

## **BP Delays Plant Safety Improvements**

*JUAN A. LOZANO Associated Press Writer — September 24, 2009*

HOUSTON (AP) — Oil giant BP PLC is requesting more time to implement required safety improvements at its Texas City refinery where a 2005 explosion left 15 people dead, the U.S. agency responsible for worker safety said Wednesday.

The request comes after the Occupational Safety and Health Administration told BP last month in a letter that it was failing to make the improvements that were part of an agreement BP entered into with the agency after the deadly blast, which also injured more than 170 people.

The agency found BP committed more than 300 willful violations. BP agreed to review process safety management systems and equipment throughout the refinery and pay a \$21.3 million fine.

BP had until Wednesday to comply with the agreement. OSHA spokeswoman Diana Petterson said the agency had received a request from the company for more time "and is presently taking that request under advisement as part of its ongoing inspection at BP."

Petterson declined to say how much additional time BP wants.

BP spokesman Daren Beaudou said the company is working with OSHA to resolve any concerns but would not comment on the status of its agreement with the agency.

"We believe we are in full compliance with our commitments," Beaudou said in a statement. "BP products remains committed to building upon the safety investments and improvements at its Texas City refinery."

But attorneys representing blast victims who objected to a federal plea agreement between BP and the Justice Department that settled criminal charges in the explosion said the OSHA letter is proof BP is not meeting its commitment to improve worker safety at the refinery.

"It's lip service," Brent Coon, an attorney for several blast victims, said of BP's claim it is in compliance with the OSHA agreement.

In an Aug. 3 letter sent to refinery manager Keith Casey, OSHA Houston South Area Office Director Mark Briggs said OSHA found that BP had deviated from industry standards related to pressure safety valves. These valves protect equipment and pipes from becoming overpressurized.

The explosion at the Texas City plant occurred after a piece of equipment called a

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blowdown drum overfilled with highly flammable liquid hydrocarbons.

The excess liquid and vapor hydrocarbons were vented from the drum and ignited at the startup of the isomerization unit — a device that boosts the octane in gasoline. Alarms and gauges that were supposed to warn of the overfilled equipment did not work properly.

Briggs said there are still a large number of "identified unmitigated risk scenarios" for which BP has not fully implemented industry standards related to systems that protect operating processes.

"Our information indicates that for some identified hazards, BP either has not specified or allocated the specific layers of protection needed and for other identified hazards where BP has specified the layers of protection it will use to control the hazards, the specified instrument controls have not been installed or are not operational," Briggs wrote.

Beaudo said BP has completed more than 550 OSHA citation abatement requirements and process safety related recommendations and has significantly reduced hazards both onsite and off.

"Since 2005, we have made substantial investments at Texas City in our people, our work processes, and in upgrading our facilities," he said.

This is not the first time BP's commitment to meeting the terms of its agreement with OSHA has been questioned.

A July 2008 report prepared on behalf of blast victims who objected to the plea deal accused BP of ignoring the OSHA agreement. A federal judge approved the highly criticized plea deal in March.

David Perry, another attorney representing blast victims, said noncompliance with the OSHA agreement would mean BP is not meeting the terms of its plea deal and should have its probation revoked.

Under the deal, a BP subsidiary pleaded guilty to a violation of the Clean Air Act, a felony, and BP was sentenced to three years probation and fined \$50 million.

Perry said he planned on sending the Justice Department a letter asking it to investigate whether BP's probation should be revoked.

The Justice Department declined to comment, said spokesman Andrew Ames.

The U.S. Chemical Safety and Hazard Investigation Board, another group that investigated the blast, found BP fostered bad management at the plant and that cost-cutting moves by BP were factors in the explosion.

The refinery, about 40 miles southeast of Houston, is the third-largest in the U.S. and produces about 2.5 percent of all the gasoline sold in the country.

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