

Background:

BP Plea Bargain – Deadly Felony Draws A Slap On the Wrist

On February 4, 2008, Houston U.S. District Judge Lee Rosenthal will be asked to rule on a plea bargain that federal prosecutors negotiated with a division of British oil giant BP Global. The plea deal seeks to settle felony criminal charges stemming from the March 2005 explosion at BP's Texas City refinery that killed 15 workers and injured hundreds more.

Blast victims, public safety advocates and legal scholars oppose the plea deal because it amounts to insufficient punishment for a recidivist corporate criminal with annual profits of \$23 billion. Only a much stiffer penalty and strict oversight will convince BP to obey U.S. law, they argue.

Facts about the Texas City explosion and plea bargain:

- On March 23, 2005, an explosion at the Texas City refinery owned by BP Products North America instantly killed 15 workers and injured several hundred more.
- Under a proposed plea agreement negotiated with the Bush Justice Department, BP will plead guilty to felony environmental crimes under the Clean Air Act.
- The plea deal fines BP \$50 million—a fraction of the approximately \$1 billion penalty that they would have imposed had they followed U.S. Sentencing Guidelines.
- In 2005 BP boasted profits of \$22.6 billion and a net worth of \$84.6 billion.
- Internal memos indicate that BP earned more than **\$1 billion in profits** just from its illegal operation of the Texas City plant in the 14 months preceding the explosion.
- Blast victims contend the plea agreement grants BP and its affiliates sweeping prosecutorial immunity for unspecified Clean Air Act violations nationwide—not just those at the Texas City plant.
- Prosecutors are presenting the plea deal to the court under a take-it-or-leave-it rule that denies the judge discretion to independently impose a just punishment.
- While BP pledges to comply with a host of EPA and OSHA rules, the deal does not impose any kind of outside monitoring or court oversight to insure that it makes good on its promises.
- Prosecutors and BP have filed a joint motion to waive a standard pre-sentence investigation, during which the court typically would review the company's long history of criminal and civil misconduct.
- In the filing to waive the pre-sentence investigation, BP admitted its culpability in two previous criminal incidents. This selective history overlooked at least 28 other documented cases in which BP has violated laws and regulations.