

OPINION

Steinzor: Criminal investigations crucial to making refineries safer

10 years ago, blast leveled refinery, killing 15, injuring scores

By **Rena Steinzor** | March 20, 2015

The worst fears of workers at BP's Texas City refinery were realized 10 years ago this week when a large plume consisting of 52,000 gallons of explosive gases drifted from the top of a 17-story "isom" tower over an idling truck parked illegally.

A spark from the truck ignited the gas, and the resulting explosion damaged houses three-quarters of a mile away, crushed a portable office trailer placed too close to the tower, killing all 15 inside, and injured 170 others, some quite seriously.

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You might think that this tragic wake-up call would have resulted in dramatic improvements in refinery safety across the country. But a close look at the aftermath of Texas City suggests such faith is misplaced, and that the best stopgap at this point is to launch criminal investigations every time refinery operations kill, maim, or threaten public health.

The corporate host of the Texas City disaster was BP, which went on to sponsor the Deepwater Horizon explosion and oil spill. A series of investigative reports on Texas City, including one by a blue ribbon panel headed by James A. Baker III, Texas icon and former secretary of state, found a pervasive culture that allowed crucial components of the physical plant to "run to failure" and ignored line workers who reported safety problems.

BP bought the refinery from Amoco knowing it was in an appalling state of disrepair, but rather than upgrading to safe operational levels, top executives ordered drastic maintenance cuts. One critical but neglected repair was to hook the isom tower to another piece of equipment that could have prevented the explosion. The cost? \$150,000!

BP executive Ross Pillari blamed low-level workers for not "doing their jobs." Yet some of the men stationed at the tower had worked 12-hour shifts for 29 consecutive days, as required by BP policy. The company fired six of them, in effect reinforcing the perception that human error, as opposed to systemic mismanagement, was to blame. This spin was refuted by the evidence.

Several weeks before the explosion, Texas City plant manager Don Parus prepared a PowerPoint containing pictures of men killed in accidents on site and showed it to BP senior executives John Manzoni and Michael Hoffman. Parus had also commissioned a consulting firm to survey employees about safety. It reported that "[w]e have never seen a site where the notion, 'I could die today,' was so real."

Post-explosion reports by the Baker panel, the U.S. Chemical Safety Board, an internal BP review team, and investigative reporting by ProPublica and the Center for Public Integrity, ratified these fears.

The plot thickened when the Occupational Health and Safety Administration tried to get refinery hazards under control. It inspected 65 plants, meting out penalties that were historical highs for OSHA but a small fraction of refinery budgets. OSHA ended this

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effort in 2010, citing resource limitations. OSHA and its state counterparts are so severely underfunded that they manage to inspect about 1 percent of the workplaces under their jurisdiction.

Testifying before Congress in June 2010, OSHA's Jordan Barab asked rhetorically, "What have we learned from these tragic events? Certainly we have learned that in our nation's energy producing industry, the status quo is not working. In the past four months alone, at least 58 workers have died in explosions, fires and collapses at refineries, coal mines, an oil drilling rig, and a natural-gas-fired power plant construction site."

Today, refining and related industry sectors are largely left to their own devices without meaningful government oversight. An explosion at the Exxon refinery in Torrance, Calif., showered the neighborhood with clouds of ash containing tiny glass particles a few weeks ago. Refinery workers represented by the United Steelworkers went on strike, in part motivated by safety hazards like operator fatigue.

According to conservative pundits, the nation staggers under the weight of overregulation that must be rolled back immediately. Allies of the oil industry in Congress have largely achieved this rollback by cutting OSHA's budget and this trend shows no sign of abating. But a powerful alternative has emerged.

When the Deepwater Horizon went down in the Gulf, criminal prosecutors showed up in force. They investigated up the management chain, reasoning that executives created the conditions precedent to the disaster.

Four BP executives were indicted, the first in a series of indictments of individual managers involved in other health, safety, and environmental disasters.

Prosecutions don't help past victims. But more than any monetary penalty they focus the minds of senior managers with the power to make the essential investments in training and equipment that put safety first. Unless and until energy producers put their plants in order, federal and state prosecutors should arrive on the heels of firefighters and EMTs.

Rena Steinzor is the president of the Center for Progressive Reform

(www.progressivereform.org) and the author of "Why Not Jail? Industrial Catastrophes, Corporate Malfeasance, and Government Inaction" (Cambridge University Press December 2014).

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