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BP Must Face Worker Suit in Texas Blast Case, State Judge Rules

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By Laurel Brubaker Calkins and Margaret Cronin Fisk

May 22 (Bloomberg) -- [BP Plc](#), the British energy company that settled 95 percent of claims stemming from a fatal 2005 explosion at a Texas refinery, must face an employee lawsuit over injuries he suffered in the blast, a state court judge ruled.

BP Products North America, the company's [refining division](#), has claimed responsibility for the explosion, which killed 15 and injured hundreds. The BP Plc unit is also the corporate entity that pleaded guilty to a federal criminal air-pollution violation linked to the blast and agreed to pay a \$50 million fine.

Judge [Susan Criss](#) in Galveston today denied BP's motion to dismiss an injury claim by employee Charles Pinder, allowing the lawsuit to go forward with nine others in a trial in Galveston that began this week.

BP said Pinder, as a refinery employee, was blocked by Texas worker compensation laws from suing his employer. Pinder argued he may sue a separate subsidiary, BP Amoco Chemicals, because it was in charge of the Texas City equipment until shortly before it exploded. Since BP Amoco is separate from BP Products, Pinder said, compensation law restrictions don't apply.

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“BP Chemical was not Mr. Pinder's employer,” his attorney, Lance Lubel, said at a hearing before Judge Criss in Galveston today. “The evidence shows that unit was managed or at least co-managed by BP Amoco Chemicals -- a separate company,” Lubel said at an earlier hearing.

Refining Employee

BP lawyer Mike Morris argued that Pinder was a BP refining employee, and as such “could've made a claim under workers comp and gotten lifetime medical care”

The explosion occurred as an octane-boosting unit overflowed while it was being restarted after repairs. Gasoline spilled into the vent system, called a blow-down drum, creating a vapor cloud that exploded, shattering windows five miles away.

London-based BP claimed it never intentionally endangered workers. The company set aside \$2.1 billion to [settle](#) more than 4,000 blast-related injury and property claims. BP has less than 200 claims pending and has settled all the lawsuits over deaths.

BP spokesman Daren Beudo declined to comment.

The civil suits are Arenazas v. BP Products North America, 05CV0337, 212 District Court, Galveston County, Texas (Galveston).

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