

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

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

13  
14  
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16 ORAL VIDEOTAPED DEPOSITION OF  
17 WILLIAM KYLE SEELE  
18 FEBRUARY 2, 2006

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<p>1 ORAL VIDEOTAPED DEPOSITION OF WILLIAM KYLE                  2 SEELE, produced as a witness at the instance of the                  3 Plaintiffs and duly sworn, was taken in the                  4 above-styled and numbered cause on February 2, 2006,                  5 from 10:11 a.m. to 5:15 p.m., before Stephanie                  6 Barringer, Certified Shorthand Reporter in and for                  7 the State of Texas, reported by stenographic means at                  8 the offices of Fulbright &amp; Jaworski, 1301 McKinney,                  9 Suite 5100, Houston, Texas, pursuant to the Texas                  10 Rules of Civil Procedure and the provisions stated on                  11 the record or attached hereto.                  12 Since this deposition has been realtimed and you                  13 may be in possession of a rough draft form, please be                  14 aware that there may be a discrepancy regarding page                  15 and line numbers when comparing the realtime draft                  16 and the final transcript. Also, please be aware that                  17 the realtime screen and the unedited, uncertified                  18 rough draft transcript may contain untranslated                  19 steno, a misspelled proper name and/or nonsensical                  20 English word combinations. All such entries are                  21 corrected in the final certified transcript. There                  22 also may be persons receiving the realtimed feed                  23 outside of the deposition room, but the reporter has                  24 given this access only to known attorneys of record                  25 and/or their experts.</p>	<p>1 APPEARANCES                  (Continued)                  2                  3                  4                  5 FOR PLAINTIFFS NATHANIEL EARL GRIMES,                  EVA HENDERSON, LEONARD BOURGEOIS,                  6 ROBBIE BOURGEOIS:                  7 Ms. Sherry Scott Chandler                  The Chandler Law Firm, LLP                  8 Park Laureate                  10000 Memorial Drive, Suite 320                  9 Houston, Texas 77024                  Fax: 713-682-9911                  Telephone: 713-222-7285                  10                  11                  12 FOR PLAINTIFF DAWN PRATER:                  13 Mr. Loren G. Klitsas                  Klitsas &amp; Vercher, P.C.                  14 550 Westcott, Suite 570                  Houston, Texas 77007                  15 Fax: 713-862-1465                  Telephone: 713-862-1365                  16                  17                  18 FOR PLAINTIFFS RYAN BEDARD, ET AL.:                  19 Mr. Wayne D. Collins                  Caddell &amp; Chapman                  1331 Lamar, Suite 1070                  Houston, Texas 77010-3027                  20 Fax: 713-751-0906                  Telephone: 713-751-0400                  21                  22                  23                  24                  25</p>
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16 Mr. Scott Hamilton

17

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6 WILLIAM KYLE SEELE

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12 EXHIBITS

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14 98 Plaintiffs' Notice of Intention 10

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Deposition of Kyle Seele with  
Subpoena Duces Tecum

16

17 99 Roles and Responsibilities TAR 10

18 Project Engineer, Bates  
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BPISOME00132402

19 100 Resume for Kyle Seele, Bates 21

20 BPISOME00132608 through  
BPISOME00132609

21 101 Statement of Kyle Seele taken 43

22 3/31/05, Bates BPISOM00001572  
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24 taken 4/11/05, Bates BPISOM00135430  
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4 EXHIBIT DESCRIPTION PAGE

5 103 Management of Change Form 194

6 dated 9/27/04, Bates BPISOM00004045  
through BPISOM00004050

7 104 Management of Change Form 284

8 dated 9/27/04, Bates BPISOM00175349

9

10 105 Email from Anna Galvan dated 284

11 9/29/04, Re: MOC-NDU-2004-008,  
Bates BPISOM00004049

12

13 106 Email from Kyle Seele dated 284

14 10/6/04, Re: MOC-NDU-2004-008,  
Bates BPISOME00132602

15

16 107 Management of Change Form 285

17 dated 9/27/04, Bates BPISOM00175349

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1 THE VIDEOGRAPHER: On the record  
 2 February 2nd, 2006, at 10:11 a.m., beginning  
 3 Tape 1.  
 4 WILLIAM KYLE SEELE,  
 5 having been first duly sworn, testified as follows:  
 6  
 7 EXAMINATION  
 8 Q. (BY MR. COON) We would ask the deponent  
 9 to state his name and age, please.  
 10 A. My name is William Kyle Seele. I am  
 11 30 years old.  
 12 Q. Mr. Seele, do you go by Kyle?  
 13 A. Yes, I do.  
 14 (Exhibit Numbers 98 and 99 marked  
 15 for identification.)  
 16 Q. (BY MR. COON) Okay. You have in front  
 17 of you what's marked as Exhibit Number 98, I  
 18 believe. It's a notice of your deposition with a  
 19 subpoena duces tecum.  
 20 Have you had an opportunity to  
 21 review that before your deposition today?  
 22 A. Yes, I have.  
 23 Q. Do you notice with the duces tecum you  
 24 were asked to produce a number of documents?  
 25 A. Yes, I was.

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1 Q. Have you had --  
 2 A. I have --  
 3 Q. Have you had an opportunity to review the  
 4 items requested and have you had an opportunity to  
 5 assist the attorneys in assimilating that  
 6 information and/or reviewing any of the information  
 7 contained on that subpoena?  
 8 A. Yes, I have.  
 9 Q. And it's noticed for the offices here at  
 10 Fulbright & Jaworski, and they are counsel for BP.  
 11 You are aware of that?  
 12 A. Yes, I am.  
 13 Q. And they have attorneys here for you  
 14 today, do they not?  
 15 A. Yes, they are.  
 16 Q. Have you had an opportunity to consult  
 17 with attorneys other than those that are here on  
 18 behalf of BP and you as an employee of BP?  
 19 A. You mean other than the specific attorney  
 20 sitting here right now?  
 21 Q. Just attorneys other than those that have  
 22 been retained by BP.  
 23 A. No, I haven't.  
 24 Q. Have you ever retained a personal  
 25 attorney in this matter?

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1 A. No, I haven't.  
 2 Q. Have you consulted with a personal  
 3 attorney in this matter?  
 4 A. No, I haven't.  
 5 Q. Have you consulted with criminal counsel  
 6 in this matter?  
 7 A. No, I haven't.  
 8 Q. Have you been expressed of your right to  
 9 do so?  
 10 A. I apologize. He is asking me to --  
 11 THE VIDEOGRAPHER: His microphone  
 12 fell off.  
 13 A. I am sorry. Please repeat your question.  
 14 Q. (BY MR. COON) Yes, sir.  
 15 Have you had expressed to you the  
 16 right to retain personal counsel?  
 17 A. Not that I recall. I don't remember  
 18 being asked to do that.  
 19 Q. Okay. Have you been advised that you  
 20 have the right to one?  
 21 A. Not that I recall.  
 22 Q. Mr. Seele, do you still live at  
 23 2609 Easton Springs, Pearland?  
 24 A. No, I don't.  
 25 Q. Where do you live now, sir?

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1 A. I live in Pittsburgh County, Oklahoma.  
 2 Q. And how long have you resided there?  
 3 A. I moved in there August 12th of this --  
 4 of 2005.  
 5 Q. Are you married?  
 6 A. Yes, I am.  
 7 Q. Your wife's name?  
 8 A. My wife's name is Kylene Black Seele.  
 9 Q. Does she work for BP?  
 10 A. Yes, she does.  
 11 Q. Texas City?  
 12 A. No, she doesn't.  
 13 Q. Where at?  
 14 A. She works currently for BP based out of  
 15 Wilburton, Oklahoma.  
 16 Q. Okay. And your present employer is whom,  
 17 sir?  
 18 A. BP.  
 19 Q. Do you also work in the same facility in  
 20 Oklahoma?  
 21 A. Yes, I do.  
 22 Q. What was the basis for the transfer of  
 23 you and your wife to Oklahoma?  
 24 A. The basis of the transfer was a job  
 25 opportunity for us to move back to Oklahoma.

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1 Primarily where -- my wife is originally from  
 2 Oklahoma. She was born and raised in rural  
 3 Oklahoma. She supported from Houston wells in the  
 4 Oklahoma basin, and she found out about a job  
 5 opportunity up there for us to move back to the  
 6 Oklahoma area.  
 7 Q. When did your wife employ with BP?  
 8 A. She started -- actually she began her  
 9 career with Vastar in their internship program  
 10 approximately -- I guess it was around 1999; and  
 11 she came on, I believe, full-time in 2002.  
 12 Q. What does she do for them?  
 13 A. She is a production engineer.  
 14 Q. Does she have a degree?  
 15 A. Yes, she does.  
 16 Q. From where?  
 17 A. University of Oklahoma.  
 18 Q. Did she work at the Texas City facility?  
 19 A. She did work as an intern at the Texas  
 20 City facility.  
 21 Q. Did she work in the West Plant?  
 22 A. No, she didn't.  
 23 Q. Do you and your wife talk shop, so to  
 24 speak, from time to time about work at BP?  
 25 A. We do discuss work items on a somewhat

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1 frequent basis.  
 2 Q. Who is your closest friend other than a  
 3 BP employee?  
 4 A. My closest friend other than a BP  
 5 employee would be an individual named David  
 6 Duplichen, who I grew up and went to high school  
 7 with.  
 8 Q. Do you talk to him every now and then?  
 9 A. I talk to him fairly frequently.  
 10 Q. Where does he live?  
 11 A. He lives in Pearland.  
 12 Q. How do you spell his last name?  
 13 A. D-u-p-l-i-c-h-e-n.  
 14 Q. Do you have a phone number for him?  
 15 A. I could readily get it for you out of my  
 16 cell phone if required.  
 17 Q. We can follow up on that.  
 18 Is he listed in the phone book, to  
 19 your knowledge?  
 20 A. I would have to look in the phone book.  
 21 I don't -- he's recently moved. His home's in  
 22 Pearland. So I don't know if his new number would  
 23 be listed.  
 24 Q. Where does he work?  
 25 A. He works in the medical center.

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1 Q. Who is his employer?  
 2 A. To be completely honest, he is -- I don't  
 3 know who he works for.  
 4 Q. Do you know any other way we could find  
 5 him?  
 6 A. As I mentioned, the easiest way would be  
 7 at a break, I could pull out my cell phone and give  
 8 you his number.  
 9 Q. That would be fine. We would ask you to  
 10 supplement the record by doing so at the break.  
 11 Mr. Seele, have you ever given a  
 12 deposition before?  
 13 A. No, I haven't.  
 14 Q. Do you understand what they are?  
 15 A. Yes.  
 16 Q. Do you understand the court reporter's  
 17 put you under oath to tell the truth, the whole  
 18 truth, the same as if you were in front of a judge  
 19 and jury in a court of law?  
 20 A. Yes.  
 21 Q. In fact, we are here in Fulbright's  
 22 offices in a simulated courtroom, are we not?  
 23 A. Yes.  
 24 Q. It's important for you today, Mr. Seele,  
 25 to understand my questions and those of the other

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1 attorneys that are here. I did have an opportunity  
 2 to introduce myself to you before the deposition,  
 3 but I have not advised you of my role and capacity  
 4 here today.  
 5 I am one of the attorneys retained  
 6 by some of the plaintiffs in this case, including  
 7 Mr. and Mrs. Rowe, who were both killed in this  
 8 accident; and we represent the family members in  
 9 that matter and their estate, as well as a number  
 10 of other individuals who were critically injured or  
 11 sustained some type of injury from that explosion.  
 12 And we are also one of the attorneys charged on  
 13 behalf of the Court to ask questions on behalf of a  
 14 number of other plaintiff counsel and their  
 15 individual families.  
 16 So you understand that we have  
 17 interests that are adverse to those of your  
 18 employer here today?  
 19 A. I am aware of that.  
 20 Q. And you have had an opportunity to  
 21 discuss with BP's attorneys why you are here today?  
 22 A. Correct.  
 23 Q. You also understand you have a right to  
 24 consult with them upon request?  
 25 A. Yes.

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1 Q. And you understand as the court reporter  
 2 swore you in today that it's important for us as  
 3 part of this factual inquiry to obtain information  
 4 that you may know that's relevant to these  
 5 proceedings?  
 6 A. Yes.  
 7 Q. And in doing so, it's important for you  
 8 to be very candid with us?  
 9 A. Yes.  
 10 Q. Do you understand that? Do you  
 11 understand what "candid" is?  
 12 A. Yes, I do.  
 13 Q. And we need you to tell the truth; and as  
 14 the court reporter said, the whole truth and not  
 15 just bits and pieces of it. Will you try to work  
 16 with us today to give your honest and candid  
 17 opinions and statements and factual information as  
 18 asked?  
 19 A. Absolutely.  
 20 Q. You also understand that you have the  
 21 right to exercise your Fifth Amendment  
 22 constitutional privileges against  
 23 self-incrimination?  
 24 A. Yes.  
 25 Q. And you are free to consult with your

Page 19

1 attorney with decisions that you may have today to  
 2 exercise that right?  
 3 A. Yes.  
 4 Q. You understand that there are charges  
 5 that could be brought against you for perjury or  
 6 obstruction of justice if you do not testify  
 7 candidly to us today?  
 8 A. I am aware of that.  
 9 Q. You also understand that your testimony  
 10 today may be reviewed by other federal authorities  
 11 who are investigating criminally levels -- criminal  
 12 levels of conduct associated with this explosion?  
 13 A. Yes.  
 14 Q. Mr. Seele, do you have a resume?  
 15 A. Yes, I do.  
 16 Q. Do you have one on you? Did you bring  
 17 one?  
 18 A. I supplied one to the BP counsel to  
 19 provide as the documents that were requested.  
 20 Q. Okay. Well, we may have one in the  
 21 several hundred thousand pages of documents. I  
 22 don't have one on me; and since I don't, would you  
 23 give me a quick run through on your educational  
 24 background?  
 25 A. Okay. I have a BS in Mechanical

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1 Engineering from Texas A&M University. I  
 2 originally came to work for Amoco Oil under their  
 3 internship program.  
 4 Q. What year?  
 5 A. 1998. I took an educational leave of  
 6 absence to finish my engineering degree and came  
 7 back to work at then BP Amoco in May of 1999 in an  
 8 asset reliability engineering role.  
 9 In that role I supported the  
 10 mechanical aspects of several process units within  
 11 the refinery before being assigned as the unit  
 12 engineer for a couple of different process areas.  
 13 But the main area that I was assigned during my  
 14 tenure as the asset reliability engineer being the  
 15 pipe stills 3-B unit. After working the pipe still  
 16 3-B unit for several years, I moved on to the  
 17 turnaround organization within the refinery as a  
 18 turnaround project engineer doing long range  
 19 planning, scheduling and issues related to  
 20 turnaround activities. And that was the role that  
 21 I fulfilled up until the end of 2005.  
 22 At that time I was asked to step  
 23 in, due to the major first quarter activity for  
 24 turnarounds that year, as the interim turnaround  
 25 superintendent, which I did at the sulfur recovery

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1 units. And at the end of those first quarter  
 2 turnarounds, in 2005 I went back to my role as the  
 3 TAR project engineer.  
 4 And then in August of 2005 was the  
 5 time in which I transferred to Oklahoma to manage a  
 6 project up there to replace a compressor station.  
 7 Q. Okay. We have been -- while you were  
 8 going through that very detailed explanation of  
 9 your background with BP, we got a copy of the  
 10 resume. So let me show you this.  
 11 (Exhibit Number 100 marked for  
 12 identification.)  
 13 Q. (BY MR. COON) Is that resume that you  
 14 prepared that outlines your educational background  
 15 and work experiences at BP?  
 16 A. Yes, that's the resume I prepared.  
 17 Q. Okay. We will attach that as  
 18 Exhibit 100.  
 19 MR. ALVAREZ: Just leave it on the  
 20 table.  
 21 Do you want to see it?  
 22 MR. COON: Yeah, if you don't  
 23 mind.  
 24 Q. (BY MR. COON) Mr. Seele, briefly tell us  
 25 your responsibilities as an asset reliability

Page 22

1 engineer when you came aboard in Texas City.  
 2 A. Okay. The duties of an asset reliability  
 3 engineer is to manage the day to day issues of the  
 4 unit with respect to mechanical integrity, rotating  
 5 equipment issues, performing failure analysis on  
 6 equipment and preparing for the next major  
 7 turnaround would be the primary activities as an  
 8 asset reliability engineer.  
 9 Q. And what would be the difference in the  
 10 type of inspections you did as those of other  
 11 inspectors at that facility?  
 12 A. You are asking what would be the  
 13 difference between an asset reliability engineer  
 14 and as a unit inspector?  
 15 Q. Yes, sir.  
 16 A. Typically the unit inspector would  
 17 perform the physical aspect of taking the data and  
 18 managing it. When there was a discrepancy or an  
 19 anomaly in the data, usually the inspector would  
 20 consult with the engineer on a path forward or a  
 21 repair technique.  
 22 Q. Okay. Now, we've got you as the TAR --  
 23 that's turnaround?  
 24 A. That's short for turnaround.  
 25 Q. (Continuing) -- project engineer at the

Page 23

1 BP Texas City refinery from January, '02 to  
 2 November, '04, correct?  
 3 A. Correct.  
 4 Q. And that was the timeframe -- we are  
 5 going to talk to you about several things today.  
 6 One is the trailer siting issue associated with the  
 7 Merit trailer. I think that was 2004-008.  
 8 Do you recall that MOC?  
 9 A. I do recall it.  
 10 Q. We are going to discuss that to some  
 11 degree today. We are also going to talk about your  
 12 roles and responsibilities, particularly as a  
 13 turnaround project engineer, things that were  
 14 happening out in the West Plant preceding this  
 15 explosion and then what you were doing as a  
 16 turnaround superintendent.  
 17 And I understand it, you were a  
 18 turnaround superintendent at the time that the  
 19 plant explosion occurred in March; is that correct?  
 20 A. That's correct.  
 21 Q. And you were on duty that day?  
 22 A. Yes, I was.  
 23 Q. Okay. So that's the general scope of  
 24 where we are going today. Before we get into that,  
 25 though, I want to ask you some background

Page 24

1 questions.  
 2 What type of preparation did you  
 3 have for your testimony today?  
 4 A. Okay. I have met over a couple of days  
 5 with several lawyers representing BP.  
 6 Q. Was that here at Fulbright Tower?  
 7 A. Yes, it was at this building.  
 8 Q. And that was recently?  
 9 A. I met the past two days with BP counsel,  
 10 and I also met several weeks ago for one day with  
 11 BP counsel.  
 12 Q. Okay. And that was just to discuss the  
 13 nature of your testimony and look at documents,  
 14 things like that?  
 15 A. It --  
 16 MR. ALVAREZ: Objection, form.  
 17 And I will instruct the witness  
 18 not to answer that question.  
 19 Q. (BY MR. COON) Did you bring anything  
 20 with you in preparation for your meetings with your  
 21 attorneys?  
 22 A. I was asked to bring my computer to do  
 23 the document search and provide the requested  
 24 documents.  
 25 Q. And what kind of document searches are

Page 25

1 you able to generate on your computer?  
 2 A. Primarily paperwork and e-mails related  
 3 to the MOC related to the Merit trailer were  
 4 provided and also some documents and e-mails such  
 5 as the resume and background information that was  
 6 requested.  
 7 Q. Okay. Have you had an opportunity to  
 8 look at any documents to refresh your memory for  
 9 your testimony today?  
 10 A. Yes, I have.  
 11 Q. Can you tell me the types of documents  
 12 with as much specificity as possible that you have  
 13 reviewed to refresh your memory before testifying  
 14 today?  
 15 A. Sure. Primarily we looked at the  
 16 paperwork related to the MOC that was done on the  
 17 Merit trailer and then also the final report that  
 18 was issued by BP.  
 19 Q. Okay. The MOC, we are talking  
 20 specifically about the one that's designated  
 21 2004-008?  
 22 A. I believe that's the correct number, yes.  
 23 Q. And that was the one that you were  
 24 involved to some degree in the siting?  
 25 A. Yes, that's the MOC.

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1 Q. And then you also had a copy -- you have  
 2 reviewed a copy of the Fatal Accident Report?  
 3 That's the one that BP generated  
 4 as their internal investigation from this  
 5 explosion.  
 6 A. Yes, we reviewed portions of that report.  
 7 Q. Okay. Have you had an opportunity to  
 8 review the entire contents of that report?  
 9 A. I reviewed the main portion. I have not  
 10 reviewed in detail all of the appendices.  
 11 Q. Okay. And was your first opportunity to  
 12 review the Fatal Report in the last few weeks?  
 13 A. No. I did look at the report shortly  
 14 after it was issued.  
 15 Q. And that was last December?  
 16 A. Yes, I believe it was issued in December.  
 17 Q. And how was it that you obtained a copy  
 18 of the Fatal Report then?  
 19 A. If I remember correctly, I believe it was  
 20 just on the BP website.  
 21 Q. That's something you undertook on your  
 22 own initiative to find out more about what BP's  
 23 investigation had turned up?  
 24 A. As I remember, there was an e-mail sent  
 25 out saying that the report was going to be issued

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1 in that time frame; and I did follow up and obtain  
 2 a copy of the report.  
 3 Q. Okay. Did anyone at the plant ask you to  
 4 read and review it and comment on it?  
 5 A. No.  
 6 Q. Have you reviewed any of the other  
 7 reports that were generated such as the interim  
 8 report?  
 9 A. Yes, I did review the interim report.  
 10 Q. When did you review the interim report?  
 11 A. I reviewed the interim report pretty much  
 12 the day it was issued.  
 13 Q. Would that be May 12 of '05?  
 14 A. I don't recall the exact date.  
 15 Q. Did you review it under the same  
 16 circumstances off the website?  
 17 A. I don't remember exactly. I was still  
 18 working in Texas City at that time and I know  
 19 several people had printed out copies of it and it  
 20 was being discussed in the plant. So, I don't  
 21 remember if I printed it or if it was a copy that  
 22 was handed to me.  
 23 Q. Was there any formal meeting that you  
 24 attended regarding those interim findings?  
 25 A. I remember -- I do recall there was a

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1 meeting that was discussed that the interim report  
 2 was going to be issued. I don't recall the exact  
 3 content of that meeting and -- and I know the  
 4 report hadn't been issued at that time; but they  
 5 were telling me it was going to be issued and there  
 6 was kind of a roll-out procedure to discuss with  
 7 employees.  
 8 Q. Now, you said you had a computer that  
 9 could pull up document searches.  
 10 What -- is this your personal  
 11 laptop?  
 12 A. It's a laptop, yes, that I was issued,  
 13 too, by BP.  
 14 Q. Okay. Is that the common practice, for  
 15 BP to provide laptops for their various engineers?  
 16 A. Most engineers that I know do have  
 17 laptops.  
 18 Q. Okay. What do you have access to within  
 19 the BP database on your laptop?  
 20 A. I guess -- is there any way you could be  
 21 more specific?  
 22 Q. Well, I might could if I knew the answer;  
 23 but I don't know the answer.  
 24 I mean, can you access like your  
 25 personnel file?

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1 A. No.  
 2 Q. Can you give me just a general idea of  
 3 the things that you can pull up with this computer?  
 4 A. I mean, typically, you have -- I had  
 5 access to the BP intranet and internet access.  
 6 Q. What does that give you access to?  
 7 A. Whatever documents are posted internally  
 8 on the BP intranet.  
 9 Q. Okay. So, this is something you have to  
 10 have, I guess, some kind of password or code  
 11 provided?  
 12 A. I think somehow it's taken care of by the  
 13 IT group. You don't provide a password or  
 14 anything. They just somehow recognize that you are  
 15 from a BP connection or such.  
 16 Q. Okay. Can you access like action items  
 17 that are in the system and --  
 18 A. If you are referring to the, like  
 19 MOC database --  
 20 Q. Yes, sir.  
 21 A. -- you can access that through the  
 22 K drive, I believe it was.  
 23 Q. Okay. Other types of things that you  
 24 could access?  
 25 A. You can access anything, as I said,



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1 that's posted that -- on the intranet.  
 2 Q. Okay. So, once you have access to this  
 3 laptop and your password, you as an engineer could  
 4 find out lots of things that are going on out there  
 5 in terms of within the BP system, the status of  
 6 various things, work orders, things of that nature,  
 7 MOCs, the status of MOC, action items, things like  
 8 that?  
 9 A. Sure.  
 10 Q. You don't have to go to another  
 11 supervisor or somebody up or down the food chain at  
 12 the plant to find out answers as to the status of  
 13 certain requests or the status of certain projects?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. Not in all cases. I guess it would  
 16 depend upon specific -- what question you were  
 17 needing direction on.  
 18 Q. (BY MR. COON) Okay.  
 19 Okay. We looked at your resume.  
 20 You said you had the documents that were able to  
 21 pull up on the MOCs on the trailer.  
 22 Does that include the action  
 23 items, things of that nature?  
 24 A. The action items are recorded in the  
 25 PHA database.

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1 Q. Do you have access to the PHA database?  
 2 A. I did have access to it, yes.  
 3 Q. And that would not only be from MOC  
 4 associated with trailer siting but other action  
 5 items in the system?  
 6 A. I am sorry. Could you repeat the first  
 7 part.  
 8 Q. Yes, sir. That would not only include  
 9 your access to action items dealing with trailer  
 10 siting MOCs but other types of MOCs that were  
 11 pending at the plant?  
 12 A. Correct. That would be access to all  
 13 MOCs in the system.  
 14 Q. Okay. So, you can access PSMs, PHAs.  
 15 Anything else?  
 16 A. Back to the first general question, what  
 17 all I had access to?  
 18 Q. Yes, sir.  
 19 A. I also had access to what was referred to  
 20 as the I drive.  
 21 Q. What does the I drive get you to?  
 22 A. It was just a storage area where lots of  
 23 documents were stored. Different divisions had  
 24 information there.  
 25 I also had access to the J drive

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1 and K drive.  
 2 Q. What's on the J and K drives?  
 3 A. Most of the turnaround related documents  
 4 were stored on J drive; and the only thing I  
 5 remember accessing off K drive, as I mentioned, was  
 6 the MOC database.  
 7 Q. Okay. Any other documents that you  
 8 reviewed before your testimony today?  
 9 A. None that I recall.  
 10 Q. Have you heard of the Stanley Report?  
 11 A. The term does sound familiar. I don't  
 12 remember reviewing it.  
 13 Q. Okay. How about a study called the Telos  
 14 Report or Telos Study?  
 15 A. I am familiar with that study, the title  
 16 of it.  
 17 Q. Have you been provided a copy of it or  
 18 have you been summarized any of the findings in the  
 19 Telos Report?  
 20 A. I -- I have heard the general themes from  
 21 that report, yes.  
 22 Q. And how were you debriefed with respect  
 23 to the general themes of that report?  
 24 MR. ALVAREZ: I will instruct the  
 25 witness not to answer that question on the basis of

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1 attorney/client privilege.  
 2 Q. (BY MR. COON) Okay. Has anyone at  
 3 British Petroleum, not counting counsel, but just  
 4 anyone in management had any kind of briefing with  
 5 executives or managers or anyone else in management  
 6 with respect to the findings of the Telos Report?  
 7 A. No, I haven't had that type of contact.  
 8 Q. I understood that Mr. Parus -- and we  
 9 will talk about Mr. Parus, Don Parus.  
 10 He was a BUL out at that plant  
 11 until last year, was he not?  
 12 A. Correct.  
 13 Q. I understood that he called a meeting or  
 14 other officials at BP Texas City called a meeting  
 15 to discuss the Telos Report.  
 16 Do you know anything about that?  
 17 A. No, I was not aware of that meeting.  
 18 Q. Were you still in the Texas City facility  
 19 in January of '04?  
 20 A. Yes, I was.  
 21 Q. I am sorry. January of '05?  
 22 A. January of '05? Yes, I was.  
 23 Q. Did you hear anything about a number of  
 24 the managers or administrative people at the  
 25 BP Texas City facility going to League City for a

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1 briefing on the Telos Report and other issues?  
 2 A. I don't remember that, no.  
 3 Q. Did you participate in the meeting at all  
 4 of 2004 involving the number of management  
 5 personnel at the BP Texas City facility that was  
 6 a -- that was called as a result of fatalities in  
 7 September of '04?  
 8 A. Yes. This was the meeting where  
 9 Don Parus discussed safety, yes.  
 10 Q. Okay. Where was that held? Was that the  
 11 one at Moody Gardens?  
 12 A. I believe the one I attended was at the  
 13 Doyle Center in Texas City.  
 14 Q. And what was it about?  
 15 A. It discussed safety and fatalities that  
 16 occurred at the site and safety culture at the  
 17 refinery.  
 18 Q. And why was safety culture at the  
 19 refinery an issue at this meeting?  
 20 A. It was as a result of the fatalities that  
 21 had occurred prior.  
 22 Q. And not just the September, '04  
 23 fatalities, but 30 other fatalities that had  
 24 occurred at the same plant in the years prior,  
 25 correct?

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1 A. Correct.  
 2 MR. ALVAREZ: Objection, form.  
 3 Q. (BY MR. COON) That is correct, is it  
 4 not?  
 5 MR. ALVAREZ: Same objection.  
 6 A. Don did discuss all of the fatalities at  
 7 the refinery.  
 8 Q. (BY MR. COON) Did he have a slide show  
 9 that listed the pictures and background of those  
 10 individuals, other employees at BP Texas City that  
 11 had died over the years as a result of occupational  
 12 injuries?  
 13 A. Yes, he did.  
 14 Q. What was his -- what was this show about?  
 15 Did he go out there -- he has got a slide show.  
 16 What is he trying to tell you  
 17 guys?  
 18 MR. ALVAREZ: Objection, form.  
 19 Q. (BY MR. COON) What is your impression of  
 20 the purpose of this meeting?  
 21 A. I think there was a purpose -- or my  
 22 understanding of what the purpose of the meeting  
 23 was, was that it was to raise the awareness around  
 24 safety.  
 25 Q. What was the problem with the safety

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1 culture out at the plant in the fall of 2004?  
 2 MR. ALVAREZ: Objection, form.  
 3 A. Repeat that question.  
 4 Q. (BY MR. COON) Yes, sir.  
 5 What was the problem with the  
 6 safety culture in the fall of 2004, such that the  
 7 Business Unit Leader at the plant called a bunch of  
 8 people out there to a slide show, showing all the  
 9 people that had died over the years at that  
 10 facility?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. I think the answer to that question is:  
 13 I don't -- I don't have the answer to what exactly  
 14 the problems were with the safety culture.  
 15 Q. (BY MR. COON) You had been there, what,  
 16 five years by that time?  
 17 A. Approximately, yes.  
 18 Q. And you were involved in management and  
 19 management decisions and -- and other issues  
 20 involved with the safety and health of that plant,  
 21 were you not?  
 22 MR. ALVAREZ: Objection, form.  
 23 A. With respect to -- I think safety is  
 24 everyone's responsibility.  
 25 And to answer your question,

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1 I would tell you it would depend on the specific  
 2 situation. I know the jobs in the areas that I  
 3 worked in, safety was a priority.  
 4 Q. (BY MR. COON) And you would agree that  
 5 one fatality at a jobsite is one too many?  
 6 A. I will definitely agree with that  
 7 statement.  
 8 Q. Will you also agree that almost all  
 9 on-the-job fatalities are avoidable?  
 10 A. I will agree with that statement.  
 11 Q. Have you had any interviews with any  
 12 governmental authorities, Chemical Safety Board,  
 13 OSHA?  
 14 A. Yes, I have.  
 15 Q. Can you tell us about each of those such  
 16 instances that you have met with any government  
 17 representatives regarding the explosion in March of  
 18 '05?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. Do you want me to say how many times I  
 21 met or what --  
 22 Q. (BY MR. COON) Yes, sir. Each time that  
 23 you recall being interviewed by anyone associated  
 24 with this explosion?  
 25 A. I was interviewed by the Chemical Safety

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1 Board, twice.  
 2 Q. Do you recall when and where?  
 3 A. Yes, I do.  
 4 Q. Please state.  
 5 A. I interviewed with the Chemical Safety  
 6 Board the week following the incident.  
 7 Q. Did you give a written statement?  
 8 A. (No verbal response.)  
 9 Q. Was there a written statement?  
 10 A. When you ask that question, you are  
 11 asking was it recorded or did you say did I receive  
 12 a written statement?  
 13 Q. Okay. First, was it recorded?  
 14 A. To my knowledge, it was. Yes.  
 15 Q. Have you seen any transcript of your  
 16 testimony or your statement that day?  
 17 A. No, I haven't.  
 18 Q. Who did you talk to?  
 19 A. There was some -- I believe it was three  
 20 representatives from the Chemical Safety Board.  
 21 Q. And generally, what were they asking you  
 22 about?  
 23 A. They were asking questions regarding --  
 24 primarily around facility siting and the MOC.  
 25 Q. Okay. What was your next meeting with

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1 any investigators?  
 2 A. I don't recall the exact date; but there  
 3 was a follow-up interview with the Chemical Safety  
 4 Board with two individuals at that time.  
 5 Q. And do you recall about how long it was  
 6 after the first interview before the second one?  
 7 A. I seem to recall it being about a month  
 8 or so.  
 9 Q. Same individuals there?  
 10 A. No, it wasn't. One individual was the  
 11 same and one I had not met before.  
 12 Q. At either one of these meetings where you  
 13 gave testimony or statements to representatives of  
 14 the Chemical Safety Board, were there attorneys or  
 15 other representatives at BP there with you?  
 16 A. Yes, there was.  
 17 Q. Both attorneys and other personnel or --  
 18 A. There was attorneys present or one  
 19 attorney present at each case.  
 20 Q. And you understood these were attorneys  
 21 representing British Petroleum?  
 22 A. Correct.  
 23 Q. Okay. Now, you also gave one or more  
 24 statements to British Petroleum's in-house  
 25 investigators, did you not?

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1 A. Yes, I did.  
 2 Q. And do you recall the times and  
 3 circumstances of those statements?  
 4 A. I do recall I did meet with the BP  
 5 investigation team in the week immediately  
 6 following the incident.  
 7 Q. Was this before or after your first  
 8 meeting with the Chemical Safety Board?  
 9 A. I believe it was before.  
 10 Q. Okay. I am just trying to get some kind  
 11 of timeline.  
 12 So, you think you met with the  
 13 investigators for -- for British Petroleum and then  
 14 you met with the Chemical Safety Board people  
 15 shortly thereafter?  
 16 A. Correct.  
 17 Q. And we have one statement from you,  
 18 Mr. Seele, dated March 31, that I have looked at.  
 19 And that was the appearance of Mr. Holt,  
 20 Mr. Alvarez, who, I believe, is here with you.  
 21 Isn't this one of the gentlemen  
 22 that was there at the first interview you had with  
 23 BP's in-house folks?  
 24 A. I actually don't remember him being  
 25 there; but I have been told he was.

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1 Q. And we have Mr. Holt.  
 2 That's a BP investigator?  
 3 A. I do remember him.  
 4 Q. And Mr. Norfleet -- you understand  
 5 Mr. Norfleet was a representative on behalf of  
 6 Merit?  
 7 A. I don't recall that gentleman. I do know  
 8 there was representation there from Merit.  
 9 Q. Okay. Now, I have got a copy of that;  
 10 and I have got notes. We will attach a clean one  
 11 later; but does this look like -- have you seen  
 12 that statement since you gave it?  
 13 A. No, I haven't.  
 14 Q. Have you ever had an opportunity to go  
 15 back and read the contents of that statement?  
 16 A. I have seen parts of it.  
 17 Q. When did you see parts of that statement?  
 18 A. I saw parts of it, actually, in an  
 19 article that was published in the  
 20 Houston Chronicle.  
 21 Q. Was that the only time you have seen  
 22 anything that was contained in your statement?  
 23 A. Actually, after that statement was in the  
 24 Chronicle, I actually requested a copy of it.  
 25 Q. From?

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1 A. From BP counsel.  
 2 Q. Did you get one?  
 3 A. Yes, I did.  
 4 Q. Did you read it all?  
 5 A. I read certain parts of it, yes, the  
 6 quotes that were contained in the paper.  
 7 Q. And what was the intent of reading those  
 8 quotes?  
 9 A. I wanted to see the context around the  
 10 quotes.  
 11 Q. Why?  
 12 A. Personally, because I felt that they were  
 13 taken somewhat out of context in that Chronicle.  
 14 Q. And after reviewing it, what did you  
 15 think?  
 16 A. I did feel that they were somewhat taken  
 17 out of context in the article.  
 18 Q. And did you make any attempt to clarify  
 19 that with anyone?  
 20 A. No, I didn't.  
 21 Q. I want to show you -- we will mark a  
 22 copy. I will mark this one, tentatively. Let's  
 23 call this Exhibit 101; but we will get a clean copy  
 24 and attach it at the break.  
 25 MR. ALVAREZ: Okay.

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1 (Exhibit Number 101 marked for  
 2 identification.)  
 3 Q. (BY MR. COON) I am going to ask you a  
 4 question about it.  
 5 Is that the one that you gave?  
 6 A. Yes, that's it.  
 7 Q. Okay. Now, in looking at that,  
 8 Mr. Seele, let me ask you some questions. I am  
 9 sorry.  
 10 When I looked at it and read the  
 11 questions that were asked of you by the  
 12 representatives we just mentioned -- let me show  
 13 you right here. Ms. Haven is asking you questions;  
 14 and the reading I have from this is that they had  
 15 already talked to you before you gave this  
 16 statement on March 31.  
 17 The reason I say that is it  
 18 says -- they ask you questions to talk about when  
 19 you were hired at BP -- and let me put it on this  
 20 board here. Well, we don't have a board.  
 21 MR. COON: Can we get a board up  
 22 at the break?  
 23 (Discussion off the record.)  
 24 Q. (BY MR. COON) We will do this the old  
 25 fashioned way for now.

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1 If you look at the answer here, it  
 2 says, "I started with BP Amoco in May of '98."  
 3 A. Correct.  
 4 Q. It goes on here, it says -- these are  
 5 similar questions, I guess, to what you had  
 6 answered before.  
 7 Do you know what you are talking  
 8 about there? Did you give a statement to  
 9 someone -- it sounds like, from reading that, you  
 10 gave the statement to those guys before you gave  
 11 that written statement.  
 12 A. The only thing I can think that that is,  
 13 is if we went back and verified the dates, perhaps.  
 14 The Chemical Safety Board was prior to the  
 15 BP investigation. I think that's what that may be  
 16 in reference to.  
 17 Q. Okay. And do you recall when the CSB was  
 18 there, whether or not any of these individuals were  
 19 in attendance with Mr. Holt there with the CSB  
 20 investigators?  
 21 A. No. It was only the C -- CSB there -- I  
 22 believe it was three CSB investigators and one BP  
 23 representing attorney.  
 24 Q. Okay. So, our time line now -- we think  
 25 that you met with the CSB first, gave them a

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1 statement. They asked you a number of questions;  
 2 and then, shortly, thereafter, you met with  
 3 representatives of BP's investigative team and gave  
 4 them a statement?  
 5 A. Correct.  
 6 Q. Okay. And then the next one we have  
 7 after that, in terms of statements -- and let me  
 8 ask you this.  
 9 Did you go back and read the full  
 10 contents of your March 31 statement before coming  
 11 up here to testify today?  
 12 A. No, I haven't.  
 13 Q. You do still have a copy of it, though,  
 14 do you not?  
 15 A. I do have a copy of it at my house.  
 16 Q. Okay. But you haven't read it?  
 17 A. Not entirely, no.  
 18 Q. And you have never read it in its  
 19 entirety?  
 20 A. Like I say, when I got my copy, I skimmed  
 21 it to a couple of key sections that I was curious  
 22 about, yes, but not the entire document.  
 23 Q. Okay. Now, you told us you met with the  
 24 CSB one other time?  
 25 A. Correct.

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1 Q. Did you meet with any OSHA investigators?  
 2 A. Yes, I did.  
 3 Q. I have got a statement dated July 11,  
 4 2005. It's a sworn statement of Kyle Seele.  
 5 Have you seen this before?  
 6 A. No, I have never seen a document from the  
 7 OSHA interview.  
 8 Q. Does that appear to be your sworn  
 9 testimony from the interview that you gave to OSHA  
 10 on that date?  
 11 A. It does appear to be the statement that I  
 12 gave to OSHA.  
 13 Q. Okay. We will mark this as  
 14 Exhibit 101 --  
 15 MR. ALVAREZ: You just marked the  
 16 statement.  
 17 MR. COON: This is the one we are  
 18 saving for that one. We will mark this as 102.  
 19 (Exhibit Number 102 marked for  
 20 identification.)  
 21 Q. (BY MR. COON) Okay. The same question,  
 22 again, Mr. Seele.  
 23 You have never seen or read this  
 24 statement that you gave to OSHA back on July 11,  
 25 2005?

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1 A. No, I have never seen the OSHA statement.  
 2 Q. Okay. And there were a number of  
 3 representatives from OSHA there asking you  
 4 questions?  
 5 A. There were quite -- well, there was one  
 6 individual that asked the questions and there were  
 7 several other people there.  
 8 Q. Okay. And you had an attorney there from  
 9 British Petroleum?  
 10 A. There was one attorney present, yes.  
 11 Q. And any other statements that you believe  
 12 you have given?  
 13 A. I believe those were the only statements  
 14 that were given.  
 15 Q. Have you ever gone back and asked British  
 16 Petroleum for copies of the other statements that  
 17 you gave, either to the Chemical Safety Board or to  
 18 OSHA?  
 19 A. No, I haven't.  
 20 Q. Did you think it might have been a good  
 21 idea to have an opportunity to read and review all  
 22 of the things that you have told other  
 23 investigators in the past to help refresh your  
 24 memory before you came up here today?  
 25 A. I didn't feel it was necessary.

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1 Q. Okay. You spent three days with lawyers  
 2 here at BP to prepare your testimony, did you not?  
 3 MR. ALVAREZ: Objection, form.  
 4 Instruct the witness not to answer  
 5 that question.  
 6 Q. (BY MR. COON) I am sorry.  
 7 Didn't you say earlier that you  
 8 spent a lot of time preparing for your testimony  
 9 today in meeting with counsel?  
 10 A. Yes, I did.  
 11 Q. Two or more days?  
 12 A. That's correct.  
 13 Q. And you never inquired or asked to get  
 14 copies of your statements?  
 15 A. No, I didn't.  
 16 Q. Wouldn't you agree that the best way to  
 17 refresh your memory about the circumstances that  
 18 occurred in the past was to get copies of the  
 19 statements that you gave that were much more  
 20 contemporaneous to the time of the events?  
 21 A. Could you repeat that question?  
 22 Q. Yes, sir. I mean, if you meet with the  
 23 lawyers a couple of -- first, let me back up.  
 24 You understand these are very  
 25 important proceedings?

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1 A. Yes.  
 2 Q. You understand that it's almost  
 3 unprecedented to have this number of fatalities and  
 4 injuries anywhere in America under any  
 5 circumstances?  
 6 MR. ALVAREZ: Objection, form.  
 7 A. I am aware of that.  
 8 Q. (BY MR. COON) And you understand that  
 9 they are so important that the Department of Labor  
 10 and OSHA turned this over to the Justice Department  
 11 for further investigation?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. I have heard that.  
 14 Q. (BY MR. COON) And you understand they  
 15 are investigating, criminally, whether charges  
 16 should be brought for murder, manslaughter, other  
 17 felonious charges against some people associated  
 18 with this tragedy?  
 19 MR. ALVAREZ: Objection, form.  
 20 Q. (BY MR. COON) You understand that, do  
 21 you not?  
 22 A. I have heard that.  
 23 Q. You understand the EPA is doing the same  
 24 thing, do you not?  
 25 A. I have also heard that.

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1 Q. You heard Texas regulatory agencies are  
2 also reviewing this matter?  
3 A. Yes.  
4 Q. So, it's a -- you fully understand the  
5 gravity of this incident and your testimony today?  
6 A. Yes, I do.  
7 Q. And yet, you made a conscious decision  
8 not to go back and review any of the statements  
9 that you know exist concerning things you have told  
10 investigators in the past to help refresh your  
11 memory; is that correct?  
12 MR. ALVAREZ: Objection, form.  
13 A. No, I did not review those documents.  
14 Q. (BY MR. COON) You made a conscious  
15 decision not to ask for nor read those statements  
16 to prepare yourself for your testimony today?  
17 MR. ALVAREZ: Objection, form.  
18 A. No, I didn't. I did not ask for those  
19 documents.  
20 Q. (BY MR. COON) And you had, in fact --  
21 not only did you not ask for that -- you had a copy  
22 of the statement that you gave back to your own  
23 investigators just a few days after this explosion  
24 occurred, do you not?  
25 A. Yes, I do have a copy.

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1 Q. And it's some 30 pages of questions that  
2 were asked of you regarding trailer siting and that  
3 explosion, right?  
4 A. Correct.  
5 Q. And you have never read the full contents  
6 of that statement that you gave?  
7 A. No, I haven't.  
8 Q. And you did not care to read it or bother  
9 to read it to help prepare yourself for your  
10 testimony today?  
11 MR. ALVAREZ: Objection, form.  
12 A. I didn't feel it was necessary.  
13 Q. (BY MR. COON) Okay. We have talked  
14 about Chemical Safety Board, British Petroleum's  
15 investigators, OSHA's.  
16 Have you talked to the FBI or the  
17 EPA's criminal investigators yet?  
18 A. No, I haven't.  
19 Q. Have you been asked to prepare your  
20 testimony before the EPA or Department of Labor?  
21 A. No, I haven't.  
22 Q. I am sorry -- the Department of Justice?  
23 A. No, I have not.  
24 Q. Are you aware of anyone at BP who has  
25 talked to them to date?

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1 A. No, I am not.  
2 Q. Have you talked to any of your plant  
3 managers about your testimony today?  
4 A. No, I haven't.  
5 Q. Has anyone -- who is your first  
6 supervisor, your immediate supervisor?  
7 A. My immediate supervisor? His name is  
8 Mark Gates.  
9 Q. Okay. Did anybody down here at Texas  
10 City -- anybody in management talk to you or call  
11 you about coming down here and testifying?  
12 A. I was notified by BP -- the BP  
13 attorney -- the BP attorneys that my testimony  
14 would be required.  
15 Q. Okay. Has anybody in management notified  
16 you of these proceedings?  
17 A. No, they haven't.  
18 Q. Has anyone down here at Texas City or  
19 even at the facility you work at in Oklahoma talked  
20 to you at all about your testimony today?  
21 A. The only thing was, I told my supervisor,  
22 you know, why I was coming down here and that I was  
23 coming down for a deposition and let him know that  
24 there would be some time required to take part in  
25 this testimony.

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1 Q. Okay. And since you left the Texas City  
2 site and went up to Oklahoma -- when was that  
3 again?  
4 A. August of 2005.  
5 Q. Okay. So, since you left there last  
6 summer, has -- you haven't heard from anyone at  
7 Texas City in management about any follow-up to  
8 this investigation or your involvement in  
9 subsequent testimony?  
10 MR. ALVAREZ: Objection, form.  
11 A. No, I haven't.  
12 Q. (BY MR. COON) Okay. Let's jump back and  
13 talk about your qualifications, if we may.  
14 A. Okay.  
15 MR. COON: We have here what's  
16 marked as Exhibit 99, Mr. Alvarez.  
17 Q. (BY MR. COON) And can you identify that  
18 document?  
19 A. It's entitled, Roles and Responsibilities  
20 of Turnaround Project Engineer.  
21 Q. Okay. Will that be a fair summary of  
22 British Petroleum's outline of what a turnaround  
23 project engineer should be doing out at the British  
24 Petroleum Texas City facility?  
25 A. I would say so.

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1 Q. Is that an outline of the roles and  
 2 responsibilities that you would have undertaken as  
 3 an employee with that title at that facility during  
 4 the timeframe you held that title?  
 5 A. Yes, it would.  
 6 Q. Were you familiar with all of those roles  
 7 and responsibilities that are entailed and outlined  
 8 in that two-page document?  
 9 A. It looks like a pretty good description  
 10 of the roles and responsibilities of a TAR project  
 11 engineer.  
 12 Q. Okay. Now, in fulfilling those roles and  
 13 responsibilities -- let's go back over your  
 14 educational background and training.  
 15 Formal education: You did get an  
 16 engineering degree --  
 17 A. Correct.  
 18 Q. -- in the late '90s?  
 19 I believe it was Texas A&M, I  
 20 think, wasn't it?  
 21 A. That's correct.  
 22 Q. Okay. Any other formal education?  
 23 A. No, only my bachelor's degree.  
 24 Q. Okay. In terms of certifications, what  
 25 do you hold?

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1 A. I have no specific certifications.  
 2 Q. Any licensures?  
 3 A. No, I don't.  
 4 Q. Are you a member of any professional  
 5 mechanical associations or any engineering  
 6 associations?  
 7 A. No, I am not.  
 8 Q. What type of training did you get in PHA  
 9 and HAZOP, formal?  
 10 A. In terms of formal, I attended the  
 11 PHA/HAZOP training that was put on in -- at Texas  
 12 City Chemicals by the PSM group.  
 13 Q. How long did that last?  
 14 A. I don't recall, specifically. It was  
 15 either a day or two.  
 16 Q. Any other PHA training?  
 17 A. The only other PHA training I received  
 18 was mentoring other -- under other engineers and  
 19 participating in MOCs and HAZOPs.  
 20 Q. Okay. Any PSM training, generically PSM?  
 21 A. The only specific PSM training I remember  
 22 was more general mentoring and on-the-job training,  
 23 as well as, as I mentioned earlier, participating  
 24 in those types of activities.  
 25 Q. Okay. Any formal outside training

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1 outside the BP infrastructure, any classroom  
 2 training, education, seminars, outside of what BP  
 3 provided you? Anything from schools?  
 4 A. Specific to PSM?  
 5 Q. Specific to any kind of training -- after  
 6 you got your engineering degree, any kind of  
 7 training you received that was not educational  
 8 information provided to you from instruction or  
 9 on-the-job training by British Petroleum?  
 10 A. There was, of course, different various  
 11 training courses I went to on different subjects as  
 12 they arose. Some of them technical. Some of them  
 13 related to other topics, such as project  
 14 engineering and different training topics such as  
 15 that.  
 16 Q. And where were those at?  
 17 A. Various locations. Some, the training  
 18 was brought in-house. Some of it was, you know,  
 19 where you traveled to a hotel or such.  
 20 Q. Okay. What about MOC training?  
 21 A. The MOC training that I referenced  
 22 earlier was the training that was brought to Texas  
 23 City that was put on and sponsored by the  
 24 PSM group.  
 25 Q. Were you ever a leader -- team leader on

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1 PHA, MOCs or PSM?  
 2 A. Yes, I was.  
 3 Q. Which ones? In what circumstances and  
 4 times?  
 5 A. There was probably several. To recall  
 6 each specific MOC in which I was the PHA leader...  
 7 Q. Do you recall any of them?  
 8 A. I mean, obviously, I recall the MOC  
 9 related to the Merit trailer. I did conduct quite  
 10 a few MOCs as unit engineer related to different  
 11 jobs and turnaround preparation in preparation for  
 12 those events.  
 13 Q. Had you been the MOC leader on any  
 14 trailer sitings before or after what I am going to  
 15 call the "008 MOC"?  
 16 A. I was prior, yes.  
 17 Q. On how many occasions?  
 18 A. I don't recall the specific number; but I  
 19 believe it to be somewhere around five.  
 20 Q. What type of teaching and training were  
 21 you given specific to trailer siting to make you an  
 22 MOC leader in trailer siting?  
 23 A. I was -- specific to trailer siting, I  
 24 did not receive any training.  
 25 Q. What type of work experiences did you

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1 have before you went to BP?  
 2 A. BP was my first employer out of college.  
 3 Q. Was all your work in the West Plant?  
 4 A. No, actually, I had very little work  
 5 experience in the West Plant. Most of my work  
 6 experience was actually in the crude division.  
 7 Q. What times were you over at the West  
 8 Plant?  
 9 A. I actually was never assigned to a unit  
 10 in the West Plant. The only times I ever went to  
 11 the West Plant was either to participate in a  
 12 safety meeting or some sort of special event.  
 13 Q. Then why were you over in the West Plant  
 14 being an MOC leader on trailer siting?  
 15 A. I was asked to facilitate that MOC.  
 16 Q. By whom?  
 17 A. Andy McWilliams.  
 18 Q. Why did Andy get you to come over there  
 19 if you didn't even work in the West Plant?  
 20 A. I guess that is a question that you would  
 21 have to ask Andy.  
 22 Q. Well, I guess we will.  
 23 Did you have any dealings with  
 24 Mr. McWilliams before that date?  
 25 A. I have worked with Andy in the past.

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1 Q. What circumstances?  
 2 A. We had crossed paths. Andy had worked in  
 3 the turnaround group prior. He's been a turnaround  
 4 superintendent. We worked in 2002 on the pipe  
 5 still 3-B turnaround. He was the night  
 6 superintendent. I was the lead engineer for that  
 7 outage.  
 8 Q. And by "outages," that's vernacular for  
 9 turnaround?  
 10 A. In that case, yes, that was a turnaround  
 11 on pipes still 3-B.  
 12 Q. And what are other examples of outages?  
 13 It just shuts down without planned turnaround?  
 14 A. There can be unplanned outage, yes.  
 15 Q. As equipment failures or something  
 16 resulting in --  
 17 A. Something that would require an unplanned  
 18 shutdown.  
 19 Q. Unplanned shutdowns are generally  
 20 associated with equipment failures?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. Typically, some sort of equipment failure  
 23 or some sort of unplanned circumstance.  
 24 Q. (BY MR. COON) Have you ever been  
 25 reprimanded or disciplined working for BP?

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1 A. No, I haven't.  
 2 Q. Have you ever reprimanded or disciplined  
 3 anyone as an employee of BP?  
 4 A. A BP employee or what?  
 5 Q. Yes, sir.  
 6 A. No, I haven't.  
 7 Q. Why did you ask BP employee? Have you  
 8 reprimanded persons other than BP employees?  
 9 A. Yes, I have.  
 10 Q. What circumstances?  
 11 A. I had an incident at an SRU turnaround  
 12 where a young lady felt that she was sexually  
 13 harassed, and I had to address it with the employee  
 14 who was accused of the harassment.  
 15 Q. Was this a contract employee?  
 16 A. Yes, it was.  
 17 Q. Maybe I missed something.  
 18 A. Yes, it was.  
 19 Q. Was that issue resolved?  
 20 A. Yes, it was.  
 21 Q. How was it that you were brought in to  
 22 mediate that dispute?  
 23 A. The reason I was brought in was because  
 24 it was brought -- the young lady brought it to my  
 25 attention; and since that contractor was working

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1 under my organization at the SRU turnaround, it was  
 2 necessary for me to address the situation.  
 3 Q. Okay. So, you're -- you were assigned --  
 4 is this a TAR project engineer job that you were  
 5 holding at the time?  
 6 A. No. That was when I was serving as the  
 7 interim turnaround superintendent.  
 8 Q. Okay. And when was this?  
 9 A. That was from November of 2000 --  
 10 Q. 4?  
 11 A. I have to get my years straight here. It  
 12 would have been from the November --  
 13 Q. '04?  
 14 A. November of '04 through the following  
 15 March of '05.  
 16 Q. Okay. So, if we looked at the job  
 17 description that you held at that time, it would  
 18 include resolving disputes between employees and  
 19 contractors at BP, including sexual harassment  
 20 allegations?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I am not sure that you will find that in  
 23 the exact roles and responsibilities of that job;  
 24 but I did feel it was necessary, since it was  
 25 brought to my attention, to bring it to the



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1 attention of the proper people and then it was  
 2 dealt with.  
 3 Q. (BY MR. COON) Okay. And the proper  
 4 people would have been who?  
 5 A. I notified my supervisor and -- so that  
 6 he could notify HR and give me direction on how to  
 7 handle the situation.  
 8 Q. And did they advise you or admonish you  
 9 to discipline someone?  
 10 A. Basically, the way they advised me was to  
 11 get written statements from both individuals and to  
 12 speak to both individuals and to notify the  
 13 supervisors of the employee that was accused.  
 14 Q. Okay. Well, this started out with a  
 15 simple question, it being -- involved in  
 16 disciplining anyone and -- and now we are going  
 17 down a rabbit trail; but at the end of the day,  
 18 have you disciplined anyone?  
 19 A. Other than that employee, no.  
 20 Q. Okay. And that employee was at that --  
 21 was the employee that was disciplined a BP  
 22 employee?  
 23 A. No, he was not.  
 24 Q. It was a contractor?  
 25 A. Correct.

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1 Q. And what authority do you have to  
 2 discipline somebody else's employees?  
 3 A. Well, I --  
 4 MR. ALVAREZ: Objection, form.  
 5 A. Basically, I have the authority to remove  
 6 them from that jobsite if I am not comfortable with  
 7 that employee on my jobsite.  
 8 Q. (BY MR. COON) Okay. So -- so, the  
 9 discipline, I guess maybe the vernacular is not  
 10 correct; but all you can do -- you can't actually  
 11 fire another contractor's employee, can you?  
 12 A. No, I don't have that authority.  
 13 Q. Okay. But what you can do is, if you  
 14 think they are creating a problem or misbehaving or  
 15 something, you can get them to leave the premises?  
 16 A. Correct.  
 17 Q. And do you have the direct authority to  
 18 do that or do you have to go through the chain of  
 19 command with that employee's supervisors?  
 20 A. I discussed it with that employee's  
 21 supervisor, and we felt it was in the best interest  
 22 of that case for that employee to be removed from  
 23 jobsite.  
 24 Q. Okay. So, in terms of personal  
 25 discipline, you don't have that authority. You

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1 have the authority to make recommendations to other  
 2 contractor supervisors and request them to do  
 3 something?  
 4 A. That would be a fair assessment.  
 5 Q. Okay. So, going back to the question:  
 6 Have you, personally, disciplined any employees of  
 7 BP?  
 8 The answer is "no," correct?  
 9 A. Correct.  
 10 Q. The second question, which was have you  
 11 disciplined any non-employees of BP at the BP  
 12 facility, and you personally have not?  
 13 A. That would be correct.  
 14 Q. You just recommended to that employee's  
 15 supervisor that they do something?  
 16 A. Correct.  
 17 Q. And they heeded that request?  
 18 A. Correct.  
 19 Q. Okay. Do you have any -- while working  
 20 at BP Texas City did you have any experience  
 21 budgeting? Did you do any capital budgeting or  
 22 anything else with budgeting regarding any of the  
 23 projects out there or just routine operations?  
 24 Ever dealing with numbers?  
 25 A. A little bit, yes.

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1 Q. Real briefly, when and where?  
 2 A. Just if you had a specific project that  
 3 you were trying to get approved, you would pull  
 4 together, you know, a budgetary estimate to try and  
 5 get approval to implement that project.  
 6 Q. This is for turnarounds?  
 7 A. Specifically there, I am thinking of my  
 8 days as maintenance engineer. If there was an  
 9 improvement project that I wanted done that wasn't  
 10 on the books, you would have to make your case to  
 11 the superintendent. And part of that would be  
 12 putting together a budgetary estimate of what it  
 13 would cost to implement that project.  
 14 With respect to turnarounds, I was  
 15 involved, not necessarily in developing the  
 16 budgets, but receiving that information and making  
 17 sure it was passed through what we call our common  
 18 value process, in which Management was aware of the  
 19 budgets and then reviewing those budget.  
 20 Q. Okay. Why would you be making a request  
 21 for maintenance that was not on the books?  
 22 A. There is various reasons. There could be  
 23 an opportunity for something that you see as an  
 24 improvement. There could be something that's  
 25 found, for example, by an inspector that needs to

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1 be addressed. Just various reasons that pop up in  
 2 the day-to-day life of a maintenance engineer in  
 3 the refinery.  
 4 Q. Okay. And when you say "on the books,"  
 5 we are talking about capital improvements that were  
 6 not already planned and budgeted for the year,  
 7 specific budget?  
 8 A. Not necessarily the capital.  
 9 In terms of the maintenance  
 10 engineer, sometimes those projects are small enough  
 11 it's within the scope of budget of a -- of a unit  
 12 superintendent that he could have the approval; but  
 13 I didn't have the approval to spend that money  
 14 without his approval.  
 15 Q. Did you ever work with other managers  
 16 there to actually plan out major turnaround  
 17 projects and the capitalization involved and  
 18 whether or not they would defer the maintenance  
 19 because of the cost?  
 20 A. I have sat in on discussions and  
 21 participated in turnaround deferral discussions,  
 22 yes.  
 23 Q. Was it ever expressed by any of the  
 24 persons in those meetings that sometimes the  
 25 deferring -- these planned maintenance projects

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1 were not a good idea?  
 2 A. I think that's always a topic of  
 3 discussion of deferring a turnaround. That's --  
 4 you have to have the correct information to make  
 5 the decision to defer a turnaround.  
 6 Q. And for the engineers that were involved  
 7 in these turnaround projects, was it sometimes  
 8 frustrating to them to get resistance from other  
 9 persons up the corporate food chain to get capital  
 10 needed for these normal operations to keep a  
 11 particular unit running well?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. I think if you had a project that you  
 14 felt needed to be done and you weren't getting  
 15 funding, yes, that is a -- a frustrating  
 16 experience.  
 17 Q. (BY MR. COON) And it was not uncommon at  
 18 that plant prior to this explosion, was it?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. I know some projects were not approved.  
 21 Q. (BY MR. COON) What was the typical  
 22 explanation y'all were given as to why things that  
 23 needed to be done were being deferred? Was it  
 24 because it was not in the budget?  
 25 A. Typically, there was an allotted amount

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1 of money to go around and they would discuss and  
 2 rank the risk of the projects and execute the  
 3 projects that need to be done.  
 4 Q. And what do you mean by "rank the risk"?  
 5 A. There was people that were responsible  
 6 for determining which projects were approved, and  
 7 they would compare the projects and decided which  
 8 ones got funded.  
 9 Q. What does that got to do with risk?  
 10 A. I guess to compare the projects.  
 11 Q. Compare them to what?  
 12 A. To each other.  
 13 Q. And evaluate them for risk?  
 14 A. A risk, feasibility, economic return.  
 15 There is different factors on which the people that  
 16 rate the projects evaluate them and determine which  
 17 ones are going to be funded and executed.  
 18 Q. Right.  
 19 And part of what was going on at  
 20 this facility was -- is that they went through the  
 21 evaluation process and what they would fix now  
 22 versus things they would put off that really could  
 23 use fixing now.  
 24 They looked at risk factors which  
 25 you just described, correct?

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1 A. (No verbal response.)  
 2 Q. Correct?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. I am sure they looked at risk on some.  
 5 Q. (BY MR. COON) And they also looked at  
 6 what is called the economic considerations?  
 7 A. Sure.  
 8 Q. Where they got the most bang for their  
 9 buck with the money?  
 10 A. Absolutely.  
 11 Q. It is all part of optimization?  
 12 A. I will agree.  
 13 Q. And you are familiar that there were  
 14 complaints out at that facility that the process of  
 15 optimizing a number of these units to keep them  
 16 running longer and deferring maintenance was  
 17 putting the unit at more risk of failure?  
 18 A. The longer you run a unit -- I will agree  
 19 with that statement.  
 20 Q. And that was something expressed and  
 21 concerned by the engineers, particularly those that  
 22 were well-versed in turnaround projects and the  
 23 need to maintain routine maintenance on these  
 24 facilities, which is what part of that turnaround  
 25 involved?

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1 A. You will have to repeat that question.  
 2 Q. You understood when you would go to those  
 3 meetings that the engineers that said things needed  
 4 to be done were doing so because they felt it was  
 5 good to keep a unit in good operating form so you  
 6 don't get a failure, correct?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. Well, I will agree with your statement  
 9 that it is -- the longer you defer, the more  
 10 possibility there is of something going wrong.  
 11 Q. (BY MR. COON) And if -- and when you do  
 12 defer the maintenance on one of these units, it  
 13 increases the risk of equipment failure?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. Well, part of the deferral process is to  
 16 evaluate the condition of the unit and the  
 17 conditions that exist, whether that deferral can  
 18 take place.  
 19 Q. (BY MR. COON) Were you personally  
 20 involved in making these economic decisions as to  
 21 where the money was best spent to optimize the  
 22 profitability of a unit and defer maintenance on  
 23 some other units that needed it?  
 24 A. No, I wasn't.  
 25 Q. Do you know anyone that was?

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1 A. I know most of those decisions took place  
 2 at a management and capital projects group level.  
 3 Q. Do you know any of the individuals?  
 4 A. I know some people, some names.  
 5 Is that what you are asking?  
 6 Q. Give me the guy you think is the most  
 7 knowledgeable about that subject matter that we  
 8 could go talk to.  
 9 A. Perhaps Walt Wundrow.  
 10 Q. Was it frustrating to you or any of the  
 11 other engineers that you worked with in terms of  
 12 y'all just talking amongst each other to be told  
 13 that certain projects that needed turnarounds were  
 14 being deferred because it wasn't in the budget?  
 15 I think you said it --  
 16 A. Yes --  
 17 Q. Yeah.  
 18 A. It was somewhat frustrating.  
 19 Q. And you actually knew that BP was a  
 20 profitable company, right?  
 21 A. Yes, I am aware of that.  
 22 Q. Most people would call it very  
 23 profitable, wouldn't they?  
 24 A. I will agree with that.  
 25 Q. They make billions and billions and

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1 billions of dollars almost every quarter in  
 2 profits, don't they?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. BP does make a lot of money.  
 5 Q. (BY MR. COON) Are you a stockholder in  
 6 BP?  
 7 A. I have -- my 401K is invested somewhat in  
 8 BP stock.  
 9 Q. Any kind of information from them  
 10 showing -- from a prospectus standpoint, showing  
 11 their annual profit rates?  
 12 A. I have seen BP's annual profits in  
 13 quarterly statements published in the paper and  
 14 such.  
 15 Q. And didn't it frustrate you guys to see  
 16 your company making billions of dollars and not  
 17 reinvesting in the infrastructure of the facility  
 18 when you knew maintenance needed to be done and  
 19 they said they didn't have the money?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. To a certain extent, yes, it was  
 22 frustrating.  
 23 Q. (BY MR. COON) It was frustrating not  
 24 only to you, but a lot of the other engineers out  
 25 there that say, "Man, we need these fixed and they

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1 are saying they don't have any money; and yet,  
 2 they're making billions of dollars."  
 3 That's something y'all talked  
 4 about and fussed about, wasn't it?  
 5 MR. ALVAREZ: Objection, form.  
 6 A. There was times that specific projects  
 7 were discussed where those feelings were felt.  
 8 Q. (BY MR. COON) And who would you complain  
 9 to about it as one of the project's engineers?  
 10 A. Well, I kind of put myself more in a role  
 11 of a maintenance engineer in that role. I had a  
 12 counterpart that was counterpart for pipe still 3-A  
 13 which I shared an office with. We discussed items  
 14 like that sometimes in terms of which projects were  
 15 getting approved and which ones were going to be  
 16 executed.  
 17 Q. And didn't you realize and appreciate the  
 18 risk associated with deferring maintenance  
 19 resulting in not only the increased risk of  
 20 equipment failures but the increased risk of people  
 21 working on those units because of those equipment  
 22 failures?  
 23 A. Well, I know that the turnaround before  
 24 that I did participate in, there was a lengthy  
 25 process, which I mentioned, in which we had to go

<p style="text-align: right;">Page 74</p> <p>1 through and evaluate each specific piece of 2 equipment and each job and had to present it to the 3 process safety committee and get a formal approval 4 for deferring that -- that outage. 5 Q. Sure, but they go hand in hand. 6 MR. DEAN: Objection, 7 responsiveness. 8 Q. (BY MR. COON) They do go hand in hand, 9 don't they? Deferring maintenance results in 10 increased risk of equipment failure, correct? 11 A. I will go back to my first answer. 12 Q. That -- 13 A. It would be specific to the piece of 14 equipment and it would need to be evaluated what 15 would be the result of extending the run time on 16 that piece of equipment. 17 Q. Yeah, but you also understand, generally 18 speaking, deferring maintenance at a unit increases 19 the risk of equipment failures. 20 You would agree with that general 21 principle -- 22 MR. ALVAREZ: Objection, form. 23 Q. (BY MR. COON) -- don't you? 24 A. If you have more run time, you have more 25 possibility of a failure.</p>	<p style="text-align: right;">Page 76</p> <p>1 extending the run time of -- of that piece of 2 equipment, there is the possibility for -- for what 3 you are saying is potential exposure. 4 MR. BEAN: Object to responsive. 5 Q. (BY MR. COON) You just don't want to 6 answer the question. 7 Have you been told to play games 8 with some of the questions we ask? 9 A. No, I haven't. 10 MR. ALVAREZ: Objection, form and 11 strike the sidebar to the question. 12 MR. COON: Let's take a break. 13 THE VIDEOGRAPHER: Off the record 14 at 11:13 a.m., ending Tape 1. 15 (Recess taken.) 16 THE VIDEOGRAPHER: On the record, 17 11:27 a.m., beginning Tape 2. 18 Q. (BY MR. COON) Are you ready, Mr. Seele? 19 A. Yes, I am. 20 Q. Okay. All right. We took a break and we 21 will back up. I want to go back and ask you a few 22 questions on some things I talked to you earlier 23 about. 24 One was the meetings involving 25 Mr. Parus as the -- I call him the plant manager.</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. So, that's a "yes"? 2 A. I guess you will have to repeat your 3 original question for me. 4 Q. Well, let me go to the next one then, 5 because I have asked you ten times for a simple 6 answer; and I can't get it. 7 Let's go to the next one. If you 8 are increasing the risk of equipment failure, you 9 are increasing the potential risk of people working 10 out there around that equipment? 11 MR. ALVAREZ: Objection, form. 12 Object to the sidebar from counsel and ask that it 13 be stricken. 14 A. You are going to have to repeat that one 15 for me, also. 16 Q. (BY MR. COON) If you are increasing the 17 risk of equipment failure by deferring maintenance, 18 you are also, simultaneously, at least sometimes, 19 increasing the risk of harm to the people working 20 around that equipment? 21 MR. ALVAREZ: Objection, form. 22 Q. (BY MR. COON) You can draw that 23 reasonable parallel conclusion, can't you, sir? 24 MR. ALVAREZ: Objection, form. 25 A. If a proper analysis was not done on</p>	<p style="text-align: right;">Page 77</p> <p>1 I think y'all call it the BUL, Business Unit 2 Leader? 3 A. Probably "a manager" is a fair term, too. 4 Q. Okay. And he called a couple of meetings 5 in the fall of '04 after some guys were burned to 6 death in a steam accident. And another one in the 7 spring of '05 after the findings of this Telos 8 Report were prepared. And you told me you went to 9 one of them. 10 Do you recall if it was the one in 11 the fall of '04 or January of '05? 12 A. I went in the fall related to the steam 13 accident. 14 Q. Okay. That was the program that was 15 called "Safety Reality." 16 Does that sound familiar? 17 A. I don't recall exactly what it was 18 called, but it was what you discussed earlier. 19 Q. Okay. And, in fact, at that meeting -- 20 Mr. Parus was a speaker at that meeting, was he 21 not? 22 A. Correct, he was. 23 Q. Okay. And he was concerned, 24 understandably, as a result of the loss of lives 25 again at that plant and he had -- who all went down</p>

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1 there? Who was in attendance at this meeting?  
 2 A. There was several different days on which  
 3 the meeting occurred. So, you were told on which  
 4 day to go and there was different people from all  
 5 different units. Some people I recognized. Some  
 6 people I didn't.  
 7 Q. And how many people were down there the  
 8 day that you attended?  
 9 A. If I had to estimate, maybe,  
 10 approximately 50.  
 11 Q. And what was involved in your group?  
 12 What were the common elements of your group?  
 13 A. When you say -- I don't remember,  
 14 specifically.  
 15 I think -- when you say "group,"  
 16 you mean everyone in attendance or --  
 17 Q. Yeah, it was broken down into smaller  
 18 groups. Instead of everyone at once, it was broken  
 19 down into smaller groups.  
 20 Was it broken down because of the  
 21 accommodations that were available or was it broken  
 22 down because they wanted to talk to different  
 23 groups of people about some different issues? Did  
 24 they do that?  
 25 A. I am not sure exactly what the decision

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1 was on who went what days.  
 2 Q. Okay. I want to show you some documents  
 3 that your employer provided to us and one of them  
 4 is part of what was presented.  
 5 Do you recall a slide show or  
 6 PowerPoint?  
 7 A. I do remember them showing a slide show.  
 8 Q. Okay. It has been represented that this  
 9 is part of it, and it started out about safety  
 10 reality.  
 11 Do you recall that being the --  
 12 what -- what this program is called?  
 13 A. I don't remember the name of it, no.  
 14 Q. Okay. And one of the slides that  
 15 Mr. Parus had was this one.  
 16 Do you recall him putting that one  
 17 up on the projector for everyone to see?  
 18 A. I don't remember the specific slide; but  
 19 I do remember the general theme, yes.  
 20 Q. Yeah.  
 21 And part of the general theme that  
 22 was presented by the Texas City management was that  
 23 Texas City is not a safe place to work.  
 24 That was part of the theme, was it  
 25 not?

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1 A. That's what it states on the slide you  
 2 have up.  
 3 Q. Yeah.  
 4 And that was one of the slides  
 5 that was shown at this program, was it not?  
 6 A. As I stated, I don't remember that  
 7 specific slide; but it does appear consistent with  
 8 the themes that I remember from that presentation.  
 9 Q. And when they are talking about Texas  
 10 City, they are not talking about the city itself.  
 11 They are talking about Texas City British Petroleum  
 12 refinery?  
 13 A. I think that's a fair conclusion.  
 14 Q. And part of the bullets on this  
 15 particular PowerPoint are the reasons that it was  
 16 opined by the leadership of the Texas City British  
 17 Petroleum plant has not been a safe place to work.  
 18 One of those is that this site has experienced  
 19 22 fatalities in the last 30 years.  
 20 Were you familiar with the rate of  
 21 casualty associated with that plant?  
 22 A. I was told that was the number of  
 23 fatalities over this time period, yes.  
 24 Q. Right.  
 25 And you had not been there for

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1 that duration?  
 2 A. No. Obviously, no, I didn't work there  
 3 during that 30-year period.  
 4 Q. But you were provided with the history of  
 5 the occurrences at that plant, particularly as it  
 6 related to the fatalities and you were made aware  
 7 that they had had numerous fatalities at that  
 8 particular facility?  
 9 A. That was discussed at that meeting, yes.  
 10 Q. And that was the expressed concern  
 11 because we have already agreed that one fatality is  
 12 too many, right?  
 13 A. Agreed.  
 14 Q. And this is the amount of people that had  
 15 died out there on the job of occupational injuries  
 16 before the plant explosion in March that killed 15  
 17 more?  
 18 MR. ALVAREZ: Objection to the  
 19 form.  
 20 A. To my knowledge, that is the current  
 21 number. That was the number that was presented to  
 22 us.  
 23 Q. (BY MR. COON) Yeah, but this doesn't  
 24 include the 15 that were killed. And the next one,  
 25 just a couple of months after this presentation was

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1 made, does it?  
 2 A. To my knowledge, no, because it was  
 3 before the event.  
 4 Q. It makes since then, right?  
 5 A. Correct.  
 6 Q. All right. Then you had next the talk  
 7 about two people died on the site this year. That  
 8 was 19 -- that was 2004. And again, they were  
 9 talking about the incident where the steam line was  
 10 open?  
 11 A. Correct.  
 12 Q. And that was something that happened  
 13 where those guys working on it had been made to  
 14 understand that that pump had been locked-out and  
 15 tagged-out and it was empty.  
 16 Do you recall that?  
 17 MR. ALVAREZ: Objection to the  
 18 form.  
 19 Q. (BY MR. COON) Let me ask you this.  
 20 Do you understand the  
 21 circumstances that resulted in those fatalities?  
 22 A. I'm aware that two individuals were  
 23 changing the check valve and were injured, yes.  
 24 Q. And then Mr. Parus also noted in 2004  
 25 that there had been 32 OSHA injuries on the site in

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1 the year 2004 alone, correct?  
 2 A. I don't remember the specific number; but  
 3 as I have stated --  
 4 Q. Okay.  
 5 A. -- I agree with -- the slide is  
 6 consistent.  
 7 Q. And "OSHA injuries" means the type of  
 8 injuries that are severe enough to have to report  
 9 to OSHA pursuant to the regulations?  
 10 A. Agreed to reportable incidents.  
 11 Q. Reportable.  
 12 There are lots of people who get  
 13 hurt that are what you would call more minor  
 14 injuries that don't have to get reported to OSHA,  
 15 first aid type reports?  
 16 A. There are first aid incidents that do not  
 17 have to be reported.  
 18 Q. Okay. These are the ones that are more  
 19 serious than first aid type of treatment?  
 20 A. Correct.  
 21 Q. And this only records those people that  
 22 are actual employees of British Petroleum, correct?  
 23 A. I don't know if that statement is  
 24 correct. I don't -- I don't believe that -- I -- I  
 25 don't personally have knowledge on whether

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1 contractor injuries were included in those numbers  
 2 or not.  
 3 Q. Okay. Mr. Parus talked about concerns he  
 4 had with the safety culture at that plant at this  
 5 meeting, didn't he?  
 6 A. Don did speak with regard to safety of  
 7 the plant.  
 8 Q. And "Don" is Don Parus?  
 9 A. When I say "Don," yes, Don Parus.  
 10 Q. And he was concerned that people in  
 11 management were not appreciating process safety  
 12 management to the level that they should?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. I guess, could you repeat that question?  
 15 Q. (BY MR. COON) Yeah.  
 16 Well, you are familiar with  
 17 process safety management?  
 18 A. I am familiar with it.  
 19 Q. And he expressed a concern that common  
 20 sense as it is associated with PSMs was not being  
 21 adhered to at that particular facility?  
 22 A. He expressed concern on the safety  
 23 culture. I don't remember the exact terms or  
 24 phrases he used, and his general theme at that  
 25 meeting was that the current level of safety was

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1 unacceptable.  
 2 Q. And it was unacceptable because too many  
 3 people were getting hurt and too many people were  
 4 getting killed at that plant?  
 5 A. I will agree to that.  
 6 Q. And, in fact, OSHA had also made that  
 7 same observation that it had actually put that  
 8 particular facility on a heightened level of  
 9 monitoring.  
 10 Were you aware of that?  
 11 A. I was not aware of that at the time. I  
 12 have since read that in -- in a newspaper article  
 13 that there was.  
 14 Q. Okay. So, you were working there in  
 15 management at a time that OSHA had determined that  
 16 your facility was a high risk plant and you were  
 17 not aware of it?  
 18 A. No, I was not aware that we were.  
 19 Q. No one -- I am sorry. No one in  
 20 management ever told you that y'all's plant that  
 21 y'all had been working at had been put up into a  
 22 high grade category at high risk?  
 23 A. No, I was never told that.  
 24 Q. Was that something that you would want to  
 25 know as a person in management at that facility?

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1 A. If I was in management -- which I am not  
 2 sure that I actually was in management, but that  
 3 would be information I think would be useful to  
 4 know.  
 5 Q. Okay. Are you an hourly employee or  
 6 salary?  
 7 A. I am a salaried employee.  
 8 Q. Do you have any supervisory  
 9 responsibilities at that facility?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. Specific to what time period?  
 12 Q. (BY MR. COON) Well, specific to 2004  
 13 when this program was presented.  
 14 A. Basically, to answer your question, I  
 15 just kind of put it in different time frames.  
 16 At the time I was a turnaround  
 17 project engineer, no, I did not have any supervisor  
 18 responsibilities or direct reports, if you will.  
 19 Now, when I was stepped up as a  
 20 turnaround superintendent, yes, I did have some  
 21 reports and responsibilities.  
 22 Q. Okay.  
 23 A. I guess you could make that correlation  
 24 that during that time period perhaps I was in a  
 25 management role.

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1 Q. Okay. Is it your opinion that being a  
 2 TAR project engineer takes you out of management?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. My opinion is that a turnaround project  
 5 engineer is not part of the site management team.  
 6 Q. (BY MR. COON) Well, just generally  
 7 speaking, though, you know the distinction between  
 8 management and staff?  
 9 MR. ALVAREZ: Objection, form.  
 10 Q. (BY MR. COON) Did you consider yourself  
 11 a manager of any sort, part of the BP management  
 12 when you were a project -- turnaround project  
 13 engineer?  
 14 A. No --  
 15 MR. ALVAREZ: Objection, form.  
 16 A. -- I didn't.  
 17 Q. (BY MR. COON) Okay. After Mr. Parus had  
 18 this meeting in the fall of '04, he commissioned an  
 19 outside consulting group to come in and figure out  
 20 what the problems were at that plant and try to fix  
 21 them up.  
 22 Are you aware of that?  
 23 A. Yes, I am.  
 24 Q. It is called the Telos Report, a group of  
 25 folks, I think, out of Austin or somewhere.

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1 Are you familiar with that?  
 2 A. I am familiar with the report and that it  
 3 exists. I am not familiar where the -- where they  
 4 were from or the details around why it was  
 5 commissioned and such.  
 6 Q. Did you understand that this group came  
 7 out and talked to a large number, if not the  
 8 majority, of the hourly and salary personnel at  
 9 that facility?  
 10 A. I knew that they did talk to people. I  
 11 don't know the numbers.  
 12 Q. Were you one of the persons who was  
 13 interviewed by that group?  
 14 A. No, I wasn't.  
 15 Q. Do you know anyone who was interviewed by  
 16 that group?  
 17 A. No, I don't.  
 18 Q. Were you one of the persons who filled  
 19 out a form or questionnaire regarding your personal  
 20 experiences or opinions associated with that  
 21 facility?  
 22 A. Was I specific to that report or in  
 23 general?  
 24 Q. Just were you asked to do anything to  
 25 participate in the study, sir?

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1 A. Well, typically, annually they would  
 2 issue a people -- what they called a people  
 3 assurance survey.  
 4 Q. Who is "they"?  
 5 A. Typically, it would come through the  
 6 e-mail system and --  
 7 Q. BP?  
 8 A. Correct.  
 9 Q. Okay.  
 10 A. BP.  
 11 Q. And what is this?  
 12 A. It's --  
 13 MR. ALVAREZ: Objection, form.  
 14 A. It's a survey they send out that has  
 15 various questions to gauge different issues.  
 16 Q. (BY MR. COON) And where do those go?  
 17 MR. ALVAREZ: Objection, form.  
 18 A. We send them in electronically and  
 19 typically, they come back and they issue a report  
 20 with those findings.  
 21 Q. (BY MR. COON) Does that become part of  
 22 your file?  
 23 A. Not to my knowledge.  
 24 Q. Do you know where that information is  
 25 assimilated and stored?

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1 A. Typically, they issue a report on the  
 2 people assurance survey and the site managers and  
 3 the report is made public to the employees.  
 4 Q. Is that an opportunity for you to express  
 5 your opinions about things?  
 6 A. Yes.  
 7 Q. About individual employees in management  
 8 or otherwise?  
 9 A. With respect to individual?  
 10 Q. Yes, sir.  
 11 A. Not to my knowledge. It's more general.  
 12 It uses more general terms, not specific to an  
 13 individual.  
 14 Q. Okay. Do you recall being asked to  
 15 provide any information to the Telos Group that was  
 16 specific as to opinions concerning various  
 17 individuals at that plant, including the plant  
 18 manager?  
 19 A. No, I don't.  
 20 Q. Do you know anyone that you worked with  
 21 that participated in such a survey in the late fall  
 22 of '04 or the very early spring of '05?  
 23 A. No, I am not aware of anyone that  
 24 participated.  
 25 Q. Okay. But you are aware that a number of

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1 people did participate in that survey and the  
 2 results of the survey were condensed into what is  
 3 called the Telos Report?  
 4 A. Yes.  
 5 Q. Did you have access to that report?  
 6 A. I know it was released on the website and  
 7 I have reviewed parts of that report.  
 8 Q. Do you recall which parts of that report  
 9 you reviewed?  
 10 A. Specifically, I guess there was a part  
 11 where it listed rankings of what was viewed as  
 12 priority in the plant.  
 13 Q. And do you recall that as a result of  
 14 this survey, this random survey of people at the  
 15 plant, that those that were participating were  
 16 asked to rank nine different things associated with  
 17 these plant operations? Correct?  
 18 A. I remember they were asked to rank.  
 19 Q. And in summary, the rankings -- and we  
 20 have them right there.  
 21 MR. COON: Could we get a better  
 22 focus?  
 23 Q. (BY MR. COON) Okay. There is the  
 24 rankings and this is at page -- it's the Bates 322.  
 25 I think it's little i 3 on the introduction.

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1 These are the rankings that you  
 2 spoke of that you reviewed when you looked on  
 3 this -- on the website?  
 4 A. Correct.  
 5 Q. And what it said was in the survey --  
 6 this random survey of BP employees and management  
 7 at this particular facility that the Number 1  
 8 ranking priority with this particular company was  
 9 what?  
 10 A. It shows making money.  
 11 Q. And it ranked all these other things,  
 12 which were cost budget, environmental quality,  
 13 et cetera; and then, dead last, at the bottom what  
 14 was the overall consensus of the people that worked  
 15 at BP with respect to where BP ranked people?  
 16 A. People is shown as Number 9.  
 17 Q. And Number 9 was actually not only  
 18 Number 9, but it was dead last of the nine topics  
 19 that were to be asked of -- for opinions of the  
 20 personnel at the BP facility?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I guess repeat your question.  
 23 Q. (BY MR. COON) Yes, sir.  
 24 Well, you understood that when --  
 25 what the Telos did was condense all these opinions

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1 folks that worked at BP Texas City had, right?  
 2 A. Correct.  
 3 Q. In condensing that information, it was  
 4 concluded that -- the consensus was that your  
 5 employer -- British Petroleum's primary focus was  
 6 on making money? Priority Number 1 at BP was  
 7 making money?  
 8 A. Per that.  
 9 MR. ALVAREZ: Objection, form.  
 10 A. Per that report, correct.  
 11 Q. (BY MR. COON) In the consensus of all  
 12 those participating in the survey was that people,  
 13 being your employees, the people out there was dead  
 14 last among the focus at British Petroleum?  
 15 MR. ALVAREZ: Objection, form.  
 16 A. That's a correct statement based on that  
 17 survey.  
 18 Q. (BY MR. COON) And when you saw that, did  
 19 that surprise you any?  
 20 A. Some of it surprised me, yes.  
 21 Q. But a lot of it didn't?  
 22 A. Not all of it, no.  
 23 Q. In fact, British Petroleum had an intense  
 24 focus and pushed towards optimization of the  
 25 operation of that facility?



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1 A. I will agree to that. Optimization is  
 2 always an --  
 3 Q. And --  
 4 A. -- issue.  
 5 Q. And what they had been doing for the  
 6 several years that you had been working there was  
 7 continuing to push for the profits of the facility  
 8 by whatever means were economically feasible?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. I can't necessarily agree with that  
 11 statement. I know money was spent to comply with  
 12 different environmental regulations, safety  
 13 projects and such like that, that were not  
 14 economically driven projects.  
 15 Q. (BY MR. COON) But the majority of the  
 16 time, what they were doing, in summary, was that  
 17 they were trying to cut staffs, trim budgets and  
 18 extend production times for the units?  
 19 MR. ALVAREZ: Objection, form.  
 20 Q. (BY MR. COON) That is what occurred on  
 21 the five years you were working there, wasn't it?  
 22 MR. ALVAREZ: Objection, form.  
 23 A. I can't comment on the staffing. I can  
 24 comment with respect to extending run times and  
 25 optimizing equipment. That is always a goal of a

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1 facility such as Texas City refinery.  
 2 Q. (BY MR. COON) And you are aware that  
 3 they had cut the budgets of a number of different  
 4 departments with respect to routine maintenance.  
 5 You are aware of that?  
 6 A. I heard that through the grapevine. I  
 7 don't know specific numbers.  
 8 Q. You are aware there was pressure on  
 9 management to trim the number of people operating  
 10 various units?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. I am not aware of what the numbers and  
 13 staffing requirements were.  
 14 Q. (BY MR. COON) You are aware that BP cut  
 15 the inspection team staff --  
 16 A. I am --  
 17 Q. -- by more --  
 18 A. -- aware of that.  
 19 Q. -- by more than half?  
 20 A. I don't know the exact numbers. I know  
 21 we were reduced in number of inspectors.  
 22 Q. Mr. Seele, other than your recollection  
 23 of this graph we just showed you, is there anything  
 24 else you recall as part of the summary of the  
 25 opinions generated from the Telos Report?

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1 A. I don't recall anything specific.  
 2 Q. Did you go back and look at any of the  
 3 individual comments that people were making in the  
 4 report?  
 5 A. I did somewhat skim that. I don't recall  
 6 anyone's specific comment.  
 7 Q. Okay. There are -- there are a lot of  
 8 criticism from people that have been hurt on the  
 9 job.  
 10 Do you recall that, about being  
 11 made fun of and about companies taking injuries out  
 12 there too lightly? Do you recall all that?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. I don't remember the specific comment.  
 15 Q. (BY MR. COON) Do you recall a number of  
 16 quotes here where people were turning in on these  
 17 forms that they had been hurt and that BP laughed  
 18 at them or made fun of them or disrespected them in  
 19 any manner?  
 20 A. I don't remember that specific comment.  
 21 Q. Let me show you an example. These are  
 22 the types of comments that were made by the persons  
 23 at BP that were interviewed.  
 24 This is on the section where they  
 25 were asked if they had been hurt on the job. As an

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1 example, the second guy asked -- and again, this  
 2 was an anonymous survey, was it not?  
 3 A. To my understanding, it was.  
 4 Q. Okay. And this individual -- the one  
 5 that's quoted in here for the summary -- let's go  
 6 to the second one. "Hurt on the job?"  
 7 He says, "No." He says, "I run  
 8 like hell and have ducked and dodged every hazard  
 9 in this dump."  
 10 Did I read that correctly?  
 11 A. That's what it says.  
 12 Q. All right. That is obviously a  
 13 reflection of some degree of frustration about the  
 14 conditions of that plant by at least one employee,  
 15 isn't it?  
 16 A. I will agree to that.  
 17 Q. Okay. When we are talking about  
 18 staffing, I will go through it with you. Here is  
 19 another one: "Complaint of being hurt on the job?"  
 20 "Yes, working shorthanded; no  
 21 concern was shown." Again, that is a criticism of  
 22 the safety culture at the plant as well as health  
 23 and safety.  
 24 Would you agree with that?  
 25 MR. ALVAREZ: Objection, form.

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1 A. Would you repeat the question?  
 2 MR. COON: I will withdraw the  
 3 question.  
 4 Q. (BY MR. COON) Let's go to another one  
 5 here. "Been hurt on the job?"  
 6 "Yes, I have been hurt and had  
 7 management punish me and make a fool of me. Need I  
 8 say more?"  
 9 There's a -- I am not going to go  
 10 through all of this with you, sir. We will do this  
 11 at trial; but this report is just full of comments  
 12 like that all over it. I mean, when you saw that,  
 13 did that bother you that so many people got hurt  
 14 out there and said that, you know, the company  
 15 intimidated them, laughed at them, made fun of  
 16 them, they disrespected them, blamed them when it  
 17 was equipment failure and things like that? Did  
 18 that bother you?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. The fact that so many people had negative  
 21 experiences and negative opinions, yes, it did  
 22 bother me somewhat.  
 23 Q. (BY MR. COON) Did you undertake any  
 24 effort to do something about it, individually, to  
 25 go to other people in management and say, "Man,

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1 this is horrible. What are we doing about it?"  
 2 A. The only thing I could do was control the  
 3 jobs in which I was associated and responsible for  
 4 and making sure what the expectations were and  
 5 making sure my people understood the priorities on  
 6 the jobs on which I was working.  
 7 Q. Well, let's talk about that. With these  
 8 budgetary constraints, let me give you another  
 9 example. This is another section when they talked  
 10 to a lot of the people that were in the field,  
 11 responsible for keeping these units running.  
 12 It talks about budgets and  
 13 workplace factors. This guy here says, "It seems  
 14 like it all comes down to money. We tell them we  
 15 need it" -- and, in fact, that's something you told  
 16 management that you needed from time to time for  
 17 capital expenditures for turnarounds, right, that  
 18 you needed money?  
 19 A. Sure.  
 20 Q. Okay. And this is an example where  
 21 another person, such as yourself, said, "We tell  
 22 them we need it." That's what it said right there.  
 23 "We need money for operations," right?  
 24 A. (No verbal response.)  
 25 Q. It says, "They tell us they don't have

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1 the money."  
 2 Well, the truth is BP had the  
 3 money, didn't they?  
 4 MR. ALVAREZ: Objection, form.  
 5 Q. (BY MR. COON) BP has got plenty of  
 6 money, doesn't it?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. I will agree that BP has a lot of money.  
 9 Q. (BY MR. COON) Yeah.  
 10 Billions and billions and billions  
 11 of profits every quarter, year after year. So,  
 12 they are -- and that's net -- that's their net  
 13 profit. So, they have got billions and billions of  
 14 dollars that they can spend, right?  
 15 MR. ALVAREZ: Objection, form.  
 16 Q. (BY MR. COON) You know that as -- as a  
 17 shareholder?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. Yes, BP has lots of money to do as they  
 20 see fit.  
 21 Q. (BY MR. COON) Right.  
 22 And what they see fit is to not  
 23 spend it where it's needed, right?  
 24 MR. ALVAREZ: Objection, form.  
 25 A. They're --

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1 Q. (BY MR. COON) At least on occasion --  
 2 you are familiar on occasion they did not allocate  
 3 capital expenditures where needed in order to  
 4 maximize their profits.  
 5 MR. ALVAREZ: Objection, form.  
 6 Q. (BY MR. COON) That's a true statement,  
 7 isn't it, sir?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. You would have to repeat it for me.  
 10 Q. (BY MR. COON) Yes, sir.  
 11 If BP spends money, then that's  
 12 money that would otherwise have been a profit that  
 13 is now not a profit?  
 14 A. That's fair.  
 15 Q. Right?  
 16 A. Correct.  
 17 Q. And if they don't spend that money, then  
 18 it's a profit that they get to keep and either give  
 19 to the shareholders or give to fat bonuses to the  
 20 upper management, right?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I don't know how that money gets  
 23 distributed.  
 24 Q. (BY MR. COON) Well, out of curiosity, do  
 25 you know who the CEO of BP is?

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1 A. Yes, I do.  
 2 Q. Who is it?  
 3 A. It's John Browne.  
 4 Q. Lord John Browne? Isn't he a Lord?  
 5 A. That's the title he uses, yes.  
 6 Q. Do you know what a Lord is?  
 7 A. Someone high ranking that lives in  
 8 England, I guess.  
 9 Q. Do you know how much he was paid last  
 10 year?  
 11 A. I don't know the specific amount.  
 12 Q. Do you know it was like \$50 billion?  
 13 A. I am not aware it was that much.  
 14 Q. Would it bother you that Lord Browne got  
 15 paid \$50 billion and they wouldn't spend a few  
 16 hundred thousand dollars for a flare unit on an  
 17 ISOM that would have saved 15 lives and not injured  
 18 hundreds and hundreds of people that are crippled,  
 19 maimed, and amputated now?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. I guess I would have to ask you to repeat  
 22 that question.  
 23 Q. (BY MR. COON) All right. Assuming  
 24 hypothetically that your CEO made tens of millions  
 25 of dollars in bonuses by maximizing the profits at

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1 this facility and other facilities. Assume that to  
 2 be a fact.  
 3 Okay? Are we there?  
 4 A. Okay.  
 5 Q. Cool.  
 6 A. We will make that assumption.  
 7 Q. All right. Well, we can back it up.  
 8 Let's assume that. And assume there were capital  
 9 expenditures that could have been made at your  
 10 plant, like taking a blowdown drum and getting rid  
 11 of it and venting off to a flare. And assume that  
 12 you could spend money doing that.  
 13 Now, if you have only got a few  
 14 hundred thousand dollars that needs to be spent to  
 15 take something like that and vent it off; and  
 16 instead, the boss decides he wants a  
 17 50 million-dollar bonus, isn't that something that  
 18 would frustrate you as an engineer?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. If there was something that was  
 21 critically needed as an engineer, you would have to  
 22 make your case and if -- if, in this case, your  
 23 project was not approved for some reason, then you  
 24 should continue to push and try to understand why  
 25 it wasn't approved and push for that.

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1 Q. (BY MR. COON) Well -- and you know that  
 2 many times the reason why something wasn't approved  
 3 is just because they wanted to maximize their  
 4 profits?  
 5 MR. ALVAREZ: Objection, form.  
 6 Q. (BY MR. COON) In fact, on this same  
 7 page, here is another engineer complaining about  
 8 that very fact. Look right here. "Units are  
 9 90 percent of the time run to failure due to  
 10 postponing turnarounds."  
 11 Now, in fact, at this plant that  
 12 is what they were doing. We talked about deferred  
 13 maintenance.  
 14 That is postponing turnarounds?  
 15 That is part of what deferred maintenance is, isn't  
 16 it?  
 17 A. I will agree.  
 18 MR. ALVAREZ: Objection, form.  
 19 Q. (BY MR. COON) You would agree with that,  
 20 wouldn't you?  
 21 A. I will agree that there was turnarounds  
 22 that were deferred.  
 23 Q. Sure.  
 24 And, Mr. Seele, you would agree  
 25 with the comments that was made with one of your

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1 co-workers here, is that the units oftentimes run  
 2 near to failure?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. I can't agree with that comment with  
 5 respect to 90 percent of the time run to failure.  
 6 That's not been my experience.  
 7 Q. (BY MR. COON) Okay. But that was the  
 8 expression of frustration by another employee of  
 9 yours -- another one of your co-workers, whose  
 10 opinion was that BP was making a conscious decision  
 11 to run units to failure, right?  
 12 MR. ALVAREZ: Objection --  
 13 Q. (BY MR. COON) That's what that says?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. The comment does state that the units  
 16 were run to failure. So, that is --  
 17 Q. (BY MR. COON) What does that mean, "run  
 18 to failure"?  
 19 A. Typically, that would mean that the unit  
 20 was run to the case which we described earlier,  
 21 which is you would potentially be in an unplanned  
 22 shutdown type of scenario where the equipment  
 23 failure causes you to shut down.  
 24 Q. That's right. Unplanned failures.  
 25 And what BP has found out is that

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1 by pushing units to run to failure in order to  
 2 maximize short-term profits, it actually compounds  
 3 the problem because the deferred maintenance calls  
 4 for all these interruptions as a result of the  
 5 equipment failures.  
 6 MR. ALVAREZ: Objection --  
 7 Q. (BY MR. COON) And that's a problem they  
 8 are facing even today, isn't it?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. I will agree with your statement with  
 11 respect to if you push the turnaround path and in  
 12 proper analysis, to defer is not enough profit in  
 13 it, that you can have extended maintenance,  
 14 prolonged turnaround or potentially an unplanned  
 15 shutdown.  
 16 Q. (BY MR. COON) Sure.  
 17 And over the long haul, can  
 18 actually cost you more because then you have  
 19 unplanned turnarounds that impact the operation of  
 20 other units, even, in the pipeline of product  
 21 distribution?  
 22 A. I will agree with your statement that  
 23 unplanned shutdown is more expensive than a planned  
 24 shutdown.  
 25 Q. And, in fact, that's why you have planned

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1 shutdowns?  
 2 A. Absolutely.  
 3 Q. Did anyone in your management team,  
 4 people that supervised you, ever call you in after  
 5 this Telos Report came out and brief you over a  
 6 number of the pertinent or salient facts?  
 7 A. No, I never --  
 8 MR. ALVAREZ: Objection, form.  
 9 Q. (BY MR. COON) When you looked at this  
 10 and you saw all these condemning statements and  
 11 indictments of the British Petroleum Texas City  
 12 facility from almost every area -- safety and  
 13 health, process safety management, deferred  
 14 maintenance -- everything in here is  
 15 condemnational, sir.  
 16 MR. ALVAREZ: Objection.  
 17 Q. (BY MR. COON) When you read all that,  
 18 didn't you think that you guys should be meeting  
 19 almost all day, every day, fixing all those  
 20 problems and getting to the bottom of it and  
 21 changing things?  
 22 MR. ALVAREZ: Object to the form.  
 23 A. I never actually saw that report until  
 24 after it was published on the -- on the Chronicle  
 25 website. And I don't know what meetings took

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1 place. I never met with management or any of my  
 2 supervisors to discuss that report.  
 3 Q. (BY MR. COON) Okay. I misunderstood  
 4 you. When you said the website, I thought you said  
 5 you saw it on the BP website where you had looked  
 6 at other things. But you are talking about --  
 7 A. No, I was able to get it off the Houston  
 8 Chronicle website.  
 9 Q. Okay. Well, does it concern you that you  
 10 had to go to a local media outlet to get such  
 11 important information that wasn't made available to  
 12 you by your own employer?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. My understanding was that that was a  
 15 report from management and they were going to do --  
 16 review it and take actions as required and they  
 17 determined.  
 18 MR. COON: I am going to object to  
 19 responsiveness.  
 20 Q. (BY MR. COON) Did it concern you when  
 21 you read the Telos Report, that you saw all this  
 22 information critical of BP and that you had to get  
 23 that information from a public source instead of  
 24 your own employer? Did that concern you?  
 25 MR. ALVAREZ: Objection, form.

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1 A. No, it didn't.  
 2 Q. (BY MR. COON) Okay. So, it didn't  
 3 bother you that all this important information was  
 4 something that your employer decided not to share  
 5 with you and that you decided to get it from a  
 6 public source? That didn't bother you?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. No. The reason I am saying it didn't  
 9 bother me was because the report was given to  
 10 management so that they could make decisions and  
 11 try to improve the safety culture, which is why  
 12 that report was commissioned; and it wasn't my role  
 13 to review the report or make the determination of  
 14 what actions were required as a part of it.  
 15 Q. (BY MR. COON) Okay. So, you are just  
 16 leaving it to some other person higher up the food  
 17 chain to, quote, handle it, end quote?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. With respect to that report, I am kind of  
 20 reading into your question when you say "handle  
 21 it." They commissioned that report, and they were  
 22 trying to get a feel for issues. That's my  
 23 understanding.  
 24 I was not aware of that report  
 25 until after it was made public. And so --

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1 Q. (BY MR. COON) And do you know when it  
 2 was made public?  
 3 A. I don't recall the specific date.  
 4 Q. Do you know that your employer fought to  
 5 make this public?  
 6 A. No, I don't.  
 7 Q. Fought it to keep it from getting to the  
 8 public?  
 9 A. Well, I know there was some legal battles  
 10 over public documents and such. I don't know what  
 11 all documents were included in that.  
 12 Q. Do you know that the Houston Chronicle  
 13 had to file formal motions with the Court asking  
 14 public access to this as a matter of urgency and  
 15 threat to the public citizenry?  
 16 A. I'm aware that --  
 17 MR. ALVAREZ: Objection, form.  
 18 A. I am aware that the Chronicle did have a  
 19 legal dispute over access to documents.  
 20 Q. (BY MR. COON) But did it concern you  
 21 that BP had all these internal findings that were  
 22 very critical of itself that explained many of the  
 23 problems at the plant and BP tried to keep the  
 24 public from finding out about it?  
 25 MR. ALVAREZ: Objection, form.

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1 A. (No verbal response.)  
 2 Q. (BY MR. COON) Mr. Seele, I mean, you  
 3 lived down there, didn't you?  
 4 MR. ALVAREZ: Objection, form.  
 5 Q. (BY MR. COON) Didn't you live near Texas  
 6 City?  
 7 A. I did live in Galveston and Brazoria  
 8 counties.  
 9 Q. Didn't it bother you that your employer  
 10 had all this information about what was wrong with  
 11 their facility, many things very, very wrong with  
 12 this facility, and they were trying to hide it from  
 13 the public?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. I guess I don't know the specific reason  
 16 on why BP was trying to attempt not to let that  
 17 report be released.  
 18 Q. (BY MR. COON) Well, you've got some  
 19 common sense ideas, though, don't you?  
 20 MR. ALVAREZ: Object to the form.  
 21 Q. (BY MR. COON) It is pretty damning,  
 22 isn't it?  
 23 A. It's --  
 24 MR. ALVAREZ: Objection, form.  
 25 A. It's not a positive report, no.

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1 Q. (BY MR. COON) You would agree it's  
 2 pretty damning. It's the indictment of BP's safety  
 3 culture.  
 4 That's why it was commissioned in  
 5 the first place, wasn't it?  
 6 MR. ALVAREZ: Objection, form.  
 7 A. It was commissioned to address those  
 8 culture issues; yes, that's my understanding.  
 9 Q. (BY MR. COON) And, in fact, when it was  
 10 generated, one of the base analysis of it was that  
 11 there was very poor communication between upper  
 12 management and people down there in the trenches  
 13 running the units, wasn't there?  
 14 A. I am not sure if that's what the basis  
 15 for commissioning it was, but --  
 16 Q. No, but that's one of the findings of the  
 17 report in terms of recommendations and suggestions  
 18 of part of the culture problem. The safety culture  
 19 problem at that plant, part of it was the inability  
 20 to communicate between the people working the units  
 21 and the management people making the decisions on  
 22 what to do.  
 23 A. I do -- I do remember that.  
 24 Q. And, in fact, the failure of BP to take  
 25 the information that was told to them -- in this

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1 instance, Telos says, "We have gone out and talked  
 2 to all these people. Here's a big problem you  
 3 have. You don't communicate with the people out  
 4 there running the units."  
 5 That's a complaint that's noted  
 6 and observed in the Telos Report, right?  
 7 A. I don't recall that specifically, but I  
 8 believe that general theme to be in there.  
 9 Q. And, in fact, after Telos tells British  
 10 Petroleum that one of your big problems is upper  
 11 management that makes the decisions on what to  
 12 spend, where to spend, what to do -- they are not  
 13 communicating any of those issues with the people  
 14 that are actually running the units -- you have got  
 15 a big gap in communication; and that's one of your  
 16 problems.  
 17 After Telos told them that, they  
 18 decide to take the information and still not  
 19 communicate it to people, like you, that are down  
 20 in the trenches working on these units. So, even  
 21 after Telos tells them, "You have got a problem  
 22 communicating with your people, you need to  
 23 communicate with your people," they take that  
 24 report and then they don't communicate it with  
 25 them?

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1 MR. ALVAREZ: Objection.  
 2 Q. (BY MR. COON) It's kind of reinforcement  
 3 of what the criticism was in the first place, isn't  
 4 it?  
 5 MR. ALVAREZ: Objection, form.  
 6 A. I guess, I didn't hear the question in  
 7 there.  
 8 Q. (BY MR. COON) Yeah. The question --  
 9 first of all, there was -- the report says, "You  
 10 don't communicate with your people working on the  
 11 units."  
 12 That's part of what this report  
 13 says, right?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. I do agree to that theme in the report.  
 16 Q. (BY MR. COON) That's the theme in the  
 17 report. And so, then that report is given to your  
 18 upper management, right?  
 19 A. That was my understanding, yes.  
 20 Q. And then your management takes that  
 21 report which says, "You do not communicate with  
 22 your people working in the units," and they took  
 23 that report that tells them to fix it, you have got  
 24 to communicate, and they don't communicate that to  
 25 you. They don't even communicate to you the

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1 findings about their safety culture problems.  
 2 A. No, it was not communicated to me through  
 3 BP supervision or management.  
 4 Q. In fact, the way you found out about this  
 5 was you had to go to the Houston Chronicle's  
 6 website after the Court was telling them that  
 7 they've got to produce this.  
 8 A. That is how I was able to understand the  
 9 document, yes.  
 10 Q. Okay. Did you get to see any of the  
 11 other reports, like the Stanley Report? Have you  
 12 ever got to look at that one?  
 13 A. I get confused a little bit with the  
 14 terms and the names. I -- I believe I have  
 15 reviewed it.  
 16 Q. How about the Chemical Safety Board? Do  
 17 you remember their interim report in October of  
 18 2005?  
 19 A. Yes, I did see the Chemical Safety Board  
 20 report.  
 21 Q. And you, as I recall, earlier actually  
 22 gave statements to them at one time early on in the  
 23 investigation?  
 24 A. Yes, I gave Chemical Safety Board two  
 25 statements.

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1 Q. Have you asked for copies of those?  
 2 A. Of the statements from Chemical Safety  
 3 Board?  
 4 Q. Yes, sir.  
 5 A. No, I haven't.  
 6 Q. Would you be willing to release to us  
 7 your copies of those statements if the Chemical  
 8 Safety Board would provide them?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. I don't have any problems with the  
 11 statements from those interviews being released.  
 12 Q. (BY MR. COON) Okay. Now, the Chemical  
 13 Safety Board came down to Texas City with a  
 14 debriefing -- a town hall meeting in October.  
 15 Do you recall that?  
 16 A. A town hall meeting --  
 17 Q. Yes, sir.  
 18 A. -- when the Chemical Safety Board came?  
 19 Q. Yes, sir. In October, contemporaneously  
 20 the same day they issued the report?  
 21 A. No. Actually, I don't know. I had  
 22 relocated by that time.  
 23 Q. Okay. Do you know anyone at BP that even  
 24 made an effort to go down there and see what the  
 25 Chemical Safety Board had to say at this interim

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1 hearing?  
 2 MR. ALVAREZ: Objection, form.  
 3 A. I am not aware of anybody that attended  
 4 that meeting.  
 5 Q. (BY MR. COON) Did you have an  
 6 opportunity to read their interim findings?  
 7 A. Yes, I did.  
 8 Q. And do you recall that the Chemical  
 9 Safety Board was very condemnational of British  
 10 Petroleum in a number of different areas? Wasn't  
 11 it?  
 12 A. I will agree.  
 13 Q. And one of those was the trailer siting,  
 14 particularly the Merit trailer that disintegrated  
 15 in this explosion.  
 16 Do you recall that?  
 17 A. Yes.  
 18 Q. It was also very condemnational of the  
 19 ISOM unit operating on a vent stack system?  
 20 A. Yes.  
 21 Q. Do you recall that?  
 22 A. Yes, sir.  
 23 Q. The vented atmosphere system that -- and  
 24 you were involved in the trailer siting that was  
 25 subject to the criticism by the Chemical Safety

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1 Board?  
 2 A. Yes, I was.  
 3 Q. In fact, you also read the Fatal Report  
 4 that was your in-house BP report. You read the  
 5 interim and final findings in that, did you not?  
 6 A. Yes, I did.  
 7 Q. And even your own company's internal  
 8 investigation was very condemnational of the  
 9 location of those trailers, particularly the  
 10 trailer that disintegrated, the Merit trailer?  
 11 A. Yes, it was.  
 12 Q. And it was also condemnational of the  
 13 continued utilization of a vent stack system on  
 14 that ISOM unit where vapors could release to  
 15 atmosphere?  
 16 A. Yes, it was.  
 17 Q. And, in fact, when you went to school at  
 18 A&M in the late '90s, you understood that vent to  
 19 atmosphere systems, like the one that was on that  
 20 ISOM unit, was not state of the art?  
 21 A. Actually, we did not study that in  
 22 school.  
 23 Q. You didn't study -- you did not study  
 24 refineries in school?  
 25 A. No, the mechanical engineering program

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1 did not specifically study the petrochemical  
 2 industry.  
 3 Q. So, what did you learn about the  
 4 operations in the petrochemical industry to become  
 5 a turnaround project engineer in such a short time  
 6 without formal training? Where did you get any of  
 7 it?  
 8 MR. ALVAREZ: Objection, form.  
 9 Q. (BY MR. COON) You didn't have any?  
 10 A. No, that's not my answer. With -- you  
 11 are asking with respect to school?  
 12 Q. Yeah. I thought you got -- I just -- I  
 13 am sorry. I presumed that you have had formal  
 14 training -- academic training in refinery  
 15 operations as part of your scholastic endeavors at  
 16 A&M.  
 17 A. No, part of the bachelor's program does  
 18 not involve specific training to the petrochemical  
 19 industry. It is basic principles of science and  
 20 such associated --  
 21 Q. Okay.  
 22 A. -- with mechanical engineering.  
 23 Q. So, where do you -- where did you derive  
 24 your experience in petrochemical operations?  
 25 A. At the Texas City refinery.

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1 Q. Just all on-the-job training?  
 2 A. A combination of on-the-job training and  
 3 classroom based training that was provided by BP --  
 4 Q. Okay.  
 5 A. -- at BP Amoco.  
 6 Q. Were you given books to read, literature,  
 7 things like that?  
 8 A. There is various --  
 9 Q. Self study?  
 10 A. There is various documents, engineering  
 11 specs and such of senior engineers.  
 12 Q. And you understood from your training  
 13 studies and observations that vent stacks were not  
 14 state of the art in the petrochemical industry?  
 15 MR. ALVAREZ: Objection, form.  
 16 A. I don't recall vent stacks being  
 17 specifically brought up in my first couple of years  
 18 in the refinery in terms of any specific training  
 19 related to that.  
 20 Q. (BY MR. COON) Do you recall vent stacks  
 21 or anything that vented to atmosphere? I am using  
 22 vernacular, "vent stacks."  
 23 A. That's fine. I am with you.  
 24 Q. Okay. Do you recall those at any time  
 25 before the March, 2005 explosion ever being a

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1 subject of debate at that plant?  
 2 A. The only time I had experience with the  
 3 prior vent stack was on the pipe still unit.  
 4 Q. And while -- you worked on the pipe still  
 5 unit?  
 6 A. Yes, I did.  
 7 Q. 2002 -- 3?  
 8 A. Correct.  
 9 Q. What was the issue --  
 10 A. And prior.  
 11 Q. What was the issue with the vent stack  
 12 there?  
 13 A. There was corrosion on the vent stack.  
 14 Q. Was there any talk about the fact that  
 15 you could convert the vent stack to a flare system?  
 16 A. I don't recall the specific conversations  
 17 that took place in terms of replacement. The  
 18 recommendation from inspection and mechanical  
 19 engineering reports were to replace, and it was  
 20 turned over to a capital project.  
 21 Q. It was to be replaced with a flare?  
 22 A. I don't -- like I said, I don't remember  
 23 exactly what the options that were discussed were.  
 24 The end result, it was not replaced with a flare.  
 25 Q. What was the end result at the pipe still

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1 unit?  
 2 A. That the blowdown stack was replaced.  
 3 Q. Replaced with what?  
 4 A. With another blowdown stack.  
 5 Q. And this was around 2002, '03?  
 6 A. It would have been the first quarter of  
 7 2002.  
 8 Q. Okay. Do you know whether or not there  
 9 was consideration given at that time to swapping  
 10 out the blowdown drum and vent stack with a flare  
 11 system?  
 12 A. I didn't take part in those  
 13 conversations.  
 14 Q. Who was in charge of that unit at the  
 15 time? Who would have been involved in the decision  
 16 making process or recommendations?  
 17 A. Obviously, it would be -- the operating  
 18 superintendent would have had knowledge of that --  
 19 Q. Who is that?  
 20 A. -- as well as the capital projects group.  
 21 Q. Who is the first guy? Who is that -- or  
 22 lady?  
 23 A. It's a lady. There was a transition  
 24 period, but the operating superintendent on the  
 25 pipe stills leading up to that time period was a

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1 woman named Kathy Boyce Gardner. And then she  
 2 transitioned her responsibilities to a  
 3 superintendent named Brian Robicheaux.  
 4 Q. Do you know if there were significant  
 5 differences from an economic consideration  
 6 standpoint, a budgetary standpoint, if it costs  
 7 more to replace the blowdown drum with a flare?  
 8 A. I don't know what considerations were  
 9 made and what conversations took place.  
 10 Q. Okay. Have you been involved in  
 11 capitalization of budget issues enough to  
 12 understand how BP looks at capital expenditures  
 13 from a rate of return standpoint?  
 14 A. I guess the answer is "no."  
 15 Q. Were you aware of a number of other  
 16 problems that are all through the Telos Report and  
 17 the fair -- the Fatal Accident Report just dealing  
 18 with, you know, a lot of infrastructure problems,  
 19 deferred maintenance, thin pipe, things like that?  
 20 A. Yes, we were dealing with corrosion  
 21 issues throughout the plant.  
 22 Q. There were --  
 23 A. There was something.  
 24 Q. Well, why were there so many corrosion  
 25 issues out there? Was it the specific nature of

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1 the kind of products y'all were manufacturing or  
 2 was being on the Coast causing more corrosion than  
 3 it would get elsewhere?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. A lot of it in the areas where I worked  
 6 was related to feedstock quality.  
 7 Q. (BY MR. COON) And inferior feedstock  
 8 quality creates more corrosion?  
 9 A. It depends on the specific chemical  
 10 chemistry of the crude; but, obviously, different  
 11 chemicals cause more corrosion in specific  
 12 metallurgy and such.  
 13 Q. And the problem y'all were having with  
 14 what was called thinning pipe was something that  
 15 was in a lot of different areas, units, a problem?  
 16 MR. ALVAREZ: Objection, form.  
 17 A. I can't really say for other units. I  
 18 know in the pipe stills, we did have corrosion  
 19 issues that I was battling and that on the  
 20 turnarounds where I did work, there was sections of  
 21 piping replaced due to thinning.  
 22 Q. (BY MR. COON) Okay. There was a --  
 23 there were a lot of comments about "Band-Aid  
 24 procedures" to keep everything running. They are  
 25 talking about clamps on pipes.

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1 Are you familiar with that?  
 2 A. Yes.  
 3 MR. ALVAREZ: Objection, form.  
 4 Q. (BY MR. COON) Was that an ongoing  
 5 problem out at the plant at the time you were  
 6 there?  
 7 A. We did --  
 8 MR. ALVAREZ: Objection, form.  
 9 A. We did install clamps on thinning areas,  
 10 yes.  
 11 Q. (BY MR. COON) And that was just a  
 12 patchwork way of keeping units running and  
 13 continuing to defer maintenance?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. It was the ability to safely, I guess,  
 16 address the thinning area so that the unit could  
 17 safely operate.  
 18 Q. (BY MR. COON) It's not a good fix. It's  
 19 a quick fix, isn't it?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. It is a temporary fix.  
 22 Q. (BY MR. COON) And a lot of times, those  
 23 temporary fixes became almost permanent in nature  
 24 because of the deferred maintenance and  
 25 capitalization issues?



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1 MR. ALVAREZ: Objection, form.  
 2 A. Not with respect to clamps. Clamps were  
 3 to be taken off at the next unit turnaround.  
 4 Q. (BY MR. COON) But if you are deferring  
 5 the amount of time between routine turnarounds, you  
 6 are leaving the clamps on longer?  
 7 A. That would be an accurate statement.  
 8 Q. Okay. Let's go to this ISOM unit.  
 9 Did you ever work on that?  
 10 A. No, I didn't.  
 11 Q. Do you know anything about it?  
 12 A. I am not real familiar with the ISOM  
 13 unit, no.  
 14 Q. Do you know any of the people that work  
 15 there?  
 16 A. Not on a personal basis, no.  
 17 Q. The day of March 23rd -- I think it was a  
 18 Wednesday -- the date of the explosion -- does that  
 19 ring a bell with you?  
 20 A. The date rings a bell. It was the middle  
 21 of the week, yes.  
 22 Q. And what were you doing that --  
 23 A. Wednesday or Thursday.  
 24 Q. What were you doing that day? Where were  
 25 you?

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1 A. I was at the sulfur recovery unit in the  
 2 middle of the shutdown on those units.  
 3 Q. Where is the sulfur recovery unit? Is  
 4 that East Plant?  
 5 A. Yes. It's located in the East Plant on  
 6 the far east side of the refinery.  
 7 Q. Okay. Out of the five years that you had  
 8 been in there, Mr. Seele, how many days did you  
 9 spend in the West Plant?  
 10 A. I could probably count them all on your  
 11 two hands.  
 12 Q. Well, I have got three hands, but -- I am  
 13 kidding with you. A little levity because I know  
 14 we have been grinding on you a while.  
 15 MR. COON: Speaking of it -- it is  
 16 the noon hour. You guys want to go awhile?  
 17 MR. ALVAREZ: Any time is fine  
 18 with me.  
 19 MR. COON: Okay.  
 20 Can you hold up another 15?  
 21 THE WITNESS: Yeah, sure. We can  
 22 continue until we get to a natural breaking point.  
 23 That's fine.  
 24 MR. COON: Yes, sir.  
 25 (Brief interruption.)

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1 MR. COON: We will go off the  
 2 record just a second.  
 3 THE VIDEOGRAPHER: Off the record  
 4 at 12:11 p.m.  
 5 (Recess taken.)  
 6 THE VIDEOGRAPHER: On the record  
 7 12:11 p.m.  
 8 Q. (BY MR. COON) Mr. Seele, we just took a  
 9 quick break; and I was provided with a copy of the  
 10 document that's -- or Exhibit 101. I gave you a  
 11 draft earlier, my personal one that had notes on  
 12 it. I will show you the one that we will attach to  
 13 the record.  
 14 Is that, again, the statement that  
 15 you gave that we referenced earlier as Exhibit 101,  
 16 a clean copy?  
 17 A. No, this isn't my statement.  
 18 Q. That is not?  
 19 (Discussion off the record.)  
 20 Q. (BY MR. COON) All right. The ISOM unit  
 21 had a blowdown drum and vent stack system.  
 22 Are you familiar with that?  
 23 A. Obviously, yes.  
 24 Q. Okay. Were you aware that that  
 25 particular unit had a blowdown stack on it before

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1 it blew up that day?  
 2 A. No, I wasn't.  
 3 Q. You never worked out there and did not  
 4 really know what kind of vent system it had?  
 5 A. No, I didn't.  
 6 Q. Do you know anything about what the ISOM  
 7 unit did?  
 8 A. In very rough chemical terms, yes; but  
 9 not unit specific, no.  
 10 Q. Do you know anything about the history of  
 11 that unit?  
 12 A. No.  
 13 Q. Do you know when it was built?  
 14 A. No.  
 15 Q. Did you know that that blowdown drum was  
 16 original equipment from back in the '50s?  
 17 MR. ALVAREZ: Objection, form.  
 18 A. No, I was not aware of that.  
 19 Q. (BY MR. COON) Were you aware that the  
 20 ISOM unit was replacement to a pre-existing unit  
 21 around 1984?  
 22 A. I remember vaguely -- I believe it did  
 23 replace an aromatics unit or something like that,  
 24 yes.  
 25 Q. Were you aware that flare stacks were

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1 state of the art in 1984 when that ISOM unit was  
 2 built?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. You are asking am I aware of that. At  
 5 what time?  
 6 Q. (BY MR. COON) Are you -- are you  
 7 aware -- as an engineer working in the  
 8 petrochemical plant, are you aware that flare  
 9 systems were a state of the art vent system in a  
 10 process such as that in 1984?  
 11 A. I am not aware of the specific date. I  
 12 am aware that a flare system is a -- is a preferred  
 13 system.  
 14 Q. It was a preferred system as of 1984?  
 15 A. Like I say, I am not aware of that exact  
 16 date.  
 17 Q. But in the 1980s, routinely, flares were  
 18 being utilized for new equipment construction  
 19 instead of the old vent stack blowdown drum system?  
 20 MR. ALVAREZ: Objection, form.  
 21 Q. (BY MR. COON) You are familiar with  
 22 that?  
 23 MR. ALVAREZ: Objection, form.  
 24 Q. (BY MR. COON) It is pretty much common  
 25 knowledge, isn't it?

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1 MR. ALVAREZ: Objection.  
 2 A. Well, you are asking me something from  
 3 the '80s, which, actually, I wasn't aware of.  
 4 Q. (BY MR. COON) Okay.  
 5 A. You are asking me because of the '80s.  
 6 Q. So, you can't be aware of it because it  
 7 was before -- before your time?  
 8 A. No, that's not what I said.  
 9 Q. Okay. Well, I am trying to understand  
 10 what you know and don't know. And I apologize. We  
 11 are having to fish around some; but I presume if  
 12 you worked out at the petrochemical plant and you  
 13 were turnaround project engineer involved in  
 14 handling these units that you would be generally  
 15 familiar with the type of vent systems that were  
 16 available.  
 17 Am I mistaken in that presumption?  
 18 A. No, not on all units.  
 19 Q. Okay. And I was presuming that with your  
 20 familiarity with the various vent systems that you  
 21 had some degree of understanding as to which ones  
 22 were preferred and which ones were state of the  
 23 art.  
 24 Am I presuming wrong?  
 25 A. No, I think that's a fair presumption.

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1 Q. And I presume that you were aware that by  
 2 the 1980s that the flare system was a preferred  
 3 system and system in place and most often utilized  
 4 in the construction.  
 5 Are you familiar with that?  
 6 A. The flare was the preferred system.  
 7 Q. And, in fact, with this particular unit,  
 8 the reason that it did not have a flare was because  
 9 the blowdown drum happened to be there as part of  
 10 pre-existing equipment that was torn down or  
 11 removed and that the ISOM unit was attached to it.  
 12 Are you aware of that?  
 13 MR. ALVAREZ: Objection to the  
 14 form.  
 15 A. I don't -- I don't know the specific  
 16 history around that --  
 17 Q. (BY MR. COON) Okay.  
 18 A. -- of that.  
 19 Q. Had you heard anything about the history,  
 20 about why does a unit built in the '80s have an  
 21 old-timey blowdown drum attached to it?  
 22 A. No --  
 23 MR. ALVAREZ: Objection, form.  
 24 A. -- I never heard that discussion.  
 25 Q. (BY MR. COON) Nobody ever talked about

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1 that?  
 2 A. Not to me, no.  
 3 Q. Are you aware of the concept of  
 4 grandfathering as it relates to vent systems?  
 5 A. I'm -- yes, I am aware of the concept of  
 6 grandfathering.  
 7 Q. Were you aware that the reason that they  
 8 were able to attach this ISOM unit to the blowdown  
 9 drum was because they could circumvent a number of  
 10 environmental issues and attach it to a  
 11 pre-existing emission system, which was that  
 12 blowdown drum?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. No, I am not aware of that.  
 15 Q. (BY MR. COON) Did you know anything  
 16 about the condition of that ISOM on March 23rd?  
 17 A. No, I didn't.  
 18 Q. Have you ever heard anything about the  
 19 complaints associated with the condition of that  
 20 ISOM on the date they started it up?  
 21 A. No, I haven't.  
 22 Q. Did you hear anything about all the  
 23 baffles being rusted out?  
 24 A. Only in hindsight.  
 25 Q. Well, I understand hindsight. I mean,

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1 have you ever heard anything? You said, "No." And  
 2 now, you are saying, "Yeah, in hindsight." So --  
 3 A. Well, you asked me if I had heard about  
 4 the baffles. I have read about the baffles in the  
 5 report --  
 6 Q. Okay.  
 7 A. -- after the event.  
 8 Q. Right.  
 9 So, when I asked you if you -- if  
 10 you knew anything about the condition of the plant  
 11 in the ISOM unit, your answer was "no" at the time  
 12 because you weren't out there, right? You didn't  
 13 work around the ISOM unit?  
 14 A. No, I didn't.  
 15 Q. And you were never apprised as a  
 16 turnaround project engineer of any of the problems  
 17 associated with condition of units that you are not  
 18 personally charged with working on?  
 19 A. No.  
 20 Q. So, you were not ever updated and  
 21 apprised with respect to the conditions or defects  
 22 associated with the working conditions in units  
 23 that you were not responsible for?  
 24 A. Right.  
 25 MR. ALVAREZ: Objection, form.

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1 Q. (BY MR. COON) Sir?  
 2 A. Could you repeat the question?  
 3 Q. Yeah.  
 4 Were you ever told about the  
 5 conditions in the units that you were not working  
 6 on?  
 7 A. Sometimes you would hear something if it  
 8 was a major issue or perhaps, you know, through  
 9 co-workers or something; but not every detail, no.  
 10 Q. Okay. So, when this plant -- when this  
 11 unit blew up on March 23rd, you did not know that  
 12 the baffles were all rusted out in that particular  
 13 unit?  
 14 A. No, I didn't.  
 15 MR. ALVAREZ: Objection, form.  
 16 A. No, I didn't.  
 17 Q. (BY MR. COON) You were not aware that  
 18 the sight glass on the tower was obstructed from  
 19 visibility that day?  
 20 A. No, I was not aware of that.  
 21 Q. You were not aware that they had blocked  
 22 off certain valves or pipes?  
 23 MR. ALVAREZ: Objection, form.  
 24 A. No, I didn't.  
 25 Q. (BY MR. COON) You were not aware that

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1 the board had not been recalibrated when the unit  
 2 was going back up?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. No, I wasn't aware of that either.  
 5 Q. (BY MR. COON) You were not aware that  
 6 the integrity of the system had deteriorated to the  
 7 point where they had had to reduce the  
 8 pressurization from 70 pounds of pressure to  
 9 40 pounds of pressure on the relief valves?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. No, I was not aware of that either.  
 12 Q. (BY MR. COON) You were not aware that  
 13 they had not done a relief valve study on that unit  
 14 for 20 years?  
 15 MR. ALVAREZ: Objection, form.  
 16 A. No, I was not aware of the RV study  
 17 either.  
 18 Q. (BY MR. COON) You are not aware of one  
 19 of the integral parts being a pump attached to that  
 20 unit was in inoperable condition?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. No, I was not aware of the pump.  
 23 Q. (BY MR. COON) These are all things that  
 24 you became aware of after the fact as part of the  
 25 investigation into what caused this explosion?

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1 MR. ALVAREZ: Objection, form.  
 2 A. Most of the items, yes, were addressed in  
 3 either the Chemical Safety Board or BP final  
 4 report.  
 5 Q. (BY MR. COON) Now, there are -- a lot of  
 6 things happened that caused this explosion; but  
 7 it's fair to say that the explosion was due to the  
 8 ignition of hydrocarbons, correct?  
 9 A. Sure.  
 10 Q. And so, then it's, "Where was the match"  
 11 and "where did the hydrocarbons come from," right?  
 12 A. Yes.  
 13 Q. And in this case, it appears that the  
 14 "match" came from a truck -- most likely a truck  
 15 that was operating and running immediately adjacent  
 16 to the ISOM unit.  
 17 Do you understand that?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. I have heard that theory out there, yes.  
 20 Q. (BY MR. COON) And that this truck was a  
 21 vehicle parked near the unit when it was about to  
 22 go into startup mode and it was left running.  
 23 Do you understand that?  
 24 A. Yes.  
 25 Q. And it's your understanding that,

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1 historically, contractor trucks are not supposed to  
 2 be parked immediately adjacent to plant owned and  
 3 operated equipment in units?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. Equipment is not supposed to be brought  
 6 into the unit without operations --  
 7 Q. (BY MR. COON) Right.  
 8 A. -- approval and the proper test, yes.  
 9 Q. Well, the reality is you don't want to  
 10 have vehicles running and creating sources of  
 11 ignition when you are in startup mode on a unit  
 12 where the operations of that engine could be the  
 13 ignition source of any release of vapors?  
 14 A. Absolutely.  
 15 Q. And in this case, you didn't say, "Okay.  
 16 Assuming that is the source, that truck shouldn't  
 17 have been there and the company shouldn't have been  
 18 letting trucks run in and out willy nilly when  
 19 these -- when these plants are in startup"?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. No, there should be a vehicle control  
 22 procedure. I will agree to that.  
 23 Q. (BY MR. COON) And, in fact, after this  
 24 incident, BP got much more strict with respect to  
 25 allowing vehicles to run around inside the confines

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1 of the units. They improved their safety practice  
 2 there and kept the trucks back out where they  
 3 belong, outside the perimeter?  
 4 A. A lot of that took place after I  
 5 transferred; but I know there was a vehicle policy  
 6 being developed, yes.  
 7 Q. Well, actually, there was a policy of  
 8 going back to policy that had already existed  
 9 before, which was that once upon a time, they  
 10 didn't let those trucks in. Then they got slack on  
 11 their rules and they let them in because it saved  
 12 guys time. Instead of having to walk all the way  
 13 in and out of the plant, they could drive their  
 14 trucks in and out of the plant.  
 15 Do you understand that's why the  
 16 trucks are there? It just makes it easier to get  
 17 in and out, right?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. Trucks are tools used for transportation,  
 20 yes.  
 21 Q. (BY MR. COON) Sure.  
 22 And so, they get to save time and  
 23 money if they -- if they can utilize the vehicles  
 24 to get everybody in and out instead of having to  
 25 shuttle them out through company vehicles under the

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1 control of the company or walking in and out. It  
 2 speeds up the whole process to get folks in and out  
 3 doing their job?  
 4 A. I would say riding is definitely quicker  
 5 than walking.  
 6 Q. And at the end of the day, that basically  
 7 ends up saving everybody money when they are doing  
 8 a turnaround or having outside contractors come in  
 9 because they can budget less because their people  
 10 are being more efficient because they are not  
 11 having to get to and from the jobsite on foot?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. People movement and transportation at the  
 14 site is an issue, yes.  
 15 Q. (BY MR. COON) Right.  
 16 So, the -- BP was allowing these  
 17 trucks to come in and out of there, even though it  
 18 put them in a higher risk zone, because it was  
 19 ultimately saving them and the contractors money.  
 20 MR. ALVAREZ: Objection, form.  
 21 Q. (BY MR. COON) You can draw that  
 22 reasonable conclusion, can't you?  
 23 A. You have to repeat it for me.  
 24 Q. Yes, sir. It saved BP money to allow  
 25 these people to drive trucks in and out of the

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1 plant.  
 2 MR. ALVAREZ: Objection, form.  
 3 A. I will agree that it was probably more  
 4 efficient and saved money to have transportation in  
 5 place.  
 6 Q. (BY MR. COON) But in increasing the  
 7 efficiency of the workforce, you also increase the  
 8 risk factors, which is what happened here, right?  
 9 MR. ALVAREZ: Objection, form.  
 10 Q. (BY MR. COON) You created an ignition  
 11 source that could have been avoided?  
 12 A. If not --  
 13 MR. ALVAREZ: Objection, form.  
 14 A. If not controlled properly, yes, you  
 15 could create a potential ignition source.  
 16 Q. (BY MR. COON) All right. Now let's talk  
 17 about the ISOM unit. Let's talk about the source.  
 18 The source of the explosion was  
 19 hydrocarbons; and the hydrocarbons came from a vent  
 20 stack attached to the ISOM unit, correct?  
 21 A. That's correct.  
 22 Q. And that was -- you understood that this  
 23 unit was in a startup mode?  
 24 A. At what time period are you referencing  
 25 to?

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1 Q. The day of the explosion.  
 2 A. Actually, I was not aware that that unit  
 3 was in startup mode on that day.  
 4 Q. Okay. But in hindsight -- we will go  
 5 back to hindsight.  
 6 You are aware today that it was in  
 7 startup; they were starting that unit --  
 8 A. Yes.  
 9 Q. -- back up?  
 10 A. Obviously, yes.  
 11 Q. Actually, starting the feedstock up so  
 12 they could then start the unit up?  
 13 A. Yes, of course.  
 14 Q. Are you familiar at all with any of the  
 15 processes involved in starting up that unit?  
 16 A. With that specific unit?  
 17 Q. Yes, sir.  
 18 A. No.  
 19 Q. Okay. Do you know anything about what  
 20 the board operators do or what anybody else does to  
 21 get that line charged again?  
 22 A. Specifically to that unit?  
 23 Q. Yes, sir.  
 24 A. With the board operators?  
 25 No, I don't.

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1 Q. Did you know that there used to be two  
 2 board operators working in that room?  
 3 A. No.  
 4 Q. Did you know that BP decided they could  
 5 save money by cutting that workforce in half and  
 6 reduce that board operations process from two  
 7 people to one person around 1997 or 1998?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. No, I was not aware that that specific  
 10 position had been cut.  
 11 Q. (BY MR. COON) That would, again, have  
 12 been a mechanism that BP could save money if they  
 13 could take something that took two people to do and  
 14 they fire one of them or get rid of one of them?  
 15 They just cut their operations -- their workforce  
 16 operations, in half, haven't they?  
 17 MR. ALVAREZ: Objection, form.  
 18 A. Two to one would be half, yes.  
 19 Q. (BY MR. COON) There we go. We are both  
 20 good at simple math, anyway?  
 21 A. We can get that.  
 22 Q. All right. And did you know that to be  
 23 the case at any point, even today --  
 24 A. I --  
 25 Q. -- that that was a two-man job at one

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1 time?  
 2 A. No, I was not aware of that.  
 3 Q. Are you aware that other engineers,  
 4 including Mr. Trapp who testified -- let me back  
 5 up.  
 6 Do you know Mr. Trapp?  
 7 A. I know who Paul Trapp is, yes.  
 8 Q. Okay. Mr. Trapp testified Tuesday that  
 9 he had recommended back in 2003 that they needed to  
 10 go back to two people working that board.  
 11 Were you aware of that?  
 12 A. No, I wasn't.  
 13 Q. Do you find that to be something relevant  
 14 and interesting to you?  
 15 MR. ALVAREZ: Objection, form.  
 16 A. I think any staffing recommendations are,  
 17 yes, interesting.  
 18 Q. (BY MR. COON) Okay. And were you ever  
 19 made aware of that, of the date that they had left  
 20 this one operator in there to work this board and  
 21 startup that BP had not come back in to recalibrate  
 22 that board before the startup progressed?  
 23 A. No, I was not aware of that.  
 24 Q. And you would agree that it is important  
 25 to recalibrate a board before you start a unit back

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1 up?  
 2 A. I will agree to that.  
 3 Q. And, in fact, were you aware that as a  
 4 result of the failure to recalibrate that board,  
 5 that it was not in calibration and a number of the  
 6 gauges were reflecting improper readings?  
 7 A. No, I was not aware of that.  
 8 Q. Were you ever made aware of that?  
 9 A. I read some stuff in the reports to  
 10 indicate that.  
 11 Q. And that would have been a contributing  
 12 factor to misreading the information that resulted  
 13 in the emitting of vapors and fluids to atmosphere?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. I think that's probably a logical  
 16 conclusion, that that was a contributing factor.  
 17 Q. (BY MR. COON) And also at the time that  
 18 this was taking place, other persons in management  
 19 made a decision to conduct a meeting inside the  
 20 control room to the distraction of the board  
 21 operator.  
 22 Were you aware of that?  
 23 MR. ALVAREZ: Objection, form.  
 24 A. Prior to the reports being issued or --  
 25 Q. (BY MR. COON) Are you aware of that

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1 today?  
 2 A. Yes --  
 3 MR. ALVAREZ: Objection, form.  
 4 A. -- I read in the reports that there was a  
 5 meeting taking place at some place in the control  
 6 room.  
 7 Q. (BY MR. COON) And agree -- that you  
 8 would agree then from your experience in these  
 9 turnaround procedures yourself that it would not be  
 10 prudent to calling a bunch of people into a control  
 11 room for a meeting in the middle of the startup  
 12 activities, particularly when you only have one  
 13 board operator and they're overseeing everything.  
 14 A. I will agree with that statement.  
 15 Q. And you are aware that in this set of  
 16 circumstances, that BP condemned the actions of the  
 17 board operator in spite of these deficiencies he  
 18 was dealing with and the distractions he was  
 19 dealing with and they fired him.  
 20 Are you aware of that?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I do know the employees were dismissed.  
 23 I am not sure of all of their exact roles --  
 24 Q. (BY MR. COON) And are you --  
 25 A. -- but, yes, I am aware of that.

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1 Q. And are you aware that BP, when they  
 2 fired him, also told him that he was subject to  
 3 criminal prosecution and referred him to a criminal  
 4 attorney?  
 5 A. No.  
 6 MR. ALVAREZ: Objection, form.  
 7 A. No, I am not aware of that.  
 8 Q. (BY MR. COON) Have you ever been told  
 9 that?  
 10 A. No, I haven't.  
 11 Q. Have you been told to this day or have  
 12 you ever heard from anybody -- that BP, when they  
 13 fired these guys, told them that their actions were  
 14 reprehensible and subjected them to criminal  
 15 liability and they needed to get a criminal lawyer?  
 16 MR. ALVAREZ: Objection, form.  
 17 A. No, I have not heard that.  
 18 Q. (BY MR. COON) Did you know that BP had  
 19 told any of those guys that they should get  
 20 criminal lawyers?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. No, I don't.  
 23 Q. (BY MR. COON) Did you know that BP, in  
 24 fact, hired criminal lawyers for those individuals?  
 25 MR. ALVAREZ: Objection, form.

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1 A. No, I don't.  
 2 Q. (BY MR. COON) Do you know whether BP  
 3 reconsidered their decision to rehiring any of  
 4 those individuals after the report came out to  
 5 vindicate those individuals involved who were, in  
 6 fact, terminated?  
 7 A. I am going to have to -- repeat that one.  
 8 Q. Yes, sir.  
 9 You are aware a number of facts  
 10 have come to pass from the investigation in this  
 11 case that vindicated a lot of allegations that  
 12 formed the basis of the termination of those  
 13 individuals.  
 14 You are aware of that?  
 15 MR. ALVAREZ: Objection, form.  
 16 Q. (BY MR. COON) You are aware a lot of  
 17 facts have come to light over the last months by  
 18 the investigation of the Chemical Safety Board,  
 19 OSHA and the lawyers involved -- a lot of facts  
 20 have come to light to show that a lot of the  
 21 reasons that these people were fired was based on  
 22 wrong information.  
 23 MR. ALVAREZ: Objection, form.  
 24 A. I guess to answer your question, I am  
 25 aware of -- of some change from the interim report

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1 to the final report. As far as the specific issues  
 2 around why those people were dismissed and what  
 3 considerations and whether -- I don't have personal  
 4 knowledge --  
 5 Q. (BY MR. COON) Okay.  
 6 A. -- of any of that.  
 7 Q. Have you talked to any of those gentlemen  
 8 that were fired since the day that they were  
 9 terminated?  
 10 A. No, I don't know any of them personally.  
 11 Q. Okay. Do you know Mr. Trapp personally?  
 12 A. Other than seeing him at work and being  
 13 in a couple of common meetings, no, I don't.  
 14 Q. Okay. Did you know Mr. Trapp had  
 15 remained in communication at some level with every  
 16 one of those individuals that had been fired?  
 17 A. That he has?  
 18 Q. That he had?  
 19 A. No, I don't.  
 20 Q. Do you know that it was his opinion from  
 21 things that he has found out since then from  
 22 working -- you know he works on that unit?  
 23 A. Yes.  
 24 Q. And are you aware that -- from his  
 25 working on that unit and having a pretty good

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1 understanding of how it works, after he heard all  
 2 the facts that developed in the case that he felt  
 3 most of those guys had been made to be scapegoats?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. No, I am not familiar with that.  
 6 Q. (BY MR. COON) Are you aware that a lot  
 7 of people, particularly in the hourly division,  
 8 have always maintained that BP made scapegoats of  
 9 low level operators in order to vindicate upper  
 10 management's decisions that actually cause this  
 11 explosion?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. I am going to have to ask you to repeat  
 14 that one.  
 15 Q. (BY MR. COON) Yes, sir.  
 16 You are aware of the criticism by  
 17 some that BP upper management tried to whitewash  
 18 this investigation and the cause of the explosion  
 19 by saying it was low level operator error?  
 20 A. Sure, I have --  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I have heard those criticisms, yes.  
 23 Q. (BY MR. COON) You have heard those  
 24 criticisms.  
 25 And, in fact, in the year since

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1 then -- almost a year since then, a lot of  
 2 information has come to light to show that many  
 3 things happened out at that plant that were  
 4 management decisions with respect to deferring  
 5 maintenance, deferring infrastructure, not having  
 6 interlocks and a lot of other things that could  
 7 have been done to make that unit safer?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. I guess I am going to have to ask you to  
 10 repeat that one, also.  
 11 MR. COON: Okay. I will tell you  
 12 what, it's time to break.  
 13 MR. ALVAREZ: Okay.  
 14 THE VIDEOGRAPHER: Off the record  
 15 at 12:30 p.m., ending Tape 2.  
 16 (Recess taken.)  
 17 MR. COON: We're back on record?  
 18 THE VIDEOGRAPHER: On the record,  
 19 1:42 p.m., beginning Tape 3.  
 20 Q. (BY MR. COON) Mr. Seele, we have taken a  
 21 lunch break; and we are about to resume.  
 22 Are you prepared to continue with  
 23 your testimony?  
 24 A. Sure.  
 25 Q. We were talking about the vent stack

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1 systems before the break, and I want to ask you a  
 2 few more questions about those.  
 3 You agree that a fundamental tenet  
 4 of product safety management in a petrochemical  
 5 plant is to contain the product?  
 6 A. Absolutely. Containment of the process.  
 7 Q. And that is an important item in a  
 8 petrochemical plant because so many of the products  
 9 running through the lines and -- and the various  
 10 equipment there, the pumps and through the valves  
 11 and such are hydrocarbons or other types of liquids  
 12 that can either be toxic to individuals or the  
 13 environment or it can be flammable or both.  
 14 A. Correct.  
 15 Q. And at a plant like this one in Texas  
 16 City, it's a very large plant.  
 17 Are there, like, 1200 acres?  
 18 A. Comparatively, it's a huge facility, yes.  
 19 Q. I think it's British Petroleum's largest  
 20 operating refinery?  
 21 A. I -- I believe so.  
 22 Q. And it contains approximately 30 units?  
 23 A. Order of magnitude is correct. I hear  
 24 different numbers, but yes.  
 25 Q. And we have, literally, miles and miles

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1 and miles and miles of piping that run product to  
 2 the various places through the system?  
 3 A. Sure.  
 4 Q. And hundreds -- probably actually  
 5 thousands and thousands of valves and pumps?  
 6 A. Sure.  
 7 Q. And talking about containment, one of the  
 8 issues that is unique with respect to how Texas  
 9 City had a number of its units operating is that  
 10 some had complete containment of the product where  
 11 if there was an overflow or some kind of release  
 12 from a relief valve that instead of just going  
 13 straight to the atmosphere and just dissipating in  
 14 the atmosphere, it would go to a flare system and  
 15 burn off.  
 16 And this Texas City plant had both  
 17 types of vent systems in place during the time you  
 18 worked there, didn't it?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. There were relief systems that did vent  
 21 to atmosphere. That's correct.  
 22 Q. (BY MR. COON) And you had also a number  
 23 of systems that did run to a flare?  
 24 A. Correct.  
 25 Q. Did you have any systems, while you were

<p style="text-align: right;">Page 154</p> <p>1 there, that had run through a vent system, that  2 vented to atmosphere, that were switched over to a  3 process where sometimes or all the time it went to  4 a flare?  5 A. I can't recall any specific to the areas  6 in which I worked.  7 Q. All right. And you do understand from  8 your position out at that facility -- the years you  9 worked there, you do understand -- and this is all  10 in general terms --  11 A. Sure.  12 Q. -- but the question would be that you  13 would understand that venting to atmosphere allows  14 flammable and/or toxic vapors to get into our  15 environment?  16 MR. ALVAREZ: Objection, form.  17 A. Depending on the material that was  18 released, there is potential for that.  19 Q. (BY MR. COON) Okay. And would most of  20 the materials -- at the BP Texas City facility,  21 most of the materials that would be vented to  22 atmosphere would be materials that are either  23 flammable and/or toxic?  24 MR. ALVAREZ: Objection, form.  25 A. Most of the materials would be flammable.</p>	<p style="text-align: right;">Page 156</p> <p>1 couldn't get out there and do some of the things  2 they wanted to do for several days because of the  3 contaminated atmosphere associated to the benzene  4 release.  5 You are aware of that?  6 A. Yes, I am.  7 Q. And do you know what problems are  8 associated with exposure to benzene?  9 A. I am aware it is a carcinogen.  10 Q. It is a Class A carcinogen, isn't it?  11 A. I would have to look up what the exact  12 classification is.  13 Q. Okay. Are you aware that it causes  14 various blood dysplasias or cancer, such as  15 leukemia and lymphomas and Hodgkin's disease?  16 A. As I stated, yes, I was aware that it was  17 a carcinogen. I am not completely familiar with  18 exactly what forms of cancer.  19 Q. Have you been involved in any aspects of  20 the evaluation and analysis of the exposure to  21 those released benzene vapors and liquids to the  22 environment at the BP facility or to the employees  23 who were exposed, or to the adjacent neighborhoods?  24 MR. ALVAREZ: Objection, form.  25 A. No, I was not involved in any sort of a</p>
<p style="text-align: right;">Page 155</p> <p>1 I will say, as I said earlier, depending on the  2 material, the toxicity would depend.  3 Q. (BY MR. COON) And you understand there  4 are MSDSs that apply to many of the products that  5 you work with and around at that plant?  6 A. Sure. I am familiar with MSDSs.  7 Q. And we know a lot of them, such as  8 benzene. You have benzene releases out there  9 through relief valves on occasion, do you not?  10 A. I'm not --  11 MR. ALVAREZ: Objection, form.  12 A. I am not familiar with any release of  13 benzene, personally.  14 Q. (BY MR. COON) Okay. Are you familiar  15 that there was a release of benzene that is  16 associated to this ISOM unit explosion?  17 A. I have read that in the papers, yes.  18 Q. Do you understand there were grave  19 concerns over the amount of benzene that was  20 released to atmosphere and the health implications  21 associated to that release?  22 A. I was aware the area was restricted, yes,  23 due to the amount of benzene that was released.  24 Q. Sure.  25 In fact, some of the investigators</p>	<p style="text-align: right;">Page 157</p> <p>1 benzene release study.  2 Q. (BY MR. COON) With respect to venting to  3 atmosphere, I mean, obviously, the purpose of the  4 facility is to try to contain all the product. I  5 mean, that's what you want to do in process safety  6 management, is keep it all contained, correct?  7 A. That's -- as we stated earlier, yes,  8 primary -- control the process, yes.  9 Q. And that includes in an ideal situation  10 not having any releases to atmosphere through the  11 vent stack. You don't want any of the product to  12 go through the vent stack and be released to  13 atmosphere if you can help it, right?  14 A. No.  15 Q. That is just a mechanism where if there  16 is overpressure in the system or some other  17 failure, it's better for it to vent out than to  18 overpressurize the system, for example, and cause  19 some internal failure that could result in a much  20 worse release?  21 MR. ALVAREZ: Objection, form.  22 A. In essence, yes, it's a controlled  23 release.  24 Q. (BY MR. COON) So, by analogy, if we look  25 at it like a teapot -- are you familiar with</p>



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1 teapots?  
 2 A. Yes, I am.  
 3 Q. Okay. When you boil the water in the  
 4 teapot, if you get too much pressure in there from  
 5 the steam process, you have on the top of the  
 6 teapot something akin to a relief system where the  
 7 steam can come out, right?  
 8 A. Correct.  
 9 Q. And that's somewhat analogous to the  
 10 system you have with these units. That if there is  
 11 overpressurization in the system, this extra steam  
 12 or vapor can go out through a relief valve into the  
 13 atmosphere?  
 14 A. In the case where the RV is open to  
 15 atmosphere? Yes.  
 16 Q. Yes. And that --  
 17 A. Correct.  
 18 Q. -- that allows the pressure to drop back  
 19 in the system itself and hopefully, not cause  
 20 internal failure of more serious components that  
 21 result in a catastrophic accident?  
 22 A. That's correct.  
 23 Q. And with the ISOM unit, are you familiar  
 24 with the fact that that system had been rated at  
 25 about 70 pounds of pressure?

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1 A. No, I was not familiar with that.  
 2 Q. Are you aware that over the years there  
 3 was internal failures from corrosion and/or other  
 4 problems that resulted in a re-rating of that  
 5 system?  
 6 MR. ALVAREZ: Objection, form.  
 7 A. I have come to learn that in the report  
 8 findings, yes.  
 9 Q. (BY MR. COON) And so, instead of  
 10 repairing the problem, which was corrosion, BP just  
 11 reduced the amount of pressure on the setting for  
 12 the relief valves to open?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. My understanding in reading the reports  
 15 is, yes, the vessels and the RVs were derated.  
 16 Q. (BY MR. COON) And they were derated  
 17 because of corrosion in the system where they felt  
 18 it could not withstand the 70 pounds of pressure  
 19 that it was originally designed to withhold?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. I wasn't involved in that derating. So,  
 22 I can only -- I would be assuming that that's why  
 23 they made that decision to derate those vessels.  
 24 Q. (BY MR. COON) Okay. So, instead of  
 25 fixing the problem, they just took the valves and

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1 either changed them out or adjusted them to where  
 2 40 pounds of pressure would open to relieve to  
 3 atmosphere instead of 70 pounds?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. That's what the report states, yes.  
 6 Q. (BY MR. COON) And the reason for that  
 7 would be that if they had not derated those valves,  
 8 the concern would be since the walls were thin from  
 9 corrosion, that there was the potential for the  
 10 walls to explode and collapse allowing everything  
 11 to vent out through a mechanism other than the vent  
 12 stack?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. I don't know the details, as I said,  
 15 around that specific case; but the intent of  
 16 derating would be to not overpressure a vessel or  
 17 do something to a vessel -- the pressure that it  
 18 could contain.  
 19 Q. (BY MR. COON) Okay. Are you aware of  
 20 standard operating procedures in operating the ISOM  
 21 unit?  
 22 A. No, I am not.  
 23 Q. Are you aware of standard operating  
 24 procedures that exist in the operation of any of  
 25 the units?

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1 A. I am somewhat familiar, yes; but the pipe  
 2 still unit would be most familiar.  
 3 Q. It's important to keep those operating  
 4 procedures updated to suit the present operational  
 5 capacity of the unit?  
 6 A. Absolutely, I will agree with that.  
 7 Q. And with the ISOM unit, are you aware  
 8 that the standard operating procedures had not been  
 9 changed to reflect the derated valves from 70 to  
 10 40?  
 11 A. I was not aware of that until I read that  
 12 in the final report.  
 13 Q. So, in fact, if you didn't know better --  
 14 if you just went and looked at the standard  
 15 operating procedures, as you started up the unit,  
 16 if you didn't know better and you didn't know  
 17 anything about that unit, you would think you could  
 18 pressure everything up to 70 pounds without causing  
 19 any kind of an internal problem --  
 20 MR. ALVAREZ: Objection, form.  
 21 Q. (BY MR. COON) -- correct?  
 22 A. Depending on what other documentation and  
 23 training was received, there is potential that you  
 24 could read that documentation and make that  
 25 connection.

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1 Q. And were you aware that since the  
 2 derating of that system to 40 pounds, that they  
 3 still had the standard operating procedures in the  
 4 book set at 70 pounds?  
 5 A. That's what I read in the reports, yes.  
 6 Q. And you would agree that that's not a  
 7 safe practice?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. I would agree that procedures need to be  
 10 up-to-date, yes.  
 11 Q. (BY MR. COON) In talking about  
 12 overpressuring and overfills, these are foreseeable  
 13 events and that's why you have vent stacks and  
 14 that's why you have flares in the first place?  
 15 MR. ALVAREZ: Objection, form.  
 16 A. (No verbal response.)  
 17 Q. (BY MR. COON) Correct?  
 18 A. I guess I will have to ask you to repeat  
 19 the question.  
 20 Q. Yes, sir.  
 21 You understand that you have  
 22 relief valves and that you have vent stacks and  
 23 flare systems on these units?  
 24 A. Correct.  
 25 Q. And the purpose of having those on there

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1 is because it has been foreseen by the engineers  
 2 and designers that you can have overfills or  
 3 overpressurization?  
 4 A. Correct.  
 5 If there is an overpressure  
 6 scenario, it is a way to control that release and  
 7 protect your vessels.  
 8 Q. That's right. It's something that  
 9 commonly happens; and to protect your vessels to  
 10 keep them from rupturing, you want to have a  
 11 release system to get rid of the excess pressure  
 12 without shutting the unit down, correct?  
 13 A. That is the purpose of RV is to relieve  
 14 the pressure, yes.  
 15 Q. And you are not supposed to release  
 16 anything, but if there is an overpressurization,  
 17 for whatever reason, it's a way of allowing the  
 18 pressure to drop back down by venting out vapors  
 19 and reduce the pressure without shutting the unit  
 20 down.  
 21 MR. ALVAREZ: Objection to form.  
 22 A. That's correct. It's not considered  
 23 normal operation for a relief valve to -- to lift.  
 24 It's an abnormal operation when there is a  
 25 potential overpressure situation.

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1 Q. (BY MR. COON) It's a safety feature?  
 2 A. Exactly.  
 3 Q. And there are other safety features you  
 4 could put on units such as interlocks.  
 5 Are you familiar with those?  
 6 A. Yes.  
 7 Q. And are you aware that this ISOM unit did  
 8 not have an interlock?  
 9 A. No, I am not.  
 10 Q. Are you aware of any system out there  
 11 that you worked on or heard about that did have  
 12 interlocks?  
 13 A. I'm trying to -- I don't recall any  
 14 specific.  
 15 Q. Are you aware of overpressurization or  
 16 overfilling in any of the other units where  
 17 significant enough levels of vapor or liquid  
 18 emanated through a vent stack to ground level?  
 19 A. I don't know of any incidents where an  
 20 overpressure scenario occurred and it -- I guess,  
 21 you are asking if it formed at ground level?  
 22 No.  
 23 Q. Yes, sir.  
 24 A. No.  
 25 Q. Hydrocarbons and hydrocarbon vapors are,

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1 generally speaking, heavier than air, aren't they?  
 2 A. It depends on the exact product; but some  
 3 are, some aren't.  
 4 Q. And are you familiar with raffinate?  
 5 MR. ALVAREZ: Objection, form.  
 6 A. I am not completely familiar with  
 7 raffinate since it was more of a reform of light  
 8 end product.  
 9 I've somewhat become familiar with  
 10 raffinate as a result of the incident.  
 11 Q. (BY MR. COON) And you understand that  
 12 raffinate in heavy enough doses venting from a vent  
 13 stack can result in a ground level vapor cloud?  
 14 A. Yes, I am definitely aware of that.  
 15 Q. Are you aware of any other instances  
 16 where the vent stack at the ISOM unit overpressured  
 17 or overfilled causing a ground level vapor cloud,  
 18 prior to this March 23rd episode?  
 19 A. No, I am not aware.  
 20 Q. Did you read any parts of the FAIR Report  
 21 or Fatal Accident Report or the CSB Report where it  
 22 was reflected that there was a long history of  
 23 overpressuring and overfilling at that ISOM unit  
 24 resulting in ground level vapor clouds?  
 25 MR. ALVAREZ: Objection, form.

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1 A. I did read the report where it referenced  
 2 prior incidences with a blowdown stack.  
 3 Q. (BY MR. COON) Are you aware the -- the  
 4 same type of thing happened just a few weeks prior  
 5 at an adjacent unit to the ISOM unit?  
 6 A. No, I was not aware of that.  
 7 Q. Are you aware recently at another BP  
 8 facility of the same type of thing happening where  
 9 there was a heavy overload, including the liquid  
 10 overload to a vent stack, and it all vented to a  
 11 flare instead of going to a vent?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. No, I hadn't heard of that either.  
 14 Q. (BY MR. COON) Are you aware of  
 15 overpressuring and overfilling resulting in ground  
 16 level flammable vapor clouds at other areas of the  
 17 facility?  
 18 A. The only instance I can think of that I  
 19 have personal knowledge of, I know there was a unit  
 20 that was cycling back and forth and there was a  
 21 propane -- I believe it was a propane release on  
 22 the RDU, possibly in 19 -- I believe it may have  
 23 been 1999. That is the only one I have personal  
 24 knowledge of.  
 25 Q. Were you a witness to that or just

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1 something you were involved in after the fact?  
 2 A. I was on the far end of the unit, working  
 3 on a pump; and I had to evacuate the unit.  
 4 Q. And was that vapor cloud contained  
 5 without an explosion episode?  
 6 A. Yes, it was.  
 7 Q. Didn't have any contractor's truck  
 8 running immediately adjacent to that vapor cloud  
 9 that day?  
 10 A. Not that I am aware of.  
 11 Q. Okay. You would agree that the vent  
 12 stacks on these blowdown drums are part of what you  
 13 would call the safety critical equipment at that  
 14 facility?  
 15 A. Absolutely. I would consider  
 16 overpressure equipment to be safety critical.  
 17 Q. And, in fact, most of the equipment at a  
 18 petrochemical plant is safety critical equipment  
 19 because most of it does, at some point in time,  
 20 contain hazardous material?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. Every piece of equipment needs to do its  
 23 function, yes. There is different classifications  
 24 on, I guess, what is safety critical and what is  
 25 not; but, yes, it all performs its job and there is

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1 equipment critical to safety.  
 2 Q. (BY MR. COON) Okay. Would you agree  
 3 with the report from your own management team in  
 4 the Fatal Incident Report that there were  
 5 inherently safer options to a vent stack, most  
 6 notably a flare system? Would you agree with that  
 7 statement?  
 8 A. Yes --  
 9 MR. ALVAREZ: Objection, form.  
 10 A. Yes, I would.  
 11 Q. (BY MR. COON) And you understand that,  
 12 you know, from the simple concept, if you vent off  
 13 excess flammable material to a controlled flare for  
 14 burn off, that it greatly reduces the likelihood of  
 15 those same vapors or liquids going to ground level  
 16 and creating an explosion hazard?  
 17 MR. ALVAREZ: Objection, form.  
 18 A. Yes.  
 19 Q. (BY MR. COON) That's what a flare does,  
 20 right?  
 21 It basically allows you to burn it  
 22 off in a controlled environment instead of letting  
 23 it accumulate until it finds an ignition source?  
 24 A. That is -- that's what a flare does, yes,  
 25 it burns off the product.

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1 Q. And, in fact, you don't know anybody  
 2 that's out there using vent stack systems with new  
 3 construction, do you?  
 4 A. I'm -- I am personally not aware of  
 5 anyone.  
 6 Q. And after this explosion, British  
 7 Petroleum finally made a conscious decision to  
 8 remove all of the remaining antiquated vent stacks  
 9 in that Texas City facility, didn't it?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. That's my understanding, yes, that they  
 12 are moving forward with plans to replace all the  
 13 blowdown stacks.  
 14 Q. (BY MR. COON) And that costs money,  
 15 though, doesn't it?  
 16 A. Sure.  
 17 Q. Now, when we talked about optimization  
 18 and capitalization earlier, one of the significant  
 19 concerns that you had in making decisions on what  
 20 to repair and replace has to do with whether or not  
 21 you get a return on investment, correct?  
 22 A. That's a consideration. Sure.  
 23 Q. The reality is: If you are operating a  
 24 unit that has an existing vent stack in it and you  
 25 are asked -- as part of the capital budget for your

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1 turnaround, you are asked to consider transferring  
 2 that vent stack and blowdown drum to a flare as  
 3 part of your turnaround, the problem you have from  
 4 a return on investment is that there is no return  
 5 on investment for you to change out a vent stack  
 6 and blowdown drum with a flare, is there?  
 7 A. Is there an economic return?  
 8 Q. Yes, sir.  
 9 A. No.  
 10 Q. There is no -- there is no reason, from a  
 11 financial standpoint, to change out a vent stack  
 12 and blowdown drum with a flare?  
 13 MR. ALVAREZ: Objection, form.  
 14 Q. (BY MR. COON) Is there?  
 15 A. There is no return of investment --  
 16 Q. Yeah?  
 17 A. -- in terms of monetary analysis, no.  
 18 Q. So, in layman's terms for a jury, when  
 19 you are doing a turnaround and you look at all  
 20 these things, there are some things you have to do  
 21 to get optimization back out of your unit and  
 22 maximize your capital investment, correct?  
 23 A. That's a fair statement, yes.  
 24 Q. And then you also have other things that  
 25 you could do to make your unit safer in your

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1 turnaround, like replace a vent stack and blowdown  
 2 drum with a flare? That's something you could do  
 3 during your turnaround; but you have to justify it  
 4 on the risk issues and on the capital investment  
 5 issues? You did get a return on investment by  
 6 making that additional capital expenditure,  
 7 correct?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. Well, in addition to the capital  
 10 investment, there is also consideration made for  
 11 environmental concerns. Safety, as well as the  
 12 economic concerns, all factor into that process  
 13 together.  
 14 Q. (BY MR. COON) Sure.  
 15 And we can talk about  
 16 environmental. The reality is: If you have a vent  
 17 stack out at a unit, like the ISOM, do you know  
 18 whether or not it is subjected to the same levels  
 19 of environmental restrictions as new equipment that  
 20 is put into a plant?  
 21 A. Excuse me.  
 22 I would have to consult the  
 23 environmental group. I am not sure on what the  
 24 exact regulatory requirements are.  
 25 Q. Okay. Do you understand that systems

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1 that were in place before the new regulations are  
 2 grandfathered and don't have to adapt to and adhere  
 3 to the same levels of emissions requirements as new  
 4 equipment does?  
 5 A. I am aware, yes, that some equipment was  
 6 grandfathered.  
 7 Q. And the ISOM unit blowdown drum and vent  
 8 stack were grandfathered, weren't they?  
 9 A. I was not aware of that, but I would not  
 10 be surprised by that.  
 11 Q. So, British Petroleum could actually say  
 12 when they built this unit, "We get to save money by  
 13 not having to replace the blowdown drum with a  
 14 flare. That's one thing we don't have to build.  
 15 And in addition to it, we don't have to comply with  
 16 the new regulations with respect to air emissions  
 17 because we get to grandfather this old equipment  
 18 into our service."  
 19 They got two benefits there,  
 20 didn't they?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I guess I really don't know what  
 23 considerations were made when they built the ISOM  
 24 and what evaluation matrix they used in determining  
 25 to use that piece of equipment.

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1 Q. (BY MR. COON) Okay. You understand why  
 2 you have these safety regulations on -- on  
 3 emissions into our atmosphere, though, don't you?  
 4 A. Sure.  
 5 Q. Our government tried to make some efforts  
 6 at reducing the amount of chemical pollutants  
 7 coming out of refineries, hasn't it?  
 8 A. Absolutely.  
 9 Q. Because those pollutants adversely impact  
 10 our environment, correct?  
 11 A. Sure.  
 12 Q. And also add potential for adversely  
 13 impacting people exposed to those contaminants?  
 14 A. I would agree --  
 15 Q. Correct?  
 16 A. -- with that. Yeah.  
 17 Q. And in this case, British Petroleum had a  
 18 facility that had been in existence for many, many  
 19 years before there were almost any regulations,  
 20 correct?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I guess I don't know the history of what  
 23 years the regulations came, but the refinery has  
 24 been there for a significant number of years and  
 25 there is a history, I guess, to the different

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1 regulations.  
 2 Q. (BY MR. COON) Sure.  
 3 And if BP made a decision not to  
 4 put a flare in on a new unit because they could tie  
 5 it into an old existing vent stack, they knew that  
 6 they were going to be allowed to contaminate the  
 7 air more with that system than with a new system?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. I guess repeat that one.  
 10 Q. (BY MR. COON) Yes, sir.  
 11 If your vent stack is  
 12 grandfathered in where you are allowed to escape  
 13 new regulations on the levels of emissions, you are  
 14 basically allowing to continue to operate the  
 15 system that could be replaced with capital  
 16 expenditure that you know is going to contaminate  
 17 the atmosphere at greater levels than a new system.  
 18 MR. ALVAREZ: Objection, form.  
 19 A. I guess, yes, it's -- once again, I say I  
 20 don't know exactly what considerations were made;  
 21 but, sure, if there is a new technology out there,  
 22 that that would be taken into consideration.  
 23 Q. (BY MR. COON) Well, there is new  
 24 technology from the time that vent stack was  
 25 invented a hundred years ago and that is a flare?

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1 A. I will agree to that.  
 2 Q. Okay. Now, you don't drive an Edsel, do  
 3 you?  
 4 A. I sure don't.  
 5 Q. And there is a lot of reasons for that.  
 6 Probably one of which is that there is not many  
 7 running anymore.  
 8 Fair enough?  
 9 A. (No verbal response.)  
 10 Q. Old cars fall apart and they don't run  
 11 anymore. That's why you don't see a lot of  
 12 50-year-old cars driving the highways, right?  
 13 A. Makes sense to me, yes.  
 14 Q. That's right.  
 15 And the same with this vent  
 16 system. The vent stack system was an old,  
 17 antiquated system; and it's no longer state of the  
 18 art, correct?  
 19 A. I will agree that blowdown systems are  
 20 not the preferred method as opposed to a flare.  
 21 Q. Sure.  
 22 If you were to buy an old 1950  
 23 Studebaker, it wouldn't have an air bag in it,  
 24 would it?  
 25 A. Most likely not, no.

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1 Q. Now, does that mean that it's as safe as  
 2 a brand-new car with air bags in the front and  
 3 sides?  
 4 A. Probably not, no.  
 5 Q. No. That's because we require more  
 6 safety features now as technology has improved and  
 7 the capability of providing those safety features  
 8 has become available, correct?  
 9 A. Sure.  
 10 Q. And in this case there was nothing to  
 11 prevent British Petroleum from adopting new, better  
 12 technology and replacing that vent drum with a  
 13 flare?  
 14 A. Not to my personal knowledge, no.  
 15 Q. And BP, when they went through this  
 16 turnaround and prior turnarounds, made a conscious  
 17 decision not to spend money on replacing the vent  
 18 stack and the blowdown drum with a flare?  
 19 A. Well, obviously --  
 20 MR. ALVAREZ: Objection, form.  
 21 A. Obviously someone made that decision,  
 22 yes.  
 23 Q. (BY MR. COON) Well, somebody at BP made  
 24 that decision, though, didn't they?  
 25 A. That -- that's what I am saying, yes.

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1 Obviously somebody who worked for BP or Amoco made  
 2 that decision.  
 3 Q. Do you know that they had actually  
 4 considered replacing that blowdown drum with  
 5 another system?  
 6 A. I have --  
 7 Q. A flare system?  
 8 A. I have --  
 9 MR. ALVAREZ: Objection, form.  
 10 A. I have read that in the reports, yes.  
 11 Q. (BY MR. COON) But again, if you are  
 12 looking at the economic consideration in doing  
 13 that, there is no financial benefit, is there?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. Well, I think I have actually already  
 16 answered that. Yes, it's a replacement to obtain  
 17 the same goal.  
 18 Q. (BY MR. COON) Sure.  
 19 And if you are looking at  
 20 increasing the productivity and profitability of a  
 21 unit, why do you want to spend money, lots of  
 22 money, on a piece of equipment that you are already  
 23 allowed to run that doesn't increase your  
 24 productivity in your operation?  
 25 A. I guess -- could you rephrase or repeat

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1 the question?  
 2 Q. Yes, sir.  
 3 If you are in business to make a  
 4 profit -- British Petroleum is in the business to  
 5 make a profit, right?  
 6 A. Sure.  
 7 Q. Fixing things or upgrading the technology  
 8 of things that does not improve the optimization of  
 9 the unit is not a major importance on most  
 10 circumstances?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. I guess I will have to disagree with that  
 13 statement because, as I mentioned earlier, there  
 14 are other factors besides the economic. I also  
 15 mentioned the environmental safety concerns.  
 16 Q. (BY MR. COON) Okay. If there is no  
 17 environmental concern, that even further reduces  
 18 the likelihood of making that capital improvement  
 19 by upgrading the technology if it doesn't improve  
 20 optimization of that unit?  
 21 MR. ALVAREZ: Objection, form.  
 22 Q. (BY MR. COON) Agree?  
 23 A. I guess I didn't hear the question.  
 24 Q. All right. I don't know if I heard that  
 25 one. We will go on.

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1 You do know that a lot of people  
 2 complained about the continued existence of the  
 3 vent stack and the blowdown drum --  
 4 MR. ALVAREZ: Objection --  
 5 Q. (BY MR. COON) -- in that unit in the  
 6 Texas City facility?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. I was not aware of any specific  
 9 complaints with the blowdown system at the ISOM;  
 10 and I don't recall any specific complaints on other  
 11 units where I have experience.  
 12 Q. (BY MR. COON) In the years that you were  
 13 there, you never heard anybody that you worked with  
 14 complaining about the safety considerations  
 15 associated with the old vent stacks and blowdown  
 16 drums?  
 17 A. I didn't, no.  
 18 Q. Were you aware that in 1991 there was a  
 19 release out at one of the units that had a vent  
 20 stack that resulted in an OSHA citation?  
 21 A. No, I didn't.  
 22 Q. Were you ever told that OSHA subsequently  
 23 cited British Petroleum for that release?  
 24 A. I believe I --  
 25 MR. ALVAREZ: Objection, form.

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1 A. I believe I read that in the papers.  
 2 Q. (BY MR. COON) Did you ever get a copy of  
 3 that OSHA citation?  
 4 A. No, I did not.  
 5 Q. After this explosion, did anybody in  
 6 management discuss with you or anyone else to your  
 7 knowledge the fact that British Petroleum Texas  
 8 City had been advised through that citation of that  
 9 release and ways of preventing such releases in the  
 10 future?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. Your question was: Did I receive that  
 13 information from anyone within BP?  
 14 Q. (BY MR. COON) Yes, sir.  
 15 A. No, I did not.  
 16 Q. From anyone else?  
 17 A. Like I said, on some of the other stuff,  
 18 I read the post incident in the papers regarding  
 19 that finding.  
 20 Q. And you are aware that in 1992 the  
 21 investigation OSHA officer, Mr. Skinner, told  
 22 British Petroleum in that citation that the release  
 23 of hydrocarbons through a vent system was an  
 24 environmental impact and also put employees at risk  
 25 because of the flammable and toxic nature of the

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1 hydrocarbons released.  
 2 Were you aware of that?  
 3 A. I was not aware of that specific  
 4 language, no.  
 5 Q. Were you aware he made a recommendation  
 6 as a prophylactic to keep this from happening in  
 7 the future or preventative measure to keep this  
 8 from happening in the future?  
 9 A. I have read, yes, that recommendations  
 10 were made to connect it to a flare.  
 11 Q. So -- so, would you -- let me ask you  
 12 then, you are aware now that OSHA cited them in '92  
 13 for this release?  
 14 MR. ALVAREZ: Objection, form.  
 15 Q. (BY MR. COON) Correct?  
 16 A. Correct.  
 17 Q. And what did OSHA tell British Petroleum  
 18 to do in 1992 that they should do or could do to  
 19 keep this from happening again?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. My understanding is that it was  
 22 recommended for them to connect to a flare system.  
 23 Q. (BY MR. COON) Because it was at that  
 24 time an open atmosphere vent system, just like the  
 25 ISOM unit, correct?

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1 A. That's my understanding, yes.  
 2 Q. So -- so, 13 years before this  
 3 atmospheric release on the ISOM unit which resulted  
 4 in the explosion, something similar happened at  
 5 another unit and British Petroleum had been cited  
 6 by OSHA for that release, correct?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. I don't know the specific incident  
 9 details; but it does seem like a similar incident,  
 10 yes.  
 11 Q. (BY MR. COON) And at that time 13 years  
 12 before, OSHA told British Petroleum Texas City the  
 13 way of avoiding that happening would be to take it  
 14 from a vent stack system and transfer any  
 15 atmospheric releases that go through the relief  
 16 valve, instead of going to a vent stack, had to go  
 17 to a flare?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. As I stated, yes, my understanding was  
 20 the recommendation was made to connect to a flare  
 21 system.  
 22 Q. (BY MR. COON) And OSHA, in fact, told  
 23 them that this would reduce risk of harm to the  
 24 environment and environmental -- an illegal  
 25 environmental release, told them it would reduce

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1 the likelihood of that, correct?  
 2 MR. ALVAREZ: Objection, form.  
 3 A. I don't recall exactly what was issued in  
 4 the OSHA recommendation, but --  
 5 Q. (BY MR. COON) But you generally  
 6 understood, from working out there, what you read?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. That connecting to a flare was preferred,  
 9 yes.  
 10 Q. (BY MR. COON) And it would also reduce  
 11 the risk to employees of being exposed to a toxin  
 12 where they could get sick or to the potential for  
 13 an explosion from a ground level vapor cloud?  
 14 MR. ALVAREZ: Objection, form.  
 15 Q. (BY MR. COON) That's contained in the  
 16 report, isn't it?  
 17 A. That would make sense, yes.  
 18 Q. And for another 13 years after BP had  
 19 been told about this problem, told a solution to  
 20 the problem, to your knowledge British Petroleum  
 21 never made a full and final concerted effort to fix  
 22 that problem?  
 23 MR. ALVAREZ: Objection, form.  
 24 A. Not to my personal knowledge, no.  
 25 Q. (BY MR. COON) And a major reason they

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1 never made an attempt to fix that problem was  
 2 because, as you said before, there is no return on  
 3 investment for that expenditure?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. I didn't say that that was their main  
 6 reason. I said that there is no economic return,  
 7 but I don't know what their decision was based on.  
 8 Q. (BY MR. COON) But you do understand that  
 9 British Petroleum looks at all of their capital  
 10 expenditures on a rate of return basis?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. (No verbal response.)  
 13 Q. (BY MR. COON) In fact, it's  
 14 standardized.  
 15 Do you even know what -- the  
 16 standard number of the rate of return that British  
 17 Petroleum looks at for any capital improvement at  
 18 that facility?  
 19 A. I have heard numbers, but I don't recall  
 20 the exact fact.  
 21 Q. How about -- about 9 percent? Does that  
 22 sound reasonable?  
 23 A. I was going to guess 10, yes.  
 24 Q. So, if they're not getting 9 or  
 25 10 percent return on their investment, then it is

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1 less likely for them to make that capital  
 2 expenditure than otherwise?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. Like I said in the past, there's other  
 5 categories to which projects can fall into, such as  
 6 a license to operate safety environmental concerns  
 7 to get them put into another bucket as opposed to a  
 8 return on investment type project.  
 9 MR. COON: I will object to the  
 10 responsiveness.  
 11 Q. (BY MR. COON) Do you know anything about  
 12 the Clean Streams Project or the Clean Air Project  
 13 on the ISOM unit in 19 -- 2002, 2003?  
 14 A. No, I don't.  
 15 Q. Were you involved in any Clean Stream  
 16 Projects or Clean Air Projects on any of your  
 17 turnarounds?  
 18 A. I am most familiar with Clean Streams  
 19 associated with the pipes of those units, yes.  
 20 Q. Did any of those involve consideration to  
 21 transferring vent stacks and the releases from vent  
 22 stacks to a flare unit?  
 23 A. I am trying to recall the specific  
 24 details.  
 25 If I remember, I believe -- I

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1 believe that, yes, considerations were made. I  
 2 don't know the exact details, whether it was  
 3 tie-ins or what the exact details around it where.  
 4 Q. And what units would that have been on?  
 5 A. Specifically, I am thinking about pipe  
 6 still 3-A.  
 7 Q. Was that something that was being looked  
 8 at while you were there, pipe stills?  
 9 A. That was more when I was in the  
 10 turnaround group in preparation for a 2004  
 11 turnaround.  
 12 Q. But you have worked at the pipe stills  
 13 unit where they were discussing the Clean Streams?  
 14 A. Well, it was the sister unit. There is a  
 15 pipe still 3-A and pipe still 3-B.  
 16 Q. Okay. And it is your understanding that  
 17 British Petroleum was looking at an emissions or  
 18 environmental consideration under Clean Streams  
 19 that would involve transference of a vent stack to  
 20 a flare over there?  
 21 A. It was, yes.  
 22 Q. Do you know whether or not that was ever  
 23 implemented?  
 24 A. Like I said, that's where I get a little  
 25 bit in my mind where I don't remember exactly

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1 whether it was tied in to a flare system or whether  
 2 the tie-ins were placed there to do at a later  
 3 date. I don't remember --  
 4 Q. Okay.  
 5 A. -- the exact detail.  
 6 Q. Do you know if at some point in time --  
 7 was this pipe still 3?  
 8 A. There is a 3-A and 3-B.  
 9 Q. And which one did you work at?  
 10 A. I was the unit engineer on pipe still 3-B  
 11 as a turnaround project engineer. There was major  
 12 turnaround pipe still 3-A in the first quarter of  
 13 2004.  
 14 Q. Were you working on that?  
 15 A. Yes.  
 16 Q. At that time did that have a vent stack,  
 17 a blowdown?  
 18 A. I believe both pipe stills had blowdown  
 19 stacks.  
 20 Q. Did either one of them during any of  
 21 those times get changed out to a flare system?  
 22 A. I don't recall that happening.  
 23 I remember there was a project  
 24 associated with it on the pipe still 3-A; and like  
 25 I say, I don't recall what the end result was.

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1 Q. But do you know it was considered at the  
 2 time?  
 3 A. I do believe that was taken into  
 4 consideration, yes.  
 5 Q. Okay. But you don't know as to the 3-A  
 6 pipe still or 3-B pipe still, even though it was  
 7 considered, whether or not the vent stacks were  
 8 traded out for a flare?  
 9 A. Well, I know for a fact on 3-B that the  
 10 vent stack was not traded out for a flare.  
 11 Q. Okay. Do you know why?  
 12 A. No, I don't.  
 13 Q. Do you know who killed that  
 14 consideration?  
 15 A. No, I don't.  
 16 Q. As to 3-A, you do not know one way or the  
 17 other?  
 18 A. Yeah, I don't recall whether it was tied  
 19 in to the flare or the tie-ins were put in place.  
 20 Q. Are there tie-ins there now?  
 21 A. I can't recall.  
 22 Q. Who was in charge of that project?  
 23 MR. ALVAREZ: Objection, form.  
 24 A. I can't remember the exact engineering  
 25 firm. There is some people that you could contact

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1 that could provide some more information with  
 2 respect to that.  
 3 Q. (BY MR. COON) Was this an outside  
 4 engineering firm that you retained to do the work,  
 5 contractors?  
 6 A. Typically, on capital projects, it is  
 7 performed by an outside engineering house.  
 8 Q. Who would have been a person in  
 9 management at 3-A that would know a lot more about  
 10 what was and was not done and why or why not?  
 11 A. It would probably be the same individuals  
 12 that I mentioned prior. That was Ms. Gardner or  
 13 Mr. Robicheaux.  
 14 Q. Okay. I take it you were not involved in  
 15 the investigation as to what caused the ISOM unit  
 16 explosion?  
 17 A. No, I was not.  
 18 Q. You didn't talk to any of the employees  
 19 that worked over there?  
 20 A. At the ISOM?  
 21 Q. Yes, sir.  
 22 A. No, I did not.  
 23 Q. You were not asked to participate in any  
 24 of the investigation, I take it?  
 25 A. Other than the statements we discussed



<p style="text-align: right;">Page 190</p> <p>1 that were given to the BP board, CSB and OSHA, no, 2 I did not.</p> <p>3 Q. Well, I should have clarified. We are 4 talking about the trailer siting now.</p> <p>5 That's what you are talking about, 6 correct?</p> <p>7 A. I guess I am a little bit confused. You 8 said "investigation."</p> <p>9 Q. I am talking about in the investigation 10 as to the cause of the explosion, itself.</p> <p>11 A. Okay.</p> <p>12 Q. Were you asked to participate in the 13 investigation into the cause of the explosion? 14 Not -- not the damage to the trailers or the 15 trailer siting.</p> <p>16 A. Can you repeat the question one more time 17 and maybe try to --</p> <p>18 Q. Yes, sir.</p> <p>19 You were not working on the ISOM 20 unit at the time of the explosion, correct?</p> <p>21 A. No, I was not.</p> <p>22 Q. My understanding of your earlier 23 testimony was that you were involved with giving 24 statements associated with the explosion because a 25 lot of people were killed in a trailer that you had</p>	<p style="text-align: right;">Page 192</p> <p>1 the trailer.</p> <p>2 What experience had you been given 3 with respect to trailer siting prior to the MOC 4 that we are going to talk about today? And that is 5 MOC 2004-008 or what we will call the Merit 6 trailer.</p> <p>7 A. Okay.</p> <p>8 Q. Okay. What experience did you have 9 providing MOC on trailer siting for that one?</p> <p>10 A. I participated in a couple of other 11 trailer MOCs prior to that.</p> <p>12 Q. And what was your role in those prior 13 sitings?</p> <p>14 A. Simply, I served as the PHA leader and 15 scribe.</p> <p>16 Q. Can you give me the history of those 17 other trailer sitings you were involved in, when 18 and where?</p> <p>19 A. Okay. The first time I believe we were 20 asked to do a trailer siting MOC was at the CAT 21 feed turnaround in 2003 -- that would have been 22 third quarter -- a third quarter turnaround 2003.</p> <p>23 And then there was a couple of 24 others scattered in there between the CAT feed 25 turnaround up to the Merit trailer on some various</p>
<p style="text-align: right;">Page 191</p> <p>1 been involved in providing an MOC on? 2 A. That's correct.</p> <p>3 Q. Is there anything else that you were 4 involved in from an investigative standpoint other 5 than issues associated with the MOCs on the 6 trailer?</p> <p>7 A. No, that was the primary area of focus of 8 my discussions.</p> <p>9 Q. Okay. Were you asked to go out and talk 10 to anybody else that worked on the ISOM unit? 11 A. No, I was not.</p> <p>12 Q. Were you in attendance at any meetings 13 with anybody in management or any of the people 14 that worked on that unit about what happened, how 15 it happened, why it happened?</p> <p>16 A. No, I didn't participate in anything like 17 that.</p> <p>18 Q. And one of the reasons for that was that 19 you were usually on the East Plant and didn't work 20 on the ISOM anyway?</p> <p>21 MR. ALVAREZ: Objection, form.</p> <p>22 A. I don't know exactly why I wasn't 23 included in any sort of meetings like that. I 24 wasn't asked to participate. So...</p> <p>25 Q. (BY MR. COON) Okay. Let's talk about</p>	<p style="text-align: right;">Page 193</p> <p>1 turnarounds. I think the SRUs was some of them. 2 There were some at Alky 2 acid plant.</p> <p>3 Q. Any on the West Plant?</p> <p>4 A. No. The one that I did on the Merit 5 trailer was the first one I ever did on the West 6 Plant unit.</p> <p>7 Q. I think you told us earlier you had very 8 rarely ever even crossed the street to the West 9 Plant?</p> <p>10 A. Yeah. Typically, the majority of my work 11 all was taking place in the crude division or 12 cracking and Alky, which is the east side of the 13 plant.</p> <p>14 Q. Had you ever even heard any conversations 15 regarding people out at the Texas City facility 16 believing for whatever reasons safety 17 considerations and communications just tended to 18 work much better at the East Plant than the West 19 Plant?</p> <p>20 A. I am sorry. Repeat it.</p> <p>21 Q. Yes, sir.</p> <p>22 You worked at the East Plant, 23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. Did you hear, during the five years that</p>

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1 you were working over there, comments about some  
 2 people believing that the East Plant generally  
 3 communicated better about what was going on and had  
 4 less safety problems than the West Plant?  
 5 A. I think there was -- I did hear maybe --  
 6 perhaps some general comments with respect to that  
 7 at some times, yes.  
 8 Q. Did you hear any comments as to why that  
 9 was the case?  
 10 A. I am not sure it was something anyone  
 11 ever could really put their finger on.  
 12 Q. Okay. Do you have in front of you,  
 13 Mr. Seele, the additional documents that we  
 14 produced during the break?  
 15 A. Yes. I have three documents that were  
 16 given to me.  
 17 Q. Okay. And do these involve the  
 18 Management of Changes on the Merit trailer?  
 19 Correct?  
 20 A. Yes, I have those documents.  
 21 (Exhibit Number 103 marked for  
 22 identification.)  
 23 Q. (BY MR. COON) And we have those marked  
 24 for the record. I believe that is an exhibit  
 25 number on the bottom there.

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1 A. Yes.  
 2 Q. Is that correct?  
 3 A. There is a number on them. 103.  
 4 Q. Okay. Let's look at that.  
 5 A. Okay.  
 6 Q. Now, this is, in fact, the trailer that  
 7 was located near the ISOM unit that was completely  
 8 destroyed in the explosion, correct?  
 9 A. Yes, it is.  
 10 Q. I want to ask you just another random  
 11 question to try and get a better understanding of  
 12 what happened out there.  
 13 How was it that you were called  
 14 out to the West Plant to provide this MOC?  
 15 A. I was asked by Andy McWilliams to  
 16 facilitate the meeting.  
 17 Q. Did he indicate to you at all why you  
 18 were being brought out from the East side to come  
 19 over there and do something on the West side since  
 20 you had so little to do with the operations on the  
 21 West side?  
 22 A. You would have to ask Andy that question.  
 23 Q. Well, were you -- were you on some  
 24 troubleshooter assignment? Or, I mean, why pick  
 25 you of all people?

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1 Why would you get picked to come  
 2 from the East Plant and go over to the West Plant  
 3 and get involved in the middle of some trailer  
 4 sitings for turnaround for a construction project  
 5 going on the other side of the street?  
 6 A. Well, my personal opinion is that I was  
 7 an approved MOC leader that was available at the  
 8 time period he was looking for to conduct the  
 9 meeting and I did have some prior experience in  
 10 trailer MOCs.  
 11 Q. You said "approved MOC," what was it,  
 12 "leader"?  
 13 A. Yes.  
 14 Q. Okay. What do you have to do to become a  
 15 BP approved MOC leader?  
 16 A. Okay. Basically, when I started as a new  
 17 engineer and -- there was an expectation that you  
 18 become an MOC leader. I am entered under another  
 19 engineer, following the MOC -- sitting in on their  
 20 MOCs, scribing for their MOCs when required until  
 21 the point at which I was released to do MOCs on my  
 22 own.  
 23 At that point, when you first  
 24 started doing your MOCs, you were required to send  
 25 them directly to the PSM manager. After a certain

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1 point in which he approved you were doing it  
 2 correctly, I guess you were added to the MOC leader  
 3 list.  
 4 And then there was also the  
 5 expectation that you would attend the MOC leader  
 6 training when it come up that was sponsored by the  
 7 PSM group.  
 8 Q. Okay. Now, one of the things that was  
 9 associated with trailer siting involved a lot of  
 10 issues with respect to the type of building that  
 11 was going in place, whether it had windows or not,  
 12 how far it was from other units.  
 13 Where did you learn all those  
 14 things?  
 15 MR. ALVAREZ: Objection to form.  
 16 A. Most of the stuff was taken off the  
 17 trailer siting checklist, which was provided on the  
 18 PSM website.  
 19 Q. (BY MR. COON) So, you would know to go  
 20 to the British Petroleum PSM website, which you  
 21 could access off your laptop?  
 22 A. Which is, yes, the BP Texas City PSM  
 23 website.  
 24 Q. Okay. And then you could access it and  
 25 pull up what you needed to know about going out and

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1 doing an MOC on a trailer siting request?  
 2 A. Yes. You could print out the trailer  
 3 siting checklist, yes.  
 4 Q. Is that what you did on this occasion?  
 5 A. I don't recall specifically; but I would  
 6 assume, yes, that's what I did.  
 7 Q. Okay. Now, when Mr. McWilliams asked you  
 8 to do this, was there a timetable to go over and do  
 9 it? Were there any instructions about who to see,  
 10 when to see them, where to see them?  
 11 A. Andy had sent me a request on a Thursday  
 12 afternoon and he had requested if I was available  
 13 the next morning.  
 14 Q. And this was back in, like, August,  
 15 September of '04?  
 16 A. Correct. It was September.  
 17 Q. Okay. And did you go over there the next  
 18 day?  
 19 A. Yes, I did.  
 20 Q. Were you given instructions as to who to  
 21 meet, when to meet and where to meet?  
 22 A. A meeting request was sent out on e-mail  
 23 dictating when, the room, and such was going to be.  
 24 Q. Okay. And where was it?  
 25 A. It was held in the GOB in a conference

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1 room. I don't recall the specific number.  
 2 Q. Where is the GOB?  
 3 A. It's on the north side of the refinery  
 4 directly to the west of the NOB, if you are  
 5 familiar with the NOB or the main gate.  
 6 Q. Is this kind of a meeting room that is  
 7 standard for people who need to get together for  
 8 whatever reasons?  
 9 A. It is a conference room within the office  
 10 building that you can --  
 11 Q. Okay.  
 12 A. -- reserve.  
 13 Q. Okay. And who determined who should be  
 14 at that meeting? Mr. McWilliams?  
 15 A. The project -- I think the invite was  
 16 sent out, I believe, by Kristof Harris, which  
 17 included the invitees.  
 18 Q. Okay. So, Mr. Harris?  
 19 A. That's correct.  
 20 Q. And so, he sends out a communique to you  
 21 and others about meeting at this place to talk  
 22 about the trailer siting.  
 23 A. That's correct.  
 24 Q. You attended that meeting?  
 25 A. Yes, I did.

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1 Q. And there is a list of some other people  
 2 here.  
 3 Do you recall all of the names of  
 4 the persons that were at that meeting?  
 5 A. Are you referring to -- which document?  
 6 Q. Well, your first -- just your first  
 7 meeting, do you know who was there?  
 8 A. Yes, I do.  
 9 Q. Okay. Is it -- is that on -- if you look  
 10 at the bottom right, is that 4048?  
 11 A. Yes, if -- this document?  
 12 Q. Yes.  
 13 A. Yes.  
 14 Q. It's dated September 17, 2004; and it has  
 15 "Ray Hawkins" at the top?  
 16 A. That's correct.  
 17 Q. Why is his name there?  
 18 A. That is who this letter was addressed to.  
 19 Q. And it's from you?  
 20 A. It's from me. That's correct.  
 21 Q. Okay. And I misunderstood you. I  
 22 thought you had said the first communication was  
 23 Mr. Harris telling you to show up at this meeting.  
 24 A. That's correct.  
 25 Well, actually the first

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1 communication was an e-mail I received from  
 2 Andy McWilliams asking me if I would be available.  
 3 Q. Okay. That is the first communication  
 4 and you responded by saying "Yes," I take it?  
 5 A. Yes.  
 6 Q. And you did, in fact, show up the next --  
 7 the next day?  
 8 A. Yes, it was the following day.  
 9 Q. And what would the date or the next day  
 10 have been?  
 11 A. I believe it was September 17th, 2004.  
 12 Q. Okay. That's the same date that we have  
 13 this communication from you to Mr. Hawkins that's  
 14 BP stamped 4048, correct?  
 15 A. Correct.  
 16 Q. All part of the exhibit that we have  
 17 marked, what, 103? Mr. Seele, what is the exhibit  
 18 number you have there?  
 19 A. The exhibit number is 103, correct.  
 20 Q. Yeah.  
 21 So, if we talk about all those  
 22 documents, they are contained as part and parcel to  
 23 Exhibit 103, correct?  
 24 A. Yes.  
 25 Q. Okay. So, inside on one of those pages,

<p style="text-align: right;">Page 202</p> <p>1 we are talking about the letter to Mr. Hawkins and 2 you are talking about the PHA. It's all 3 self-explanatory. There is a long list of 4 individuals there. 5 Are these all people that were in 6 attendance? 7 A. The people listed where it says "the 8 following people were in attendance" were all in 9 attendance. 10 Q. Okay. Is that the typical amount of 11 people that you have in attendance for a trailer 12 siting? 13 A. That was actually more than typically I 14 have had in the past -- 15 Q. And why -- 16 A. -- prior to that one. 17 Q. And why were there more at this meeting 18 than normal? 19 A. I guess that's who Kristof and Andy had 20 invited, and also the health and safety rep showed 21 up. 22 Q. Did you know what was going on that 23 necessitated the utilization of the trailer in that 24 area? 25 A. They were going to use it for the</p>	<p style="text-align: right;">Page 204</p> <p>1 steps on it. We have documents that show the 2 steps, and let's just kind of walk through it. 3 A. Okay. Well, the team showed up in the -- 4 in the meeting room. And there is certain 5 paperwork that is required as part of the MOC 6 process. The primary paperwork that is required is 7 a what-if summary, MOC supplemental checklist and 8 then, specific to this case was the trailer siting 9 checklist and it was also directed to a facility 10 siting document and there was also a building 11 occupant summary document, which was required. 12 So, the order in which I was 13 trained to complete those was to start with the 14 what-if summary, which was just to ask the team if 15 there is anything on anyone's mind that they would 16 like documented, any concerns or whatever. You 17 just kind of start off with a brainstorming there 18 and see what's on people's minds. Document those. 19 From that point, you move to the 20 MOC supplemental checklist and move through those 21 questions and document any deviations. 22 Q. Okay. Let's walk through those real 23 quick. 24 A. Okay. 25 Q. I think that's part of your package.</p>
<p style="text-align: right;">Page 203</p> <p>1 ultracracker motorization project. 2 Q. Okay. So, you had been briefed as to 3 kind of what was going on in the West unit even 4 though you did not work over there? 5 A. Yes, I knew of the major projects and 6 turnarounds upcoming. 7 Q. Okay. So, you had this meeting. And 8 what transpires? 9 MR. ALVAREZ: Objection, form. 10 Q. (BY MR. COON) Well, I mean -- 11 A. You are asking.. 12 Q. Sure. I mean, just walk us through it. 13 Do y'all just go in there and vote 14 to put a trailer in there? 15 A. No. 16 Q. No? 17 A. No. 18 Q. Well, explain to us the process. 19 A. Okay. 20 Q. We -- assume we know nothing about this 21 process and you are going to have to explain today 22 to the jury what happened to get you through this 23 process. We just kind of walk through it. 24 A. Okay. 25 Q. Where you went, who you met with, all the</p>	<p style="text-align: right;">Page 205</p> <p>1 Is that the what-if summary you 2 are talking about? 3 A. Let me flip to it real quick. 4 Yeah, that's the what-if summary. 5 Q. There it is. Okay. That is Bates Number 6 4050. 7 So, this is -- when you get into 8 the meeting room, this is what you look at as part 9 of your brainstorming? 10 A. Well, this isn't really what you look at. 11 The brainstorming activity is the verbal activity. 12 This is -- as the leader and scribe, this is kind 13 of where I was capturing what was brought up in the 14 brainstorming activity. 15 Q. Okay. And in the brainstorming with the 16 other individuals on the review team, what were the 17 considerations to locating a trailer in that area? 18 A. The two items that were brought up prior 19 to moving into the checklist was the issue around 20 the oily water separator at the lift station; and, 21 also, forklift use around the trailer and people, 22 due to it being located next to the catalyst 23 warehouse. 24 Q. Okay. Let's talk about the first one -- 25 the first consideration and first what-if.</p>

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1           What was the reason for a what-if  
 2 there?  
 3       A. The reason was -- there, I guess would be  
 4 if there was an overflow case or such.  
 5       Q. An overflow of what?  
 6       A. In this case, of water or -- that could  
 7 potentially contain some hydrocarbon in that water  
 8 stream.  
 9       Q. What is Lift Station No. 2?  
 10      A. That is just basically a tag number for  
 11 that lift station that contains that oily water  
 12 separator within the infrastructure portion of the  
 13 refinery.  
 14      Q. Okay. And how far is that from where the  
 15 trailer was to be located?  
 16      A. I can't recall that specific distance.  
 17      Q. Okay. What kind of information were you  
 18 provided other than -- you said you had a  
 19 checklist?  
 20      A. Yes.  
 21      Q. That you downloaded from the website?  
 22      A. Correct.  
 23      Q. What else was it that you had that told  
 24 you things that you were to look for?  
 25      A. (No verbal response.)

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1       Q. Did you have any kind of manual or  
 2 instruction guide on the things that you were  
 3 supposed to talk about or just -- was it just a  
 4 simple checklist?  
 5       A. It's primarily paperwork that we  
 6 discussed combined with people's experience.  
 7       Q. Okay. And you looked at the first one.  
 8 The second one was and had to do with, what, heavy  
 9 forklift use?  
 10      A. Yes.  
 11      Q. What was the concern there?  
 12      A. I believe the concern there was the  
 13 potential for a pedestrian/vehicular or forklift  
 14 type incident where somebody could be injured.  
 15      Q. Okay. And reading one of your  
 16 statements, I think that it actually happened in  
 17 British Petroleum's recent past.  
 18           I think you said a Cooper River?  
 19      A. There was an incident at Cooper River. I  
 20 can't remember if it was Parris Island. There was  
 21 a plant in one of the Carolinas that they sent out  
 22 a bulletin on this similar type of incident, yes.  
 23      Q. Yeah. They -- squeezed a trailer into a  
 24 tight zone where traffic went back and forth and a  
 25 piece of heavy equipment ran over somebody?

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1       A. I don't think it was related specifically  
 2 to the trailer. It was an incident where somebody  
 3 had gotten behind a forklift and was injured -- or,  
 4 actually, I believe it was a fatality.  
 5       Q. Yeah, weren't they killed?  
 6       A. As I recall, yes, that was the incident.  
 7       Q. They were squished by the equipment.  
 8           MR. ALVAREZ: Objection, form.  
 9       Q. (BY MR. COON) Weren't they?  
 10      A. I know there was a fatality, yes.  
 11      Q. Okay. So, anyway, that was still fresh  
 12 on everyone's mind because British Petroleum had  
 13 sent out a bulletin that that happened at one of  
 14 their other plants?  
 15      A. Correct.  
 16      Q. And y'all have communication from time to  
 17 time with respect to what's going on at the other  
 18 plants to heighten the level of awareness of things  
 19 that could happen at your plant?  
 20      A. Sure.  
 21      Q. So, it's important to retain that level  
 22 of communication between the various plants to help  
 23 educate each other about potential hazards?  
 24      A. Absolutely.  
 25      Q. So, you would want to know, for instance,

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1 if you were having problems with vent stacks in  
 2 terms of vapor releases at other British Petroleum  
 3 facilities operating elsewhere in the United States  
 4 or around the world?  
 5      A. Sure. I think that would be a good idea.  
 6      Q. Do you know whether British Petroleum was  
 7 ever making any concerted effort to capture that  
 8 information and disseminate it to people that  
 9 needed to know?  
 10     A. Not that I am personally aware of, no.  
 11     Q. Okay. What do you do after the what-if  
 12 summary?  
 13     A. Okay. After the what-if summary, if you  
 14 go to your page where the last four digits are  
 15 4058.  
 16     Q. Okay.  
 17     A. This is what is called the MOC  
 18 supplemental requirements checklist.  
 19     Q. And this is what's done second?  
 20     A. Yes, this is what was done second.  
 21     Q. Do we know why these are backwards in the  
 22 stamping order from the way you actually do them?  
 23     A. (No verbal response.)  
 24     Q. If you look at the numbers at the bottom,  
 25 they are not in the same sequence as the number

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1 that you guys do them in.  
 2 Do you know why that is?  
 3 A. I have no idea on the numerical system.  
 4 Q. Okay. All right. But anyway, we go back  
 5 to pages 40, 58, 59 and 60.  
 6 Is that all part of the same form?  
 7 A. I believe it is through 61.  
 8 Q. Okay. Well, let's go through those.  
 9 What is that?  
 10 A. This is the MOC supplemental checklist  
 11 that's required on every MOC that's done prior to  
 12 moving into the specific checklist.  
 13 Q. Okay. This was done at -- the same day,  
 14 in that same room?  
 15 A. Correct.  
 16 Q. So, after you get everybody in there, you  
 17 meet and greet and have coffee, then you start  
 18 brainstorming and do your little what-if deal,  
 19 right?  
 20 A. Correct.  
 21 MR. ALVAREZ: Objection, form.  
 22 Q. (BY MR. COON) Then after you do that you  
 23 say, "Okay. Well, let's get down to business" and  
 24 actually start filling out the checklist and MOC  
 25 requirements checklist?

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1 A. Well --  
 2 Q. Did we miss something?  
 3 A. We had already started the meeting at the  
 4 point in which we were doing the what-if.  
 5 Q. Okay.  
 6 A. That's the first part, and the second  
 7 step is to move into the supplemental checklist.  
 8 Q. Okay. And that's where we are at now and  
 9 you have about five or six pages of information  
 10 that are parts of the checklist and you also have a  
 11 proposed field office layout which shows -- this  
 12 actually shows your trailer?  
 13 A. Correct. That's --  
 14 Q. The dimensions of the trailer and kind of  
 15 who's going where, what they are doing and if you  
 16 have to have phones, computer system, et cetera?  
 17 A. That is not part of the supplemental  
 18 checklist; but, yes, that is what that is.  
 19 Q. Okay. Well, we will hold off on that. I  
 20 thought that all went together with this?  
 21 A. No, that's separate.  
 22 Q. All right. Let's not get ahead of  
 23 ourselves.  
 24 So, we just had a four-page  
 25 checklist. Is that Bates 4058 through 4061?

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1 A. Yes.  
 2 Q. Okay. Who participants in checking these  
 3 boxes out? All of you that are in the meeting?  
 4 A. Right. It is discussed as a group and  
 5 then I was the scribe for the meeting.  
 6 Q. Okay. And you have yeses, nos and not  
 7 applicables?  
 8 A. Correct.  
 9 Q. And they are pretty much all  
 10 self-explanatory. You walk through the first page,  
 11 documentation, concerns and issues.  
 12 There was a "no" checked off on  
 13 all of those?  
 14 A. With the exception of Question Number 1,  
 15 which was marked "not applicable."  
 16 Q. Okay. So, with those, you didn't have to  
 17 update vessel drawings or schematics or other thing  
 18 that were asked there?  
 19 A. No.  
 20 Q. And on the second page is a lot of other  
 21 questions that were asked. It was mostly updating  
 22 information. Your answer to all of those was "No."  
 23 Nothing needed to be updated on  
 24 page 2?  
 25 A. That's correct.

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1 Q. And we go to page 3, and y'all felt  
 2 nothing needed to be done there?  
 3 A. That's correct.  
 4 Q. Let me ask you: Do you have to have  
 5 unanimous consent of the six or eight people in  
 6 this room before you check a box "yes" or "no"?  
 7 What if you have got one person saying, "yes" and  
 8 everybody else says, "no"? Is it a majority rules  
 9 deal?  
 10 A. Typically, it is unanimous consideration.  
 11 I don't recall there being any dissent on any of  
 12 these items.  
 13 Q. Okay. If there is dissent, how is it  
 14 reflected or is it reflected?  
 15 A. Typically, it's either reflected in an  
 16 action item for further investigation or further  
 17 understanding of the issue.  
 18 Q. Okay. For example, say you have eight  
 19 people at this meeting and six management people  
 20 say, "We are good to go" and two -- say the two  
 21 health and safety guys with the USW say, "No, we  
 22 want something else done first."  
 23 Do you then have to request an  
 24 action item on it or can you go ahead and pass it  
 25 without requiring an action item?

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1 A. It would depend on the specific action  
 2 item on and who was initiating the project.  
 3 Q. Okay. Who makes that decision at the end  
 4 of the day, if you do have dissent? Who makes a  
 5 decision as to whether or not to go forward with an  
 6 action item just because of one or two dissenters?  
 7 A. I would say it would be the PHA leader.  
 8 Q. And who was the PHA leader at this  
 9 meeting?  
 10 A. That was myself.  
 11 Q. Okay.  
 12 All right. What was done as you  
 13 checked off the issues on the BPSH supplemental MOC  
 14 requirements checklist?  
 15 A. Okay. Then we moved to the trailer  
 16 specific siting checklist, which is pages 51  
 17 through 54.  
 18 Q. Okay. Is this also done that same day at  
 19 the same meeting?  
 20 A. Yes, it was.  
 21 Q. And that would be this document that  
 22 starts out at 4051?  
 23 A. Yes.  
 24 Q. And is that your handwriting again on  
 25 this page filling out this information?

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1 A. Yes, it is.  
 2 Q. And was that a four-page document  
 3 concluding at 4054?  
 4 A. Yes, correct.  
 5 Q. Okay. We need to talk about this one a  
 6 little more, I think, because you start checking  
 7 off a lot of "yes" boxes.  
 8 A. Okay.  
 9 Q. Okay. So, again, Project Title: Locate  
 10 the turnaround trailer for the projects group,  
 11 correct?  
 12 A. Yes.  
 13 Q. And you indicate the trailer location,  
 14 northeast corner of catalyst warehouse west of  
 15 ISOM?  
 16 A. Correct.  
 17 Q. That trailer location never varied, did  
 18 it?  
 19 A. Not to my knowledge, no, sir.  
 20 Q. All right.  
 21 Okay. And then you go to the  
 22 hazard analysis. So, if you look at the PHA here,  
 23 you have indicated that you completed the what-if.  
 24 Then you are asked: "Is the trailer located at  
 25 least 350 feet from a process unit?"

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1 And the answer to that is, "No,"  
 2 correct?  
 3 A. Correct.  
 4 Q. Now, why is that a relevant factor?  
 5 A. Because it indicates if the answer is  
 6 "no" to perform facility siting analysis.  
 7 Q. Why do you have to perform a facility  
 8 analysis -- a facility siting analysis if the  
 9 trailer is located within 350 feet of the process  
 10 unit?  
 11 A. I guess my answer there is that the  
 12 guidance is if it is less than 350 feet, to perform  
 13 the facility siting analysis.  
 14 Q. Okay. What's magic about 350 feet?  
 15 A. I don't have that answer.  
 16 Q. Well, is there an increased risk  
 17 associated with the integrity of a trailer that is  
 18 located within 350 feet of a process unit if there  
 19 is an explosion?  
 20 A. I would agree with that, yes, the closer  
 21 you get to the unit.  
 22 Q. Okay. So, at some point, you can -- you  
 23 can deduce here that there was a decision made that  
 24 you want to keep trailers, generally speaking,  
 25 350 feet away from a unit that could blow up,

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1 right?  
 2 MR. ALVAREZ: Objection, form.  
 3 A. 350 feet, yes, is the number that someone  
 4 came up with.  
 5 Q. (BY MR. COON) Okay. Now, you don't know  
 6 under all circumstances whether 350 feet would be  
 7 safe. It would depend on the magnitude of the  
 8 explosion and other variables and so forth?  
 9 A. Sure. It would be specific.  
 10 Q. Okay. Do you also understand some things  
 11 about the analysis that British Petroleum used to  
 12 determine how to get to 350 feet?  
 13 A. Most of what I understand of that is in  
 14 hindsight of the event.  
 15 Q. Okay. Was there an understanding that  
 16 they actually allowed trailers to get closer on  
 17 some occasions to a unit than other more durable  
 18 structures because they can roll in the event of an  
 19 explosion?  
 20 A. Once again, my understanding is that,  
 21 based on the final report, post incident.  
 22 Q. So, in other words, what British  
 23 Petroleum had in theory at one time was that, "We  
 24 can put -- a temporary trailer that is not built as  
 25 good as a fixed structure, we can put it closer to

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1 a unit that can blow up because if it does blows  
 2 up -- if the unit blows up, the trailer actually  
 3 has the ability to give in an explosion by rolling  
 4 away in an explosion as opposed to walls  
 5 disintegrating"?

6 MR. ALVAREZ: Objection, form.

7 Q. (BY MR. COON) That was one of the parts  
 8 used in the analysis?

9 MR. ALVAREZ: Objection, form.

10 A. Once again, yes, I did read that --

11 Q. (BY MR. COON) Okay.

12 A. -- in the final report.

13 Q. And in this case, based on the location  
 14 of that trailer, if the explosion occurred, how far  
 15 could that trailer actually roll over, upside down  
 16 and around before it ran into something that could  
 17 preclude its ability to continue to roll?

18 MR. ALVAREZ: Objection, form.

19 A. I don't have that specific answer.

20 Q. (BY MR. COON) Well, it was being located  
 21 immediately adjacent to another unit where it could  
 22 roll very few feet, right?

23 A. Like I said, you asked me specifically  
 24 how far; and I don't know how far it could have  
 25 rolled.

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1 Q. Well, it can't roll much past the  
 2 structures next to it that would impede its  
 3 progress, right?

4 A. I would agree if it hits something, it is  
 5 not going to roll much farther.

6 Q. And if there were things located  
 7 immediately behind the trailer to where there was  
 8 an ISOM blast pushing it away from the blast, there  
 9 are structures right next to the unit that would  
 10 impede its ability to continue to roll?

11 MR. ALVAREZ: Objection, form.

12 Q. (BY MR. COON) You know that from the  
 13 site analysis, don't you?

14 MR. ALVAREZ: Objection, form.

15 A. I was not aware of exactly what it --  
 16 what it would hit or not hit.

17 I am aware that there are other  
 18 infrastructure around where the trailer was  
 19 located, yes.

20 Q. (BY MR. COON) Okay. And the other  
 21 fallacy here is that this unit is located at the  
 22 Texas Gulf Coast, isn't it?

23 A. Sure, yes.

24 Q. And there is something else you do with  
 25 trailers located at the Texas Gulf Coast that you

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1 don't do when you are more interiorly away from  
 2 hurricanes; and that is, strap them down, correct?

3 A. Yes, tie-downs were required.

4 Q. And tie-downs were required on the  
 5 trailer because you were close enough to the  
 6 Gulf of Mexico where it was foreseen that a  
 7 hurricane could come through and blow the trailers  
 8 over. So, you strap them down, correct?

9 A. That's right. Tie-downs were required  
 10 for high winds.

11 Q. The fallacy with using the form y'all  
 12 were using in the first place is that these  
 13 trailers, once they are strapped down because you  
 14 are on the Coast, aren't intended to roll with an  
 15 explosion because they are strapped down, right?

16 A. That would make sense, if they were  
 17 strapped they wouldn't roll very far.

18 Q. Well, that's part of the very flaw that  
 19 they had in the analysis they asked you to  
 20 undertake, which is that trailers can be closer  
 21 because they can roll away; yet, at the same time,  
 22 we are going to strap the trailers down so they  
 23 can't roll around.

24 So, you are actually putting them  
 25 closer to a unit that could explode for reasons

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1 that don't apply in this case, correct?

2 MR. ALVAREZ: Objection, form.

3 A. I guess I would have to ask you to repeat  
 4 that one.

5 Q. (BY MR. COON) Okay. I will just have  
 6 her read it back.

7 MR. COON: It's time to quit?  
 8 (Discussion off the record.)

9 THE VIDEOGRAPHER: Off the record  
 10 at 2:46 p.m., ending Tape 3.  
 11 (Recess taken.)

12 THE VIDEOGRAPHER: On the record  
 13 at 3:02 p.m., beginning Tape 4.

14 Q. (BY MR. COON) Mr. Seele, we just took  
 15 another break and we were back on the process  
 16 hazards analysis checklist that you conducted on  
 17 the 17th. And we talked about the trailer and the  
 18 350-foot distance and then you get to some of the  
 19 others three and four on down. Most of them are  
 20 self-explanatory. So, I am not going to ask about  
 21 all of them; but you, obviously, ended up having to  
 22 follow-up on some of these areas because you  
 23 checked things off that indicated follow-up  
 24 performance needed to be completed by someone.  
 25 A. That's correct.



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1 Q. In summary, when you look at the PHA on  
 2 this, you need to make sure the trailer is a safe  
 3 distance from other places, that there is no  
 4 obstructions, it is not going to be traffic, that  
 5 the trailer has got the proper type of safety  
 6 glass, lots of different safety considerations for  
 7 the location.  
 8 A. Correct.  
 9 Q. In looking at this PHA, you check off  
 10 which ones are already suitable and which ones have  
 11 to be followed up in some manner, to either modify  
 12 them or take into consideration the fact that they  
 13 are not in compliance on the face of the document  
 14 itself?  
 15 A. Correct.  
 16 MR. ALVAREZ: Objection, form.  
 17 Q. (BY MR. COON) All right. And then you  
 18 checked this off for several pages. I guess we had  
 19 31 checklist points?  
 20 A. Yes, there was 31.  
 21 Q. Okay. Now, as a result of going over  
 22 those 31, at the last -- this is the fourth page.  
 23 Something is handwritten here. It says, Temporary  
 24 MOC, dash, IMM, dash, June 31, 2005.  
 25 What does that mean?

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1 A. Okay. When you enter an MOC into the MOC  
 2 database, it's either classified as a permanent  
 3 change or temporary change. This was indicating  
 4 that it was entered as a temporary MOC, that the  
 5 request date was to be immediate and the removal  
 6 date was to be through June 31st.  
 7 Q. Okay. And what does "temporary MOC"  
 8 mean?  
 9 A. "Temporary MOC" indicates that it is only  
 10 for a specific time period, under which when that  
 11 time period is then expired that that MOC is no  
 12 longer approved.  
 13 Q. Okay. So, as I understand, then, you are  
 14 saying, "We will allow this trailer to go in here  
 15 subject to following up on the rest of the issues  
 16 noted in our checklist; but even so, this is a  
 17 variance of our standard operating protocol for  
 18 locating the trailer there and it is going to  
 19 expire on this space on June 31, 2005"?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. Yes, what I said was this would be  
 22 entered as temporary MOC and even if all the  
 23 approvals were entertained and action items  
 24 verified, even still then, on June 31st, then that  
 25 trailer would no longer be approved.

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1 Q. (BY MR. COON) Okay. And so, what they  
 2 would have to do if they desired to continue  
 3 leaving it there after the 31st was to go through  
 4 some analysis and get an extension?  
 5 A. Correct.  
 6 Q. But you understand that this was a  
 7 construction project and the trailer did not need  
 8 to be located there permanently but could be  
 9 removed at the completion of this construction  
 10 project?  
 11 A. That is my understanding, yes.  
 12 Q. And the principal purpose of this trailer  
 13 was to house supervisors and clerical people in a  
 14 trailer close -- in close proximity to the unit  
 15 that involved one of the contractors?  
 16 A. The purpose was to house personnel  
 17 associated with the Ultracracker Motorization  
 18 Project, yes.  
 19 Q. And, in fact, if we -- I don't know if we  
 20 are jumping out of place; but there is actually a  
 21 chart that you have as part of your folder there  
 22 that shows the layout. I believe this is 4062 that  
 23 we were going to show earlier. This would actually  
 24 be the interior layout of the trailer that you  
 25 understood would go there; is that correct?

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1 A. That's correct.  
 2 Q. And if you look at it, it shows it's a 28  
 3 by 76; and I guess that's foot dimensions?  
 4 A. (No verbal response.)  
 5 Q. This would be like a double-wide trailer?  
 6 A. Essentially, yes.  
 7 Q. Was this trailer typical of a residential  
 8 double-wide or was this a special type of trailer  
 9 suitable for field utilization?  
 10 A. I guess I don't know exactly what  
 11 differences or distinguishes are made between those  
 12 two. It was typical of what was used in the  
 13 refinery for construction activity.  
 14 Q. Okay. Well, for people who haven't seen  
 15 this and photographs of it preceding this --  
 16 obviously, there is no photos of it after the  
 17 explosion, right?  
 18 A. Sure.  
 19 Q. Other than the metal frame -- I guess you  
 20 have seen those photos?  
 21 A. I have seen photos post incident, yes.  
 22 Q. Okay. So, we really don't have any good  
 23 visual what this trailer looked like before the  
 24 explosion, to your knowledge, do we?  
 25 A. Not to my personal knowledge, no.

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1 Q. Okay. So, if we would try to get a  
 2 visual, what did this building look like?  
 3 First, let me back up -- did you  
 4 ever see the building?  
 5 A. This building personally?  
 6 No.  
 7 Q. Okay. What was your understanding of  
 8 what this building looked like? What  
 9 differentiated it from, say, a residential mobile  
 10 trailer?  
 11 A. I don't have the knowledge of what  
 12 distinguishes it from a personal residence trailer.  
 13 Q. Okay. Do you think construction  
 14 materials are of similar quality?  
 15 A. Of at least, yes.  
 16 Q. Okay. Now, the interior layout looks  
 17 different than residential. So, I didn't know if  
 18 this had been customized to suit office workers  
 19 versus a residential or if anybody knew.  
 20 Do you know one way or the other?  
 21 A. Typically, there are requests made on how  
 22 the office is oriented and those requests can be  
 23 made.  
 24 Q. From the manufacturer of the motor home,  
 25 the mobile home?

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1 A. I don't know how that -- typically, the  
 2 construction team will relay their needs and that  
 3 would go through a field material coordinator who  
 4 would coordinate with the vendor.  
 5 Q. Did you have anything to do with the  
 6 layout of this trailer in indicating where the  
 7 various offices were, the phone lines, et cetera?  
 8 A. No, I don't.  
 9 Q. Do you know who did?  
 10 A. No, I don't.  
 11 Q. Does this typically come from the  
 12 contractor or from BP?  
 13 A. Usually it's a collaboration of the team  
 14 on what needs are required.  
 15 Q. Okay. Is there anything else that you  
 16 needed to comment on on the actual trailer diagram  
 17 here?  
 18 A. I don't believe so, no.  
 19 Q. Okay. And there was also this  
 20 (indicating) contained in the MOC.  
 21 What are we looking at there?  
 22 This is Number 4063.  
 23 A. Yes.  
 24 Q. Can you explain that document, please,  
 25 sir?

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1 A. That is a plot plan of the West Plant.  
 2 Q. Is that a plot plan of all of the West  
 3 Plant or a portion of it?  
 4 A. It appears to be a portion. It appears  
 5 to be the north portion with some of the tank farm  
 6 area and the hydrogen plant not included.  
 7 Q. Okay. But this is --  
 8 A. I am sorry. Let me correct myself.  
 9 The south portion is not included.  
 10 Q. But we can look at this, and it will give  
 11 us an idea of the areas involved in this trailer  
 12 siting, correct?  
 13 A. Yes.  
 14 Q. And in looking at this drawing, where is  
 15 the trailer to be located?  
 16 A. If you look kind of in the bottom left  
 17 quadrant, if you will, you will see the ISOM unit  
 18 and the NDU unit.  
 19 Do you follow me?  
 20 Q. Okay. Well, we have got the ISOM unit  
 21 here.  
 22 A. Okay. If you will go to the upper left.  
 23 Q. And then we go up here --  
 24 A. No, come back down some. And there's a  
 25 little -- go to your left.

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1 Q. Okay. Well, we have got right here.  
 2 This is where the trailers --  
 3 A. The trailer is marked right there.  
 4 Q. Now, these trailers were already in  
 5 existence here, right? Or do you know?  
 6 Isn't this temporary trailers  
 7 here, here and here to the left of the ISOM unit?  
 8 Do you know what those structures are?  
 9 A. Actually, I don't know what these  
 10 structures are.  
 11 Q. Do you know what --  
 12 A. Usually -- typically, temporary trailers  
 13 are not included on the plot plan.  
 14 Q. Okay. Do you recall whether there were  
 15 any permanent trailers located along this area  
 16 between the road and the ISOM unit?  
 17 A. Not that I am aware of, no, sir.  
 18 Q. Okay. What about this one right here?  
 19 This long one, do you know what that is?  
 20 A. I have no idea.  
 21 Q. Okay. Now, what about is this the lift  
 22 station --  
 23 A. That's the --  
 24 Q. -- you were talking about?  
 25 A. That's the lift station.

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1 Q. Okay. Now, how about this right here?  
 2 A. That should be the Merit trailer.  
 3 Q. Okay. So, if we look at this -- most all  
 4 of this looked like it had been previously and  
 5 properly drawn by a draftsman or something. This  
 6 looks like it was hand drawn in after it, doesn't  
 7 it?  
 8 A. Well, this was -- the plot plan was  
 9 printed for discussion at the MOC meeting, the  
 10 request was made to bring the plot plan and mark  
 11 the proposed location of the trailer.  
 12 Q. Okay. And how is that identified on here  
 13 other than just by the fact that you can kind of  
 14 tell it's hand drawn in as opposed to the  
 15 configuration that would have been done by either a  
 16 draftsman, or someone, prepared the rest of this  
 17 overhead?  
 18 I mean, I don't see anything that  
 19 says this -- that's what this little square is.  
 20 You know, the little square I am looking at? Am I  
 21 pointing at the right place for the trailer?  
 22 A. Yes.  
 23 Q. Is that where the trailer is to go?  
 24 A. That is what I believe to be the trailer.  
 25 Yes, sir.

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1 Q. What on here indicates that that is the  
 2 trailer?  
 3 I mean, you know it is from being  
 4 involved; but is there something that represents  
 5 that?  
 6 A. I don't see anything specifically on this  
 7 drawing that identifies it. It just would have  
 8 been in the meeting, pointing and everyone aware  
 9 that that's what represented the trailer --  
 10 Q. Okay.  
 11 A. -- proposed location.  
 12 Q. Okay. Well, for the record, what we are  
 13 pointing at here as the proposed trailer location  
 14 is a small rough hand box of approximately twice  
 15 the dimensions of the six that are paired up  
 16 together immediately to the left of the ISOM unit,  
 17 correct?  
 18 We have the ISOM unit, Number 1.  
 19 We look immediately to its left, and we see three  
 20 rows of two boxes, correct?  
 21 A. (No verbal response.)  
 22 Q. Three rows of two boxes?  
 23 A. Correct.  
 24 Q. And that is some kind of building?  
 25 Do you know what those are?

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1 A. And like I stated, I am not really sure  
 2 exactly what that is.  
 3 Q. Okay. And then, just to the left of it,  
 4 it appears to be -- is that a road?  
 5 A. Yes.  
 6 Q. Is that a paved road or dirt road?  
 7 A. I don't recall.  
 8 Q. That's just -- that's an access road  
 9 between the ISOM unit and the CAT warehouse?  
 10 A. It just -- it looks like it connects  
 11 Avenue F to Avenue G.  
 12 Q. Okay. And then, just to the left of  
 13 those three rows of squares, buildings, whatever  
 14 they are, we have this hand drawn box and that is  
 15 the proposed trailer location, correct?  
 16 A. Correct.  
 17 Q. And looking at this chart, that would --  
 18 can be on the top right corner just above the CAT  
 19 warehouse, correct?  
 20 A. Correct.  
 21 Q. All right. Now, in your trailer siting  
 22 when you noted 350 feet, it was because it was less  
 23 than 350 feet from that spot to the NDU unit to the  
 24 left, correct?  
 25 A. Yes, that's what --

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1 Q. But it --  
 2 A. -- we indicated.  
 3 Q. And you noted that in your PHA?  
 4 A. Correct.  
 5 Q. But the reality is also that from where  
 6 that trailer would be located there, it was also  
 7 within 350 feet at the ISOM unit to the right,  
 8 correct?  
 9 A. That would be a correct statement.  
 10 Q. Why was that omitted from the PHA?  
 11 MR. ALVAREZ: Objection, form.  
 12 Q. (BY MR. COON) Or was it omitted from the  
 13 PHA?  
 14 A. I believe the PHA asked for what the  
 15 closest unit was.  
 16 Q. Okay. Well --  
 17 A. And it was indicated that the closest  
 18 unit was the NDU.  
 19 Q. Okay. I think the question was: Is the  
 20 trailer located at least 350 feet from any process  
 21 unit?  
 22 And if "no," perform a facility  
 23 siting analysis.  
 24 A. So, the answer was, yes, it was located  
 25 within 350 feet of a process unit.

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1 Q. And in this case, you noted -- you made  
 2 an additional comment that one of those units was  
 3 the NDU, which you felt to be the closest to the  
 4 trailer, correct?  
 5 A. Yes.  
 6 Q. But also it was within 350 feet of the  
 7 ISOM unit as well?  
 8 A. That would be true.  
 9 Q. And that fact is not objectively  
 10 referenced in the PHA checklist.  
 11 A. It's not explicitly noted anywhere that  
 12 the ISOM unit was in -- within 350 feet, no.  
 13 Q. Okay. Now, the reason I bring that up is  
 14 because I also thought that at some point it was  
 15 advised that somebody from the ISOM unit come over  
 16 to look at this trailer siting because it was,  
 17 quote, on their territory or in their boundaries.  
 18 Do you know anything about that?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. I guess I understand what you are kind of  
 21 hinting at. At some point when the decision was  
 22 made for the proposed location, those that were  
 23 involved -- I don't know what decisions they made;  
 24 but obviously they probably had some consultations  
 25 with the operations in that area.

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1 Q. (BY MR. COON) Okay. If you -- to put  
 2 that trailer on there as a temporary trailer, who  
 3 do you normally go to as the responsible party for  
 4 the physical location? I mean, who do you  
 5 determine is in charge of the -- the confines of  
 6 that space?  
 7 If you have all these different  
 8 units out there with different people in charge as  
 9 a supervisor, how do you determine which one is the  
 10 responsible supervisor for a particular trailer  
 11 location?  
 12 A. Speaking in general?  
 13 Q. Yes, sir.  
 14 A. In terms of my past experience,  
 15 typically, the operating superintendent of the  
 16 closest operating area is -- is who I would send  
 17 approval to or have discussions with operations  
 18 from that unit.  
 19 Q. Okay. And in this case, was this trailer  
 20 actually going on the -- I mean, which person or  
 21 unit supervisor would be responsible for looking at  
 22 that trailer's location?  
 23 MR. ALVAREZ: Objection, form.  
 24 Q. (BY MR. COON) Because it's by the NDU;  
 25 but it's also by the ISOM?

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1 A. Well, in the case of the NDU and the  
 2 ISOM, the operating superintendent was the same  
 3 individual.  
 4 Q. Okay. So, that makes it easy. You would  
 5 go to one guy because he was in charge of both.  
 6 A. Correct.  
 7 Q. Okay. And who was that in this case?  
 8 A. In that case, the operating  
 9 superintendent for those units was Ray Hawkins.  
 10 Q. Okay. Was Ray -- so, that's why you sent  
 11 the letter to Ray on the 17th after your meeting?  
 12 A. Correct.  
 13 Q. Okay. He would be the responsible party?  
 14 MR. ALVAREZ: Objection, form.  
 15 A. In my opinion, yes, he was the  
 16 responsible party.  
 17 Q. (BY MR. COON) Okay. So, we will get  
 18 back to your letter of September 17th to Ray, that  
 19 was something that went out after your meeting?  
 20 A. Correct. The actual letter was not  
 21 actually sent on September 17th.  
 22 Q. Okay. We will get to that. All right.  
 23 Now, once you went through  
 24 understanding where the trailer would be located  
 25 and you formed -- you did your what-if review and

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1 you did your trailer siting, your PHA analysis,  
 2 what was the next step?  
 3 A. Okay. We have gotten a little bit out of  
 4 order; but after the trailer siting checklist, the  
 5 next step was to review the facility siting  
 6 document.  
 7 Q. Okay. Well, I don't want to get out of  
 8 order. Let's go through each one.  
 9 You did -- you pulled the meeting  
 10 together, you did a what-if summary sheet and that  
 11 was followed next by?  
 12 A. The MOC supplemental checklist.  
 13 Q. Right. We start at page 4058.  
 14 A. Which was followed by the trailer siting  
 15 checklist.  
 16 Q. Which starts 4051.  
 17 A. And at that point, we moved to the  
 18 facility siting checklist.  
 19 Q. And what page is that in the package?  
 20 A. It looks like it's page 55 and 56.  
 21 Q. Okay. So, the next step would be --  
 22 would that be a two-page document?  
 23 A. Yes.  
 24 Q. Okay. And again, this is all being done  
 25 at that same meeting?

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1 A. That's correct.  
 2 Q. Okay. And what is the purpose of the  
 3 building analysis checklist for facility siting?  
 4 Why would you be filling that out?  
 5 A. Because as it states at the top -- this  
 6 says it's to help identify potential hazards to  
 7 building occupants.  
 8 Q. Do you fill this out in every instance  
 9 when you are locating a trailer or only when the  
 10 trailer is within 350 feet of a unit?  
 11 A. My understanding was that this was only  
 12 filled out when a trailer was within 350 feet of a  
 13 unit.  
 14 Q. Okay. So, as we walk through this --  
 15 when you are at the meeting and it was determined  
 16 that this trailer would be cited within 350 feet  
 17 of, not one unit but two units, the NDU and the  
 18 ISOM, you recognized you needed to go back and fill  
 19 out a building analysis checklist?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. Well, actually, I believe it was  
 22 identified prior to the meeting that we would need  
 23 this checklist.  
 24 Q. (BY MR. COON) Okay. But you are  
 25 checking this out because you -- at that meeting

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1 it's discussed that this trailer will be located  
 2 within 350 feet of two units. So, you need to fill  
 3 these out.  
 4 A. Yes. As a result of the question that  
 5 asks if it was within 350 feet, this checklist was  
 6 required.  
 7 Q. Okay. And so, again, is this another  
 8 vote you get with everybody and they all agree or  
 9 agree to disagree on whether each one of these is  
 10 either "yes" or "no"?  
 11 A. Yes, typically, same format where we read  
 12 through the questions and generate any discussion  
 13 and come up with a consensus.  
 14 Q. Okay. And if there is any kind of  
 15 question or dispute about anything in terms of  
 16 interpreting the rules or policies, is there  
 17 anybody in this group that is kind of the "go to"  
 18 person?  
 19 A. Depending on the specific dispute on what  
 20 it was around, there would be potential subject --  
 21 excuse me -- the subject matter expert that you  
 22 could consult or something if it was something that  
 23 needed to be investigated.  
 24 Q. Okay.  
 25 A. Similar to the answer I gave before.

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1 Q. Okay. And primary consideration in  
 2 having to fill out the building analysis checklist  
 3 is that there has been a recognition that this  
 4 trailer is within 350 feet of a unit and that it  
 5 could be subject to harm as a result of an upset at  
 6 one of those units?  
 7 A. I am going to have to ask that you repeat  
 8 that.  
 9 Q. Yes, sir.  
 10 You are having to take into  
 11 account all these additional questions because a  
 12 trailer is within 350 feet of a unit, correct?  
 13 A. That's correct.  
 14 Q. And the reason that you have to do --  
 15 that you have to do this is because if the trailer  
 16 is within 350 feet of a unit, there is a  
 17 recognition of the increased risk of physical  
 18 damage to the trailer if there is an explosion or  
 19 something on one of the units?  
 20 MR. ALVAREZ: Objection, form.  
 21 A. Yes, there's -- I guess there are  
 22 additional questions to be asked if it's within  
 23 350 feet due to a greater risk.  
 24 Q. (BY MR. COON) Right. There's greater  
 25 risk to damage to the trailer from an explosion if

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1 it's within 350 feet of the potential source of an  
 2 explosion?  
 3 MR. ALVAREZ: Objection, form.  
 4 Q. (BY MR. COON) That's why you are doing  
 5 the P -- this building analysis, right?  
 6 MR. ALVAREZ: Objection, form.  
 7 A. I guess I heard two -- the first one, I  
 8 guess I will agree, yes, the closer you are, the  
 9 greater risk -- the closer you are to the ignition  
 10 source.  
 11 I forget the second part of your  
 12 question.  
 13 Q. (BY MR. COON) Okay. Well, British  
 14 Petroleum made a decision to ask people involved in  
 15 trailer siting to determine that if a trailer is  
 16 within 350 feet of a unit, they needed to ask a  
 17 bunch of extra questions, right?  
 18 A. Correct.  
 19 Q. And that is the purpose of a building  
 20 analysis checklist?  
 21 A. Correct.  
 22 Q. What they are asking you there is to take  
 23 into account other safety considerations for a  
 24 trailer if it's within 350 feet of a unit?  
 25 A. Yes, okay.

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1 Q. And the reason --  
 2 A. I think we are on the same page now.  
 3 Q. I'm sorry.  
 4 The reason they are asking that is  
 5 because there is an awareness that a unit can blow  
 6 up, correct?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. (No verbal response.)  
 9 Q. (BY MR. COON) I mean, isn't -- isn't  
 10 there an awareness that a unit can blow up because  
 11 you have all these volatile, hazardous, explosive  
 12 materials operating these units and you can have an  
 13 upset?  
 14 A. There is always potential for an upset,  
 15 yes, sir.  
 16 Q. And BP set 350 feet as the number for a  
 17 trailer whereby if it was within -- inside 350 feet  
 18 from a unit, you had to go back and look at all  
 19 these other safety considerations.  
 20 A. Correct.  
 21 Q. And almost all these safety  
 22 considerations have to do with the damage that the  
 23 trailer could be exposed to from an explosion or a  
 24 release or an upset on these units?  
 25 A. Yes, most of the questions do address

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1 those type of issues.  
 2 Q. Sure. I mean, I am not trying to trick  
 3 you here, Mr. Seele. It looks like common sense  
 4 stuff; but they are asking you questions about, you  
 5 know, Number 1 -- look at Number 1.  
 6 "Have the following concerns been  
 7 evaluated for personal work areas within the  
 8 building?" The first question says, "Those located  
 9 along walls facing potential blast sources," right?  
 10 A. Yes, that's Number 1.  
 11 Q. Now, the blast sources that they are  
 12 inferring here are those that are within 350 feet  
 13 of the trailer, those being that -- the units  
 14 that's located within 350 feet, right?  
 15 A. Sure.  
 16 Q. And they are saying, "Are they protected  
 17 there? If it's within 350 feet, are the employees  
 18 working there going to be protected along the walls  
 19 facing the blast source?"  
 20 A. Yes.  
 21 Q. All right. And then, the same thing.  
 22 They ask you about windows. "Are these windows  
 23 explosion proof? Are they shatterproof?"  
 24 All these kind of questions are  
 25 asked to take into consideration the possibility

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1 that there could be an explosion occur while people  
 2 were working in these trailers?  
 3 A. Correct.  
 4 Q. And so, what they are saying is, "You  
 5 know, if we can put a trailer out in one of these  
 6 units for these guys to work in, we need to make  
 7 sure if there is an explosion in one of these units  
 8 the people aren't going to be hurt or killed,"  
 9 right?  
 10 A. I will agree with that.  
 11 Q. And so, if they find out you are putting  
 12 a trailer within 350 feet of a unit they say,  
 13 "Well, don't do that until we make sure that these  
 14 people are going to be safe on these additional  
 15 risks that could otherwise occur by being too close  
 16 to a unit."  
 17 And that's why you have to fill  
 18 out all these extra questions, right?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. The questions are, yes, put in place to  
 21 ensure that the trailer's in a safe location.  
 22 Q. (BY MR. COON) Right.  
 23 And it's based on the concept that  
 24 if the trailer gets too close to the point of an  
 25 explosion, too close to a unit that could explode,

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1 the trailer will not be able to structurally  
 2 withstand the impact of the blast, right?  
 3 A. Now, I will have to ask you to repeat  
 4 that one.  
 5 Q. Yes, sir.  
 6 The basic purpose of this is that  
 7 you do not want the trailer to get so close to a  
 8 unit without the proper safety features installed,  
 9 whereby if the -- an explosion occurred on the  
 10 unit, the integrity of the trailer could collapse  
 11 causing injuries or death?  
 12 A. That's correct, no doubt. You want the  
 13 trailer to be able to withstand any sort of event.  
 14 Q. Right.  
 15 Are you familiar with what they  
 16 call blastproof trailers?  
 17 A. Post incident, I have become very  
 18 familiar with blastproof trailers.  
 19 Q. They are basically trailers that are  
 20 designed with much more structural integrity so  
 21 that if there is an explosion, they are much less  
 22 likely to collapse than the typical kind of  
 23 residential construction quality trailers that were  
 24 utilized here, right?  
 25 A. Yes, they have a much higher pressure

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1 rating and such.  
 2 Q. Okay. And in this case, you checked out  
 3 a number of forms on here, some "yes," some "no."  
 4 But give me a summary of what ended up being the  
 5 rundown on the building analysis.  
 6 What did you find out fit your  
 7 profiles and what didn't and needed additional  
 8 follow-up?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. Basically, if you follow through the  
 11 Attachment 55 and 56, there was a basic recognition  
 12 of -- that the facility was not a shelter in place,  
 13 that this was a temporary trailer that did not have  
 14 all of the safeguards. For example, a satellite  
 15 control room.  
 16 There was discussion at that point  
 17 then around evacuation routes and such. There was  
 18 consideration of an action item documented to  
 19 install wind socks for proper evacuation of the  
 20 area. And based on it being a temporary trailer  
 21 and such, there were several items marked "not  
 22 applicable."  
 23 And, obviously, Question Number 1,  
 24 which discussed the blast, which in hindsight was  
 25 the wrong answer.

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1 Q. (BY MR. COON) Yeah, obviously, because  
 2 the walls did collapse, didn't they?  
 3 A. Yes, they did.  
 4 Q. Who made that decision on Number 1? Was  
 5 that a consensus opinion?  
 6 A. As I recall, yes.  
 7 Q. Do you recall any concerns expressed  
 8 by -- there were a couple of PACE representatives  
 9 or USW representatives there, I believe?  
 10 A. Yes.  
 11 Q. A Mr. Curlee and Ms. Haven?  
 12 A. No. It was Ken Curlee and Danny Lea.  
 13 Q. With Mr. Lea.  
 14 Do you recall them expressing any  
 15 concerns about locating this trailer this close to  
 16 the ISOM unit?  
 17 A. I don't recall any specific concerns from  
 18 those two with the specific location.  
 19 Q. Do you recall any concerns being  
 20 expressed by anyone in the meeting about locating  
 21 that trailer in that close proximity to an  
 22 operating unit?  
 23 A. I don't recall that specifically, no.  
 24 Q. All right. Well, we can agree that -- at  
 25 least in hindsight as you said, that the answer to

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1 Number 1 should have been "no"?  
 2 A. Absolutely.  
 3 Q. Okay. What happened after this?  
 4 A. After this, in terms of the meeting, at  
 5 that point was where we moved to -- and actually,  
 6 we had the plot plan kind of posted on the board  
 7 all along; but at that point, we discussed the  
 8 layout, which we have already discussed, and who  
 9 would be occupying this trailer and kind of what  
 10 the head count was and those type of questions.  
 11 Q. Okay. I want to ask you a few things  
 12 there. One last question of follow-up --  
 13 A. Yes.  
 14 Q. -- on the last one.  
 15 If you would have answered that  
 16 "no," would that trailer have ever been able to  
 17 move to that location?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. In my personal opinion, if the team would  
 20 have marked that "no," no, we would not have moved  
 21 a trailer in that location.  
 22 Q. (BY MR. COON) Okay. Next we have got --  
 23 so, that ended at page 4054.  
 24 So, what was the next step? You  
 25 talked about the number of people?

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1 A. Yeah, we discussed --  
 2 Q. Let me show you this.  
 3 A. Yes.  
 4 Q. This is 4057 of that pack, building  
 5 occupants summary? And this --  
 6 A. Yes.  
 7 Q. This is a sample one, isn't it?  
 8 A. Yes. Well --  
 9 Q. With the numbers?  
 10 A. The top line is a sample. That's the  
 11 form, yes, sir.  
 12 Q. Okay. It just shows you how you can fill  
 13 it out. And so, when we look at the 3 and the 2  
 14 there, those are just examples of how you would  
 15 fill it out?  
 16 A. That's correct.  
 17 Q. Why was a building occupant survey not  
 18 filled out on this particular trailer, even though  
 19 you had the layout indicating the personnel  
 20 offices?  
 21 A. Because that -- our document which you  
 22 are showing, which is the trailer layout diagram,  
 23 showed the occupant summary.  
 24 Q. Okay. So, you felt that the building  
 25 occupant survey did not need to be individually

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1 written out numerically here because you basically  
 2 had that same information identified by putting the  
 3 names of the persons, by at least title, in  
 4 identifying which office they were to inhabit?  
 5 A. I did not fill out the building occupant  
 6 survey because I felt that the titles were there  
 7 and the trailer is indicated -- in the upper right,  
 8 there's a comment that it was to be occupied  
 9 full-time.  
 10 Q. Okay. How many people do we have working  
 11 in that trailer full-time, based on this?  
 12 A. (Examines document.)  
 13 It appears that the number that  
 14 was discussed in the meeting was around 13.  
 15 Q. Okay. And it indicated that you had  
 16 phone lines and computer lines and printers and  
 17 faxes and copiers -- basic office equipment would  
 18 go in there?  
 19 A. Yes.  
 20 Q. There was an indication in your form  
 21 where electrical considerations were to be followed  
 22 up at some point.  
 23 Do you recall that?  
 24 A. Yes, I do.  
 25 Q. What was the issue associated with the

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1 electrical considerations?  
 2 A. The issue --  
 3 Q. That's Number 6 on the process hazard  
 4 checklist or page 4051.  
 5 A. Yes. There was a question, as you  
 6 referenced, Number 6, which asks about the  
 7 electrical classification -- what the electrical  
 8 classification was for the area.  
 9 As you see on your document, we  
 10 did not mark an answer to that question because we  
 11 were not sure of the electrical classification. We  
 12 did not have that proper person in the room to  
 13 answer that question. So, I captured that as an  
 14 action item deviation to be followed up on.  
 15 Q. And was it?  
 16 A. I can't answer that question.  
 17 Q. From any of the documents that you have  
 18 that we have been provided regarding the Management  
 19 of Change on this particular trailer, is there  
 20 anything that indicates that that item was turned  
 21 into an action item or that it was followed up on?  
 22 A. It shows on your Document 4046.  
 23 Q. Okay. We have seven action items that  
 24 were to be followed up on with respect to this  
 25 particular trailer siting?

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1 A. I believe there were six that were  
 2 assigned from the PHA meeting, and the  
 3 superintendent assigned one additional item.  
 4 Q. Okay. We will walk through those in just  
 5 a minute then.  
 6 What was next in the analysis  
 7 after the process hazard analysis?  
 8 A. With respect to the meeting that took  
 9 place on that Friday?  
 10 Q. Yeah -- well, we did the building  
 11 analysis checklist.  
 12 A. Okay.  
 13 Q. Then where did it go?  
 14 A. Well, we talked about the -- the  
 15 occupant summary, which we just discussed --  
 16 Q. Right.  
 17 A. -- as well as the trailer plot.  
 18 Q. And that was 4062.  
 19 We talked about the trailer plot?  
 20 A. Yeah.  
 21 And the last thing we do is just  
 22 review the plot plan and there were some  
 23 discussions around evacuation routes, evacuation  
 24 notifications and we kind of talked around how  
 25 people would be evacuated, what the muster points

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1 would be.  
 2 Q. And what would necessitate an evacuation?  
 3 A. Any sort of potential event that would  
 4 require the area to be evacuated, such as a release  
 5 or -- or a potential catastrophic event.  
 6 Q. Like what occurred?  
 7 A. Yes.  
 8 Q. Okay. Were evacuation routes properly  
 9 identified and noted?  
 10 A. My understanding, in hindsight, was that  
 11 there was an action item assigned to address the  
 12 evacuation routes, but that the routes were not  
 13 posted.  
 14 Q. Okay. Well, let's go through those.  
 15 What was -- what else was done  
 16 that day after you went through the building  
 17 analysis and looked at the plot plan?  
 18 A. At that point, we try to open it  
 19 up for -- open the floor for discussion and wrapped  
 20 up the meeting.  
 21 Q. Okay. And did you preside over that  
 22 whole meeting?  
 23 A. Yes, I facilitated the meeting.  
 24 Q. Okay. Were there any minutes that are  
 25 kept of those meetings? Anybody keep notes or is



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1 there a secretary there that types it all down or  
 2 anything?  
 3 A. Well, I -- like verbatim minutes?  
 4 Q. Just anything --  
 5 A. I mean --  
 6 Q. Anything other than these formal  
 7 documents?  
 8 A. No. The record -- the record of the  
 9 meeting is the cover letter I type.  
 10 Q. Okay. So, you have handwritten notes  
 11 from all the things that you filled out here; and  
 12 then you have -- this now takes us to 4048, which  
 13 is the letter dated September 17th to Ray Hawkins  
 14 from you?  
 15 A. Correct.  
 16 Q. Okay. And again, it says at the top,  
 17 this is MOC-NDU-2004-008, right?  
 18 A. Correct.  
 19 Q. And that reflects it's talking about the  
 20 Management of Change to the NDU unit.  
 21 That's how you-all break this  
 22 down, by the unit, by the year and by the MOC  
 23 number?  
 24 A. Correct.  
 25 Q. So, this would be the eighth MOC to be

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1 filled out for the NDU for year 2004?  
 2 A. That's a correct notation.  
 3 Q. Okay. And it indicates what it is,  
 4 "Temporary Locate Turnaround Trailer for ULC  
 5 Project Team"?  
 6 A. Correct.  
 7 Q. Okay. And what is your summary?  
 8 You talk to Mr. Hawkins, tell him  
 9 about doing the PHA in the meeting and the  
 10 attendees and then a long list of action items that  
 11 were generated for that meeting, correct?  
 12 A. That's correct.  
 13 Q. And are those subsequently reflected in  
 14 the documents we have marked 4046 and 4047?  
 15 A. Yes, those are the action items.  
 16 Q. So, if we were to compare the ones that  
 17 you have listed here, each of those match one of  
 18 these action items on those next two pages?  
 19 A. With one additional, which I believe was  
 20 assigned by the superintendent.  
 21 Q. Which was what?  
 22 A. Okay. I apologize.  
 23 I think I was off base. I thought  
 24 there was an action item signed by the  
 25 superintendent. It appears that it does match.

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1 Q. Okay. So, we have seven bullets for  
 2 action items on your letter of September 17 and  
 3 that matches seven of them indicated in the action  
 4 item generated on the spreadsheet you have in front  
 5 of you there?  
 6 A. That's correct.  
 7 Q. Okay. How is the information that you  
 8 had in the memo that you send to Mr. Hawkins  
 9 transferred into the action items that are  
 10 reflected on Documents Number 4046 and 4047?  
 11 A. Okay. As the PHA leader, my role is to  
 12 type that cover letter, as we discussed, and also  
 13 to print a copy of it with the hard copies of all  
 14 the documents used from that meeting and turn them  
 15 over to the PSM clerk.  
 16 Q. And who is that?  
 17 A. At that time, it was Anna Galvan.  
 18 Q. Okay. And then how does that information  
 19 then get put into the system?  
 20 A. That would be a question you would have  
 21 to ask the PSM clerk.  
 22 Q. Okay. Now, she is listed here as a PHM  
 23 assistant. Is that any difference? Is that a  
 24 typo?  
 25 A. I would have to say that is a typo, yes.

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1 Q. Okay.  
 2 All right. So, next step you  
 3 have -- at some point, it gets kicked into the  
 4 action items. And what is the action items and how  
 5 does that work?  
 6 A. Well, an action item is put into the  
 7 database, as we discussed; and it is assigned to a  
 8 specific individual.  
 9 Q. Who determines which individual should  
 10 follow up on that?  
 11 A. We discussed that in the meeting and  
 12 assigned -- as a result of the meeting, we reviewed  
 13 the action items at the end and assigned  
 14 responsibility for completion.  
 15 Q. Okay. And if we look -- somebody puts  
 16 all these in a computer system where they are  
 17 pulled up, right?  
 18 A. Yes.  
 19 Q. And they stay in the system until they  
 20 are closed out at some point?  
 21 A. They stay in the system whether they are  
 22 closed or not, yes.  
 23 Q. Okay. But they stay in the system as  
 24 open until somebody closes them out?  
 25 A. That would be accurate.

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1 Q. And that can go on for months and months.  
 2 They will still keep coming up in the system as  
 3 "open" until somebody follows it up with the  
 4 paperwork to close it?  
 5 A. Correct.  
 6 When you say "paperwork," you can  
 7 actually do it electronically; but yes.  
 8 Q. Okay. So, if we look at the form here --  
 9 again, it references the same MOC-NDU-2004-008; and  
 10 there are a list of seven action items on two  
 11 pages, correct?  
 12 A. Yes.  
 13 Q. And the action items are then broken down  
 14 to indicate action items 001 through 007,  
 15 sequentially?  
 16 A. Correct.  
 17 Q. And all seven of these action items were  
 18 indicated by type, and all seven of them were  
 19 safety action items, correct?  
 20 A. Yeah, all the action items assigned  
 21 were --  
 22 Q. Okay.  
 23 A. -- concerning safety issues.  
 24 Q. And it lists the superintendent as  
 25 Charles Logan.

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1 Did you have any dealings with  
 2 Mr. Logan?  
 3 A. No, I did not.  
 4 Q. Know who he was?  
 5 A. I am aware of who he is, yes.  
 6 Q. You understand he was terminated as a  
 7 result of this explosion and the injuries and  
 8 fatalities occurring from it?  
 9 A. I have been told that, yes.  
 10 Q. Do you know the reason?  
 11 A. No, I don't.  
 12 Q. Do you have any opinions, one way or the  
 13 other, as to whether or not his conduct or  
 14 omissions warranted termination?  
 15 A. My opinion is that I don't have enough  
 16 facts to understand why or why not that decision  
 17 was made. So, without further investigating it  
 18 personally, I wouldn't make that call.  
 19 Q. Did you ever determine from your own  
 20 sources enough personal facts to have a personal  
 21 opinion today with respect to the justification of  
 22 the termination of any of the employees involved in  
 23 this case?  
 24 A. I think I will probably stand with the  
 25 answer I just gave you. I just don't have the

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1 information to decide one way or the other.  
 2 Q. And we would not expect you to, then,  
 3 render any opinions at the time of trial as you  
 4 supplement your testimony. Okay?  
 5 A. Okay.  
 6 Q. All right. Next we have in the third  
 7 column "Status." And it's "open" on some and  
 8 "complete" on others on this action item chart that  
 9 was dated Monday, March 28th, 2005.  
 10 Am I reading that correct?  
 11 A. You are just asking whether it is open  
 12 or --  
 13 Q. Yeah -- open or closed?  
 14 A. Yes. It does indicate open or closed on  
 15 here.  
 16 Q. Okay. Let me -- let's point out  
 17 something, too.  
 18 When we look at this it's --  
 19 Monday, March 28th, 2005, is when this was  
 20 generated -- this action item spreadsheet was  
 21 generated, right?  
 22 A. Yes, that's --  
 23 Q. That's --  
 24 A. -- the date indicated.  
 25 Q. That's five days after the explosion?

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1 A. That's correct.  
 2 Q. Okay. So, do you know why this was  
 3 generated on March 28th?  
 4 A. I don't know why it was generated,  
 5 specifically. I can make assumptions.  
 6 Q. Okay. What would be your assumption as  
 7 to why this would be generated on the 28th?  
 8 A. To follow up on the status of the MOC for  
 9 that trailer.  
 10 Q. What would the status on the MOC on this  
 11 trailer matter after the trailer has been  
 12 disintegrated?  
 13 A. It would be to follow up and see what the  
 14 approval status was of the trailer.  
 15 Q. Okay. Well, if a trailer is located  
 16 there, shouldn't it already be in fully approved  
 17 status?  
 18 A. What I will say is that if the trailer is  
 19 occupied, yes, it should be approved.  
 20 Q. Was it your understanding that trailer  
 21 had been occupied from September, 2004 up to and  
 22 through March 23, 2005?  
 23 A. I don't know the exact date the occupied  
 24 trailer started; but, yes, there would be people  
 25 occupying that trailer.

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1 Q. Is it your testimony today that that  
 2 should not have occurred as a result of the fact  
 3 that if you will look at this action item chart,  
 4 there was still open items; and therefore, the  
 5 trailer should not have been inhabited?  
 6 A. The trailer should not have been  
 7 inhabited if that MOC was not authorized to  
 8 commission.  
 9 Q. Okay. With the information that we have  
 10 here, that trailer had not been commissioned, had  
 11 it?  
 12 A. According to this paperwork, no, it had  
 13 not.  
 14 Q. Okay. What we are talking about with  
 15 commissioning is -- and we will follow up on this;  
 16 but you are not supposed to commission a trailer  
 17 for occupancy, temporary or otherwise, until after  
 18 all of the action items have been resolved and  
 19 either indicated "completed" or "closed"?  
 20 A. As well as some other steps of approval,  
 21 yes.  
 22 Q. And we will walk through those, as well;  
 23 but we can tell from these documents here that at  
 24 the time of the explosion, this trailer was still  
 25 in the system as a trailer that should not be

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1 occupied because there was still safety issues that  
 2 had not been addressed to the satisfaction of the  
 3 protocols involved at British Petroleum?  
 4 A. I will agree with that statement.  
 5 As I said earlier, this trailer  
 6 should not have been occupied because it was not  
 7 authorized to commission.  
 8 Q. Okay. And that was at least as to two  
 9 things that were still open after the explosion,  
 10 which involved action items Number 1 and 2. And  
 11 that had to do with traffic up and down that avenue  
 12 as a safety consideration, correct?  
 13 A. Yes, that's Action Item Number 1.  
 14 Q. And, in fact, in your statement you had  
 15 reminded the investigators a part of that concern  
 16 was because of the bulletin associated with someone  
 17 else being killed in tight quarters with a piece of  
 18 heavy equipment?  
 19 A. Yes, pedestrian/vehicle was a concern.  
 20 Q. And that item never got addressed, did  
 21 it?  
 22 A. It was never closed out in the database,  
 23 no.  
 24 Q. So, to your knowledge, it was never  
 25 properly addressed?

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1 A. To the best of my knowledge, I don't know  
 2 that it was addressed.  
 3 Q. And so, that reason alone would be a  
 4 reason not to occupy that trailer?  
 5 MR. ALVAREZ: Objection, form.  
 6 A. As I stated earlier, if this MOC was not  
 7 authorized to commission, then it should not have  
 8 been occupied.  
 9 Q. (BY MR. COON) And it was not to be  
 10 authorized for commission until the status of all  
 11 action items had been noted as complete?  
 12 A. All action items must be closed to be  
 13 authorized for commission.  
 14 Q. And in this case, if just that one thing  
 15 had not been closed, it still should not have been  
 16 occupied?  
 17 A. One action item, if it is a safety or  
 18 environmental action item, would prohibit it from  
 19 being authorized for commission.  
 20 Q. And in this case, we have two, either one  
 21 of which would have precluded an ability to occupy  
 22 that trailer?  
 23 A. That's correct.  
 24 Q. And we had the traffic consideration,  
 25 which was not addressed. So, therefore, that alone

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1 should have prohibited people from occupying it  
 2 because it was a safety consideration, correct?  
 3 A. I will agree.  
 4 Q. The second one we have, which is still  
 5 independent, is that there was to be consideration  
 6 for signage for evacuation routes for those persons  
 7 occupying that trailer, correct?  
 8 A. That's correct.  
 9 Q. And to your knowledge, that action item  
 10 was never completed?  
 11 A. No, I am not aware of it being completed.  
 12 Q. And that item alone, the failure to  
 13 complete that would have precluded occupation of  
 14 that trailer?  
 15 A. I would agree with that.  
 16 Q. So, it's not the combination of two of  
 17 these two action items being incompleted, it's that  
 18 either one of them standing alone, even if the  
 19 other had been complete, would have still precluded  
 20 occupation?  
 21 A. That's an accurate statement.  
 22 Q. Okay. After you sent this letter out  
 23 September 17, what was your next role in any of  
 24 this?  
 25 A. After I sent this letter out, I returned

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1 to my role in the East Plant and went back to my  
 2 regular job.  
 3 Q. Why were you not charged with following  
 4 up on the action items?  
 5 A. That was not my responsibility as the PHA  
 6 leader and scribe, to follow up on the action  
 7 items.  
 8 Q. Whose responsibility is that?  
 9 A. My understanding is: Typically, it's the  
 10 person that's either initiating the work or trying  
 11 to complete the project.  
 12 Q. And who was that?  
 13 A. In this case, it would be the  
 14 ultracracker motorization team.  
 15 Q. And who was that?  
 16 A. The project manager was Andy McWilliams,  
 17 and the project engineer was Kristof Harris.  
 18 Q. So, you would recommend us to go talk to  
 19 them to find out how the trailer got occupied  
 20 without these action items being closed?  
 21 A. They would be a good source to talk to.  
 22 Q. Okay. We have got next page 4045. This  
 23 is another Management of Change form.  
 24 What is this one?  
 25 A. I am not real familiar with this format.

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1 I am used to seeing it typically on a computer  
 2 screen.  
 3 Q. Okay.  
 4 A. It basically looks like a, kind of,  
 5 summary of the MOC as it was initiated. As it  
 6 shows, it's a temporary change, proposed date of  
 7 change.  
 8 Q. Right.  
 9 We are still talking about the  
 10 same trailer, right? If you look at the top right  
 11 it says, MOC-NDU-2004-008.  
 12 A. Sure.  
 13 And if you are looking at the  
 14 description, it says to install the JE Merit  
 15 trailer.  
 16 Q. Okay. And it indicates here the team  
 17 leader is Paul Trapp.  
 18 Did I read that correct?  
 19 A. That's what it says, yes.  
 20 Q. Okay. What is the difference between the  
 21 team leader and MOC leader that you had the role of  
 22 on the 17th?  
 23 A. I am not real familiar with that term,  
 24 "team leader."  
 25 What it appears to me in the

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1 Section 2 is the approval to proceed for the MOC.  
 2 Q. So, how -- does that mean that this  
 3 passed from you heading up decision making on this  
 4 to -- it transferred to Mr. Trapp at some point?  
 5 A. At some point, there is a level of  
 6 approval for the MOC to approve from -- typically,  
 7 it's -- it's an operating superintendent that has a  
 8 certain level of approval within that database,  
 9 that approves the process to proceed.  
 10 Q. Okay. Well, how does Mr. Trapp's name  
 11 get pulled out of this, if you know?  
 12 A. Actually, I have no idea. You would have  
 13 to maybe talk to the PSM clerk or someone.  
 14 Q. Does that get pulled directly out of the  
 15 system based on the geographic location of the  
 16 trailer? Is this something where the supervisors  
 17 that you described awhile ago have some say in  
 18 picking a person to be a team leader?  
 19 A. Typically, my experience was: When you  
 20 initiate an MOC for a specific area -- for example,  
 21 pipe stills -- when you indicated it was a pipe  
 22 still turnaround, it would auto populate the  
 23 approver with the superintendent for that area.  
 24 Q. Okay. You understood Mr. Trapp to be the  
 25 superintendent for the NDU area?

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1 A. No, I did not.  
 2 Q. So, why would his name come up as team  
 3 leader?  
 4 A. I don't know the answer.  
 5 Q. Who was the superintendent of the NDU?  
 6 A. I was under the impression that it was  
 7 Ray Hawkins.  
 8 Q. Do you know if Mr. Hawkins has an  
 9 authority or ability to designate Mr. Trapp as a  
 10 team leader or any other explanation for why  
 11 Mr. Trapp is listed here?  
 12 A. I don't. I don't have any idea.  
 13 Q. Do you have any understanding as to the  
 14 testimony Mr. Trapp is listed in this case  
 15 regarding his di minimus involvement in this  
 16 trailer siting?  
 17 A. I guess you would have to rephrase that  
 18 one for me.  
 19 Q. Sure.  
 20 Do you have any idea what  
 21 Mr. Trapp has said about his role in this trailer  
 22 siting?  
 23 A. No.  
 24 Q. Okay. Then you look at the bottom.  
 25 Are you familiar with any of the

<p style="text-align: right;">Page 270</p> <p>1 information contained in the bottom part where it's  2 requesting the information required of the  3 responsible party?  4 A. You are asking about Section 3?  5 Q. Yes, sir.  6 A. This just shows the type of technique  7 that was used, who the PHA leader was, as well as  8 some different dates on which certain items were  9 completed --  10 Q. Okay.  11 A. -- and additional requirements.  12 Q. Okay. All of those items listed there  13 were required and many of them were, in fact,  14 completed, right?  15 A. It looks like they were all completed,  16 with the exception of the third item.  17 Q. The third item being what?  18 A. It was an MOC PHA formal PSR,  19 Environmental Action Items Resolved.  20 Q. And it says, "Track A/I."  21 What does that mean?  22 A. The only thing I can infer from that is  23 it's referring to the electronic tracking system  24 for action items.  25 Q. Okay. And is that the action items that</p>	<p style="text-align: right;">Page 272</p> <p>1 items?  2 A. Correct.  3 Q. And so, you then cross-reference that to  4 the actual seven action items here. This would be  5 what it is talking about, these --  6 A. Yes.  7 Q. -- these are the action items?  8 A. That is accurate. You have the correct  9 correlation.  10 Q. Okay. So, when it is talking about  11 safety and environmental, if you go back and you  12 say, "Okay. Here's the two safety" --  13 A. It is referring to the assigned action  14 items.  15 Q. -- "action items" -- okay. What next?  16 A. At that point, like I said, you know, I  17 went back to the -- to the turnarounds that I was  18 working on. I was contacted once with respect to  19 this MOC by the PSM clerk.  20 Q. Okay.  21 A. And I referred her to the project team.  22 Q. Would that be this document? We have got  23 one more. 4049. It was from Anna Galvan to you,  24 again, regarding this same trailer.  25 You have a copy of it there?</p>
<p style="text-align: right;">Page 271</p> <p>1 we talked about on pages 46 and 47, the seven  2 action items?  3 A. Yes. It's referencing the fact that two  4 action items were left unopened.  5 Q. Okay. So, you --  6 A. I am sorry. Were -- were left open.  7 Q. Open.  8 So, if you look at this MOC form,  9 you can tell from the fact that it's blank under  10 the "complete" column over here, that there is  11 still tracking of the status of safety and/or  12 environmental action items. And in this case,  13 there were two safety items, being the traffic and  14 the posting of the evacuation signage; is that  15 correct?  16 A. If I understand your question, you could  17 look at this top sheet and see that it was blank  18 under the completion for that third item.  19 Q. Right.  20 A. And then infer that the MOC was not --  21 not authorized to commission.  22 Q. Right.  23 And what they are saying here on  24 that third column that's blank that is still in  25 track is that that is safety environmental action</p>	<p style="text-align: right;">Page 273</p> <p>1 A. Yes. She had -- she had sent me that  2 note, yes.  3 Q. Okay. So, even though you finished your  4 work on the 17th, turned in your work to  5 Mr. Hawkins, Ms. Galvan is still asking you to  6 provide additional information on September 29, if  7 I am reading that right.  8 A. Do you -- I don't see -- is it in this  9 package?  10 Q. Yeah, I thought it was, but it may not  11 be. Here, I will enlarge it where you can see it  12 here.  13 A. All right. Thanks.  14 Q. Do you recall seeing that communicate  15 before?  16 A. Yes, I had that e-mail.  17 Q. Maybe I misunderstood you. I thought  18 after the 17th, you had washed your hands of this  19 MOC.  20 MR. ALVAREZ: Objection, form.  21 A. What I said was I went back to my job  22 responsibilities in the East Plant and then I was  23 contacted at one point by the PSM clerk with  24 respect to it.  25 Q. (BY MR. COON) Oh, is this the PSM clerk</p>

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1 communication?  
 2 A. Yes.  
 3 Q. Okay.  
 4 A. Yes. Anna Galvan is the PSM clerk.  
 5 Q. Okay. So, she then sent you this.  
 6 And what did you do in response?  
 7 A. I had replied to her, asking her to  
 8 respond to the Ultracracker Motorization Team with  
 9 issues related to the MOC.  
 10 Q. Do you have a copy of that anywhere?  
 11 A. I don't have a copy of it, but I provided  
 12 it to the BP counsel as requested.  
 13 Q. Okay.  
 14 MR. ALVAREZ: I sent it to you in  
 15 the documents.  
 16 MR. COON: Can we make a special  
 17 request for that particular document? Do you have  
 18 it?  
 19 (Discussion off the record.)  
 20 Q. (BY MR. COON) Can you recall, to the  
 21 best of your memory, what that e-mail told  
 22 Ms. Galvan?  
 23 A. To the best of my recollection, it says,  
 24 "Please respond to Kristof Harris with all approval  
 25 issues related to this MOC."

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1 Q. Okay. So, you were trying to advise her  
 2 to kick those follow-up questions over to him  
 3 because you perceived yourself to be finished with  
 4 your responsibilities there?  
 5 MR. COON: Here we go.  
 6 MR. ALVAREZ: Counsel, did you  
 7 find it?  
 8 MR. COON: I think we have got  
 9 one, 13602. I think this will be the  
 10 supplementation.  
 11 Q. (BY MR. COON) Would that be it?  
 12 A. That is the e-mail, yes, that I am  
 13 referring to.  
 14 MR. ALVAREZ: You said it was  
 15 BPISOME...  
 16 MR. COON: This is  
 17 BPISOME00132602.  
 18 MR. ALVAREZ: Okay. Thanks.  
 19 A. There are about 90,000 documents after  
 20 this last one; but it has been found. Thanks.  
 21 Q. (BY MR. COON) Is there anything after  
 22 that communication that you had anything to do with  
 23 this trailer siting until the explosion?  
 24 A. Not that I recall, no, sir.  
 25 Q. Okay. Did you ever hear anything back

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1 from anybody that was involved in that particular  
 2 meeting until after the explosion, as it relates to  
 3 that trailer siting?  
 4 A. No, I did not.  
 5 Q. Are you aware of any of the other  
 6 trailers that had been sited or were sited after  
 7 the site meeting, between that time and March 23,  
 8 2005, in that area for that -- let's strike that.  
 9 That was horrible.  
 10 You had a number of trailers that  
 11 were situated around the NDU because of the  
 12 construction?  
 13 A. Sure. Multiple.  
 14 Q. Were you involved in any of the other  
 15 trailer sitings associated with those other  
 16 trailers?  
 17 A. No, I was not asked to participate in any  
 18 of those.  
 19 Q. Did you ever have an opportunity to look  
 20 at any of those other trailer siting issues with  
 21 those other trailers as part of the review process  
 22 with the Merit trailer at issue?  
 23 A. I am sorry. Could you repeat that?  
 24 Q. Yes, sir.  
 25 Did you go back and compare the

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1 MOC associated with this trailer to the MOCs on any  
 2 of the other trailers that were being located in  
 3 the same general area?  
 4 A. Okay. No, I did not.  
 5 Q. Okay. Now, there was a trailer located,  
 6 I think, right next to where this trailer had been.  
 7 Do you know anything about any of  
 8 the other trailers and their locations?  
 9 A. In hindsight, I am pretty familiar with  
 10 what the layout of that area was, yes.  
 11 Q. Okay. What was your understanding of the  
 12 layout as it related to other temporary trailers  
 13 located in general proximity to the ISOM explosion?  
 14 A. Well, my understanding is that there were  
 15 other trailers in that area as indicated in the  
 16 final report.  
 17 Q. You didn't know anything about how they  
 18 got there, who owned them or anything like that?  
 19 A. At this time I do.  
 20 Q. Okay.  
 21 A. But at the time in which we were  
 22 discussing that trailer, I was not aware of any of  
 23 those trailers, no.  
 24 Q. Okay. There was a trailer located very  
 25 near this -- what I call the Merit trailer -- that

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1 was also completely destroyed.  
 2 Do you remember that one?  
 3 A. I am aware of it now, yes. The Fluor  
 4 trailer.  
 5 Q. You under -- the Fluor trailer?  
 6 A. Yes.  
 7 Q. Do you understand anything about the MOCs  
 8 associated with that trailer?  
 9 A. I am not aware of the MOCs or familiar  
 10 with it on those trailers.  
 11 Q. Did you hear anything about maybe that  
 12 trailer not being properly initiated through a  
 13 Management of Change?  
 14 A. I have heard that post incident, yes,  
 15 that that trailer did not have an MOC.  
 16 Q. Okay. So, the other trailer that was  
 17 obliterated in this explosion not only had not been  
 18 approved because of outstanding action items like  
 19 the Merit trailer, the other trailer that was  
 20 destroyed that was located next to this one never  
 21 even had an MOC initiated on it, as you understand  
 22 it?  
 23 A. That's my understanding. I believe  
 24 that's what was indicated in the final report.  
 25 Q. Okay. Were there any other trailers

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1 located in the area that you are aware of or have  
 2 heard either did not have an MOC or did not have an  
 3 MOC approved because of outstanding action items or  
 4 other reasons?  
 5 A. I don't know the specifics around those  
 6 other trailers.  
 7 Q. Did you --  
 8 A. I --  
 9 Q. Did you hear anything about some of the  
 10 other trailers out there that were damaged, being  
 11 trailers that were located in violation of MOC  
 12 protocols or either not having an MOC at all?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. I believe I remember reading in the final  
 15 report that some of those trailers did not have  
 16 proper MOC.  
 17 Q. (BY MR. COON) Was this a subsequent  
 18 topic of discussion at any of your safety meetings  
 19 after this explosion?  
 20 A. Well, there was a lot of discussion  
 21 around trailers immediately following the  
 22 explosion.  
 23 Q. Could you tell us the general context and  
 24 general topic of those discussions?  
 25 A. The one that immediately comes to mind

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1 was the directive to move all trailers that were  
 2 located within a specific distance of flare systems  
 3 and blowdown stacks.  
 4 Q. To move them further away from --  
 5 A. Yes. There was a directive given to move  
 6 a specific distance required away.  
 7 Q. And I think that was, what, 500 feet?  
 8 A. That's the best I recall, yes.  
 9 Q. Okay. So, not only could you not locate  
 10 them within 350 feet, if you went through a  
 11 Management of Change and action items, like y'all  
 12 were trying to do with this trailer, it was  
 13 absolute prohibition against any attempts to move a  
 14 trailer within 500 feet of a unit?  
 15 A. Correct, as well as existing.  
 16 Q. So, ones that were already there had to  
 17 be moved to a distance of 500 feet?  
 18 A. That's correct.  
 19 Q. Even ones that had been provided with a  
 20 variance to move within 350 feet?  
 21 A. That was my understanding, yes.  
 22 Q. Have you heard anything about BP  
 23 management trying to undertake any investigation as  
 24 to why this trailer was located and occupied where  
 25 it was with the outstanding action items?

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1 A. My understanding was that was part of the  
 2 final report.  
 3 Q. Who do you understand would have been  
 4 responsible from a management standpoint for  
 5 allowing those trailers to be out there either  
 6 without an MOC or with an MOC that had not been  
 7 commissioned because there were outstanding action  
 8 items?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. My understanding would be the -- the  
 11 approver of the MOC.  
 12 Q. (BY MR. COON) And with respect to action  
 13 items being outstanding, let's talk first about the  
 14 Merit trailer.  
 15 How did it get there and occupied  
 16 without standing action items?  
 17 A. I don't have that specific answer.  
 18 Q. Isn't it supposed to be approved by  
 19 somebody in BP management before it actually gets  
 20 occupied?  
 21 A. That would be correct.  
 22 Q. And who would be the typical person,  
 23 responsible party for allowing a trailer to be  
 24 occupied?  
 25 MR. ALVAREZ: Objection, form.

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1 A. As we discussed earlier, it would be the  
 2 person that the MOC was sent to.  
 3 Q. (BY MR. COON) So, in this case, it would  
 4 be Mr. Hawkins or Mr. McWilliams or Mr. Kristof?  
 5 A. My understanding would be that it would  
 6 be Mr. Hawkins.  
 7 Q. Okay. Do you know whether or not  
 8 Mr. Hawkins was disciplined in any form or fashion  
 9 for allowing this trailer to be out there, occupied  
 10 in this close proximity to the ISOM with  
 11 outstanding action items?  
 12 A. I have no knowledge of that.  
 13 Q. Do you know if Mr. Hawkins or anyone else  
 14 was disciplined or reprimanded as a result of this  
 15 other trailer being located in so close a proximity  
 16 to the ISOM unit with no MOC being provided?  
 17 A. Not that I am aware of.  
 18 Q. Have you read anything in the paper media  
 19 or elsewhere that indicated that BP has attempted  
 20 to blame, in whole or part, anybody higher up in  
 21 the responsibility for management than those that  
 22 were terminated?  
 23 A. I guess I will have to ask you to repeat  
 24 that question.  
 25 Q. Yes, sir.

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1 Have you heard -- have you read in  
 2 the media or seen in the media or heard from  
 3 anybody at the plant hearsay, rumors, innuendo,  
 4 whatever that anyone else at the plant has been  
 5 subject to disciplinary action as a result of this  
 6 explosion and the injuries, which includes trailer  
 7 locations, other than those persons that were  
 8 terminated?  
 9 A. I am not aware of any discipline issues  
 10 other than the six that you have mentioned.  
 11 Q. What about Mr. Parus? Have you heard  
 12 anything about Mr. Parus?  
 13 A. I don't know anything specific to Don  
 14 Parus' status, no.  
 15 Q. Have you heard anything about him being  
 16 put to pasture as a result of this?  
 17 MR. ALVAREZ: Objection, form.  
 18 A. To answer your question, I know that he  
 19 was reassigned shortly after the incident.  
 20 Q. (BY MR. COON) What was your  
 21 understanding as to where he was reassigned in his  
 22 responsibilities?  
 23 A. I have no idea where he is or what his  
 24 responsibilities are.  
 25 Q. Would it surprise you that the day after

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1 this Fatal Accident Report came out that he was  
 2 reassigned to go home and do nothing?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. Like I said, I really don't know where he  
 5 is or what he is doing and where they sent him.  
 6 MR. COON: It's a good place for a  
 7 break.  
 8 THE VIDEOGRAPHER: Off the record  
 9 at 4:02 p.m., ending Tape 4.  
 10 (Recess taken.)  
 11 THE VIDEOGRAPHER: On the record,  
 12 4:16 p.m., beginning Tape 5.  
 13 (Exhibit Numbers 104 and 105  
 14 marked for identification.)  
 15 Q. (BY MR. COON) All right. Mr. Seele, we  
 16 have here Exhibit 105. I think this was your memo  
 17 of September 29 which is attached for the record.  
 18 Is that true and accurate?  
 19 A. This is the letter which she sent to me.  
 20 This is not the letter with the response.  
 21 Q. Yes, sir. We are getting to that one.  
 22 A. Okay. Yes. Then that is the e-mail I  
 23 received.  
 24 (Exhibit Number 106 marked for  
 25 identification.)

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1 Q. (BY MR. COON) All right. Now we go to  
 2 the next one. I also have 106, which I understand  
 3 to be the response back to her.  
 4 A. Correct. That is the response to the  
 5 prior e-mail.  
 6 (Exhibit Number 107 marked for  
 7 identification.)  
 8 Q. (BY MR. COON) Okay. I have next  
 9 Exhibit 107, and I asked first if you had seen this  
 10 before. This is a Management of Change form, again  
 11 on the same trailer; and it is -- I think we have a  
 12 copy here, if you can follow along with us.  
 13 A. Yes, I have a copy.  
 14 Q. You have a copy of that there?  
 15 A. Yes.  
 16 Q. Okay. I thought I gave you one at the  
 17 break.  
 18 If look at it, on the top right it  
 19 says, "Canceled" and just below that it reflects it  
 20 is the same MOC that we have been talking about for  
 21 the Merit trailer, 2004-008, correct?  
 22 A. That's correct.  
 23 Q. And we talked about the proposed date of  
 24 the change. Again, that was September 27 of '04.  
 25 That's when the MOC went out; and there is some



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1 other descriptive information there, correct, at  
 2 the top?  
 3 A. Correct.  
 4 Q. And then, if you go back in here, it  
 5 lists under Section 3 all these same things that we  
 6 talked about in the other Management of Change  
 7 forms.  
 8 Do you remember that, when we were  
 9 talking about the third section being the track and  
 10 that that was still an open item?  
 11 A. Yes.  
 12 Q. And it looks like -- I think the box --  
 13 you can compare it, but I think the box here in  
 14 Section 3 are identical as to the one that we  
 15 discussed earlier.  
 16 A. It appears identical to me, also.  
 17 Q. Okay. And then, I want to talk to you  
 18 about these comments below it here. This is  
 19 actually dated -- I will look for a date.  
 20 Do you see a date?  
 21 A. It looks like at the bottom it has a date  
 22 of August 16th.  
 23 Q. Here we go. We are at the bottom left  
 24 that we had at one time. We have a date on here as  
 25 printed August 23rd, 2005.

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1 Are you with me there?  
 2 A. Yes, I see the date.  
 3 Q. Okay. Then when we go to "canceled."  
 4 Back here in the middle of the page, it  
 5 indicates -- we read here that this Management of  
 6 Change form shows that this MOC had been canceled  
 7 and there is a reason for it.  
 8 Am I reading that correctly, the  
 9 interpretation of what this is?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. It states that the MOC was being  
 12 canceled, yes, and --  
 13 Q. (BY MR. COON) And --  
 14 A. -- and it gives the reason behind it.  
 15 Q. Okay. So, what we have is: This goes  
 16 back and talks about the same trailer on that same  
 17 MOC that you were involved in back in September  
 18 2004, correct?  
 19 A. Correct.  
 20 Q. And what happens is in August of 2005, we  
 21 have this document, which is another BP generated  
 22 document, correct?  
 23 A. It appears to be a BP generated document  
 24 to me, yes.  
 25 Q. And it talks about the same issues, the

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1 same trailer and the same requirements for change  
 2 that had existed that we talked about earlier and  
 3 then there is this additional comment that it says  
 4 "canceled" and it gives the reason down here.  
 5 Can you read for us -- I will tell  
 6 you what: Just before that when it says  
 7 "authorization to commission" -- it says,  
 8 "Electronic signature confirms that pre-startup  
 9 safety review requirements have been met."  
 10 Do you know what that means?  
 11 A. (No verbal response.)  
 12 Q. It means -- does that mean that you have  
 13 to have the signature on here before the safety  
 14 review requirements have been met?  
 15 A. My understanding was that is where the  
 16 superintendent signs off to authorize it to  
 17 commission.  
 18 Q. And in this case, we still don't have  
 19 one, best we can tell from this form, right?  
 20 A. My understanding at this point during the  
 21 MOC is the approver has the decision. Either they  
 22 can authorize it to commission or cancel it.  
 23 Q. Okay. And in this case, it reflects a  
 24 different team leader. It's M.C. Clark.  
 25 Do you know who that is?

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1 A. Yes, I do.  
 2 Q. Who is that?  
 3 A. That would be Mary Clark.  
 4 Q. And do you know why she would be listed  
 5 as a team leader? Where did her name come from?  
 6 A. I believe she was assigned to the West  
 7 Plant post incident, responsible for those areas.  
 8 Q. Okay. And then it shows that this MOC  
 9 form was canceled, and it gives a reason.  
 10 And would you read that reason for  
 11 us, please, sir?  
 12 A. All right. It states, "March 23, 2005,  
 13 This trailer was destroyed as a result of an  
 14 explosion at the ISOM. There were still two  
 15 outstanding safety action items preventing  
 16 commission of the MOC; therefore, on August 16,  
 17 2005, this MOC is being canceled."  
 18 Q. Okay. Now, if I understand that  
 19 correctly, obviously some of it is pretty easy. It  
 20 talks about this being the trailer that was, in  
 21 fact, destroyed.  
 22 We know that to be a fact, right?  
 23 A. I agree.  
 24 Q. And it still identifies here -- and this  
 25 is in August of 2005 -- the acknowledgement that

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1 there were still two outstanding safety action  
 2 items that prevented commissioning?  
 3 A. That's correct. That's what it states.  
 4 Q. And it stands to reason that the two  
 5 outstanding items that are talked about here are  
 6 the same two that we discussed as being outstanding  
 7 earlier?  
 8 A. I think that's a good conclusion.  
 9 Q. Being the evacuation protocols and also  
 10 the traffic patterns associated on that avenue?  
 11 A. Correct.  
 12 Q. And so, it said -- based on that, with  
 13 those action items being outstanding, that still  
 14 prevented the commissioning of the MOC.  
 15 And that's consistent with your  
 16 understanding of how the process works, correct?  
 17 A. Could you repeat it?  
 18 Q. Yes, sir.  
 19 It says as a result of that, the  
 20 outstanding safety actions, that prevented  
 21 commissioning of this MOC?  
 22 A. Correct.  
 23 Q. And that's --  
 24 A. That's consistent with my prior  
 25 testimony.

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1 Q. Yes, sir.  
 2 And consistent with your  
 3 understanding of how these MOCs are supposed to  
 4 work?  
 5 A. Yes.  
 6 Q. Just a few more questions, sir.  
 7 A. Okay.  
 8 Q. The management of that facility as a  
 9 result of the explosion did a lot of things in  
 10 terms of trying to keep things from that -- like  
 11 that from happening again, by moving the trailers  
 12 away and all kinds of other remedial actions,  
 13 correct?  
 14 A. Yes, there were actions taken.  
 15 Q. And one of the things that the paper  
 16 commented on was a quote by one of the leaders of  
 17 British Petroleum -- I can't recall if it was  
 18 Mr. Pillari or Lord Browne -- that there was going  
 19 to be a commitment from British Petroleum to spend,  
 20 I think -- do you recall how much? It's like a  
 21 billion dollars for capital improvements.  
 22 A. I don't recall a specific figure, but I  
 23 am familiar with the comment that you are referring  
 24 to.  
 25 Q. Okay. Why would it be that they would

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1 need to spend a billion dollars after the explosion  
 2 to fix the plant up when they didn't feel the need  
 3 to spend any more on the plant before the  
 4 explosion?  
 5 MR. ALVAREZ: Objection, form.  
 6 A. I guess that would be asking me to  
 7 speculate on what they are thinking. I don't have  
 8 answers to what John Browne or Ross Pillari are  
 9 thinking.  
 10 Q. (BY MR. COON) So, I guess we need to go  
 11 to them to find the answers to that?  
 12 A. You do.  
 13 MR. ALVAREZ: Objection, form.  
 14 Q. (BY MR. COON) Okay. You also knew at  
 15 the plant there was -- there were a lot of people  
 16 in management who expressed concerns for their own  
 17 personal safety as a result of this explosion. It  
 18 shook people up, didn't it?  
 19 A. I think that would be a fair statement,  
 20 that a lot of people were shook up by this  
 21 incident, yes.  
 22 Q. And, in fact, we talked to other people  
 23 that worked out there, including Ms. Coley.  
 24 Do you know Lisa Coley?  
 25 A. Lisa Coley?

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1 Q. Coley?  
 2 A. Yes, I know who she is.  
 3 Q. And she was one person we had an e-mail  
 4 on where said she that she -- she was afraid for  
 5 her life out there.  
 6 Did she ever talk to you about  
 7 that?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. I did not have a personal relationship  
 10 with Lisa. I am aware of who she is and kind of  
 11 what her job function was.  
 12 I may have spoken with her here  
 13 and there on some job related issues, but never of  
 14 a personal nature.  
 15 Q. (BY MR. COON) Are you aware that she was  
 16 involved in some trailer siting issues out there as  
 17 well?  
 18 A. I was made aware of that post incident,  
 19 yes.  
 20 Q. Okay. And the -- the concerns she  
 21 expressed are not atypical of those that were  
 22 expressed by other people in management out at that  
 23 site as a result of that explosion, were they?  
 24 MR. ALVAREZ: Objection, form.  
 25 A. I guess you are asking me to speculate on

<p style="text-align: right;">Page 294</p> <p>1 what other people were thinking.  2 The only thing I can comment --  3 comment on that is -- is my own opinion.  4 Q. (BY MR. COON) Okay. Well, you heard  5 other people express concerns about their own  6 safety in that plant as a result of that explosion?  7 A. Sure.  8 There were people that expressed  9 safety concerns post incident. Absolutely.  10 Q. And, in fact, management made a decision  11 to transfer a large number of their management  12 personnel off-site after that explosion, didn't  13 they?  14 MR. ALVAREZ: Objection, form.  15 A. There was a plan put in place, which I  16 wasn't there to see implemented, where, yes,  17 nonessential personnel was to be transferred  18 off-site.  19 Q. (BY MR. COON) To reduce the safety risk  20 associated with them on the plant, by being  21 nonessential personnel?  22 MR. ALVAREZ: Objection, form.  23 A. I am sorry. I kind of have the light  24 going between us but -- and -- and --  25 Q. (BY MR. COON) Yeah. They were being</p>	<p style="text-align: right;">Page 296</p> <p>1 I mean, you worked out there five  2 years and I am just asking you if you recall the  3 names of any of the persons that you would describe  4 as being in management and being critical,  5 generally, of management practices.  6 You know, everybody has got people  7 that are just going to keep their mouth shut and  8 everybody has got people that work for them that  9 have an opinion about everything and don't mind  10 expressing it, right?  11 A. There is usually one of those in the  12 group.  13 Q. And in your group, give me the name of  14 one.  15 A. I would say maybe Mike Gibson.  16 Q. Mike Gibson.  17 What is Mike Gibson's title?  18 A. He was turnaround manager.  19 Q. And is he still at the plant?  20 A. At the time I left the plant, he was,  21 yes.  22 Q. Okay. He had some pretty strong opinions  23 about BP safety practices and the lack thereof?  24 MR. ALVAREZ: Objection, form.  25 A. He had some opinions with respect to BP</p>
<p style="text-align: right;">Page 295</p> <p>1 moved off-site to reduce the risk of their -- to  2 reduce the risk of any of them getting injured as a  3 result of another explosion?  4 MR. ALVAREZ: Objection, form.  5 A. My understanding was, yes, they were  6 being moved off-site to reduce the nonessential  7 personnel being in areas -- process areas.  8 Q. (BY MR. COON) Process areas that were  9 subject to upsets, releases of hydrocarbons to  10 atmosphere resulting in a potential explosion or to  11 toxic release that could physically hurt you?  12 A. I think we discussed that early this  13 morning, that, yes, the petrochemical facility has  14 those type of materials and potential for upset and  15 those type of incidents, yes.  16 Q. When you were working out there after  17 this explosion, who were the most vocal critics of  18 British Petroleum working at that site in  19 management, people that you knew or knew of that  20 were complaining the most about what BP had been  21 doing and their need to improve?  22 MR. ALVAREZ: Objection, form.  23 A. You are asking for what managers were  24 complaining?  25 Q. (BY MR. COON) Yes, sir.</p>	<p style="text-align: right;">Page 297</p> <p>1 management, not necessarily safety practices, as  2 you rephrased it.  3 Q. (BY MR. COON) Okay. Are there other  4 persons out there, other than Mr. Gibson, that  5 would be -- somebody that just would come to mind  6 that just complained more than others about the  7 safety practices and lack thereof, specifically  8 safety practices?  9 And I mean like process safety  10 issues, deferred maintenance, thin pipe, lack of  11 budgetary concerns.  12 A. Mike is so vocal. He comes to mind right  13 away. He is the one that just pops in my mind.  14 Q. Okay. Well, it's a good start.  15 Anyone that you know working in  16 management out there that was fired or resigned  17 from the company after the March explosion?  18 A. Not to my knowledge.  19 Q. And that's two completely separate --  20 there is one -- anybody else fired? You know of no  21 one?  22 A. No.  23 Q. Fired for any reason, maybe even totally  24 unassociated to the explosion?  25 A. Not to my knowledge.</p>

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1 Q. Okay. Anyone out there that you know  
 2 that you worked around who just quit working there  
 3 for whatever reason?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. You are asking BP employees?  
 6 Q. (BY MR. COON) Well, I didn't know  
 7 anybody else was working out there that would quit.  
 8 A. There is contract employees --  
 9 Q. Okay. Did you --  
 10 A. -- that said they would not come in that  
 11 plant again.  
 12 Q. Okay. So, yeah. We are talking about  
 13 two different things. One was -- first -- and I  
 14 will follow up with that question.  
 15 The question first was: Was there  
 16 BP management personnel out there that have just  
 17 quit for whatever reason? Maybe totally  
 18 unassociated to the explosion or a disciplinary  
 19 thing, they just worked out there with you and  
 20 quit?  
 21 A. Not to my knowledge.  
 22 Q. Okay. Now, you talked about contractors.  
 23 Are you aware that some  
 24 contractors or contractor employees quit after the  
 25 explosion? Right?

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1 A. I am aware of that, yes.  
 2 Q. And the follow-up question would be:  
 3 Were any reasons given?  
 4 And one of them, I take it from  
 5 your answer awhile ago, was that there was an  
 6 expressed reason for some of them and that was they  
 7 felt fear for their life working out there,  
 8 correct?  
 9 A. Some employees that I discussed this  
 10 with, yes, told me that they did not feel safe  
 11 working at the BP Texas City refinery.  
 12 Q. And they were not going to come back to  
 13 work out there?  
 14 A. That's what they told me, yes.  
 15 Q. And frankly, you couldn't really blame  
 16 them, could you?  
 17 A. No, I --  
 18 MR. ALVAREZ: Objection, form.  
 19 A. I did not blame them, no.  
 20 Q. (BY MR. COON) And then, you also had:  
 21 Were there any other contractors that you were  
 22 aware that quit for other reasons?  
 23 A. Not that comes to mind, no.  
 24 Q. Okay.  
 25 MR. COON: Give me -- let's go off

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1 the record for a minute. I think I'm done or  
 2 almost done.  
 3 (Discussion off the record.)  
 4 Q. (BY MR. COON) Mr. Seele, in your years  
 5 out there, are you aware of anybody in management  
 6 deliberately doing things that violated safety  
 7 practices, such as -- I mean, you know -- you know,  
 8 the kinds of things they are supposed to do for  
 9 following the rules and how like if you remove  
 10 equipment during startup things or do things out  
 11 there, your routine operations -- I am just talking  
 12 about any kind of thing, whether welding, improving  
 13 the welding of equipment, improperly or they're --  
 14 you know, they're turning their head about things  
 15 that are safety considerations that they knew were  
 16 wrong decisions when they made them; but they made  
 17 them, for whatever reason, because there were  
 18 deadlines to get the unit back up or whatever other  
 19 reasons they were take a shortcut.  
 20 Do you recall any specific  
 21 instances where management condoned such practices?  
 22 MR. ALVAREZ: Objection, form.  
 23 Q. (BY MR. COON) It's a broad statement,  
 24 but I'm trying to --  
 25 A. Yeah, I'll say; but let me just kind of

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1 think for a second.  
 2 I don't recall a specific incident  
 3 where someone knowingly authorized a shortcut.  
 4 Q. Do you know of anyone who ever approved  
 5 the use of bolt cutters to remove locks?  
 6 A. Bolt cutters --  
 7 Q. Yeah.  
 8 A. -- to remove locks?  
 9 Q. That were supposed to be in place?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. Not to my knowledge, no.  
 12 Q. (BY MR. COON) Okay. Mr. Seele, have you  
 13 understood all my questions today, sir?  
 14 A. Well, I guess. Let me --  
 15 Q. Unless you clarified it?  
 16 A. I wanted to go back and address the last  
 17 question you asked about bolt cutters.  
 18 Q. Yes.  
 19 A. I don't know of any specific, but there  
 20 is actually a procedure in place in which you could  
 21 cut a lock and follow that procedure to remove it.  
 22 Q. Okay. Thank you.  
 23 A. In which a lock could be cut.  
 24 Q. Okay. Thank you.  
 25 Are there any questions that, in

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1 hindsight, you need to clarify or add to to make  
 2 more complete your statement, that you recall?  
 3 A. No. I feel comfortable with my  
 4 testimony.  
 5 Q. Okay. And I hate to ask this, but it's  
 6 part of the procedure.  
 7 You are not under any medications  
 8 that would impact or affect your memory today, are  
 9 you, sir?  
 10 A. No, I am not.  
 11 Q. Okay. And you haven't been convicted of  
 12 any criminal wrongdoing or felonies or anything  
 13 like that, have you?  
 14 A. No, I haven't.  
 15 MR. COON: Okay. I have no  
 16 further questions of you.  
 17 Thank you, sir.  
 18 THE WITNESS: Thank you.  
 19 \* \* \*  
 20 EXAMINATION  
 21 Q. (BY MR. BOND) My name is Trent Bond. I  
 22 represent the estate of Ryan Rodriguez and the  
 23 mother of Ryan Rodriguez. Okay?  
 24 A. Okay.  
 25 Q. Did you know Ryan?

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1 A. I am familiar with his name. I did not  
 2 know him personally.  
 3 Q. Did you actually see him that day?  
 4 A. No, I did not.  
 5 Q. Did you talk to anybody who did see him  
 6 that day?  
 7 A. I believe Kristof Harris saw him that  
 8 day.  
 9 Q. Did he -- how did he see him?  
 10 A. I believe he was in the same trailer at  
 11 that time.  
 12 Q. Okay. What did he tell you?  
 13 A. He just mentioned that he knew him and  
 14 kind of mentioned his age and some kind of facts  
 15 about him.  
 16 Q. All right. Did he say he saw him after  
 17 the accident -- or the explosion?  
 18 A. Not that I recall, no.  
 19 Q. But he saw him before the explosion?  
 20 A. I believe so, yes.  
 21 Q. Anybody else?  
 22 A. No.  
 23 Q. What's the purpose -- first of all, MOC  
 24 stands for Management of Change, correct?  
 25 A. That's correct.

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1 Q. And tell the jury what the purpose of an  
 2 MOC is.  
 3 A. The purpose of an MOC is, when you are  
 4 making a change in the facility, to address any  
 5 concerns or potential issues that might arise as a  
 6 result of that change, since you are no longer  
 7 going to be operating in the state that you worked.  
 8 Q. And these aren't done for grins. They  
 9 are done for a purpose, right?  
 10 A. Absolutely.  
 11 Q. Okay. And the people that you are doing  
 12 these Management of Change for depend on them,  
 13 right?  
 14 MR. ALVAREZ: Objection, form.  
 15 Q. (BY MR. BOND) Do you know what I am  
 16 saying?  
 17 A. Sure. I understand what you are saying.  
 18 Q. Because -- and Ryan depended on it and  
 19 every other person out there, correct?  
 20 A. Sure.  
 21 Q. All right. So, it's important it's done  
 22 accurately. It's important it's done right,  
 23 correct?  
 24 A. Absolutely.  
 25 Q. Because a Management of Change, if I

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1 understand it correctly, you are changing certain  
 2 circumstances out there that can affect safety?  
 3 A. That's fair.  
 4 Q. You are putting 15 people in harm's way  
 5 that wouldn't have otherwise been out there; is  
 6 that correct?  
 7 MR. ALVAREZ: Objection, form.  
 8 A. That would be to say that 15 people were  
 9 going to be put in a place where they were not  
 10 prior, and that would something that would need a  
 11 Management of Change, yes.  
 12 Q. (BY MR. BOND) Okay. And if you don't do  
 13 a Management of Change correctly or one that's not  
 14 done completely, you can be putting 15 people in  
 15 harm's way, correct?  
 16 A. There is potential as, obviously, in this  
 17 incident in which that did occur, yes.  
 18 Q. Okay. Because 15 people were, in fact,  
 19 put in harm's way in this incident -- case,  
 20 correct?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. 15 people were indeed put in harm's way.  
 23 Q. (BY MR. BOND) Okay. And first of all,  
 24 it should never have been there, according to BP's  
 25 own procedures?

<p style="text-align: right;">Page 306</p> <p>1 A. We have discussed that with the prior 2 attorney, that that trailer should not have been 3 occupied. 4 MR. BOND: Objection, 5 nonresponsive. 6 Q. (BY MR. BOND) First of all, it shouldn't 7 have even been there, according to BP's own 8 procedures, right? 9 MR. ALVAREZ: Objection, form. 10 A. To answer your question, I think I 11 answered it that the trailer should not have been 12 occupied per the MOC procedure. 13 Q. (BY MR. BOND) Now, you -- how many 14 times -- can you tell me each time that you went 15 over to the West -- West Plant? 16 A. I can't tell you every single time I went 17 over there, no, I can't. 18 Q. Well, tell me one time. 19 A. Potentially, one time I went over there 20 was to discuss turnaround preparation for 2006 UU3 21 turnaround. 22 Q. When was that? 23 A. I can't recall the specific date. 24 Q. Let's -- let's use the explosion as a 25 reference point.</p>	<p style="text-align: right;">Page 308</p> <p>1 A. That's -- like I said, that's probably a 2 fair figure. 3 Q. In the year prior to the explosion, how 4 many times did you go to the West Plant? 5 A. I can't recall. The numbers I am giving 6 you are estimates. I don't remember the specific 7 incidents. 8 Q. Less than five times? 9 A. I am saying it's somewhere ballpark, plus 10 or minus. 11 Q. All right. Had you ever been to the ISOM 12 unit before? 13 A. Not that I recall, no. 14 Q. And who was -- what was the other unit 15 besides -- the NDU? 16 A. NDU, yes. 17 Q. Had you ever been to that before? 18 A. No, I hadn't. 19 Q. Of course, I think you stated earlier you 20 didn't know what they did or how they operated, 21 correct? 22 A. Yes. What I stated was I am not 23 intimately familiar with the process operation of 24 that unit. 25 Q. Okay. Did you know what they did? Did</p>
<p style="text-align: right;">Page 307</p> <p>1 A. Okay. 2 Q. How many months prior, before that 3 explosion, did you go to the West Plant the first 4 time? 5 A. I can't recall specifically a specific 6 date. It was -- as I stated earlier, I primarily 7 worked in the East Plant and I didn't visit the 8 West Plant very often. 9 Q. Do you recall visiting it once a year on 10 average, twice a year on average, three times a 11 year on average? 12 A. I would say less than five. 13 Q. Less than five times a year? 14 A. That's what I said, yes. 15 Q. And how long had you been there? 16 A. At what point? 17 Q. From the time you started your job at BP? 18 A. To what date are you asking? 19 Q. To the time of the explosion. 20 A. It's six plus years. 21 Q. So, did you go onto the West Plant 22 30 times? 23 A. That's probably a fair figure, yeah. 24 Q. So, you went to the West Plant 30 times 25 in the whole six years you were over there?</p>	<p style="text-align: right;">Page 309</p> <p>1 you know what the ISOM unit did? 2 A. In rough terms, you know, that it was 3 reforming a unit on the West side of the plant that 4 boosted octane, you know, in layman's terms. 5 Q. Did you even know the blowdown stack even 6 existed? 7 A. Personally, no. No, I didn't. 8 Q. So, you didn't know that the F-20 9 blowdown stack was even there? 10 A. No, I didn't. 11 Q. Okay. 12 (Discussion off the record.) 13 Q. (BY MR. BOND) So, you did not even know 14 the blowdown stack was there; but yet, you got 15 picked. 16 You were the leader on this MOC, 17 correct? 18 A. That's correct. 19 Q. Now, tell me, as a leader on this MOC, 20 the one that put this trailer that Ryan was in, 21 were you the first among equals or were you like 22 the top dog? 23 MR. ALVAREZ: Objection, form. 24 A. Are you asking with respect to like 25 grade?</p>

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1 Q. (BY MR. BOND) Everybody else on the  
 2 team.  
 3 A. Grade level or --  
 4 Q. No, just everybody else on the team.  
 5 What was your position?  
 6 A. A couple -- I mean, there was people in  
 7 that group senior to me, yes.  
 8 Q. But you were the team leader, right?  
 9 A. That's correct.  
 10 Q. For that MOC. And I am trying to figure  
 11 out how MOCs works is why I am asking this.  
 12 A. Sure.  
 13 Q. Were you first among equals or did you  
 14 have the final say? How did it work being the team  
 15 leader?  
 16 MR. ALVAREZ: Objection, form.  
 17 A. As the team leader, I was responsible for  
 18 facilitating and turning in the documentation; and  
 19 so, if I had something that I wasn't comfortable  
 20 with or wanted to document, then I would put it in  
 21 the documentation.  
 22 Q. (BY MR. BOND) That was your job?  
 23 A. Yes, it was.  
 24 Q. And you were put in charge of that job,  
 25 even though you had never been to the ISOM unit,

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1 correct?  
 2 A. That's correct.  
 3 Q. Even though you had never seen the  
 4 blowdown stack?  
 5 A. That's correct.  
 6 Q. Even though you had never been to the NDU  
 7 unit?  
 8 A. That's correct.  
 9 Q. Okay. When you did that MOC -- I don't  
 10 believe you even realized that hydrocarbons vented  
 11 to the atmosphere over there, did you?  
 12 MR. ALVAREZ: Objection, form.  
 13 A. No. No, I was not. As I testified  
 14 earlier, I was not aware of the blowdown stack or  
 15 that they did vent to atmosphere.  
 16 Q. (BY MR. BOND) Don't you think that's  
 17 kind of important to know when you are going to put  
 18 a trailer site?  
 19 A. Absolutely.  
 20 Q. Okay. But you didn't exactly pick  
 21 yourself, did you, to be the team leader? Somebody  
 22 picked it for you?  
 23 A. Well, I was asked to, yes.  
 24 Q. Okay. And who asked you to do that?  
 25 A. I was asked by Andy McWilliams.

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1 Q. Is she in management over at BP?  
 2 A. It was a he.  
 3 Q. He. I am sorry.  
 4 A. He was project manager --  
 5 Q. He will be mad at me.  
 6 A. -- for the ultracracker motorization.  
 7 Q. Okay. So, he put you in a spot that you  
 8 had -- really shouldn't have been in.  
 9 Would you agree with me on that  
 10 one?  
 11 MR. ALVAREZ: Objection, form.  
 12 A. Not necessarily, no.  
 13 Q. (BY MR. BOND) So, tell me why you should  
 14 have been there.  
 15 A. The reason I was there is because I was a  
 16 trained MOC leader, trained in that process to lead  
 17 that team.  
 18 Q. All right. But you weren't familiar with  
 19 the ISOM, right?  
 20 A. That's correct.  
 21 Q. You weren't familiar with the NDU?  
 22 A. That's right.  
 23 Q. You weren't familiar with any of the  
 24 dangers that were going to be presented to these  
 25 15 people in the trailer, correct?

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1 MR. ALVAREZ: Objection, form.  
 2 A. I am going to have to ask you to repeat  
 3 that question.  
 4 Q. (BY MR. BOND) Sure.  
 5 You weren't familiar with all the  
 6 danger that was going to be confronted by the  
 7 people in the trailer, correct?  
 8 A. No, sir, I was not personally aware of  
 9 all the hazards of the area.  
 10 Q. Wouldn't you think that it would be a  
 11 good idea to know those hazards before you do an  
 12 MOC for a trailer siting?  
 13 A. My answer to that is that's why it's done  
 14 in the team --  
 15 Q. Okay.  
 16 A. -- to have the representation to answer  
 17 those questions.  
 18 Q. You are the team leader, right?  
 19 A. Yes, I was.  
 20 Q. Okay. Don't you think it would be a good  
 21 idea that you would have an idea of the dangers  
 22 that presented to these folks that you were putting  
 23 in that trailer?  
 24 A. I am going to stand by my prior answer.  
 25 That's a part of the responsibility as team leader,

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1 to make sure the team has the expertise to address  
 2 those concerns and hazards.  
 3 Q. All right. So, Ryan, who was in that  
 4 trailer and who -- who died in that trailer, in  
 5 your mind, even though you didn't know the dangers,  
 6 even though you didn't even know about the blowdown  
 7 stack that was going to eventually lead to his  
 8 death, it was still okay for you to be the team  
 9 leader?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. That's my prior testimony, yes, that I --  
 12 Q. (BY MR. BOND) All right.  
 13 A. -- I felt it was okay for me to be the  
 14 team leader since I was trained in the MOC  
 15 procedures as a qualified leader.  
 16 Q. Did you follow those procedures  
 17 completely?  
 18 A. I followed the MOC as I was trained to --  
 19 to do it, yes.  
 20 Q. My question is: Did you follow those  
 21 procedures completely?  
 22 A. My answer is: I followed as I was  
 23 trained and I would always conduct them, yes.  
 24 Q. What did the accident investigation  
 25 report comment about the MO -- the actual -- the

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1 what-if scenarios? Do you think you did a complete  
 2 job on that?  
 3 A. The way the final report phrased it was  
 4 they felt that it was inadequately addressed.  
 5 Q. Okay. Whose fault was it that it was  
 6 inadequately addressed?  
 7 A. As a team leader, I will have to take  
 8 some responsibility for it being inadequately  
 9 addressed.  
 10 Q. All right. And so does BP management,  
 11 too, don't they?  
 12 A. I think BP management has a lot of  
 13 responsibility with respect to the entire incident.  
 14 Q. What kind of responsibility do you think  
 15 they have with respect to the entire incident?  
 16 MR. ALVAREZ: Objection, form.  
 17 A. Personally?  
 18 Q. (BY MR. BOND) Yes, sir.  
 19 A. Personally, I feel that they have to take  
 20 responsibility for the incident, and, also, to take  
 21 whatever action to make sure it never occurs again.  
 22 Q. What sort of responsibility? Why do you  
 23 think they should take responsibility?  
 24 A. Because it occurred at the BP site and  
 25 there was gaps in the organization that allowed it

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1 to occur.  
 2 Q. What sort of gaps were there in the  
 3 organization that allowed it to occur?  
 4 A. I think it was some issues that are kind  
 5 of addressed in the final report.  
 6 Q. Tell me what you think. I am asking you.  
 7 A. My personal opinion is a little bit  
 8 around the people moving in and out of positions.  
 9 Q. What do you mean by "people moving in and  
 10 out of positions"?  
 11 A. People moving fairly quickly.  
 12 Q. Changing jobs, so to speak, inside the  
 13 organization?  
 14 A. That would be a fair assessment of what I  
 15 am trying to communicate.  
 16 Q. Okay. And what else?  
 17 A. I guess with respect to the overall -- I  
 18 guess I got sidetracked.  
 19 What is the original question?  
 20 Q. I do that all the time.  
 21 I was asking how you feel BP  
 22 management was responsible.  
 23 A. Okay. And I had mentioned with respect  
 24 to people moving.  
 25 I feel there could have been,

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1 perhaps, greater auditing and training of specific  
 2 procedures and training programs.  
 3 Q. Does that include the MOC?  
 4 A. I think it would be fair to include that,  
 5 in hindsight, yes.  
 6 Q. And how about process management, process  
 7 safety management? Don't you think they should  
 8 have trained better doing that, too?  
 9 MR. ALVAREZ: Objection, form.  
 10 A. In hindsight, my personal opinion is  
 11 that, yes, they could have trained more.  
 12 Q. (BY MR. BOND) What else?  
 13 A. That's probably the main two.  
 14 Q. And I want to go back a little bit  
 15 because, see, I think they put you in an unfair  
 16 position. All right?  
 17 You -- you had only -- you never  
 18 had been around the ISOM unit at all, correct?  
 19 MR. ALVAREZ: Objection, form.  
 20 Object to the sidebar.  
 21 Q. (BY MR. BOND) Correct?  
 22 A. That's my testimony.  
 23 Q. Okay. And they give you a checklist to  
 24 fill out, don't they?  
 25 A. There was forms that were required to be



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1 filled out, yes, which some of them did involve  
 2 checklists.  
 3 Q. All right. But, I mean, you are -- this  
 4 is -- you are not making this out of whole cloth.  
 5 I mean, BP says, "Okay. Let's do an MOC. Here are  
 6 the forms you need to fill out," right,  
 7 essentially?  
 8 A. Yes.  
 9 Q. Okay.  
 10 A. There is -- there is a protocol, so to  
 11 say, yes.  
 12 Q. That's probably a better way to put it, a  
 13 protocol.  
 14 And you saw in the final report --  
 15 the fatal report -- the Fatal Accident Report where  
 16 there had been a number of incidences preceding  
 17 this explosion that occurred on March 23rd, 2004,  
 18 (sic), correct?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. You are asking in the final report?  
 21 Q. (BY MR. BOND) Yes, sir.  
 22 A. The reference to the prior incidences  
 23 with the F-20 blowdown stack?  
 24 Q. Yes, sir.  
 25 A. Yes, I did see that in the final report.

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1 Q. All right. And that's something I bet  
 2 you would have liked to know when you were doing  
 3 that MOC?  
 4 A. Oh, absolutely.  
 5 Q. Okay. And it's really not your fault  
 6 that you didn't get it, is it?  
 7 A. I think, in hindsight, you know, I do  
 8 feel some responsibility for not pursuing that  
 9 further.  
 10 Q. Okay. Well, what responsibility do you  
 11 feel about it?  
 12 A. I think as -- obviously in hindsight,  
 13 that the team could have asked a few more  
 14 questions.  
 15 Q. But that's kind of my point.  
 16 This -- you mean -- I know  
 17 you're -- you guess -- you wouldn't have -- did you  
 18 have a blank for a hydrocarbons release in your  
 19 what-if forms?  
 20 A. I would have to go through the checklist.  
 21 I don't recall it exactly. We can look at it if  
 22 you care to.  
 23 Q. We can -- we could put the --  
 24 MR. BOND: Could I get that  
 25 what-if list? I believe that was exhibit --

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1 Q. (BY MR. BOND) Do you have it in front  
 2 of you, sir?  
 3 A. Yes, I do.  
 4 Q. Can I see it, please? I am just going to  
 5 put it up on the screen, and we can both look at  
 6 it.  
 7 In fact, why don't I let you look  
 8 at it first and see if there's any blanks there for  
 9 a release of hydrocarbons.  
 10 A. (Examines document.)  
 11 Q. Did you see a blank for that?  
 12 A. The closest I see in reference to that  
 13 would be Question 9.  
 14 Q. Okay. Is that the question you are  
 15 referring to?  
 16 A. I'm sorry. If you would pull it down a  
 17 little bit, Question 9.  
 18 Q. I wanted to see if you could read it  
 19 through the -- make it hard on you.  
 20 A. I am not that good.  
 21 Q. Oh, okay.  
 22 "Were the following issues  
 23 considered in regards to the proposed trailer  
 24 location? Types and quantities of product or  
 25 hazardous chemicals."

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1 Did you know what was going on out  
 2 there? What kind of chemicals were out there?  
 3 A. I didn't specifically know the area, but  
 4 there was people within the team that were familiar  
 5 with the West Plant area.  
 6 Q. Who were the members of the team that  
 7 were familiar with it?  
 8 A. Primarily the operations folks.  
 9 Q. Well, who -- what were their names?  
 10 A. It would have been Jack Skufca, Randy  
 11 Murray. I believe the other gentleman's name was  
 12 Randy Smith.  
 13 Q. "Ignition sources."  
 14 Did you think about that?  
 15 A. That was discussed and was kind of  
 16 captured with the issues around the electrical  
 17 classification.  
 18 Q. And "Direction and velocity of prevailing  
 19 winds"?  
 20 A. That was discussed, too; and there was a  
 21 lot of discussion around having different wind  
 22 socks and stuff like that.  
 23 Q. When you came to this trailer -- or this  
 24 question, did y'all consider the release of  
 25 hydrocarbons?

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1 A. I think that the release was -- I don't  
 2 recall specifically. I do know that an event of  
 3 the order of magnitude of what occurred was not  
 4 considered, no.  
 5 Q. Well, no; but there had been a lot of  
 6 events prior to this where there had been, you  
 7 know, vapor releases from the F-20 blowdown stack,  
 8 correct?  
 9 A. That is my understanding, yes, in  
 10 hindsight.  
 11 Q. And if you knew -- if you knew that,  
 12 would you have approved the siting of that trailer?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. Personally, if I would have had that  
 15 knowledge, looking back on the event, no, I don't  
 16 believe I would have approved it.  
 17 Q. (BY MR. BOND) Okay. Probably not  
 18 anybody would have approved it, would they?  
 19 A. I think, obviously, there's people that  
 20 have a post incident mindset and pre and that's a  
 21 logical...  
 22 Q. How about pre-incident? Would you have  
 23 approved it?  
 24 MR. ALVAREZ: Objection, form.  
 25 A. I mean, if I would have had --

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1 Q. (BY MR. BOND) The -- the -- all those  
 2 incidents where you had vapor releases. I think  
 3 there were several of them listed in the final  
 4 report.  
 5 A. Probably not, no.  
 6 Q. Okay. Now, who is responsible for  
 7 getting those incidences to you so you have them  
 8 available to look at?  
 9 A. Typically, that type of information would  
 10 flow through operations personnel with knowledge of  
 11 the unit and -- basically, the operations  
 12 personnel.  
 13 Q. Who would that be?  
 14 A. Anyone within the operation -- I mean, I  
 15 don't have an order chart in front of me; but, you  
 16 know, operators, operator superintendents, people  
 17 of that nature that -- that know the specific  
 18 history of the unit.  
 19 Q. Wouldn't the -- wouldn't Process Safety  
 20 know that or should know that when they are doing  
 21 Management of Change?  
 22 A. I would agree that that would be good  
 23 information to have, yes.  
 24 Q. Would that be Joe Barnes or Bill Ralph  
 25 maybe?

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1 A. I am not sure that they would have that  
 2 specific information.  
 3 Q. Who was the person -- who was the  
 4 supervisor over the ISOM?  
 5 A. Ray Hawkins.  
 6 Q. Okay. Would he know that?  
 7 A. I guess that's a question you would have  
 8 to ask Ray.  
 9 Q. But somebody should have gotten that  
 10 information to you, right?  
 11 A. I would --  
 12 MR. ALVAREZ: Objection, form.  
 13 Q. (BY MR. BOND) Go ahead.  
 14 A. I will agree, yes, it would be very  
 15 useful information to have.  
 16 Q. And I guess if BP culture was set up with  
 17 safety in mind, don't you think that would be kind  
 18 of top on the list, vapor releases from the units?  
 19 MR. ALVAREZ: Objection, form.  
 20 A. I think, yes, vapor releases should be a  
 21 concern.  
 22 Q. (BY MR. BOND) And that should be -- I  
 23 guess, weigh more heavily than how quick somebody  
 24 could get to the job, right?  
 25 A. Absolutely.

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1 Q. Now, the final report also had some  
 2 criticisms -- criticisms about some other aspects  
 3 of the MOC, correct?  
 4 A. There were some criticisms. I don't -- I  
 5 listed the one that you asked about earlier. I  
 6 don't remember the specific --  
 7 Q. I will -- I will go through it.  
 8 A. That's fine.  
 9 Q. Because I -- okay. The -- the Fatal  
 10 Accident Investigation Report indicated that the  
 11 what-if summary was inadequate and incomplete; is  
 12 that correct?  
 13 A. That's the issue that we discussed  
 14 earlier, yes, that said it was inadequately  
 15 addressed.  
 16 Q. Do you agree or disagree with that?  
 17 A. I personally disagree with that statement  
 18 there because I was performing the technique as I  
 19 was trained.  
 20 Q. And I know you were; but, unfortunately,  
 21 BP didn't train you like they should have, correct?  
 22 MR. ALVAREZ: Objection, form.  
 23 A. What I will say, looking back in  
 24 hindsight, is: I feel I was properly trained as an  
 25 MOC leader. I do feel that I was perhaps not

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1 properly trained for a facility siting.  
 2 Q. (BY MR. BOND) Okay. Well, don't you  
 3 think a properly trained MOC leader would be aware  
 4 of hydrocarbon releases or, you know, should be  
 5 looking for that?  
 6 MR. ALVAREZ: Objection, form.  
 7 A. That's a fair statement.  
 8 Q. (BY MR. BOND) Because what's the  
 9 Number 1 rule out there? You want to keep your  
 10 product contained, correct?  
 11 A. Control the process, yes.  
 12 Q. Okay. And when you are not controlling  
 13 the process, that's bad, bad, bad, right?  
 14 A. Yes.  
 15 Q. And that should probably be the first  
 16 thing on the list to train an MOC leader, correct?  
 17 A. Yeah. I would think it would be a top  
 18 priority, yes.  
 19 Q. Okay. They didn't train you like that,  
 20 though, did they?  
 21 MR. ALVAREZ: Objection, form.  
 22 A. I guess I don't recall the exact  
 23 specifics of the training, but there may have been  
 24 some gaps in that training.  
 25 Q. (BY MR. BOND) They didn't train you like

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1 that, did they? They didn't train you with keeping  
 2 those hydrocarbons contained as a first priority,  
 3 did they?  
 4 MR. ALVAREZ: Objection, form.  
 5 A. No. I was pretty aware of containing the  
 6 process as my background in maintenance  
 7 for my abilities --  
 8 Q. (BY MR. BOND) Sure.  
 9 A. -- with mechanical integrity and actually  
 10 working in the inspection department to contain --  
 11 controlling the process was pretty important.  
 12 Q. But the MOC training that you got about  
 13 the -- and, again, just specifically the trailer  
 14 siting didn't say, "Hey, look out for the release  
 15 of hydrocarbons"?  
 16 A. I don't --  
 17 MR. ALVAREZ: Objection, form.  
 18 A. I don't specifically recall that, no.  
 19 Q. (BY MR. BOND) I mean, don't you think  
 20 you would?  
 21 A. As I have stated earlier, I think that  
 22 would, yes, be top priority.  
 23 Q. Well, if they trained you to do that, you  
 24 would have done your job, right?  
 25 A. I feel --

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1 MR. ALVAREZ: Objection, form.  
 2 A. I feel I would do any job how I was  
 3 trained to do it.  
 4 Q. (BY MR. BOND) Okay. But in this case,  
 5 you didn't address it because you weren't train to  
 6 address it --  
 7 MR. ALVAREZ: Objection, form.  
 8 Q. (BY MR. BOND) -- correct?  
 9 A. The only statement I have in response to  
 10 that was anything that they felt was inadequately  
 11 addressed or incomplete would be because that's how  
 12 I was trained to do it.  
 13 Q. All right. That's that -- I guess we  
 14 kind of went the full circle, but I like the way  
 15 you answered it the best.  
 16 Now, the what-if summary -- now,  
 17 when y'all put the traffic and stuff like that you  
 18 were worried about -- remember that action item  
 19 that wasn't completed?  
 20 A. Sure.  
 21 Q. Were y'all concerned about ignition  
 22 sources or were y'all concerned about just traffic?  
 23 A. I think it was a combination of both, but  
 24 the primary concern that initially initiated that  
 25 conversation was more around a pedestrian/vehicle

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1 accident. Then the electrical classification,  
 2 which relates to the ignition sources, was  
 3 addressed later.  
 4 Q. When you look at this document -- and do  
 5 you know the difference between "personal safety"  
 6 and "process safety"?  
 7 A. I am sorry?  
 8 Q. Do you know the difference between  
 9 "personal safety" and "process safety"?  
 10 A. Yes, I -- I buy into those concepts, yes.  
 11 Q. Okay. This document -- this process  
 12 hazard analysis looks like it is more addressing  
 13 personal safety as opposed to process safety.  
 14 Is that a fair statement?  
 15 MR. ALVAREZ: Objection, form.  
 16 Q. (BY MR. BOND) Here. Don't guess. Look  
 17 at it.  
 18 (Discussion off the record.)  
 19 A. (Examines documents.)  
 20 I feel that the questions are  
 21 somewhat geared towards both. There are some that  
 22 attempt to address process safety.  
 23 Q. (BY MR. BOND) Which ones?  
 24 A. I would say Question Number 8 and  
 25 Question Number 9.

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1 Q. So, two out of how many?  
 2 A. I believe there was 31 questions.  
 3 Q. So, 2 out of 31 questions address process  
 4 safety, correct?  
 5 A. Some of them address response to a  
 6 process safety type of event.  
 7 Q. So, looking at this documentation from a  
 8 layperson's point of view, it would appear to me  
 9 that the process safety is -- is less important to  
 10 BP than the personal safety.  
 11 MR. ALVAREZ: Objection, form.  
 12 A. Yes, I wouldn't necessarily agree with  
 13 that statement.  
 14 Q. (BY MR. BOND) Okay. But looking at  
 15 those, what would you say?  
 16 MR. ALVAREZ: Objection to form.  
 17 A. I am not sure that, as you say, a  
 18 layperson can make that inference from that.  
 19 Q. (BY MR. BOND) Well, how about you? Can  
 20 you make that inference?  
 21 A. Having worked at the facility, I don't --  
 22 I don't believe that -- as you -- as you say, that  
 23 process safety was -- was, I guess, ignored.  
 24 Q. Well, hey -- well, tell the -- tell the  
 25 jury the formal courses you have received in

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1 process safety.  
 2 A. Okay. As far as when you say "formal,"  
 3 do you mean --  
 4 Q. Any formal courses, any, you know --  
 5 A. Classroom based or --  
 6 Q. They send to you classroom based courses  
 7 all the time at BP; right?  
 8 MR. ALVAREZ: Objection, form.  
 9 A. Yeah, there is classroom courses such as  
 10 that.  
 11 Q. (BY MR. BOND) Tell the jury the times  
 12 that you have been sent to courses where you have  
 13 been taught process safety.  
 14 A. Okay. An MOC leader class would be  
 15 one --  
 16 Q. Okay.  
 17 A. -- where process safety was discussed. I  
 18 believe it was discussed in basic operator  
 19 training, which I attended.  
 20 Q. How long? Was it like an hour? Two  
 21 hours?  
 22 A. I don't recall specific. I know the --  
 23 the basic operator training, I believe, was a  
 24 week-long course. I don't recall how much of it  
 25 was addressed.

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1 It was, basically, basic  
 2 operations at the plant and different components  
 3 and such like that. You know, there was different  
 4 e-mails and such, highlighting different kinds of  
 5 process safety issues.  
 6 Q. Anything else?  
 7 A. That's all I recall.  
 8 Q. So, you had it mentioned in two courses  
 9 in six years?  
 10 MR. ALVAREZ: Objection, form.  
 11 A. As far as the respective formal training,  
 12 yes.  
 13 Q. (BY MR. BOND) So, I bet you spent more  
 14 time getting ready for this deposition than you  
 15 have getting formally trained in process safety?  
 16 A. With respect to formal classroom training  
 17 as you asked, it's probably a little bit more on  
 18 the -- more training received than I did receive  
 19 training for this deposition, yes.  
 20 Q. Okay. Let's talk about that.  
 21 How many days did you spend  
 22 training for -- in process safety at the MOC  
 23 course?  
 24 A. I believe it was a two-day course.  
 25 Q. Okay. And how many at the -- what did

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1 you say the other one was?  
 2 A. It was called BOT, Basic Operator  
 3 Training.  
 4 Q. How many days did you spend training in  
 5 process safety for that?  
 6 A. I believe that was a five-day course.  
 7 Q. Okay. Was you -- was the whole time  
 8 spent process safety training?  
 9 A. There was -- parts of it was more geared  
 10 towards, you know, process equipment and...  
 11 Q. The safety aspect was probably about a  
 12 couple-hour course, right?  
 13 MR. ALVAREZ: Objection, form.  
 14 A. I don't recall exactly how long.  
 15 Q. (BY MR. BOND) So, it's --  
 16 A. But it was not the entire course, no.  
 17 Q. Okay. So, you spent more time training  
 18 for this deposition than six years out at BP  
 19 training for process safety?  
 20 MR. ALVAREZ: Objection, form.  
 21 Q. (BY MR. BOND) Or about the same.  
 22 A. It's -- it's close. I am not sure which  
 23 one is more.  
 24 Q. Now, there is a question here on page 94  
 25 of the Fatal Accident Investigation Report that

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1 asked, "Do you -- do the unit standing orders need  
 2 to be updated?"  
 3 Do you recall seeing that question  
 4 in your what-if process analysis? Or should I be  
 5 looking somewhere else?  
 6 A. Did you take my document?  
 7 Q. Here, here. Maybe this is something that  
 8 took place in prior testimony.  
 9 A. I believe it is.  
 10 Q. Feel free to jump in and correct me when  
 11 you -- when you need to. Okay?  
 12 A. Sure.  
 13 Q. What's the first question right there?  
 14 A. That question says, "Do -- do the unit  
 15 standing orders need to be updated?"  
 16 Q. Y'all answered what?  
 17 A. The response to that question was, "No."  
 18 Q. And the answer should have been what?  
 19 A. You could say, in hindsight, that the  
 20 unit standing operating emergency orders should  
 21 have been updated.  
 22 Q. Why?  
 23 A. It could have been to notify personnel  
 24 that were in the area who were not normally there.  
 25 Q. All right. That would have been a good

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1 idea. If you are going to put people that are live  
 2 beings in an area that could possibly blow up, you  
 3 would want to be able to warn them of it, correct?  
 4 A. Absolutely.  
 5 Q. Okay. So, the standing orders should  
 6 have been updated, correct?  
 7 A. Standing operating orders either should  
 8 have been updated or you could say should have been  
 9 followed, yes.  
 10 Q. All right. In this case, y'all checked  
 11 "no"; and, of course, the report -- the final  
 12 accident investigation report -- Fatal Accident  
 13 Investigation Report criticized y'all for that,  
 14 correct?  
 15 A. I don't recall that specific criticism,  
 16 but I don't doubt if it may perhaps be there.  
 17 Q. Okay. It is.  
 18 In fact, I will show it to you  
 19 because I want to ask you a couple of questions  
 20 about it.  
 21 A. Okay.  
 22 Q. It's right there. You can take a second  
 23 to read it to yourself.  
 24 A. Okay. Just that paragraph?  
 25 Q. Yes, sir.

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1 A. Okay.  
 2 Q. What is that paragraph telling you?  
 3 MR. ALVAREZ: Objection, form.  
 4 A. As I read that paragraph, it states that  
 5 they felt that the issue with respect to unit  
 6 standing operating orders should have been updated.  
 7 And also, with respect to the other question, it  
 8 says that it should have been updated.  
 9 Q. (BY MR. BOND) Should have been what?  
 10 A. Updated.  
 11 Q. Okay. Now, did y'all do a P&ID? It  
 12 says, "Are the PI -- P-A-I-N-Ds being used for the  
 13 PHA, would be the most updated version?"  
 14 Do you know what that is?  
 15 A. Do I know what the P&ID is?  
 16 Q. (Nods head.)  
 17 A. Yes, I do.  
 18 Q. What is it?  
 19 A. It's a process and instrumentation  
 20 diagram.  
 21 Q. How come y'all -- you didn't use that?  
 22 A. Because for this instance, we used a plot  
 23 plan of the area as opposed to a P&ID.  
 24 Q. Any reason you chose to do that as  
 25 opposed to the other?

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1 A. Well, if you are familiar with P&IDs,  
 2 it's very specific in a smaller area; whereas, a  
 3 plot plan will show the general layout of the area  
 4 with respect to where it was located. A P&ID  
 5 doesn't show -- in this case it was a trailer  
 6 siting. It doesn't show geography.  
 7 Q. The next question is, "Are there other  
 8 concurrent jobs or projects that could impact this  
 9 PHA?"  
 10 There, in fact, was, correct?  
 11 A. Post incident, yes. Absolutely.  
 12 Q. Okay. That's what you are saying now,  
 13 right?  
 14 A. Oh, yes.  
 15 Q. Okay. But y'all should have known  
 16 pre-incident, correct?  
 17 A. My understanding, if you are referring to  
 18 the outage at the ISOM, was that it was not  
 19 scheduled at the time we had our meeting; and it  
 20 would have been, yes, useful information to have.  
 21 Q. Okay. Should have -- should y'all have  
 22 known about it prior to the meeting or was it  
 23 just not -- had not occurred yet?  
 24 A. Well, if it was not scheduled, there  
 25 would be no way to have known about it.

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1 Q. That makes good sense. All my questions  
 2 are easy.  
 3 Now, the final approval of the  
 4 MOC, that would have come from Mr. Hawkins, right?  
 5 A. That would be my understanding, yes.  
 6 Q. Because once you, I guess, did what you  
 7 had to do, you kind of washed your hands of the  
 8 situation?  
 9 A. Well, I --  
 10 MR. ALVAREZ: Objection, form.  
 11 A. I had fulfilled my responsibilities, yes.  
 12 Q. (BY MR. BOND) What else -- and standing  
 13 orders around emergency situations and response,  
 14 that would also include alarms, correct?  
 15 A. I am sorry. You are going to have to  
 16 repeat it.  
 17 Q. Well, y'all should have reviewed the  
 18 standing orders, the -- in that supplemental  
 19 checklist.  
 20 A. Okay. And your question is with respect  
 21 to alarm?  
 22 Q. Well, that -- you said, you know, to  
 23 notify the folks in the trailer.  
 24 Would that include the alarms?  
 25 A. Sure. The alarm system, radio

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1 communication, yes.  
 2 Q. If y'all had checked "yes" instead of  
 3 "no," what would have been done?  
 4 A. Probably if I -- we had checked "yes,"  
 5 from that point, the action item would have been  
 6 assigned for someone to determine if the operating  
 7 orders needed to be updated.  
 8 Q. Okay.  
 9 A. And --  
 10 Q. Anything else?  
 11 A. At that point, it would have been  
 12 assigned to an individual. It's -- you know, it's  
 13 hard to speculate on what they would or would not  
 14 have done.  
 15 Q. They should have given you a heads-up  
 16 about the F-20 blowdown stack being there. I mean,  
 17 you -- you weren't familiar with that area, of  
 18 course, because you had only been over -- you had  
 19 never been over there.  
 20 Who should have been the one on  
 21 the team that said, "Hey, you know, we have got  
 22 some hydrocarbons that could be released out  
 23 there"?  
 24 MR. ALVAREZ: Objection, form.  
 25 A. My personal opinion is that that

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1 information could come from either the people that  
 2 had surveyed the site or it could have come through  
 3 the operations personnel for the unit that were to  
 4 approve the MOC.  
 5 Q. (BY MR. BOND) Who on the team?  
 6 A. Well, with respect to the specific MOC, I  
 7 don't know how many of them walked the site. That  
 8 would be something that you would have to ask them,  
 9 but I am sure several of them were involved in  
 10 picking that specific location.  
 11 Q. But who on the team? You don't  
 12 know then. Is that your answer? "I don't know."  
 13 A. Well, as it addresses in the final  
 14 report, the blowdown stack was not addressed in the  
 15 MOC.  
 16 Q. I understand that.  
 17 But I mean, shouldn't somebody  
 18 have given you a heads-up as a team leader, say,  
 19 "Hey, we have got this blowdown stack over here"?  
 20 A. Oh, absolutely. In hindsight, that would  
 21 have been --  
 22 Q. My question is, to you: Who on the team?  
 23 You had a team here. Just like  
 24 you said before, "I -- I wasn't familiar with the  
 25 site, but other people on there were."

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1 Who on the team should have said,  
 2 "Hey, we have got -- we have a potential problem  
 3 here, a potential hazard, a potential danger"?  
 4 A. Well, I think any of those individuals  
 5 that had been out to that trailer site could have  
 6 potentially had that information.  
 7 Q. What I want you to do is name them -- who  
 8 you feel should have told you something.  
 9 A. Can I see the paperwork? Is that the  
 10 paperwork with respect to the MOC?  
 11 Q. Sure.  
 12 MR. ALVAREZ: Do you know how much  
 13 longer you are going to be?  
 14 MR. COON: Not much longer.  
 15 MR. ALVAREZ: I have to pick up my  
 16 kids.  
 17 MR. COON: Huh?  
 18 MR. ALVAREZ: I have to pick up my  
 19 kids.  
 20 MR. COON: Oh, I won't be much  
 21 longer.  
 22 A. Personally, I feel that any of the  
 23 operations personnel that were familiar with the  
 24 West Plant area may have had information.  
 25 Q. (BY MR. BOND) Name them. Name everybody

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1 you think on that team that should have told you  
 2 something.  
 3 MR. ALVAREZ: Objection, form.  
 4 A. Potentially, the following individuals  
 5 could have notified me with respect to that  
 6 blowdown stack, potentially: Andy McWilliams,  
 7 Kristof Harris, Jack Skufca, Randy Murray, David  
 8 Smith.  
 9 Eugene White was a contractor.  
 10 So, I am not sure if he would have had any specific  
 11 knowledge of it.  
 12 Danny Lee, Ken Curlee, I don't  
 13 know if those guys would have had specific  
 14 knowledge of it since they weren't necessarily  
 15 assigned to that area.  
 16 Q. (BY MR. BOND) Who in management could  
 17 have notified you?  
 18 MR. ALVAREZ: Objection, form.  
 19 A. Obviously, as we have discussed, perhaps  
 20 the operating superintendent for the unit, which  
 21 was Ray Hawkins, could have notified us.  
 22 Q. (BY MR. BOND) Anybody else you can think  
 23 of?  
 24 A. I think that covers quite a few people.  
 25 Q. Okay. The TAR superintendent has the

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1 role of project manager.  
 2 Who was the TAR superintendent?  
 3 A. With respect to the ultracracker?  
 4 Q. Yes.  
 5 A. The turnaround superintendent for the  
 6 ultracracker was Martin Risinger.  
 7 Q. And it was his job to make sure that  
 8 everything had been completed prior to authorizing  
 9 the siting?  
 10 A. That's what it states in the final  
 11 report. And my understanding was that Ray Hawkins  
 12 was the final approver.  
 13 Q. Okay. Have you understood all my  
 14 questions?  
 15 A. Yes.  
 16 Q. Oh, just one more. This is -- you can  
 17 thank him for this.  
 18 Did you do a -- did you do a  
 19 preference assessment for 2005?  
 20 A. I am sorry?  
 21 Q. Did you do a preference assessment for  
 22 2005?  
 23 A. Are you -- is it a performance  
 24 assessment.  
 25 Q. It may be performance. I can't read his

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1 writing.  
 2 A. If it's performance for 2005, no, I have  
 3 not done that yet.  
 4 Q. Okay. And I don't know what your bonus  
 5 was.  
 6 I don't want -- did you get a  
 7 bonus for 2005?  
 8 A. I haven't as of yet.  
 9 Q. Okay. So, it was less than the one you  
 10 got for 2004?  
 11 A. That would be accurate --  
 12 Q. Okay.  
 13 A. -- to date, yes.  
 14 MR. BOND: I shall pass the  
 15 witness.  
 16 MR. ALVAREZ: Any other questions?  
 17 We reserve ours for the time of  
 18 trial.  
 19 THE VIDEOGRAPHER: Ending  
 20 deposition at 5:15 p.m. with Tape 5.  
 21 (Deposition concluded.)  
 22  
 23  
 24  
 25

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1 EXAMINATION  
 2 CHANGES AND SIGNATURE  
 3 PAGE LINE CHANGE REASON  
 4 \_\_\_\_\_  
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WILLIAM KYLE SEELE

Page 346

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

\_\_\_\_\_  
 5 WILLIAM KYLE SEELE  
 6

7 THE STATE OF \_\_\_\_\_ )  
 8  
 9 COUNTY OF \_\_\_\_\_ )

10 Before me, \_\_\_\_\_, on this day  
 11 personally appeared WILLIAM KYLE SEELE, known to me  
 12 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 NOTARY PUBLIC IN AND FOR  
 22 THE STATE OF \_\_\_\_\_

23 My Commission Expires: \_\_\_\_\_  
 24  
 25

Page 347

1 CAUSE NO. 05CV0337  
 2 MIGUEL ARENAZA, ELIZABETH ) IN THE DISTRICT COURT  
 3 RAMON, DAVID G. CROW and )  
 4 JUANITA G. CROW, et al. )  
 5 )  
 6 VS. ) 212TH JUDICIAL DISTRICT  
 7 )  
 8 BP PRODUCTS NORTH AMERICA )  
 9 INC., B.P. CORPORATION )  
 10 NORTH AMERICA INC., DON )  
 11 PARUS, AND JE MERIT )  
 12 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS  
 13 )  
 14 CAUSE NO. 05CV0337-A  
 15 )  
 16 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
 17 MARCH 23, 2005 )  
 18 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
 19 PROCEEDINGS )  
 20 ) GALVESTON COUNTY, TEXAS  
 21 )  
 22 REPORTER'S CERTIFICATE  
 23 ORAL VIDEOTAPED DEPOSITION OF  
 24 WILLIAM KYLE SEELE  
 25 FEBRUARY 2, 2006

I, Stephanie Barringer, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:  
 That the witness, WILLIAM KYLE SEELE, 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. Brent Coon (4 hours, 29 minutes)  
 Mr. Trent Bond (40 minutes)  
 Attorneys for Plaintiffs

Page 348

1  
 2 That pursuant to information given to the  
 3 deposition officer at the time said testimony was  
 4 taken, the following includes the parties of record:  
 5  
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 18 ADMINISTRATOR OF THE ESTATE OF RYAN  
 19 RENE RODRIGUEZ:  
 20  
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Page 349

1 APPEARANCES  
 2 (Continued)  
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Page 350

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(Continued)

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Page 351

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(Continued)

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Page 352

1 APPEARANCES  
(Continued)

2

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9 - and -

10 Mr. David P. Salyer  
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Telephone: 409-763-2481

13

14 That a copy of this certificate was served on

15 all parties shown herein on \_\_\_\_\_ and  
filed with the Clerk.

16

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

20

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

23

24

25

Page 353

1

2 Certified to by me on this \_\_\_\_\_ day of

3 \_\_\_\_\_, \_\_\_\_\_.

4

5

6

7

8 \_\_\_\_\_

9 Stephanie Barringer, CSR  
Texas CSR 6198  
Expiration: 12/31/06  
10 U.S. Legal Support  
Firm Registration: 122  
11 519 N. Sam Houston Pkwy., Ste. 200  
Houston, Texas 77060  
12 Main number: 713/653-7100  
Fax number: 713/653-7143

13

14

15

16

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18

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24

25

1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2

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

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

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

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

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

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

19

20

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

21

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