

# News Release

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## **Plea Deal For BP Explosion Comes Under Fire**

### **Leniency Won't Persuade Corporate Giant To Obey U.S. Laws, Say Victims, Legal Scholars, Consumer Advocates and Safety Experts**

Austin, TX: Victims, legal scholars, safety proponents and consumer advocates are denouncing a pending plea deal between the Bush Justice Department and BP Products North America to settle criminal felony charges arising from a deadly explosion at the oil giant's Texas City refinery. U.S. District Judge Lee Rosenthal is scheduled to review the plea bargain at a Houston hearing on February 4. The 2005 BP explosion killed 15 workers and injured several hundred more.

Blast victims and their survivors say the proposed deal is ludicrously lenient, given the huge profits that London-based BP made off its Texas City refinery and the massive human toll that the lawless plant claimed. The victims are seeking a larger fine and assurances that BP will make good on its pledges to improve safety at the plant. Since the 2005 explosion, industrial accidents at the same plant have killed three additional workers.

Legal scholars as well as consumer and public safety advocates also are denouncing the government's plea deal.

"This is a sweetheart deal for BP," said Texans for Public Justice Director Craig McDonald. "BP sucked a billion dollars in profits out of its runaway refinery in the 14 months preceding the blast. If it now walks away with a \$50 million wrist slap, then the government has sent a clear message—that global companies can come here and break U.S. laws with impunity. This fine represents less than one day's profits for BP."

Under the plea, BP will admit to criminal violations under the Clean Air Act and the Justice Department will impose a \$50 million fine on BP and grant its Texas City plant three years to comply with OSHA laws and regulations that it should have upheld all along. The blast victims also contend the agreement will provide the corporation with immunity for unspecified violations that BP has committed in other parts of the nation. Prosecutors are presenting the deal to the court as a "take-it-or-leave-it" proposal, which bars the judge from independently imposing stiffer penalties. Victims and advocates are urging the judge to reject this lenient deal.

Prosecutors and BP also have sought to waive a standard pre-sentence investigation in the case, in which the court would assess the company's extensive criminal history. While BP acknowledged to the court two prior criminal and civil violations, the company has been fined for wrongdoing on at least 30 occasions. BP is a recidivist corporate criminal. Its lengthy rap-sheet should factor into its sentence.

“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,” said Professor Thomas O. McGarity, an administrative law expert at the University of Texas School of Law.

“When corporations engage in criminal conduct to fatten profits at the expense of the lives of their employees, they must be held accountable,” said Joan B. Claybrook, President of Public Citizen, the nationally renowned health and safety advocacy organization. “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.”

Giving the enormous profit that BP extracted from the Texas City refinery, blast victims are seeking a fine of \$1 billion to \$2 billion. While the plea deal gives BP three years to comply with U.S. health and safety laws, it relies on the company to police itself. Given the company’s long history of violating safety standards, victims and safety advocates are calling for a court-appointed supervisor to ensure that BP complies with the legal and regulatory terms of the plea deal.

“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,” said Eric Schaeffer, Executive Director of the Environmental Integrity Project. “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.”

Attorneys for the BP victims are permitted to participate in the February 4 hearing. They are expected to urge the Court to order a thorough and independent pre-sentence investigation into the blast as well as BP’s history of civil and criminal misconduct. Attorneys representing the victims are: David Perry of Corpus Christi (361-880-7500), Mark Lanier of Houston (713-659-5200) and Brent Coon of Beaumont (409-835-2666).

Other advocates and experts critical of the BP plea bargain include: Joel Mintz, Professor of Law at Nova Southeastern University Law Center; Matthew Tejada, PhD., Executive Director of the Galveston-Houston Association for Smog Prevention (GASP); Denny Larson, Coordinator of the National Refinery Reform Campaign; Tom “Smitty” Smith, Director of Texas Public Citizen; Russell Mokhiber, editor of the Corporate Crime Reporter; Alex Winslow, Director of Texas Watch; Joanne Doroshov, Executive Director of the Center for Justice and Democracy; Suzie Canales, Director of Corpus Christi-based Citizens for Environmental Justice; Hilton Kelley, Executive Director of Community In-Power and Development; Mark Dudzic, former official of the Oil, Chemical and Atomic Workers Union and National Organizer of the Labor Party; Juan Parras, Executive director of Houston-based Texas Environmental Justice Advocacy Services (TEJAS); Heather Fry, TexPIRG; Sierra Club Lone Star Chapter.

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