? 14 A. Yeah. 15 Q. Okay. So awhile ago when you were saying 16 the docs were telling you, you're talking about 17 physician doctors? 18 A. Yeah, right. And then, as I mentioned 19 earlier this morning, we have a very strong, very 20 powerful co- -- co-determination of our workers in 21 Germany. And in particular, how we structure 22 shifts, how long people are permitted to work, to 23 what extent overtime is permitted, this is 24 something which is -- has to be agreed upon with 25 the Works Council.</p>

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1 Q. And --  
 2 A. There are some legal ceilings, if I may  
 3 say so; and how it's then implemented within the  
 4 law is subject to negotiations.  
 5 Q. Okay. So you have --  
 6 A. Subject to agreement, actually.  
 7 Q. Sure.  
 8 So I make sure I understand this  
 9 issue, you have two parameters that you have to  
 10 deal with. One parameter is: Within Germany,  
 11 there are a number of laws and regulations  
 12 specifically restricting the hours of operation  
 13 that your employees can work in the hourly  
 14 workforce --  
 15 A. Correct.  
 16 Q. -- correct?  
 17 A. Correct.  
 18 Q. Does that also apply to management? You  
 19 wish? You can say that off --  
 20 A. I would just --  
 21 Q. -- the record.  
 22 A. I would leave it.  
 23 Q. Okay. But it does apply to the hourly  
 24 workforce; that is --  
 25 A. Hourly workforce and, actually, middle

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1 management, as well.  
 2 Q. Okay. And then you also talk about --  
 3 first let me ask you: With respect to the  
 4 government regulations on the number of hours, is  
 5 there a specific number of days and hours that you  
 6 recall applies? Is that the five days, eight-hour  
 7 limit?  
 8 A. Five hours -- ten hours limit -- five  
 9 days, ten hours limit. That's what I'm pretty sure  
 10 of, but --  
 11 Q. Okay.  
 12 A. -- don't lay me to the ground.  
 13 Q. We understand.  
 14 Now, with respect to the other  
 15 issue -- that is, even though the government sets  
 16 those as the basic limits and, as I understand from  
 17 what you said, there was some flexible  
 18 circumstances where if there's an emergency, that  
 19 you can make accommodations. For instance --  
 20 A. During the turnaround, as well.  
 21 Q. -- if in a turnaround or somebody just  
 22 doesn't show up and you have to get a replacement,  
 23 I'm assuming you don't have to shut the unit down  
 24 during that time, do you, sir?  
 25 A. No, sir.

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1 Q. Okay. So there are some reasonable  
 2 accommodations.  
 3 Other than that, what are the  
 4 separate layers of hourly agreements that are  
 5 reached with the union. You said there's a  
 6 collective bargaining agreement that also modifies  
 7 the -- the federal regulations?  
 8 A. Yes. As I said, within the frame set by  
 9 the government regulations, management and union or  
 10 Works Council have to agree how to implement it in  
 11 detail.  
 12 Q. And so from your many years of working in  
 13 Germany, being very familiar with how the  
 14 collective bargaining agreements with the for --  
 15 the workforce worked and how the federal government  
 16 regulated the number of hours, it was very  
 17 surprising to you to come here to the States and  
 18 look at this incident and see that there were a  
 19 number of employees working on the ISOM unit who  
 20 had worked 30 or 40 days consecutively 12-hour or  
 21 longer shifts?  
 22 A. I can't tell you. This is -- even  
 23 without any -- any regulations this is, from my  
 24 point of view, not acceptable.  
 25 Q. And so, for instance, in Germany those

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1 same operators would have been restricted to five  
 2 days as a matter of due course, we're 25, 35 days  
 3 over that normal five-day limit without days off?  
 4 A. That would not be acceptable.  
 5 Q. And then with respect to the hourly  
 6 shifts, in Germany the workforce at the refineries  
 7 there were restricted to ten-hour shifts, we have  
 8 here circumstances where the routine process on a  
 9 daily basis was 12 hours and sometimes extended to  
 10 18 in the event of shift overruns?  
 11 A. Just to be very clear --  
 12 Q. Yes, sir.  
 13 A. -- the regulations allow us to -- that  
 14 people work ten days per -- ten hours per day. I'm  
 15 not talking about ten-hour shifts. So the shifts  
 16 that are usual -- the usual agreement is that we  
 17 have a -- I think a 36.5 hours weeks. So divided  
 18 by five days, we are at 7.5 hours per day. That's  
 19 what has been agreed upon with the -- with the  
 20 union, actually.  
 21 Q. Right. Are there also --  
 22 A. And then by law, this can be extended  
 23 case by case, but not on a continuous basis, up to  
 24 ten hours.  
 25 Q. So it's just -- to you to see

<p style="text-align: right;">Page 302</p> <p>1 employees -- a number of employees working 30, 2 40 days straight, 12-hour shifts and sometimes 3 longer was something that just -- really just 4 shocked you? 5 A. Yeah. 6 Q. And you understood that a lot of the 7 reasons for these regulations in Germany on the 8 number of hours that the regular workforce would be 9 forced to work has to do with quality of life, but 10 also with fatigue? 11 A. Sure. We have to protect people, and we 12 have to protect the safety of our operations. 13 Q. And in refineries, as much or as 14 important -- more importantly than most places, 15 there's all kinds of bad things that can happen to 16 people who aren't thinking straight, right? 17 A. Right. 18 Q. You've got to be on your toes all the 19 time working in a refinery? 20 A. Yes. 21 Q. And the people that are doing turnarounds 22 and shutdowns are in particular need of having 23 plenty of rest so that they can really pay 24 attention to what they are doing because those are 25 the times of highest risk in a refinery setting?</p>	<p style="text-align: right;">Page 304</p> <p>1 crew, I don't know. 2 Q. Okay. I want to talk next, if we can, 3 about Pat Gower's role. 4 A. Yes. 5 Q. And he was the vice president of BP North 6 America at the time of the explosion, correct? 7 A. That's right. 8 Q. Is he still in that position now? 9 A. I think so. 10 Q. And I understand the position of 11 Mr. Pillari is the person that you first 12 interviewed, that he has been replaced in that 13 title with Mr. Malone recently? 14 A. Mr. Pillari has been replaced by 15 Mr. Malone. 16 Q. Yes, sir. Isn't that what I said? 17 A. I thought you asked whether Mr. Gower has 18 been replaced. 19 Q. Right. No. Mr. -- Mr. Pillari has been 20 replaced. 21 This gentleman on this interview 22 has been replaced by Mr. Malone now? Mr. -- 23 A. Mr. Pillari has been replaced, yeah. 24 Q. And Mr. Gower still retains his title 25 to --</p>
<p style="text-align: right;">Page 303</p> <p>1 A. No question about this. 2 Q. Are you going to make recommendations 3 that BP facilities here stateside do some things to 4 preclude the likelihood of working employees that 5 number of hours and that many consecutive days in 6 light of what you understand to be the underlying 7 issues and reasons for it over in Germany? 8 A. We want -- I would not refer to Germany 9 alone because maybe it would even be -- leave a bit 10 of sour taste in the Anglo-Americans here. 11 I think from the sheer fact that 12 people cannot -- cannot be -- with their full 13 ability be available for the job they have to 14 deliver with 12-hour shifts for 30 or 40 days, from 15 the sheer observation of this simple fact, we need 16 to come to -- to such conclusions that this has to 17 be -- this has to be modified. 18 Q. Did it surprise you that there was very 19 little mention in the Mogford report regarding the 20 underlying root cause as it related and addressed 21 the potential for fatigue in the workforce having 22 worked that many days and hours? 23 A. No, it did not surprise me because 24 whether this was now a root cause for -- for this 25 very, very deplorable behavior by the staff, by the</p>	<p style="text-align: right;">Page 305</p> <p>1 A. That's right, regional vice president to 2 refining -- 3 Q. Okay. 4 A. -- North America. 5 Q. Okay. One of the things that's commented 6 on in this paragraph is that he had been put in an 7 impossible position, that there was accountability, 8 but no power or authority. 9 Is that your opinion or is this 10 something Mr. Pillari related to you? 11 A. This is also something we -- we have -- 12 also on our list, we need to debate what we -- we 13 say about this. I question -- I question the -- 14 the wisdom of the regulations that -- that 15 Mr. Gower -- Mr. Gower, to some extent, has been 16 given authority and accountability; and on the 17 other hand, it was limited. 18 The point we have here in mind is 19 that particular -- that the performance contract of 20 Mr. Parus was held by Mr. Hoffman himself, and so 21 in a way bypassing Mr. Gower as a direct report for 22 Mr. Parus. 23 Q. And, in fact, it was your observation 24 there was a lot of direct reporting by the business 25 unit leaders in the States directly to Mike Hoffman</p>

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1 in London as a result of that?  
 2 A. Yeah. Something which -- which I found,  
 3 let me call it, irritating, to what extent  
 4 Mr. Gower was direct responsible and accountable  
 5 and to what extent Mr. -- Mr. Hoffman still kept  
 6 responsibility and accountability.  
 7 Q. Do you feel that Mr. Hoffman has usurped  
 8 a lot of the power and responsibilities that should  
 9 be retained by Mr. Gower?  
 10 A. Can you repeat, please?  
 11 Q. Yes, sir.  
 12 Did you believe that Mr. Hoffman  
 13 has more or less usurped or pulled in  
 14 responsibilities that Mr. Gower should have  
 15 remained vested with?  
 16 A. That he took too much authority with him,  
 17 Mr. Hoffman?  
 18 Q. Yes, sir. Yes, sir.  
 19 Mr. Hoffman has taken away  
 20 authority that Mr. Gower should have been remained  
 21 vested in?  
 22 A. That's -- that's why I didn't understand  
 23 your question.  
 24 You know, Mr. Gower was  
 25 introduced, I think, in 2003. So to that date,

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1 there was no regional vice president of refining.  
 2 So Mr. Hoffman had to delegate some of his  
 3 authority to Mr. Gower. And from my point of view,  
 4 it was done half-heartedly, at least from what we  
 5 conclude as of today.  
 6 It was done half-heartedly in a  
 7 way that he wanted Mr. Gower to hold quarterly  
 8 performance reviews. He also at the end of the  
 9 year gave some sort of appraisal of Mr. Gower's and  
 10 other refining managers' performance and -- that he  
 11 made to Mr. Hoffman. And then Mr. Hoffman made up  
 12 his mind what he -- how he would evaluate the  
 13 performance of Mr. Parus.  
 14 So -- and then he decided upon  
 15 Mr. Parus' bonus and he signed his performance  
 16 contract, too. So this is, to me, a combination I  
 17 have difficulties to understand.  
 18 Q. It led to some confusion as to the chain  
 19 of command?  
 20 A. Yeah, I believe. I believe.  
 21 You know, if you are just  
 22 partially responsible for -- for something, then  
 23 you have always an interface at which you ask  
 24 yourself, "Am I accountable and responsible or am I  
 25 not?"

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1 Q. And when you took this statement a number  
 2 of months after the explosion -- when was this?  
 3 A. April --  
 4 Q. July?  
 5 A. April of '06.  
 6 Q. In April '06, this is more than a year  
 7 after the explosion. And you get into looking at  
 8 what had changed and what had BP's infrastructure  
 9 learned in the year after the explosion. And you  
 10 had this paragraph talking about that subject  
 11 matter called "Significant Changes."  
 12 And you talk about Ms. Moore  
 13 asked -- this is part of your investigative team,  
 14 Stephanie?  
 15 A. Yes, sir.  
 16 Q. And she asked about the most significant  
 17 changes since the explosion. I guess this was just  
 18 kind of open-ended questions to Mr. Pillari, like  
 19 what do you see changing over the last year?  
 20 A. Yes.  
 21 Q. And the response is that -- it says,  
 22 "Mr. Pillari responded that there have not been  
 23 many changes."  
 24 Did that surprise you and/or  
 25 disappoint you?

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1 A. Yeah. That was something which really  
 2 intensified interest to find out how the chain of  
 3 command was in R -- in R&M and -- and within the  
 4 SPU refining in particular. And we wanted to find  
 5 out how it was actually from the very day on when  
 6 Mr. Parus took over the Texas City site in 2002.  
 7 In those days, we had chemical  
 8 activity. So there was a lot of different  
 9 businesses supervised in a way by Mr. Parus.  
 10 And we wanted to know how the  
 11 chain of command or the government structure had  
 12 developed over time and how was it on March 23 and  
 13 how is it now. And we had very intensive debates  
 14 with all, including Colin Maclean. And I think  
 15 when we talked to Mr. Pillari at the end of March,  
 16 he was not aware that Mr. Colin Maclean was clearly  
 17 now reporting to Mr. Gower.  
 18 So I think he was not a -- he had  
 19 not been made -- has not been informed about this  
 20 change.  
 21 Q. And the next comment was, "The span of  
 22 control is still wrong."  
 23 What does that mean?  
 24 A. Yeah, I think that's -- that's what --  
 25 from my interpretation is that Mr. Pillari at that

<p style="text-align: right;">Page 310</p> <p>1 time believed that this half-hearted -- as I call  2 it, half-hearted government structure that to some  3 extent Pat Gower is -- is supervising Don Parus and  4 the other refinery managers. On the other hand,  5 the performance contract is held by Mike Hoffman,  6 that this was still in place; but this had changed.  7 And that's what you call span of control.  8 Q. And then next "CJ," who is that?  9 A. CJ is Ms. CJ Warner. She is group vice  10 president -- group vice president in charge of --  11 in those days, of non-operated refineries. And she  12 was assigned the special job of, yeah, in the  13 way -- you know, what they call handling the panel,  14 actually supplying -- making sure that the Baker  15 panel gets all the information and material they  16 want.  17 Q. Well, that answered my question. When  18 you referred to "the panel," CJ is handling the  19 panel, we're talking about she had responsibilities  20 with the Baker panel?  21 A. Yeah, and actually supplying them with --  22 with all they wanted from BP.  23 Q. Okay. And then the additional comment  24 there is that she was "wasting her time."  25 Why was that so?</p>	<p style="text-align: right;">Page 312</p> <p>1 governance structure and the unclear  2 accountabilities and responsibilities as I  3 described it to you; and Mr. Pillari, at that time,  4 was not aware that Mike Hoffman had changed it.  5 Q. Then it goes on and says, "Mr. Pillari  6 hears" -- this is Lord Browne --  7 A. Yeah.  8 Q. -- "EJPB"?  9 "Mr. Pillari hears Lord Browne and  10 others say operational integrity, but not sure what  11 is being done about it."  12 So it's like they -- they hear the  13 rhetoric, but there's no policies and procedures  14 that are actually being implemented to make things  15 better?  16 A. Yeah. From -- from his view, Mr. Pillari  17 got the impression that in a way lessons which had  18 to be learned from March 23 had not yet been  19 applied.  20 Q. And then going into the next -- next  21 paragraph, would you read this where it talks about  22 you, sir?  23 A. "Mr. Bonse stated that the corporate  24 culture did not change and accordingly there was no  25 change. Mr. Bonse indicated that real</p>
<p style="text-align: right;">Page 311</p> <p>1 A. I don't know. I didn't ask her the  2 question because the Baker panel was not my -- my  3 job to deal with her.  4 Q. Was the inference there that she had  5 better things to do or that the panel already had  6 predetermined outcomes or do you know?  7 A. I can't tell you because I didn't ask the  8 question for her because it was not helpful for our  9 investigation.  10 Q. Okay. The next comment is that  11 "Mr. Pillari would be surprised if QPRs are much  12 different."  13 What is that?  14 A. Quarterly performance reviews, and that's  15 what -- that's referring to what I've said --  16 Q. What you just talked --  17 A. Yes.  18 Q. Then it says, "It appears that they are  19 running R&amp;M" -- that's refinery --  20 A. And marketing.  21 Q. -- marketing -- "the same way."  22 And then the comment, "Mogford is  23 trying to break in."  24 What did that mean?  25 A. That -- again, referring to the -- to the</p>	<p style="text-align: right;">Page 313</p> <p>1 accountability is important. Mr. Pillari stated  2 that BP had trouble finding the persons to  3 investigate this thing - with the background and  4 the gravitas of what to do. There are two levels:  5 The individual's accountability and the larger  6 picture. Mr. Pillari stated that we are  7 struggling" -- for making changes -- not -- "we are  8 struggling and not making changes. However, in  9 contrast, he looked at encourage (sic) because they  10 wanted to know what lessons" -- to encourage?  11 Q. Anchorage?  12 A. Anchorage.  13 Q. It's Anchorage, Alaska --  14 A. Yeah, yeah. (Continuing) -- "to know  15 what lessons they -- they could learn from the  16 explosion."  17 Q. And somewhere in that paragraph, were you  18 making some off-the-cuff responses in the meeting  19 about your -- your personal observations about the  20 corporate culture?  21 A. Yeah, this was not so much related to --  22 to the Texas City disaster. It was more referring  23 to the fact that the way the segment was managed by  24 Mr. Manzoni and his GVPs actually had not changed.  25 And Mr. Pillari and I, as I told you this morning,</p>

<p style="text-align: right;">Page 314</p> <p>1 we were colleagues. We were struggling with the 2 same issues that we had this vertical structure in 3 the company within the segment and that we, as the 4 regional presidents, had to tie together to make BP 5 seen as one company. 6 So that -- that's what I had in 7 mind when saying this. 8 Q. Was it surprising to you that -- seeing 9 that over a year after this explosion and the 10 gravity of the explosion, that so little had 11 actually been done to incorporate what you felt 12 would be significant corporate change and corporate 13 culture change to address the issues systemic of 14 this explosion? 15 A. I think my -- my work may help in getting 16 some changes in place. 17 Q. Now, you told us earlier about an interim 18 report that was given to counsel back in July of 19 this year? 20 A. Yeah, we gave it to the executive vice 21 president of HR, Ms. Sally Bott, and to the general 22 counsel, I think he's a doctor, Peter Bevan. 23 Q. What does it look like? I haven't seen 24 it yet. 25 A. You haven't seen it?</p>	<p style="text-align: right;">Page 316</p> <p>1 or does not carry any accountability for the 2 disaster which happened on March 23. 3 What we delivered to them was, on 4 their request, some sort of a snapshot in -- where 5 we -- in where and how long it -- it may take to 6 come up with our final report. It's a -- if my 7 memory serves me right, a seven or eight pages 8 presentation. 9 Q. And who was that presented to? 10 A. Ms. -- Ms. Sally Bott, the executive vice 11 president to HR, and the general counsel, Peter 12 Bevan. 13 Q. And do you know if that interim report 14 has been disseminated to anyone that you have 15 talked to as part of this investigation or to any 16 of the senior executive level people such as 17 Lord Browne or the members of the board? 18 A. I have no information on this aspect. 19 You asked me this question this morning. 20 Q. Okay. The final document you just -- at 21 the present time believe would be out by the end of 22 the year? 23 A. That's our intention. 24 Q. And is there anything that's going to be 25 significantly different from the final report other</p>
<p style="text-align: right;">Page 315</p> <p>1 Q. No, sir. 2 A. I don't have it with me. 3 Q. Okay. Can you just describe it for us, 4 tell us in summary what it is? 5 A. It's a summary of -- it's a number of -- 6 of pages where we describe how we -- how we did our 7 work. We describe that we built on certain 8 principles what we -- how we consider 9 accountability and responsibility, what has to 10 be -- what's our understanding of accountability 11 and responsibility. 12 Then we said we -- we structured 13 our interviews and actually our debate who is 14 accountable -- potentially accountable and who is 15 not, based on what information was available to the 16 individual, did he make proper use of the -- of the 17 information he got, and did he draw the right 18 conclusions and if not, why didn't he -- why did he 19 not do so, are there any aggregating factors which 20 really determine to what extent it was just poor 21 judgment or was it even neglect -- negligence or 22 whether mitigating factors which say, okay, he was 23 some sort of accountable but there were so many 24 parameters that we come to the -- he may -- we may 25 come to the conclusion that he is not accountable</p>	<p style="text-align: right;">Page 317</p> <p>1 than the additional content than what your interim 2 report had? 3 A. I think there will be some differences. 4 It will not be identical with what we have 5 presented to them. We had our -- our interview, a 6 very extended interview with Don Parus last week, 7 as I mentioned this morning; and we got some -- 8 some insights which -- and some information from 9 him which we feel may shed a new light on what we 10 had presented in -- in July. 11 Q. And where was Mr. Parus' interview 12 conducted? 13 A. In Washington. 14 Q. Washington? 15 A. Yes. 16 Q. And with respect to Mr. Parus and others, 17 do you believe that he and the other recent 18 witnesses that you have talked to have all had 19 their interview summaries typed up in a format like 20 the one we just looked at for Mr. Pillari? 21 A. Can you repeat your question, please? 22 Q. Yes, sir. 23 We have, for instance, the 24 interview summaries that you did of the interviews 25 of Mr. Pillari.</p>



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1 A. Like this one here?  
 2 Q. Right.  
 3 Do you have those same types of  
 4 documents for Mr. Parus and other more recent  
 5 interviewees?  
 6 A. Yeah, for Mr. Parus, it's being typed.  
 7 It was at the end of last week.  
 8 Q. Okay.  
 9 A. And it has to be -- it's being typed and  
 10 it needs to be reviewed by -- by my team and  
 11 myself. So I expect this to be ready within the  
 12 next ten days.  
 13 Q. Okay.  
 14 MR. COON: And, Counsel, we would  
 15 ask for supplement --  
 16 A. And with the other -- and the other  
 17 interview we have -- on each interview, we have a  
 18 note. It's not always the same format.  
 19 Q. (BY MR. COON) Sure.  
 20 And which ones are outstanding now  
 21 other than Mr. Parus, those that have not been  
 22 done?  
 23 A. It's just Mr. Parus.  
 24 Q. Okay. All the rest of them, you believe,  
 25 are all typed up and reviewed --

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1 A. I would guess that they are in those many  
 2 pages you have received.  
 3 Q. Well, we will have an opportunity to look  
 4 to see what else is there.  
 5 MR. COON: But --  
 6 THE WITNESS: I'm sure you will.  
 7 MR. COON: -- with respect to  
 8 Mr. Parus, we would ask that the record be  
 9 supplemented ex post haste so that we can have a  
 10 copy of that at the earliest available opportunity.  
 11 Q. (BY MR. COON) And as I understand, there  
 12 are no more witness statements that you plan on  
 13 taking at the present time?  
 14 A. Today, we don't plan anymore, no.  
 15 Q. Do you know if your final report is going  
 16 to have, as part of the underlying data, copies of  
 17 all of these summaries and other potential  
 18 appendices with respect to other documents that  
 19 you've looked at or reviewed to consider as part of  
 20 the --  
 21 A. No, I -- again, this is something which  
 22 we need to -- which we need to debate; but I  
 23 believe that it will be a rather slim report. But  
 24 whoever wants to debate it with us, we have all the  
 25 backup to answer detailed questions.

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1 Q. Okay. For instance, the binders that  
 2 formed the preliminary foundation of the  
 3 accountability audit team, are those going to be  
 4 part of what is the final package at least or are  
 5 they going to be referenced to show that those are  
 6 documents that were specifically reviewed or  
 7 addressed by the committee before starting your  
 8 work?  
 9 A. No, we will not part them -- make them  
 10 part of the whole package.  
 11 Q. Okay. Is there a way that you can  
 12 have -- or has there been an itemization of the  
 13 contents of the binders that the team looked at to  
 14 help form the basis that they started this project  
 15 with?  
 16 A. I think what we have is a list of  
 17 content, what we have in all the binders.  
 18 Q. Okay. Can we have -- first of all, do  
 19 you know if all the contents of the binders are  
 20 documents that have been exchanged between the  
 21 parties in this litigation? Do you know one way or  
 22 the other?  
 23 A. No, I'm not. I have -- we have our own  
 24 binders, and I am not sure what has been exchanged.  
 25 MR. COON: Okay. Counsel, in that

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1 regard -- and you can consult with your folks, but  
 2 we would request a copy of one of the exemplars of  
 3 the binders to know what it is that they have  
 4 looked at and --  
 5 MR. FERNELIUS: I think why you  
 6 got so many documents is we provided the materials  
 7 in the binders that the team looked at so you would  
 8 know what the team relied on for their work.  
 9 MR. COON: Okay. To the extent  
 10 there are other things that are in the binders that  
 11 aren't reflected, we can just get those; and I  
 12 think if that is the case, if there is an  
 13 appendices or an index or both, that will help us  
 14 better understand what it was that has been looked  
 15 at.  
 16 MR. FERNELIUS: Yeah, I'm more  
 17 than happy to produce the index if it's not already  
 18 in with the other stuff.  
 19 MR. COON: Okay.  
 20 MR. FERNELIUS: Absolutely.  
 21 Q. (BY MR. COON) Mr. Bonse, I'm going to  
 22 run you through a number of other documents now.  
 23 I've got a good flavor, from going through  
 24 Mr. Pillari's in more detail, how you indicated in  
 25 the comments what was said and how it was said. So

<p style="text-align: right;">Page 322</p> <p>1 let me just -- instead of going through all the 2 detail with the others, in light of the hour, let 3 me first go through other documents I just need you 4 to identify. 5 One, in what was produced to us, 6 is a four-page document that just talks about the 7 Texas City accountability project and major 8 milestones. And can you just look at this real 9 quickly and tell me what it is and who put it 10 together? 11 A. I can. (Examines document.) 12 This is a -- this is a paper 13 which -- which we always use if we were confused 14 what happened when so that we were always on the 15 same page when we were referring to certain events. 16 It is just a backup and a reminder for us. 17 Q. It's a chronological -- 18 A. Chronologic -- 19 Q. -- index? 20 A. Chronologic, yeah. 21 Q. And who put that together? 22 A. It has been put together by an assistant 23 to Mr. Heller, Margie Westmont. 24 Q. Okay. And the things that are listed on 25 here, if it says the Veba report, for instance,</p>	<p style="text-align: right;">Page 324</p> <p>1 I have never seen this. Nothing 2 comes to my mind that I ever saw it. 3 Q. Are any of the -- 4 A. No -- 5 Q. -- quotes there ones that look familiar 6 to you as part of the information you have looked 7 at in your -- 8 A. Well, some of the -- it looks to me as if 9 these are quotes, and sometimes I'm -- I'm 10 wondering whether this is not taken from the Telos 11 Report. It sounds to me like some statements I 12 have read in the -- in the Telos Report. It's 13 nothing we have created. 14 Q. Okay. 15 A. I believe. 16 Q. And you don't believe this was a document 17 actually created by the accountability audit team? 18 A. I don't -- I'm almost sure it has not 19 been created by us. 20 Q. Any clue as to where this came from or 21 who generated it or why it would be produced as 22 part of your deposition today? 23 A. No, I'm -- I'm not sure. Well, actually, 24 I'm not sure -- I don't know, actually. Is it for 25 the ISOM? I don't know.</p>
<p style="text-align: right;">Page 323</p> <p>1 anything itemized here would be a document that 2 y'all would have access to to reference back to? 3 A. I think so. 4 (Exhibit Number 837 marked for 5 identification.) 6 MR. COON: We are marking that, 7 Counsel, as 837. 8 MR. FERNELIUS: Okay. 9 (Exhibit Number 838 marked for 10 identification.) 11 Q. (BY MR. COON) Next was this one, sir. 12 I'm going to call this Exhibit 838, and I will show 13 it to you first so you know what it is for the 14 record. 15 It's entitled "Brutal Facts," and 16 it is just a long list of comments. Have you seen 17 that document before? 18 A. Can you give it to me? 19 Q. Yes, sir. (Tenders documents.) 20 And it's four pages of comments, 21 and I was just wondering if -- 22 A. Thank you. 23 Q. -- you've seen the document before and if 24 you know where the comments came from? 25 A. (Examines document.)</p>	<p style="text-align: right;">Page 325</p> <p>1 MR. FERNELIUS: Brent, is that 2 going to be 838? 3 MR. COON: Yes, sir, that's 838. 4 MR. FERNELIUS: Great. 5 MR. COON: I guess we will follow 6 up elsewhere on authenticity. 7 (Exhibit Number 839 marked for 8 identification.) 9 Q. (BY MR. COON) Next, sir, we have what's 10 marked 839. This is an e-mail to the team from you 11 dated April 12, 2006; and I will hand it to you. 12 For the record, the subject is 13 "VPP measures." And this is you up here, sir? 14 A. Yeah, this is variable -- variable pay, 15 uh-huh. 16 Q. And if I could have you read that 17 paragraph -- 18 A. Sure. 19 Q. -- out loud, and then I will ask you to 20 comment on it. If I could have you just read it 21 into the record, please, sir. 22 A. I think it's -- what is written down 23 there, it's an e-mail from Jeff Heller to the rest 24 of our team talking about VPP measures. 25 "I think" -- and I quote now, "I</p>

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1 think we are going to see a theme, when we speak to  
 2 some of the persons at Texas City, that the culture  
 3 in management changed when Don came on board. It  
 4 became less of a culture focused on technical  
 5 skills, and more one focused on communication,  
 6 upward career movement, and the softer side of  
 7 things. I am not saying these communications here  
 8 are inappropriate or anything, but wait until you  
 9 talk to some of these folks, and then compare those  
 10 themes to these communications. Someone who was an  
 11 outside observer at Texas City during this time  
 12 told me recently that Don was much more comfortable  
 13 in the areas of D&I," which is diversity and  
 14 inclusion, "communication, and upward management  
 15 than he was in getting involved in the details of  
 16 operations and maintenance. And that Willie" is  
 17 very much like Don -- and that Willie is -- "And  
 18 that Willie is very much like Don. In the next few  
 19 days, I will have a complete history on Don's  
 20 employment which you can see (we are creating that  
 21 rather than send you 60 pages of PeopleSoft  
 22 records). And there is more to come."  
 23 Q. And do you believe that the comments made  
 24 early on in the case by one of your team members  
 25 were somewhat prophetic of what you found as part

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1 of your accountability audit today?  
 2 A. Well, I think he indicated what we --  
 3 what he expected us to see; and just to make sure,  
 4 this is -- I sent a comment back to the -- you  
 5 know, this was -- came from Mr. Heller.  
 6 Q. Right. What you just read came from him?  
 7 A. And I got -- we all got it. We all --  
 8 Q. Right.  
 9 A. -- got it. And then I responded,  
 10 including everybody, "Many thanks, Jeff; very  
 11 important context."  
 12 Q. Right.  
 13 So that was his comment about what  
 14 he thought you would end up seeing as part of the  
 15 audit?  
 16 A. Yeah.  
 17 Q. And now that you have done the audit, you  
 18 tend to agree with a lot of the comments contained  
 19 in that supposition?  
 20 A. Well, I -- I have reason to believe  
 21 that -- that some items which -- which he addresses  
 22 here, that Don is more -- more focusing on soft  
 23 things, that this is, yeah, supported by our  
 24 findings.  
 25 MR. FERNELIUS: So that's 840,

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1 Brent?  
 2 MR. COON: That's 839, sir.  
 3 MR. FERNELIUS: I am off one.  
 4 Okay.  
 5 MR. COON: I'm just off.  
 6 MR. FERNELIUS: I'm just -- yeah.  
 7 (Exhibit Number 840 marked for  
 8 identification.)  
 9 Q. (BY MR. COON) The next, I have  
 10 Exhibit 840, sir.  
 11 MR. COON: And for the record, I  
 12 will show this one is -- it says, "Interview: John  
 13 Mogford." Attending:" The team.  
 14 Q. (BY MR. COON) And this is in a different  
 15 format. I'm wondering: Is this a -- one of the  
 16 interviews?  
 17 A. That's one of the interviews where we did  
 18 not have our usual note taker, and that's why --  
 19 that's why it is in a different format.  
 20 Q. This looked to be a pure question/answer  
 21 format.  
 22 A. Can you -- can you show me?  
 23 Q. (Tenders documents.)  
 24 A. Thank you. This is...  
 25 I assume -- I assume that this was

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1 done by Jeff Heller.  
 2 Yeah, and he more or less wrote  
 3 down or the note reflects the trail of our  
 4 conversation.  
 5 Q. Okay. So what we have here is a  
 6 transcript in a question/answer format of the  
 7 question that you asked and the answer that was  
 8 given by Mr. Mogford and --  
 9 A. Right.  
 10 Q. -- it was based on a transcript written  
 11 down by Mr. Heller?  
 12 A. That's what I speculate, but I'm not  
 13 sure.  
 14 Q. You do not know whether or not that was  
 15 just off of his fast handwriting or shorthand or an  
 16 audio recording?  
 17 A. There certainly was no audio recording.  
 18 I would guess it was just by him taking some notes.  
 19 But we can find out. If it's in there, then we  
 20 will find out.  
 21 Q. What is a "Star Site"?  
 22 A. Star Site is a site which is recognized  
 23 due to its superior performance, its complexity and  
 24 its superior performance.  
 25 Q. And the comment that was asked in the

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1 Star Site and Mr. Parus' role in accountability,  
 2 his answer was -- Mr. Mogford said, "It was messy  
 3 with the Star Site concept."  
 4 Do you know what he meant by that?  
 5 A. Can I see the full --  
 6 Q. Yes, sir.  
 7 A. -- question and answer?  
 8 Q. And this is apparently a question by  
 9 Ms. Moore.  
 10 A. Okay. (Examines document.)  
 11 "Texas City was a Star Site" --  
 12 there was a question by Mr. Blyweert -- "until late  
 13 2004."  
 14 And then he describes: "Rick Hale  
 15 had the refinery reporting to Gower when Gower's  
 16 role was created. Eventually Parus' role changed,  
 17 but not sure Hoffman made it clear to Parus what  
 18 his role and reporting relationship was vis-à-vis  
 19 Gower. This was not clear."  
 20 Answer: I was led to believe that  
 21 John Manzoni wanted it this way. He did not want  
 22 someone between managers and Hoffman.  
 23 Then a question by Mrs. -- by  
 24 Ms. Moore: "Was it clear below Parus  
 25 (accountabilities)?"

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1 And then the answer was: "It was  
 2 messy with Star Site concept. I was there when we  
 3 did Grangemouth - things weren't" really clear to  
 4 me (sic).  
 5 Now I know what it meant. The  
 6 Star Site concept was, in those days, that  
 7 Texas City encompassed not just the refinery, but  
 8 also a lot of chemical activities. And they  
 9 were -- and the different plants within the  
 10 refining -- within Texas City belonged to different  
 11 business units; and the managers of the individual  
 12 plants reported to the business unit leaders,  
 13 bypassing, actually, the Star Site director, Don  
 14 Parus. And that what -- that's what the answer was  
 15 answering the question, "Was it clear below Parus"  
 16 as far as accountabilities are concerned.  
 17 "It was messy," because it was  
 18 never clear to -- I'm sorry.  
 19 It was never clear to us to what  
 20 extent Mr. Parus, in those days, when it was a  
 21 Star Site, encompassing all the chemical  
 22 activities, what his accountability and  
 23 responsibilities were. So it was a messy concept.  
 24 Q. And he was asked a number of questions to  
 25 comment in particular on certain individuals on the

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1 following pages. One of them was Willie Willis.  
 2 Have you interviewed Mr. Willis?  
 3 A. Yes, we did.  
 4 Q. When you asked him to comment on Willie  
 5 Willis, his answer was -- there are several things,  
 6 but one is that he was not impressed. He said he  
 7 was not aggressive in managing real issues, that  
 8 there was not a lot of wisdom and he described  
 9 him -- this being Mr. Mogford, described Mr. Willis  
 10 as "rather an angry man."  
 11 Did you have any further  
 12 elaboration on that?  
 13 A. From the conversation with Mogford?  
 14 Q. Yes, sir.  
 15 A. I think --  
 16 Q. And --  
 17 A. I think, as this note reflects, he was  
 18 not impressed by -- by Mr. Willis.  
 19 Q. And you're also asked -- you asked him --  
 20 or Rudy did -- this is another one of the persons  
 21 on the team, right?  
 22 A. Yes.  
 23 Q. Rudy asked about Ray Hawkins?  
 24 A. Yes.  
 25 Q. And the comment was that the impression

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1 was he was ineffectual?  
 2 A. Yeah.  
 3 Q. And gave an example, that "Role of  
 4 training -- in year before, the training  
 5 superintendent only trained 5 percent of the time."  
 6 And I take it you would agree that  
 7 would be inadequate?  
 8 A. Yes, absolutely.  
 9 Q. And then Bill Ralph, did you know Bill  
 10 Ralph at Texas City?  
 11 A. I have not met him. He has been  
 12 interviewed by some of my group.  
 13 Q. You understood that Bill Ralph was the  
 14 senior person on process safety at Texas City?  
 15 A. That's right.  
 16 Q. And the questions about Bill Ralph, it  
 17 was stated that "Bill Ralph's behaviors were  
 18 appalling"?  
 19 A. Yeah, the problem with what -- which  
 20 Mr. Ralph had was that when he promoted -- when he  
 21 brought forward what was on his mind, when he came  
 22 up with his concerns, it was always, in a way,  
 23 contaminated by his desire to become a member of  
 24 the leadership team. And, obviously, this -- this  
 25 did not help his -- that his concerns were properly

<p style="text-align: right;">Page 334</p> <p>1 recognized.</p> <p>2 Q. You think many times his concerns were</p> <p>3 too self-serving to be put in a higher position of</p> <p>4 leadership?</p> <p>5 A. That was the -- obviously, that was</p> <p>6 something which got in his way.</p> <p>7 Q. And you understood that Mr. Ralph had</p> <p>8 frustrations over Joe Barnes recently, before the</p> <p>9 explosion, being appointed over him to the head of</p> <p>10 Health, Safety and Environmental at Texas City?</p> <p>11 A. That's what I have heard.</p> <p>12 Q. And you understood that Mr. Barnes had</p> <p>13 very little, if any, qualifications for that</p> <p>14 position?</p> <p>15 A. I learned this from the transcripts.</p> <p>16 Q. And, in fact, when Mr. Mogford was asked</p> <p>17 to comment on Mr. Barnes, here where it says</p> <p>18 "Bill R.," you're talking about Bill Ralph here</p> <p>19 again, right?</p> <p>20 A. Yeah.</p> <p>21 Q. The question was: "Can you comment about</p> <p>22 Joe Barnes: Where PSM" -- that's process safety</p> <p>23 management -- "fit into refining," right?</p> <p>24 A. Yes.</p> <p>25 Q. And the comment was that "Bill R.</p>	<p style="text-align: right;">Page 336</p> <p>1 answers I've got.</p> <p>2 Q. Then it goes on to say this fault --</p> <p>3 under his comments about Joe Barnes -- it finally</p> <p>4 gets to the comments -- it says, "Joe was pretty</p> <p>5 useless."</p> <p>6 A. That's what Mr. Mogford says.</p> <p>7 Q. Did he elaborate why he felt Joe was</p> <p>8 useless? He had a very important position there,</p> <p>9 didn't he, as head of Health, Safety, Security and</p> <p>10 Environmental?</p> <p>11 A. Yeah. If my memory serves me right, then</p> <p>12 it was -- he said so because he -- he realized that</p> <p>13 Joe Barnes had actually no -- not the corresponding</p> <p>14 knowledge for his HSSE role.</p> <p>15 Q. Did you have an understanding as to why</p> <p>16 Mr. Parus would have promoted Mr. Barnes with so</p> <p>17 little technical experience in process safety</p> <p>18 over --</p> <p>19 A. I did not --</p> <p>20 Q. -- many other people much better</p> <p>21 qualified at that refinery alone, including</p> <p>22 Mr. Ralph?</p> <p>23 A. I did not get convincing answers.</p> <p>24 Q. Now, it's my understanding after this</p> <p>25 explosion, as one of the concessions of management,</p>
<p style="text-align: right;">Page 335</p> <p>1 technically had the knowledge..."</p> <p>2 And you would agree with that,</p> <p>3 wouldn't you, from what you said --</p> <p>4 A. I -- what I've heard, I think he had</p> <p>5 quite a good knowledge, yeah. I've -- as I said, I</p> <p>6 have never met him.</p> <p>7 Q. And then it goes on to talk about the</p> <p>8 process safety management. As you're talking about</p> <p>9 it, it says, "It had been beaten down, for R&amp;M</p> <p>10 segment, probably came under Maslin technology</p> <p>11 shop."</p> <p>12 What was your understanding from</p> <p>13 all of this, both from this interview and other</p> <p>14 information, that process safety management was a</p> <p>15 concept that had been "beaten down" at Texas City?</p> <p>16 A. I -- my impression was, and is, from all</p> <p>17 our conversations, that process safety -- process</p> <p>18 safety did not get the recognition and the rank, in</p> <p>19 a way, it deserved -- it required.</p> <p>20 Q. And were you able to get your arms around</p> <p>21 why it was that there seemed to be some significant</p> <p>22 emphasis on personal protective safety and</p> <p>23 occupational safety and so little emphasis on</p> <p>24 process safety at that refinery?</p> <p>25 A. Honestly, I'm still struggling with the</p>	<p style="text-align: right;">Page 337</p> <p>1 there was an admission that Mr. Barnes was</p> <p>2 ill-suited for the job and he was transferred back</p> <p>3 out of Health, Safety, Environmental and that</p> <p>4 position --</p> <p>5 A. Well, there --</p> <p>6 Q. -- wasn't he?</p> <p>7 A. -- have -- there have been a number of</p> <p>8 changes, also. Mr. Willis has been removed from</p> <p>9 his position. So I'm not -- I was not part of the</p> <p>10 debate why he has been -- why Joe Barnes has been</p> <p>11 removed.</p> <p>12 Q. Well, and when we talk about that here</p> <p>13 today, we've seen a number of changes.</p> <p>14 Do you believe that Mr. Barnes has</p> <p>15 been reassigned as a result of recognitions of his</p> <p>16 statements in health and safety post incident,</p> <p>17 correct?</p> <p>18 A. I don't know why -- why this happened. I</p> <p>19 have no -- no information.</p> <p>20 Q. What was your understanding as to why</p> <p>21 Mr. Willis has been reassigned?</p> <p>22 A. I have -- I haven't got any</p> <p>23 information at this --</p> <p>24 Q. Okay. As to Mr. Pillari, the reasons for</p> <p>25 his reassignment, did they have anything to do with</p>

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1 questions concerning his competency and the  
 2 oversight and his role and responsibility as  
 3 president of BP North America?  
 4 A. That's what Mr. Pillari said?  
 5 Q. No, sir.  
 6 I'm asking you if Mr. Pillari has  
 7 been reassigned and replaced with Mr. Malone, in  
 8 whole or in part, because of concerns BP has about  
 9 Mr. Pillari's competency and capacity to do all the  
 10 things you're supposed to do as president of  
 11 BP North America?  
 12 A. I have to tell you that I was very  
 13 surprised when I got the information that Pillari  
 14 was removed. So this is -- I haven't got any  
 15 detailed information on what the real background  
 16 was.  
 17 Q. Other than the decisions that may be  
 18 coming out as recommendations from the  
 19 accountability audit team, are you aware of any  
 20 other changes that have been made in the structure  
 21 of the leadership in the chain of command running  
 22 from Texas City up to London as a result of this  
 23 explosion?  
 24 A. No, I'm not aware of this right now.  
 25 Q. Do you fully intend and expect that your

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1 accountability audit team is going to make some  
 2 recommendations, one or more, that certain  
 3 individuals in the chain of command at -- from  
 4 Texas City to London be reassigned, demoted,  
 5 punished or dismissed as a result of their roles or  
 6 responsibilities leading to this explosion?  
 7 A. As you said, we are -- as of today, we  
 8 have not come up with final conclusions; but I -- I  
 9 believe that on the background of 15 people having  
 10 died, we cannot say it will not have an impact on  
 11 the management structure.  
 12 Q. Is it fair to say --  
 13 A. On certain managers.  
 14 Q. Sure.  
 15 So as I understand, a fair summary  
 16 is: Based on your accountability and investigation  
 17 and the fact that you're getting close to issuing a  
 18 final report now, you would anticipate that one or  
 19 more persons are going to be transferred, demoted  
 20 or in some other way punished or held accountable  
 21 at some level as it relates to what happened on  
 22 March 23rd, 2005?  
 23 A. My job will be to come up with certain  
 24 recommendations. To what extent these  
 25 recommendations will be implemented, I could only

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1 speculate. So I can't tell you.  
 2 Q. Okay. Well, I understand.  
 3 My question of you, sir, is:  
 4 Without you revealing confidences with respect to  
 5 your investigation in light of the fact that it's  
 6 not finished, at this juncture do you believe the  
 7 company is going to make recommendations to BP that  
 8 one or more persons in the chain of command from  
 9 the Texas City business lead -- business unit  
 10 leader up, somebody from that level up, be held in  
 11 some way partially or wholly accountable for what  
 12 happened March 23rd at Texas City?  
 13 A. I think we have found more which -- which  
 14 gives reason to come up with recommendations for --  
 15 yeah, for disciplinary actions and we have found  
 16 evidence that there is no accountability up until  
 17 now.  
 18 THE VIDEOGRAPHER: Five minutes.  
 19 Q. (BY MR. COON) Okay. So as I understand  
 20 today, you believe there's probably going to be a  
 21 recommendation coming from the accountability team  
 22 that more than one person in that present chain of  
 23 command be held accountable at some level?  
 24 A. I would expect that we would come up with  
 25 some recommendations, yeah.

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1 Q. There were also questions and comments  
 2 and concerns about the competency of some of the  
 3 people that were the hourly workforce out there.  
 4 Do you recall that?  
 5 A. Where?  
 6 Q. In just some of the interviews and some  
 7 of the other documents, there was questions about  
 8 the competency of some of the persons that were  
 9 working out there that day?  
 10 A. Yeah, I -- I recall that we had -- in  
 11 particular, when interviewing Mike Broadribb, he  
 12 came up with some statements about hourly workers.  
 13 Q. And in that regard, did you guys go back  
 14 and look at the training and retraining issues as  
 15 part of the underlying foundations for why there  
 16 were questions concerning decision making or  
 17 competency of some of the personnel out there,  
 18 particularly in light of the fact that most of them  
 19 had worked there a number of years?  
 20 A. No, we did not go in those -- into those  
 21 details. As I said, we started at the level above  
 22 the superintendents.  
 23 (Exhibit Number 841 marked for  
 24 identification.)  
 25 Q. (BY MR. COON) I want to show you next

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1 the interview of Mr. Maslin.  
 2 Now, as I understood, you guys  
 3 went back and tried to read the depositions of the  
 4 persons that you were interviewing; and that would  
 5 have included Mr. Maslin, correct?  
 6 A. Yes.  
 7 Q. And Mr. Maslin, in his interview -- it  
 8 indicated this was telephone. So not all of them  
 9 were in person, I take it?  
 10 A. Yes. It was difficult to -- difficult to  
 11 get ahold of him. And if I may add, I'm not sure  
 12 whether this was done before or after his  
 13 deposition. And so I have to correct myself.  
 14 Q. Now, one of the comments Mr. Maslin made  
 15 was that the TXC problems -- this was from his  
 16 phone interview. I'll show you here, phone  
 17 interview, June 16.  
 18 A. Yeah, it was done by Mr. Blyweert.  
 19 Q. Right.  
 20 And he expressly stated -- he's  
 21 head of technology -- VP of technology in London,  
 22 right?  
 23 A. Yes, sir.  
 24 Q. And he's one that we understood from  
 25 talks earlier was a BUL or business unit leader at

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1 the Coryton UK refinery at the time of the budget  
 2 cuts in 1999.  
 3 Do you recall that?  
 4 A. Yes, sir.  
 5 Q. And while we've seen the business unit  
 6 leader and business unit strategy sessions coming  
 7 from Texas City in 1999 that credited Lord Browne  
 8 with the budget cut of 25 percent, Mr. Maslin said  
 9 he personally received the note from Doug Ford in  
 10 1999.  
 11 Did you know Doug Ford?  
 12 A. I met him briefly. When -- when my  
 13 company was taking over, he was in charge --  
 14 Q. Okay.  
 15 A. -- of R&M.  
 16 Q. And Mr. Maslin made this comment: It  
 17 says, "Mr. Maslin believes that the Texas City  
 18 problems were significantly aggravated by the  
 19 25 percent cost reduction set by Doug Ford and  
 20 supported by Al Kozinski. This was right after the  
 21 merger. Mr. Maslin was the refinery manager at  
 22 Coryton and refused to obey this directive."  
 23 Did you recall seeing those  
 24 directives?  
 25 A. I do. I do.

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1 Q. And again, did you get an understanding,  
 2 in talking to various business unit leaders, that  
 3 some of them took this 25 percent budget cut to  
 4 heart and literally applied it across the board and  
 5 enforced it, whereas other business unit leaders  
 6 realized that it was impractical and could not be  
 7 accommodated, particularly in light of the down --  
 8 the down cycle in the refining sector through the  
 9 1990s and pretty much ignored the demand?  
 10 A. Well, I'm -- I don't know how individual  
 11 refining managers have dealt with the challenge.  
 12 As I tried to elaborate this morning, it is -- it  
 13 is quite usual in the industry -- and I'm used to  
 14 it, as well -- that you are confronted with  
 15 global -- global numbers how to -- how you have to  
 16 bring your costs down, for instance. And then it  
 17 is the responsibility of the business unit leader  
 18 to figure out whether he can deliver what the  
 19 company expects him to do. And then he -- in some  
 20 cases, he may be required to push back.  
 21 THE VIDEOGRAPHER: We need to  
 22 change tape.  
 23 MR. COON: Okay.  
 24 THE VIDEOGRAPHER: This is the  
 25 conclusion of Tape 6. We are going off the record

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1 at 5:33 p.m. We will continue on Tape 7.  
 2 (Recess taken.)  
 3 MR. COON: Okay. It's about 5:40  
 4 central standard in another nondescript Chicago  
 5 hotel, an ongoing saga in BP depositions and Brent  
 6 Coon on behalf of the BP plaintiff steering  
 7 committee and our plaintiffs are concluding the  
 8 deposition of this witness for the day in light of  
 9 the hour and the fact that we've been here going  
 10 through a number of documents and many questions  
 11 over a long day when all persons got here early  
 12 hours this morning. So we're all tired. And this  
 13 witness, as I understand, has a flight back to  
 14 parts unknown, maybe Germany or elsewhere.  
 15 THE WITNESS: That's right.  
 16 MR. COON: So to accommodate him  
 17 and all the parties that are here -- and, in fact,  
 18 we have another deposition to prepare for and take  
 19 in the morning -- plaintiffs are going to request  
 20 we have an opportunity to redepose this gentleman  
 21 at a mutually convenient date sometime between now  
 22 and trial, preferably sooner than later.  
 23 And that we are amenable, under  
 24 the circumstances, of accommodating by doing so by  
 25 a teleconference or a video conference in lieu of a

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1 face-to-face if necessary.  
 2 And we would state, as further  
 3 grounds, one is that -- for the reasons  
 4 Mr. Gonzalez stated this morning, that we are still  
 5 scrambling to even look at the documents relevant  
 6 to the interrogation of this witness; second, that  
 7 irrespective of that, it appears that this witness  
 8 is extremely material to this case in light of the  
 9 gravity of the investigation and the findings of  
 10 the investigation and the fact that it includes  
 11 many, apparently, candid statements of key  
 12 witnesses in this case.  
 13 And as a result of all of the  
 14 various comments that we deem to be very important  
 15 to corroborating their deposition testimony or  
 16 elaborating on their deposition testimony, and in  
 17 some cases maybe even contradicting the deposition  
 18 testimony, we would want to reserve the right to  
 19 further inquire of this witness on those issues.  
 20 So those things being said, we  
 21 will let this witness go for the time being.  
 22 MR. FERNELIUS: And I would just  
 23 make the statement on behalf of BP that BP, along  
 24 with the plaintiffs committee, are working very  
 25 diligently to get this case ready for trial,

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1 working on an expedited schedule. Certainly the  
 2 deposition notice and preparing the documents for  
 3 production was done on an expedited schedule in  
 4 many days far fewer than the Rules typically  
 5 require. And also, we had confidentiality issues  
 6 to sort out.  
 7 And it's understandable the  
 8 situation the plaintiffs are in, having received  
 9 the documents on the day before this deposition.  
 10 And so we are committed to try and resolve -- to  
 11 resolve this and to figure out a way to get  
 12 something that's acceptable to both the plaintiffs  
 13 steering committee and to BP. And with that, I  
 14 think the deposition is adjourned at this point.  
 15 MR. GONZALEZ: Okay. I've just  
 16 got a couple of questions I want to ask for.  
 17 In going through some of these  
 18 documents in order to short circuit some things,  
 19 Mr. Hoffman states in his statement that he talks  
 20 about the most recent booklet, Art, regarding  
 21 governance in BP refining SPU. And I have tried  
 22 looking at it -- looking for that in our database,  
 23 and I can't find that. So if I could put a couple  
 24 of things, that's one of the documents I would like  
 25 to look at.

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1 The other one is the Elliot report  
 2 from Grangemouth that he talks about, and we  
 3 didn't, obviously, have a chance to question him on  
 4 that.  
 5 MR. COON: "He" being whom?  
 6 MR. GONZALEZ: Mr. Hoffman  
 7 mentions it in his statement, but we --  
 8 MR. COON: Okay.  
 9 MR. GONZALEZ: -- didn't -- you  
 10 didn't have a chance to -- to question Mr. Bonse on  
 11 the Elliot report. So I would like to see what the  
 12 Elliot report is and how it relates to Grangemouth  
 13 and see if there's any lessons learned there with  
 14 respect to Texas City.  
 15 And the last item is the Texas  
 16 City Green Book, which is an attempt to define  
 17 accountabilities for the Star Site concept. And if  
 18 any of those documents are available, I would like  
 19 to get those produced at your earliest opportunity.  
 20 MR. FERNELIUS: Art, are you  
 21 referring specifically to one -- I guess you're  
 22 referring to your review of the documents?  
 23 MR. GONZALEZ: And this --  
 24 actually, this came out of Mike Hoffman's  
 25 statements.

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1 MR. FERNELIUS: Oh, all those did?  
 2 Okay.  
 3 MR. GONZALEZ: Yes.  
 4 MR. FERNELIUS: For reference.  
 5 MR. GONZALEZ: That's good.  
 6 MR. COON: And for the record,  
 7 also, I think 841, being the telephone interview of  
 8 Mr. Maslin, was the last one that we actually  
 9 personally asked him about. And we will tender  
 10 that one. And as another matter of housekeeping --  
 11 let's first go off the record.  
 12 (Discussion off the record.)  
 13 MR. COON: Okay. Here's what I  
 14 want to do. I don't want us keeping -- we have the  
 15 remaining issue of authenticating various interview  
 16 statements derived from the accountability audit.  
 17 And I believe we have an agreement that with  
 18 respect to those that have been proffered to us to  
 19 date, as well as Mr. Parus and any others that are  
 20 still outstanding, that we can formulate a way of  
 21 attaching those as a reference to exhibits and that  
 22 they are self-authenticating and they are part of  
 23 the business records without a necessity of going  
 24 back through each of those at this time and  
 25 identifying each and separately marking each and



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1 attaching to this particular witness' deposition.  
 2 Is that fair?  
 3 MR. FERNELIUS: That is fair.  
 4 MR. GONZALEZ: Before you go off  
 5 the record, see if that exists.  
 6 MR. COON: Oh, yes. The other  
 7 request we have: If it's not within our  
 8 information that was provided to us, that we are  
 9 looking for that interim accountability report that  
 10 Mr. Bonse discussed today, which was, I believe,  
 11 the July 31, '06 document.  
 12 MR. FERNELIUS: The intention was  
 13 to include the material. I'd be very surprised if  
 14 it's not there. So I don't think that's an issue.  
 15 MR. COON: Okay.  
 16 MR. FERNELIUS: You will -- you  
 17 should locate that. It's dated.  
 18 MR. COON: But we'll have the  
 19 same --  
 20 MR. FERNELIUS: It's dated.  
 21 MR. COON: -- agreement that if  
 22 you don't have it, we get it as part of that  
 23 business records document --  
 24 MR. FERNELIUS: Yes.  
 25 MR. COON: -- proffer?

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1 I think that's it for now.  
 2 MR. FERNELIUS: We're adjourned.  
 3 MR. COON: We're adjourned.  
 4 THE WITNESS: Thank you.  
 5 (Deposition adjourned at  
 6 5:44 p.m.)  
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1 EXAMINATION  
 2 CHANGES AND SIGNATURE  
 3 PAGE LINE CHANGE REASON  
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 WILHELM BONSE-GEUKING

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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

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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 )  
 6 VS. ) 212TH JUDICIAL DISTRICT  
 7 )  
 8 BP PRODUCTS NORTH AMERICA )  
 9 INC., B.P. CORPORATION )  
 10 NORTH AMERICA INC., DON )  
 11 PARUS, AND JE MERIT )  
 12 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS  
 13 CAUSE NO. 05CV0337-A  
 14 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
 15 MARCH 23, 2005 )  
 16 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
 17 PROCEEDINGS )  
 18 ) GALVESTON COUNTY, TEXAS  
 19 REPORTER'S CERTIFICATE  
 20 ORAL VIDEOTAPED DEPOSITION OF  
 21 WILHELM BONSE-GEUKING  
 22 VOLUME 1  
 23 OCTOBER 18, 2006  
 24 I, Stephanie Barringer, Certified Shorthand  
 25 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 (5 hours, 51 minutes)  
 Attorneys for Plaintiffs

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1 That pursuant to information given to the  
 2 deposition officer at the time said testimony was  
 3 taken, the following includes the parties at the  
 4 deposition:  
 5 FOR PLAINTIFFS JAIME ANDREADE, ET AL.:  
 6 Mr. Brent Coon  
 7 Mr. Larry Sarten  
 8 Mr. Arturo J. Gonzalez  
 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, Powell & 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 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.

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1 I further certify that I am neither counsel for,  
 2 related to, nor employed by any of the parties in the  
 3 action in which this proceeding was taken, and  
 4 further that I am not financially or otherwise  
 5 interested in the outcome of this action.  
 6 Further certification requirements pursuant to  
 7 Rule 203 of the Texas Code of Civil Procedure will be  
 8 complied with after they have occurred.  
 9 Certified to by me on this \_\_\_\_\_ day of  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 Stephanie Barringer, CSR  
 14 Texas CSR 6198  
 15 Expiration: 12/31/06  
 16 U.S. Legal Support  
 17 Firm Registration: 122  
 18 519 N. Sam Houston Pkwy, Ste. 200  
 19 Houston, Texas 77060  
 20 Main number: 713/653-7100  
 21 Fax number: 713/653-7143  
 22  
 23  
 24  
 25

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1 FURTHER CERTIFICATION UNDER TRCP RULE 203  
 2  
 3 The original deposition was/was not returned to  
 4 the deposition officer on \_\_\_\_\_.  
 5 If returned, the attached Changes and Signature  
 6 page(s) contain(s) any changes and the reasons  
 7 therefor.  
 8 If returned, the original deposition was  
 9 delivered to Mr. 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: 12/31/06  
 24 U.S. Legal Support  
 25 Firm Registration: 122  
 519 N. Sam Houston Pkwy., Ste. 200  
 Houston, Texas 77060  
 Main number: 713/653-7100  
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