Fertilizer Plant That Blew Up Carried $1M Policy

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McALLEN, Texas (AP) — The Texas fertilizer plant that exploded last month, killing 14 people, injuring more than 200 others and causing tens of millions of dollars in damage to the surrounding area had only $1 million in liability coverage, lawyers said Saturday.

Texas A&M University freshman Heather Warfield collects baseball cards Saturday, May 4, 2013, from a nearby apartment complex in West, Texas, that was damaged due to the explosion at a fertilizer plant in West on April 17. More than 124 students donated their time to help cleanup parts of West devastated by the fertilizer plant explosion. The plant exploded during a fire, killing at least 14 people and injuring about 200. **(AP Photo/Waco Tribune Herald, Rod Aydelotte)**

Tyler lawyer Randy C. Roberts said he and other attorneys who have filed lawsuits against West Fertilizer's owners were told Thursday that the plant carried only $1 million in liability insurance. Brook Laskey, an attorney hired by the plant's insurer to represent West Fertilizer Co., confirmed the amount Saturday in an email to The Associated Press, after the Dallas Morning News first reported it.

"The bottom line is, this lack of insurance coverage is just consistent with the overall lack of responsibility we've seen from the fertilizer plant, starting from the fact that from day one they have yet to acknowledge responsibility," Roberts said.

Roberts said he expects the plant's owner to ask a judge to divide the $1 million in insurance money among the plaintiffs, several of whom he represents, and then file for bankruptcy.

He said he wasn't surprised that the plant was carrying such a small policy.

"It's rare for Texas to require insurance for any kind of hazardous activity," he said. "We have very little oversight of hazardous activities and even less regulation."

On April 17, a fire at the West Fertilizer Co. in West, a town 70 miles south of Dallas, was quickly followed by an earth-shaking explosion that left a 90-foot wide crater and damaged homes, schools and nursing home within a 37-block blast zone. Among those killed were 10 emergency responders.

State and federal investigators haven't determined what caused the blast.

The plant had reported just months before the blast that it had the capacity to store 270 tons of ammonium nitrate, but it was unknown how much was there at the time of the explosion.

Roberts said that even without a conclusive cause, negligence lawsuits can proceed.

"The law allows courts to presume negligence when something happens that would not ordinarily occur but for negligence," Roberts said. "A fire might be an unavoidable accident, but an explosion of this magnitude resulting from a fire is not an unavoidable accident."

Lawyers will look for any other assets the company might have and search for other responsible parties, he said.

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