

What Experts Say About the Criminal Penalties In the BP Texas City Refinery Explosion

Safety Experts, Legal Scholars, Consumer & Environmental Leaders Speak Out!

For More Information Contact Texans for Public Justice 512-472-9770, tpj@tpj.org.

"This penalty is far too small, given the enormous profits the company extracted from this single plant during the time that it was consciously refusing to implement much needed worker protections for which plant safety managers had been begging for years."

--Professor Thomas O. McGarity

Professor McGarity holds the Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law at the University of Texas School of Law. He has taught Environmental Law, Administrative Law and Torts at UT Law School since 1980. His book *Workers at Risk* (1993) (co-authored with Sidney Shapiro of the University of Kansas) describes and critiques the implementation of the Occupational Safety and Health Act during its first twenty years. (Ph: 512-471-5151)

"When corporations engage in criminal conduct to fatten profits at the expense of the lives of their employees, they must be held accountable. The penalties sought by the government for BP's felony behavior will have little or no deterrent effect on BP or other corporate wrongdoers. A democracy cannot tolerate two standards of justice -- one for street criminals and another for corporate criminals."

--Joan Claybrook

Joan Claybrook is President of Public Citizen, a Washington-based health and safety advocacy organization. She is past administrator of the National Highway Safety Transportation Administration. (Ph: 202-588-1000).

"BP continues to prove that it cannot operate its facilities safely and efficiently, and the tragic loss of human life adds to the unhealthy levels of pollution suffered every day by the entire community as a result. A \$50 million penalty and no external oversight for additional remediation projects is entirely inadequate to force BP to start protecting its workers and the community."

--Matthew S. Tejada, PhD.

Matthew Tejada is Executive Director of the Galveston Houston Association for Smog Prevention (GHASP). (Ph: 713-528-3779).

“The BP Texas City refinery explosion is one of the worst corporate crimes in U.S. history. This company knowingly placed its workers at great risk, and result was severe injury and death for many. The proposed \$50 million fine is far too low. It will do nothing to punish BP for its reckless misconduct or to deter future wrongdoing by signaling that the price for engaging in this type of behavior will be consequential and severe.”

--Joanne Doroshow

Joanne Doroshow is Executive Director of the New York-based Center for Justice and Democracy, a victims rights and corporate responsibility organization. (Ph: 202-267-2801).

“Just last week, yet another worker was killed by an industrial accident at the BP Texas City plant. At this point, the public can have no confidence in BP's ability to manage its facilities in a way that protects its workers and neighbors. The plea agreement should authorize and fund the U.S. Chemical Safety and Hazard Investigation Board to supervise cleanup of the plant, make the changes needed to protect workers and neighbors from future accidents, and provide the public with periodic reports on progress.”

--Eric Schaeffer

Eric Schaeffer is Executive Director of the Washington, DC – based Environmental Integrity Project. (Ph: 202-296-8800)

“In this over-indulgent criminal plea deal, Bush’s Justice Department visits ground zero of one of the worst industrial blasts in recent U.S. history. It calculates the value of the 15 workers whose deaths were so poignantly preventable. And it puts a number on the damages flowing from the many non-fatal injuries involving hundreds of Texas families. Then these accommodating prosecutors march into court and announce that all this human wreckage is not worth even a single day of BP’s precious profits.”

--Ralph Nader

Ralph Nader is a consumer advocate based in Washington, D.C.

“BP chose profits over public safety, killing 15 people. This company doesn’t need a slap on the wrist; it needs to have the book thrown at it.”

--Alex Winslow

Alex Winslow is Executive Director of Texas Watch, an Austin-based consumer advocacy organization. (Ph: 512-381-1111)

“This proposed plea agreement strikes me as very seriously deficient in a number of critical respects. In light of the seriousness of the crimes involved, and the defendant’s prior history of criminal misconduct, the fine proposed seems far too low to deter future misconduct by this defendant or any other, similarly situated companies. The waiver of a pre-sentence investigation included in this proposed plea agreement is most irregular and (in my experience) atypical in a felony case of this magnitude. Moreover, given the absence of an express requirement that the defendant bring its facilities into full compliance with applicable laws, and the omission of any provision for independent monitoring and oversight, the proposed plea bargain fails to provide even the basic safeguards that are routinely incorporated in civil consent decrees in similar matters. One would certainly expect far more in the settlement of an important criminal prosecution.”

--Professor Joel Mintz.

Joel Mintz is Professor of Law at Nova Southeastern University Law Center and a member scholar of the Center for Progressive Reform. (Ph: 954-262-6160).

“The proposed BP settlement must be rejected because it fails to adequately penalize the oil giant for the unnecessary death of workers and would not serve as a deterrent to future disasters.”

--Denny Larson

Denny Larson is Coordinator of the National Refinery Reform Campaign, a national effort to clean-up America’s oil refineries and hold oil companies accountable for their actions. (Ph: 415-845-4705).

“Until polluters are severely fined for their criminal acts they will continue to cut corners and operate illegally, at the expense of human health and life. We urge the judge to send a strong message to all that it is wrong to put profit over people and deny this plea agreement.”

--Suzie Canales

Suzie Canales is Director of Corpus Christi-based Citizens for Environmental Justice. (Ph: 361-334-6764)

“This plea deal resembles a reward rather than a deterrent for BP’s criminal behavior. We encourage the court to reject it.”

--Tom “Smitty” Smith

Tom “Smitty” Smith is Director of Texas Public Citizen, an Austin-based consumer advocacy and watchdog organization. (Ph: 512-472-9770).

"For years, the Justice Department and the white collar defense bar -- along with the corporate political elite that control both the Democratic and Republican parties -- have treated occupational homicide as if it were a parking violation. It's about time that the workers stand up and say -- enough. Time to get tough with the worst of the corporate criminals."

--Russell Mokhiber,

Russell Mokhiber is editor of the Corporate Crime Reporter, a Washington, D.C.-based legal newsletter.

"It's time for the EPA and state environmental regulators to put an end to self-regulation of refineries. The current situation leaves the fox guarding the hen house and puts our communities at risk. We strongly urge the court to reject the BP plea deal and order a complete pre-sentence investigation of BP's history of misconduct."

--Hilton Kelley

Hilton Kelley is Executive Director of Community In-Power and Development, a Port- Arthur-based citizen organization working for refinery safety. (Ph: 409-498-1088)

"This plea deal reads as if it were written by BP's corporate counsel. This sweetheart deal is an insult to the victims and the community."

--Craig McDonald

Craig McDonald is Director of Texans for Public Justice, an Austin-based watchdog and advocacy organization that promotes government and corporate accountability. (Ph: 512-472-9770).

"BP ran its Texas City refinery as a criminal enterprise which generated over \$1 billion in profits for the corporation in the 14 months preceding the explosion. Its felonious activities directly led to the deaths of 15 people and the injury of hundreds more. It is outrageous that these crimes be punished with a fine equivalent to less than 20 days of ill-gotten profits. I urge Judge Rosenthal to commit this settlement for further study and to ensure that the fine is consistent with that of other enterprises who have perpetuated crimes of similar magnitude."

--Mark Dudzic

Mark Dudzic is a former official of the Oil, Chemical and Atomic Workers Union and National Organizer of the Labor Party. (Ph: 202-234-5190).

“Judge Lee Rosenthal should impose a fine greater than the law stipulates. BP is guilty of involuntary manslaughter due to disregard for known dangers that existed in the daily operations of the Texas City Plant. A fine of 50 millions will not convey to other refineries that the US Justice Department is serious about the health and safety of individuals and or communities. “

--Juan Parras

Juan Parras is Executive director of Houston-based TEJAS (Texas Environmental Justice Advocacy Services). (Ph: 713-926-8895).

“In reference to the proposed BP penalty: Any fine against a company for its failure to protect workers should impact the "safety culture" of that company and change it for the better. In the long term, a substantial portion of this money should be used for programs that support this effort on behalf of worker safety through training and education.”

--Dr. Diana Dale

Dr. Diana Dale is the coordinator of the Houston Council on Occupational Safety and Health (COSH). (Ph: 713-266-2456).

"Companies like BP won't take safety seriously unless they face serious consequences when they cut corners to boost profits at the expense of workers and the community. This deal is one more reminder of why business as usual won't keep Texas safe from chemical explosions. Congress has to tell companies like BP to stop using such dangerous explosive chemicals when safer alternatives are available. Fortunately, as chair of the Transportation Security and Infrastructure Protection subcommittee, Houston Congresswoman Sheila Jackson-Lee has a terrific opportunity to revive a bill to do just that.”

--Heather Frey

Heather Frey is Program Associate for TexPIRG. (Ph: 512-479-0388).

"A \$50 million fine is extremely lenient considering the the devastating impact of this incident and the profitability of this company. The Texas City plant earned \$1.08 billion in profits alone over the 14 month period proceeding the explosion. A harsh penalty would send a clear message to violators who jeopardize the safety of their workers.”

--Geoffrey Castro

Geoffrey Castro is Executive Director of Citizens League for Environmental Action Now (CLEAN) a Houston-based organization. (Ph:713-524-3000)

"BP operated the Texas City Refinery for years with a callous disregard for the human health and safety of their own workers as well as the local community in Texas City as evidenced by the lack of proper pollution control systems in place to prevent the deadly accident. The deadly accident was totally preventable by BP. Except for the terrible accident killing BP workers, BP had escaped proper oversight even by its own managers due to a drive to maximize profits when BP was running the Texas City refinery. Safety should always take precedence over profits but BP did not see it that way. The settlement agreement and \$50 million fine should be rejected by the federal court as atrocious and a slap in the face of the victims and their families."

--Neil Carman, Ph.D.

Neil J. Carman is clean air program director of the Lone Star Chapter Sierra Club and a former refinery investigator for the State of Texas environmental agency.

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