Report: Plant, Contactor Ignored Worker Safety

DENVER (AP) — A draft report on a tunnel fire that killed five workers at a Colorado hydroelectric plant accuses Xcel Energy Inc. and contractor RPI Coating Inc. of ignoring worker safety.

The draft says that a lack of planning for hazardous work and inadequate contractor selection were among problems that contributed to the accident Oct. 2, 2007.

The Denver Post reported on the draft report Thursday after obtaining a copy from Xcel Energy.

Xcel, based in Minneapolis, lost a legal battle to block the release of the report, which it believes is inaccurate. However it released the draft out of fear that the U.S. Chemical Safety Board planned to issue the final report closer to the criminal trial of Xcel and RPI in the case, possibly influencing jurors.

Cliff Stricklin, an attorney for Xcel, told The Associated Press that the company also wanted to show that the board excluded findings of a gap in U.S. Occupational Safety and Health Administration standards concerning having large amounts of flammable materials in confined spaces.

The board, an independent federal agency that investigates serious chemical accidents, said it plans to release the final version Aug. 25. The trial isn't expected to begin until 2011.

The June 30 ruling by U.S. District Judge Wiley Daniel in Denver that rejected prohibiting the release of the report until after the trial said there is no evidence the board intentionally delayed the report or worked in concert with prosecutors.

Chemical safety board spokesman Daniel Horowitz said Xcel had been instructed to keep the draft confidential. It doesn't include key sections, such as an analysis of regulations and proposed safety recommendations, he said.

Xcel and RPI Coating, and RPI executives Philippe Goutagny and James Thompson each are charged in U.S. District Court with violating OSHA standards.

"It was an unfortunate and tragic accident and trying to determine the responsibility is very difficult," said David Kaplan, an attorney for Thompson. "There's never a sufficient explanation."

Larry Pozner, attorney for RPI Coating, declined to comment. Dru Nielsen, an attorney for Goutagny, didn't immediately return a message.

The draft report noted that OSHA's regulations governing confined spaces doesn't

spell out a permissible "lower level explosive" limit for safe entry. However, the rule does spell out a flammable concentration that could be hazardous or deadly, which the report said Xcel and contractor RPI Coating failed to adequately address. Stricklin said the rule isn't clear.

OSHA area director Herb Gibson did not immediately return a message left by the AP.

The draft report says that Xcel's emergency response plan in a rescue that what would have required specially trained personnel was to call 911. The trapped workers were alive and communicating with co-workers and emergency responders for 45 minutes after the fire broke out, until they died from smoke inhalation.

Killed were Donald Dejaynes, 43, Dupree Holt, 37, James St. Peters, 52, Gary Foster, 48, Anthony Aguirre, 18, all of California.

Includes information from: The Denver Post, http://www.denverpost.com [1].

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