



Business

Dec. 12, 2007, 8:35PM

Three BP plaintiffs recall day of tragedy

Contractor tells jury he expected to die during blast

By KRISTEN HAYS

Copyright 2007 Houston Chronicle

GALVESTON — A contractor blown to the ground by the March 2005 explosion at BP's Texas City refinery tearfully recalled Wednesday that he ran when he got to his feet because he thought he was going to die as metal rained around him.

"The whole time I was running, I kept saying, 'We ain't going to make it,' " Bobby Moore, 58, haltingly told a jury as he wiped tears from his eyes with a white handkerchief.

Moore, a field safety coordinator for Clute-based scaffolding and insulation company Miken Specialties on the day of the blast, said he and a colleague noticed liquid "gushing" from the top of a blowdown stack shortly before the disaster.

He said he heard a voice on a radio in his friend's nearby truck say, "I hope that's water."

It wasn't. The vent stack about 30 yards away was spewing flammable hydrocarbons and vapors from an overfilled tower in a unit that boosted octane in gasoline. A vapor cloud formed and ignited, killing 15 people in a nearby trailer and hurting many more.

Moore is among eight men suing BP in a blast-related trial in Galveston.

Two other plaintiffs in the current case testified last week, and two more followed Moore on the witness stand Wednesday: John Estephan, 43, a painter and sandblaster; and welder Doug Brantley, 32. Both were contractors, like Moore.

Estephan said he was painting a pipe a few hundred yards away from the blast site when he heard a boom and fell off the pipe. He landed on his back and hit his head and a knee. He sought help from a chiropractor within days of the blast but said he kept working until April of last year when his back and neck pain interfered too much.

"I need to get back where I was before. I need to get healthy," he said.

Brantley was about 300 yards away from the blast but was blown into a rut. He said he minimized his injuries because he thought others needed the onslaught of ambulances more than he did.

The plaintiffs claim they suffered back and neck problems, as well as hearing loss and emotional distress. BP disputes the extent to which the company is responsible for those ailments. It also notes that the plaintiffs didn't seek medical care for their injuries until a year or more after the blast.

Moore testified that about a year after the disaster, he started having problems walking because his legs hurt. He said he took over-the-counter pain relievers and avoided making a claim against BP because he thought he might be fired.

"I was afraid to lose my job. I was afraid to make waves," he said.

BP lawyer Ronnie Krist asked if Moore realized he didn't seek treatment for blast-related injuries until October last year, after he had consulted an attorney, nearly 600 days after the blast.

"I really don't know. It was a year or so after the explosion I started having problems," Moore replied.

Moore told jurors he has undergone surgery on a wrist, shoulder and his back. He remains employed by Miken — though he is on leave after back surgery about a month ago.

BP lawyer Kenneth Tekell sought to tie Estephan's injuries to a January 2006 scuffle with another worker rather than the explosion. Estephan described the other worker as agitated and a drug user who threatened him, hit him and briefly knocked him out across the street from the plant.

Tekell asked if he suffered a concussion.

"No, at the hospital, the doctor told me no concussion," Estephan replied, noting later that medical records showed he had a cut on his head and a swollen lip.

Moore remains employed by Miken and has returned to the BP refinery after the blast. He testified that he doesn't feel safe there.

"I feel like I may not make it back home. Every day could be the last day that you see your family," he said.

Earlier Wednesday, a tax consultant testified via videotape that in the years before the blast, the company sought to slash the plant's appraised value in part because old equipment hadn't been upgraded or replaced.

Kathy Spletter, a consultant with Muse Stancil & Co., produced a report in 2003 supporting BP's push to cut its 2001-2002 valuation of more than \$1 billion by about half. The report said the plant's value was "eroding" because BP wasn't investing in improvements like its refining peers.

"It was clear that the discretionary capital had not been put into the refinery," she testified in a videotaped deposition played for jurors Wednesday.

The Galveston County Appraisal District cut the plant's appraised value to about \$500 million, reducing the company's tax bill by \$12 million.

Plaintiffs presented Spletter's testimony to bolster their allegations that BP knew the plant was run down and in critical need of upgrades and repairs in the years leading up to the blast.

"This plant had a number of deficiencies. You used those deficiencies to lower the value of the refinery?" asked plaintiffs attorney Lance Lubel.

Spletter replied that she considered how the plant didn't have state-of-the-art equipment as well as its processing capabilities. But even though her report said BP's rate of investment in its refineries lagged behind its peers, she said deficiencies were "a fact of life" in the nation's aging refineries.

"There is no refinery in the U.S. that is state-of-the-art," Spletter said. "A refinery has not been built in the U.S. since the 1970s."

kristen.hays@chron.com

COMMENTS