

Deposition Testimony of:

James Dupree

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Page 366:18 to 368:01

18 Q. Okay. Did you receive -- and
19 this would be prior to April 20th, 2010.
20 Did you receive any training for a disaster
21 of that magnitude?

22 A. So my career I had had -- I had
23 gone through incident command training
24 several times and I had been trained all
25 the way back to my time in Canada. I have
1 been involved in desktop types of exercises
2 in Canada, some in Russia with the new
3 firm. And when in my previous time in the
4 Gulf of Mexico there were training
5 exercises where we -- desktop training
6 exercises where we go and we -- we practice
7 a drill. So yes, I have received that type
8 of training.

9 Q. Right. But for disaster of the
10 magnitude that happened on April 20th,
11 2010, was the desktop training --

12 A. Well, it's called table top
13 training. It for those -- those types of
14 major incidents.

15 Q. Okay.

16 A. The -- the training didn't go on
17 as long as this incident went on, but it
18 was for those types of major incidents.

19 Q. Okay. All right. Were you
20 involved in the drafting of the BP Oil
21 response plan that was filed regarding the
22 Gulf of Mexico?

23 A. No.

24 Q. Okay. Are you an expert on that
25 plan?

1 A. No.

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6 Q. What was the earliest estimated
7 or first estimated flow rate that you
8 received?

9 A. I never received an estimated
10 flow -- flow rate. But the first I heard
11 of a flow rate --

12 Q. Okay.

13 A. Was the 5,000 barrels a day from
14 the Unified Command.
15 Q. Okay.
16 A. And I don't remember the day.
17 It was about the time that they announced
18 it.

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1 Q. Okay. So flow rate doesn't
2 determine what method you use to contain a
3 well?
4 A. Flow -- so like I said before,
5 we were doing everything in our power
6 trying to put all methods in place to stop
7 the flow. But at the time when I was
8 trying to shut in the BOP --
9 Q. Right.
10 A. -- it didn't -- didn't matter
11 what the rate was to -- to -- that would
12 influence whether or not we could close the
13 rams or not.
14 Q. Post BOP failure, flow rate
15 still didn't matter?
16 A. Flow rate was a component of the
17 calculations of the -- of the top kill. I
18 mean, it was -- it was modeled in the top
19 kill calculations.
20 Q. Okay. Not for the cofferdam?
21 A. Not for the cofferdam, no.
22 Q. Okay. So, but if flow rate
23 doesn't matter wouldn't -- wouldn't you
24 just start with the capping stack to kill a
25 well -- well?

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7 Q. But if flow rate doesn't matter
8 and the only thing that -- if it was a
9 disaster of this magnitude, let me preface
10 the question like that, wouldn't you start
11 with a capping stack since that's what
12 worked?

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16 Well, so at the time
17 there's debris on the sea floor. The BOP
18 is sitting there. The capping stack hadn't
19 been built yet. The first -- there's --
20 there's multiple -- we're building multiple
21 ways to attack the problem, but the one
22 available to us right now was to go
23 activate the BOP and that would be
24 the -- that would be the quickest way. We
25 didn't know that that would fail.

1 Q. Okay. But it fails. It does
2 fail?

3 A. Eventually we were unable to, or
4 we concluded that the rams were closed --

5 Q. Uh-huh.

6 A. -- and it didn't stem the flow.

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20 Q. Okay. Well, even if the
21 cofferdam had been successful, isn't it
22 true that the only ship you had on the
23 scene was prepared to accept 15,000 barrels
24 a day?

25 A. That's correct.

1 Q. So if the flow rate was above
2 that, what would happen to the oil not
3 captured by the --

4 A. There's no --

5 Q. -- ship?

6 A. It wasn't clear that the flow
7 rate was above that. You know, at that
8 point in time we had the kink in place. We
9 -- we had restrictions at the top of the
10 BOP. We hadn't pumped the -- the top kill.
11 You know, so the -- it wasn't clear that
12 the flow rate was above that.

13 Q. But if you did know the flow
14 rate, would you not have had a ship out
15 there with a greater capacity?

16 A. No. Because --

17 Q. No?

18 A. No. Well, we --

19 Q. If you knew --

20 A. We knew that -- we didn't know
21 -- we didn't know the flow rate. Okay?

22 Q. I'm presupposing.

23 A. Well, I'm looking at -- I'm not
24 going to pass -- I don't know, but at that
25 time that was the vessel that had the
1 largest capacity to -- to manage
2 hydrocarbons and it was already installed
3 and ready to go, the Enterprise. And there
4 was only one conduit through the cofferdam
5 up to one vessel, was the -- the way it was
6 set up.

7 Q. Okay. So your testimony is that
8 was the largest capacity ship available to
9 BP?

10 A. The largest for -- available at
11 that time.

12 Q. Would you like to know the flow
13 rate in the event of another disaster of
14 this magnitude, if you were in the same
15 position?

16 A. It's hard for me to speculate
17 on -- on how to respond to hypothetical
18 disasters.

19 Q. Would you have liked to have
20 known the flow rate for this disaster that
21 was not hypothetical?

22 A. At what point in time are you
23 referring to?

24 Q. As soon as it happened.

25 A. You know, in my opinion the flow
1 rate changed throughout the course of
2 the -- throughout the course of the event.
3 That we had multiple restrictions inside
4 the BOP early on and -- and so there --
5 there was no single flow rate number in my
6 opinion that existed in any one point in
7 time.

8 Q. When was the capping stack
9 containment an option? When was that idea
10 birthed, if you will?

11 A. It was an option within the
12 first -- probably within the first few
13 weeks it -- it was something that we
14 conceived we could do, we could attempt to
15 start to engineer.

16 Q. But not something developed
17 prior to the spill?

18 A. No. The technology was
19 available to do it, but we hadn't built the
20 actual stack.

21 Q. So you could have had it
22 available and ready prior to the spill as
23 part of an oil spill response plan for deep
24 water drilling?

25 A. You could have built something,
1 yes, but every BOP is different. So you
2 need particular -- to latch on to a BOP
3 you're going to need the particular type of
4 cross over and the right -- the right piece
5 of equipment. Even if you had it you still
6 have to be able to get it on to different
7 parts of the BOP.

8 Q. So essentially the capabilities
9 that -- that worked to cap -- cap and seal
10 the well were not developed before the
11 accident occurred?

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15 I wouldn't say that they
16 weren't -- so you say they weren't
17 developed. The technology was available.
18 The actual stack had not been put together,
19 okay, in the way that we did it, you know.

20 Q. All right. So if BP did not
21 have the capabilities to contain an
22 uncontrolled well deep sea other than the
23 BOP prior to drilling, what was the plan
24 for containing the well if the blowout
25 preventer didn't work?

1 A. Well, there were
2 several -- there -- as we moved forward
3 there were several options. There was
4 the -- the junk shot/dynamic kill. And
5 then the relief wells were soon to be the
6 ultimate kill for the well.

7 Q. And the relief wells take, what,
8 about three to six months to drill?

9 A. Depends on the progress of the
10 well, yes, somewhere in that range.

11 Q. That's a long time to let
12 500,000 barrels of oil spill into our gulf.
13 And a well like Macondo could take 90 days

14 or more to drill that kind of relief well,
15 correct?

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19 It would depend -- it would
20 depend on the efficiency of the rig.
21 Q. And that was literally the only
22 other option identified in that spill
23 response plan?
24 A. I'm not an expert on the plan so
25 I wouldn't be able to --
1 Q. What technology and techniques
2 were available to BP for cleaning up the
3 beaches of Alabama, Mississippi, Louisiana,
4 Florida?
5 A. So I didn't participate in the
6 surface response so I wouldn't -- I don't
7 know that. I was mainly source control.

Page 379:20 to 379:22

20 Q. Good morning, Mr. Dupree. My
21 name is Amy Jaasma and I represent
22 Transocean. I'm here today with Ryan King.

Page 380:11 to 380:18

11 Q. Okay. I just want to start
12 going over kind of some background
13 information to fill in a little bit maybe
14 from what I missed or to add on to what you
15 testified to yesterday.
16 You said that you have a
17 master's degree in petroleum engineering?
18 A. That's correct.

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20 Q. Okay. So were you ever a
21 driller?
22 A. No.
23 Q. Okay. And if I understand based
24 on your testimony yesterday you -- you were
25 also never a well site leader?
1 A. No.

2 Q. Or a wells team leader?
3 A. No.
4 Q. And have you ever worked on a
5 rig?
6 A. I have worked on land-based rigs
7 before, but typically during coring and
8 particular operations. Those were mainly
9 in Alaska earlier in my career.
10 Q. And how long has it been since
11 you did that?
12 A. I would say probably about 15,
13 20 years.
14 Q. What was your position exactly?
15 A. Well, I -- I would -- in
16 particular operations on the rig when we
17 were collecting information I would arrive
18 as an -- as a reservoir petroleum engineer
19 to collect that information --
20 Q. Okay.
21 A. -- from the well.
22 Q. Okay.
23 A. To logging operations, coring
24 operations, things of those nature.
25 Q. You walked through several of
1 your jobs or titles yesterday. And in
2 January of 2010 you officially transitioned
3 to the role of SPU leader for the Gulf of
4 Mexico?
5 A. That's correct.
6 Q. Is it fair to say that from
7 January 2010 to April 2010 you were the
8 senior official responsible for the
9 operations in the Gulf of Mexico for BP?
10 A. Responsible for the operations,
11 what do you mean?
12 Q. Well, you know what responsible
13 means, correct?

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16 Q. Do -- is it -- is that the --
17 A. So operations, you know, I -- I
18 oversaw the Gulf of Mexico for strategic,
19 as a -- as the strategic leader. But
20 certain -- like, for example, I was -- I
21 explained that projects were being migrated

22 under Neil in our global projects
23 organization, and then later on drilling
24 was being migrated.

25 So overall, when you say overall
1 operations, I -- the -- the actual
2 platforms and operations and the rigs were
3 under me at that point in time as well.

4 Q. Okay.

5 A. But the -- but the projects were
6 migrating out from underneath me at the
7 time.

8 Q. Okay. Was there anyone else
9 then who had -- who was above you who had
10 Gulf of Mexico in their title?

11 A. No.

12 Q. And your current title is
13 regional president of the Gulf of Mexico?

14 A. That's correct.

15 Q. And currently would you be the
16 senior official within BP responsible for
17 the goings on in the Gulf of Mexico?

18 A. I'm responsible for the strategy
19 in the Gulf of Mexico now under that title.
20 I am not responsible for day-to-day
21 performance of projects or drilling now
22 under that title.

23 Q. Okay. Is there someone who is
24 lateral to you on an -- on an
25 organizational chart who would be
1 responsible?

2 A. Well, that's in the
3 function -- the function now. So it would
4 be Richard Lynch who is the head of global
5 drilling, has a VP of drilling in the Gulf
6 of Mexico that's responsible for day-to-day
7 operations of drilling. And same as Neil
8 Shaw who has a vice-president of
9 developments in the Gulf of Mexico that's
10 responsible for the day-to-day projects.

11 Q. Okay. And on an organizational
12 chart where would those individuals be with
13 respect to --

14 A. They would sit in the GoM
15 organization, kind of a more of a dotted
16 line and more of a hard line up to there.
17 So I'm responsible now for the strategy of

18 the Gulf of Mexico. So I -- I decide -- I
19 steward the resources from exploration
20 discovery through to development and
21 abandonment, but I'm not responsible for
22 day-to-day performance on -- other than for
23 the operation, the rigs -- not the rigs but
24 the -- the platforms, you know, the
25 floating facilities.

1 Q. Okay. So you're saying that
2 those other individuals with Gulf of Mexico
3 in their title responsible for drilling,
4 they have a dotted line relationship to
5 you?

6 A. Uh-huh.

7 Q. They are not --

8 A. So they -- they get direction
9 from me as to where -- what fields we'll
10 develop, what wells we'll drill --

11 Q. Okay. But on an organizational
12 chart --

13 A. But -- but --

14 Q. Sorry.

15 A. But -- but how -- the
16 performance and how they drill is now the
17 responsibility of the function. It's a
18 matrix organization. It's a little bit
19 complicated.

20 Q. Sounds complicated.

21 Okay. Have you ever been out to
22 the Deepwater Horizon or had you ever been
23 out to the Deepwater Horizon prior to
24 April 20th, 2010?

25 A. I don't believe -- okay, so
1 prior to April -- so between January and
2 April of 2010, no.

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15 Q. Okay. Well, tell me a little
16 bit about your observations of the
17 competency and professionalism of the
18 individuals at Transocean with whom you had
19 the opportunity to work or interact with.

20 A. So those individuals in the past
21 or --

22 Q. Yes. In your dealings with --

23 A. So I thought they were quite
24 professional and did a good job.

25 Q. At any time did any of those
1 individuals you dealt with at Transocean
2 ever indicate to you that they were
3 indifferent to the health and welfare of
4 individuals that worked on their drilling
5 rigs?

6 A. No.

7 Q. At any time did any of the
8 individuals with whom you dealt at
9 Transocean ever indicate that they were
10 indifferent as to the environment in
11 connection with their drilling operations?

12 A. Indifferent as to the
13 environment. Can you expand on that,
14 please.

15 Q. Well, indifferent, that they had
16 disregard for the environment.

17 A. Environment, help me with
18 environment. You mean environmental
19 matters?

20 Q. Yes. Yes.

21 A. Or -- or the -- the environment
22 on the rig? You know, you --

23 Q. Okay. No, not the environment
24 on the rig. Environment, like the planet
25 earth.

1 A. Okay. No.

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22 Q. But bottom line, you never
23 observed any indifference to the welfare of
24 individuals or the environment on the part
25 of Transocean?

1 A. Me personally, I didn't observe
2 any indifference.

3 Q. Okay. And I'm assuming that as
4 of April 20th, 2010, whatever your
5 oversight was for the Gulf of Mexico
6 drilling and production, if someone had
7 suggested to you -- strike that.

8 As of April 20th, 2010, had
9 anyone suggested to you that the Deepwater
10 Horizon should be taken off line?

11 A. Did anyone in Transocean suggest
12 that?

13 Q. No. Had anyone from BP
14 suggested to you that the Deepwater Horizon
15 should be taken off line?

16 A. So you mean taken off line, you
17 mean -- you mean de -- moved out, taken off
18 contract or --

19 Q. Yes.

20 A. No.

21 Q. Or that Transocean as a company
22 should be put in time out?

23 A. For -- for the Deepwater Horizon
24 or for all the --

25 Q. For any -- for anything.

1 A. Official time out, you mean
2 contractually challenged for their behavior
3 and policies or --

4 Q. Well, at the time of April 20th
5 were they a preferred -- on the preferred
6 provider list for BP?

7 A. Yes.

8 Q. Okay. Had anyone suggested to
9 you that they should be removed from that
10 preferred provider list?

11 A. I'm not in procurement, but no,
12 I hadn't heard anything --

13 Q. Okay.

14 A. -- around that from the -- the
15 global organization.

16 Q. All right. Yesterday you talked
17 a little bit about the presentation that
18 you gave to the Ocean Energy Safety
19 Advisory Committee. And I believe it was
20 marked as Exhibit 3043, the transcript of
21 that that was taped on or recorded on
22 C-SPAN. Do you recall that bit of
23 questioning?

24 A. Yes.

25 Q. You told them that -- well, in
1 discussion of the lessons learned, do you
2 recall telling them that BP had changed
3 their equipment with respect to the BOPs to
4 run two blind shear rams on every deepwater
5 well?

6 A. I don't think I said that

7 directly. Can you point to me --

8 Q. Sure.

9 MR. ROSENBLOOM:

10 Just for the record, are
11 you looking at the full one which I think
12 we made 3044?

13 MS. JAASMA:

14 Oh, okay. Thank you.

15 3044. Yes.

16 BY MS. JAASMA:

17 Q. All right. If you turn to page
18 7, sir, at about, I guess beginning line 5.
19 And it says: "Now, what BP is doing in
20 this area right now is we have changed our
21 equipment with BOPs to issue. We ran two
22 blind shear rams on every deepwater well we
23 drill."

24 Did I read that correctly, sir?

25 A. That's correct. Now we require
1 two blind shear rams -- to be more
2 specific, it -- it's on -- we require two
3 blind shear rams on every deepwater well
4 from a -- from a dynamically-positioned
5 vessel.

6 Q. Okay. Do you know of any
7 regulations or any procedures within the BP
8 organization in existence in April of 2010
9 concerning whether deepwater rigs were to
10 have one or two blind shear rams?

11 A. So I'm not an expert in the ETPs
12 on BOP in -- in BP.

13 Q. So is that a no?

14 A. I -- that's a -- I don't know.

15 Q. Okay. You don't know.

16 Worldwide are you familiar with
17 who would have responsibility for
18 understanding globally BP requirements for
19 blind shear ram utilization on deepwater
20 rigs on BOPs?

21 A. Who -- individual or --

22 Q. Yes.

23 A. -- organization? No, I don't
24 know who, the individual's name.

25 Q. Have you ever heard any
1 discussions within the BP organization
2 about the appropriateness of use of one

3 versus two blind shear rams for a given rig
4 or a given well?
5 A. Talking pre April 20th or post
6 April 20th? What?
7 Q. Let's start with pre April 20th.
8 A. No, I hadn't been in any
9 discussions about BOP configurations pre
10 April 20th.
11 Q. Since April 20th?
12 A. There have been numerous
13 discussions in my new role about the
14 implementation of the new standard which I
15 discussed in the speech.

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13 Q. Do you know whether it's just a
14 coincidence that the two rigs that BP chose
15 to use at the Macondo well that were under
16 contract to BP were contractually equipped
17 with a BOP stack with one blind shear ram?
18 A. Can you say that again? Do I
19 know if --
20 Q. Was it just a coincidence then
21 that there were other rigs under contract
22 with BP in the Gulf of Mexico that had two
23 blind shear rams, but the ones on the
24 Macondo well were contractually equipped
25 with only one?
1 A. Are you talking about the
2 Horizon was contractually equipped with
3 only one?
4 Q. Yes.
5 A. Did I know that --
6 Q. Yes.
7 A. -- prior to April 20th? No.

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4 Q. You told congressional staff
5 that the results of the negative pressure
6 tests were not satisfactory. Do you recall
7 that?
8 A. I don't recall exactly saying
9 that, but --
10 Q. Is that generally what you said?

11 A. I think so.
12 Q. You also told staff that you
13 believe that the well blew moments after
14 the negative pressure test?
15 A. I don't think I said that. I
16 said -- I said I think it happened fairly
17 quickly after.
18 Q. Who gave you that information
19 about the negative pressure test being
20 unsuccessful?
21 A. I got that from Mike Zanghi and
22 Barbara Yilams.
23 Q. Can you spell that name for me,
24 please, Mike?
25 A. Z-A-N-G-H-I.
1 Q. And Barbara Yilams?
2 A. Y-A -- Y-I-L-A-M-S.
3 Q. All right. Do you know what
4 that means, that it was unsatisfactory?
5 A. That it was a -- well, I'm
6 trying to -- what I -- what I said was
7 there was 1400 pounds on the drill pipe and
8 zero on the kill line and that discrepancy
9 was not resolved, you know, so -- and
10 that's all I knew at the time.
11 Q. Have you actually performed any
12 negative pressure tests in deepwater?
13 A. No.
14 Q. Have you ever interpreted any
15 negative pressure tests in deepwater?
16 A. No.

Page 410:23 to 411:24

23 Q. Okay. At the time of your
24 transition, do I understand you correctly
25 that you had been on a leave of absence
1 from BP for about a year?
2 A. Little over a year, yes, that's
3 correct.
4 Q. And the last time that you had
5 held responsibilities in the Gulf of Mexico
6 was about eight years before that time?
7 A. That's correct.
8 Q. I would like for you to help me
9 list the other individuals who also were

10 transitioning to a new role in the Gulf of
11 Mexico around the same time. Was Pat
12 O'Brien someone else who --
13 A. Pat O'Brien was transitioning in
14 January as well.
15 Q. Okay. David Rich?
16 A. David Rich was in the
17 organization, but I think moving to a new
18 role inside the organization.
19 Q. Cindi Skelton?
20 A. Cindi was in the organization,
21 but moving up at the time to a new role.
22 Q. Do you know of anyone else?
23 A. David Oxley came in as the new
24 vice-president of human resources.

Page 413:13 to 414:01

13 Q. Okay. You -- we talked about
14 Pat O'Brien being relatively new or I guess
15 new in the role of vice-president of
16 drilling and completions; is that correct?
17 A. He entered the role in January
18 from the function, that's correct.
19 Q. And David Oxley, when did he
20 enter the role?
21 A. I think he arrived in January as
22 well.
23 Q. And Cindi Skelton, she's also on
24 this list?
25 A. That's correct. She moved up in
1 the organization.

Page 414:15 to 417:04

15 Q. Okay. Thank you.
16 Were you involved at all in
17 selecting or determining who would be on
18 the Gulf of Mexico SPU leadership team?
19 A. Yes, I was -- I was consulted,
20 but -- I was consulted on the -- the
21 individuals, but we -- it was kind of an
22 irregular time because we were
23 transitioning from one organization to
24 another and all the boxes were empty and it
25 was kind of best-person-for-the-job and

1 that was going on in November and December,
2 you know, right about the time I was coming
3 in.

4 And so the proposals were coming
5 from the functional leadership as to
6 who -- who are the best people for -- for
7 these roles. And the ones -- also -- also
8 whether or not the incumbents should stay
9 or not.

10 Q. Okay. So you were asked your
11 opinion about each of these individuals?

12 A. I was -- I was asked -- I wasn't
13 asked my opinion. I was asked whether or
14 not I would -- I thought Pat was the right
15 person or I thought Cindi was the right
16 person. And so I would ask questions about
17 their background. Some of them I -- I knew
18 at the time and some of them I didn't. And
19 then I would either accept or deny their
20 recommendation from the function.

21 Q. Okay. So you did investigate
22 their qualifications?

23 A. I -- I would ask the
24 functional or who -- I would talk to them
25 about why, who else -- who else would be
1 qualified. What are the other roles
2 available, you know, the other people
3 available and have a discussion around
4 that.

5 Q. To your knowledge what training
6 did Patrick O'Brien have with respect to
7 drilling and completions prior to him
8 becoming the VP of drilling and
9 completions?

10 A. I'm -- so I didn't -- what
11 training in drilling did Pat have?

12 Q. Yes.

13 A. I knew that Pat had an extensive
14 background in drilling. He had a Ph.D.
15 from LSU in engineering and a long history
16 and extensive background in drilling wells
17 around the world.

18 Q. When you say background, what
19 does that mean?

20 A. That means that he had led
21 drilling operations in different

22 organizations. I can't recite his risumi.

23 Q. But you did review his risumi?

24 A. I didn't review his -- I don't
25 recall seeing his risumi. I recall a
1 discussion with the function that said Pat
2 was -- was if -- was the next big leader in
3 the organization big enough to take on the
4 Gulf of Mexico.

Page 417:19 to 419:04

19 Q. Okay. And Cindi Skelton was VP
20 of HSSE and engineering, correct?

21 A. She was appointed to that role,
22 yes.

23 Q. To your knowledge what training
24 or experience did Miss Skelton have with
25 respect to the safety aspects of HSSE?

1 A. I didn't have a lot of knowledge
2 about -- I didn't have a lot of information
3 about Cindi other than she was in the
4 organization at the time.

5 Q. So you don't know?

6 A. No, let me finish.

7 Q. Well, I think --

8 A. I know that she ran OMS, that
9 she was leading the OMS initiative inside
10 of the Gulf of Mexico for a long period of
11 time and I was told that she had done a
12 fantastic job and that she came from --
13 from outside the GoM, which was a good --
14 perceived to be a good thing.

15 So I had spoken to Richard
16 Morrison and others about her, because she
17 had reported to him, about if she was
18 qualified. And then I trusted the function
19 that -- that she was the -- she was who
20 they were proposing. So I said okay.
21 That's --

22 Q. Do you know of any specific
23 training that she had regarding the safety
24 aspects?

25 A. I don't know her training
1 profile, no. But I don't -- I don't
2 know the -- for safety aspect it
3 doesn't -- you know, you would have to be

4 more specific.

Page 419:18 to 419:23

18 Q. Let me ask it this way: Do you
19 know of any specific training that Miss
20 Skelton has had; yes or no?

21 A. I didn't see any training
22 records on Miss Skelton before she was
23 appointed to the role, no.

Page 420:12 to 423:20

12 Q. Okay. And we have established
13 that you were new --

14 A. That's correct.

15 Q. -- in January of 2010.

16 That Mr. O'Brien who was the
17 vice-president of drilling and completions
18 directly below you was new?

19 A. That's correct.

20 Q. And Mr. Rich who reported
21 directly to Mr. O'Brien -- and he was the
22 wells director at the time I believe; is
23 that correct?

24 A. Prior or after?

25 Q. In --

1 A. Prior to?

2 Q. In -- let's see. In December, I
3 think he came on in December of 2009. Does
4 that sound right?

5 A. Yes. But I think he was in the
6 organization as the, I believe he was the
7 head of the completions development
8 organization.

9 Q. But in --

10 A. And then he moved up to the
11 wells, I think the title is called well --
12 I don't remember the exact title, but he
13 became the wells director. That's correct.

14 Q. Okay. And that was a new role
15 for him, correct?

16 A. That's correct.

17 Q. Okay. With these different
18 transitions occurring, did you ever say to
19 anyone, hey, you know, we have a lot of new

20 people moving into management positions,
21 changes are occurring, let's make sure that
22 we're extra vigilant as we're all getting
23 up to speed?

24 A. The whole process of moving from
25 one organization to another was very
1 controlled. There was clear descriptions
2 for every role and there was a management
3 of change processes in place for every one
4 of these roles. Because we -- we were --
5 weren't going to go live, what we call go
6 live with this new organization until all
7 of that had been managed.

8 So yes, we were vigilantly in
9 those first three months doing nothing but
10 making sure that this transition -- and it
11 was going on across, across the segment and
12 it was being led as a segment wide
13 initiative.

14 Q. Okay. What did you do
15 personally to make sure that you were
16 properly up to speed about what was going
17 on regarding operations in the Gulf of
18 Mexico?

19 A. With regard to these changes?

20 Q. No. Just what was going on
21 regarding operations in the Gulf of Mexico?
22 When you came on, what did you do
23 personally to make sure that you knew
24 everything you needed to know?

25 A. So I -- what I knew is I set up
1 a -- I had a meeting, a standing meeting
2 every Thursday for two to three hours with
3 all my direct reports where we started out
4 with safety and where we stood on the
5 safety aspects of all the matrix in the --
6 in the Gulf of Mexico.

7 Then I would review, get a brief
8 review on drilling and then we -- we would
9 get a review on operations and a review
10 where we were on projects. So every
11 week -- and I, before I got there I met
12 with Neil. Neil discussed with me all --
13 all his issues and talked to me about the
14 things that he was managing at the time.

15 So we did a management of change

16 process with Neil. Then I -- then I
17 started to run the operation with quarterly
18 performance reviews set up. And I met with
19 different organizations at different times
20 to get up to speed on their issues.

Page 425:02 to 425:17

2 Q. Mr. Dupree, I understand from
3 your testimony yesterday that you don't
4 know the specific job duties of BP's well
5 site leaders; is that correct?
6 A. I couldn't name the job
7 responsibilities specifically of the well
8 site leaders, that is correct.
9 Q. To your knowledge is it the role
10 of BP's well site leaders to be the lead
11 for the negative pressure test?
12 A. I don't -- I couldn't name
13 the -- the job responsibilities of the well
14 site leader.
15 Q. So is that no, you do not know?
16 A. Well, I don't know. I said I
17 couldn't name them. So I -- I don't know.

Page 432:09 to 432:25

9 Q. All right. As you sit here
10 today, is it your testimony that you do
11 recall being told of either lost
12 circulation or an inflow event occurring on
13 the Macondo well prior to April 20th, 2010?
14 A. Yeah, I recall being told about
15 one or -- one or the other of those, yes,
16 that's correct.
17 Q. Do you know if either or any of
18 those events in -- strike that.
19 Do you know if any of those
20 events that you were informed of were
21 investigated?
22 A. No.
23 Q. Did you do anything personally
24 to follow up on those events?
25 A. No.

Page 434:07 to 436:21

7 (Exhibit 3050 was marked
8 for identification.)
9 Do you recognize this document?
10 A. Yeah, I have seen it before.
11 Q. Okay. And it's an e-mail string
12 between you and Mister -- is it Keiffer?
13 A. Don Keiffer, that's correct.
14 Q. And who is he?
15 A. He's a consultant on continuous
16 improvement and --
17 Q. Okay. The bottom e-mail is from
18 Mr. Keiffer to you dated March 3rd, 2010;
19 is that correct?
20 A. That's correct.
21 Q. And it reads, "Just one more
22 thought stuck in my brain about our
23 conversation. Holding Cindi accountable
24 for safety." Does Cindi refer to Cindi
25 Skelton?
1 A. I believe so.
2 Q. What did you and Mr. Keiffer
3 discuss with respect to holding Ms.
4 Skelton accountable for safety?
5 A. I don't recall the exact
6 discussion about, that he's referring to
7 there. But most of the -- he -- we had
8 spent a day with Don talking about
9 continuous improvement with the leadership
10 team. So I don't -- I don't know what
11 particular conversation he's referring to
12 there.
13 Q. Do you know if --
14 A. I don't remember.
15 Q. Do you know if that conversation
16 included accountability for safety over
17 drilling and completions?
18 A. No. I don't know.
19 Q. The next sentence reads,
20 "Accountability is strong medicine and a
21 critical factor in CI and all other parts
22 of life, too."
23 Does CI refer to continuous
24 improvement?
25 A. That's correct.
1 Q. What did you understand

2 Mr. Keiffer to mean when he says
3 accountability is strong medicine?
4 A. I don't know. You would have to
5 ask Mr. Keiffer.
6 Q. You didn't form an --
7 A. He's -- he's a consultant
8 talking about continuous improvement.
9 Q. And I'm not asking what he
10 meant. I'm asking what was your
11 understanding when you read that phrase.
12 A. My understanding is that he is
13 very articulate with words, you know. It
14 doesn't mean anything to me, really.
15 Q. Really?
16 A. Well, accountability is strong
17 medicine is just an open-ended statement.
18 Q. And it means nothing to you?
19 A. Relative to what he's trying to
20 say, no.
21 Q. So you didn't understand him?

Page 436:25 to 437:03

25 I understand him, but I --
1 I don't really know what he's say -- what
2 he -- okay. So he's talking about
3 continuous improvement really.

Page 437:10 to 437:17

10 Q. Do you agree that accountability
11 is a critical factor in CI?
12 A. In continuous improvement?
13 Q. Yes.
14 A. Continuous improvement is a
15 process that, where you try and instill in
16 your organization to always look to better
17 everything that they do every day.

Page 438:11 to 438:16

11 Continuous improvement is a
12 process where you encourage your employees
13 and the people in the organization to
14 improve on a daily basis everything that
15 they are trying to -- not -- well, and pick

16 projects and try to make improvements.

Page 440:18 to 440:24

18 The next sentence reads, "I
19 would think about a way to hold the leaders
20 of the platforms accountable for the safety
21 on their platform."
22 Who to your understanding was
23 Keiffer referring to when he says leaders
24 of the platforms?

Page 441:03 to 441:04

3 I'm not sure who he is
4 referring to.

Page 442:05 to 442:16

5 Q. Okay. At the time of the
6 Deepwater Horizon incident, who at BP was
7 accountable for safety on the Deepwater
8 Horizon rig?
9 A. I don't know. I wasn't on the
10 rig that night. I wouldn't know who was
11 directly accountable for safety. Are you
12 talking about an individual?
13 Q. Yes, sir, an individual.
14 A. My expectation is everybody
15 would be accountable for safety on the rig
16 as --

Page 442:25 to 443:03

25 As I state in this e-mail,
1 you know, clearly safety accountability is
2 in line and everybody is -- is kind of
3 accountable for safety.

Page 443:07 to 444:23

7 Q. Sir, at the time of the
8 Deepwater Horizon incident do you know who
9 from BP was accountable for safety on the
10 Deepwater Horizon rig from BP?
11 A. No.

12 Q. The third paragraph reads, "To
13 me it may sound like you guys are
14 accountable for improving safety. You
15 might think about getting Cindi involved
16 since she has the expertise and resources
17 to help you get there."

18 To your knowledge what
19 experience did Cindi have with respect to
20 safety? Strike that. I have already asked
21 you that, I believe.

22 The top e-mail is from you to
23 Mr. Keiffer; is that correct?

24 A. That's correct.

25 Q. It reads, "I have not intended
1 to make Cindi accountable for safety. It
2 is clear that safety accountability is in
3 the line."

4 When do you mean -- or what do
5 you mean by "it is clear that safety
6 accountability is in the line"?

7 A. That means everybody in the
8 organization is accountable for safety.

9 Q. Your reference to safety
10 accountability, does that mean safety
11 accountability for all sectors within the
12 Gulf of Mexico?

13 A. That means for their particular
14 job responsibilities.

15 Q. And so I am assuming that that
16 would also include drilling and
17 completions?

18 A. That includes for their
19 particular job responsibilities. So -- so
20 anybody in the organization is accountable
21 for safety in their job responsibility.

22 Q. So is that a yes, sir, that it
23 does include drilling and completions?

Page 445:02 to 446:16

2 So drilling and completions
3 is an organization. And I'm talking about
4 individuals here. So any individual in the
5 corp -- in the organization -- and it's
6 expected of the contractors as well -- that
7 they would be accountable given their job

8 function for safety, for their job
9 function.

10 Q. And would that include
11 individuals whose job responsibilities
12 include drilling and completions?

13 A. That's correct.

14 Q. Was Cindi Skelton as the VP of
15 health safety, security and environment
16 accountable for safety?

17 A. No. And I state here in the
18 e-mail I want Cindi to organize the safety
19 initiatives and support the line.

20 Q. Who did you make accountable for
21 safety?

22 A. Everybody in the organization is
23 accountable for safety for -- in their job
24 responsibilities.

25 Q. Okay. Is there one person that
1 you can point to within BP who is
2 accountable for safety?

3 A. No. And it's -- safety is not
4 organized in that way and not thought of
5 that in BP as there's one
6 single -- everybody is accountable for
7 safety because everything that occurs is
8 at, is at particular job sites across the
9 whole company, that that one individual
10 can't be at at all times.

11 Q. So it's your testimony here
12 today, just want to make sure I understand,
13 that you cannot point to one particular
14 person within BP who is accountable for
15 safety and the implementation of procedures
16 regarding safety?

Page 446:20 to 449:17

20 So what I said was
21 everybody in the organization is
22 accountable for safety and implementing,
23 and when it comes to implementing
24 procedures it is implementing procedures
25 relative to their job function. That's --

1 Q. I believe my question, sir, was:
2 Is it your testimony here today, just want
3 to make sure I understand, that you cannot

4 point to one particular person within BP
5 who is accountable for safety. Yes or no?

6 A. I'm -- I'm pointing to all the
7 people in BP accountable for safety.

8 Q. The next line reads, "What I
9 want Cindi to do is organize the safety
10 initiatives that support the line. The key
11 initiatives are hazard ID, hands and
12 dropped objects."

13 To your knowledge what safety
14 initiatives has Miss Skelton taken?

15 A. Are you asking at that time or
16 you're asking since then?

17 Q. At any time since this e-mail
18 was written what initiatives has Miss
19 Skelton taken with respect to hazard
20 identifications?

21 A. So Cindi has a very large team
22 and hazard identification, I think she --
23 she has initiatives ongoing to -- to
24 better -- to -- to improve our job safety
25 process, you know. So hazard
1 identification process, particularly on the
2 different platforms, she's working hard on
3 control of work processes that help
4 identify hazards on -- on different
5 facilities. There's a -- there's a number
6 of -- of things going on there relative to
7 hazard identification.

8 Q. Do you know who is --

9 A. And I don't -- I don't have
10 everything in front of me to -- to show all
11 that to you.

12 Q. I appreciate that.

13 Who is responsible for
14 implementing these safety initiatives?

15 A. So it's -- so she's -- she's
16 organizing changes and then implementation
17 would be in the line, and -- and support
18 would be in the line.

19 Q. Moving down to the last line,
20 "In addition, we need a common leadership
21 approach to getting our boots on and being
22 more visible on the platforms."

23 Did I read that correctly, sir?

24 A. That's correct.

25 Q. Why did you think it was
1 important to be more visible on the
2 platforms?

3 A. In the -- what I'm referring to
4 there is I'm referring to the leadership on
5 the platforms, and these are the platforms,
6 the production platforms.

7 Q. And sir, I'm -- I am going to
8 interrupt you and I apologize. I think
9 maybe you didn't understand my question.
10 So just to be clear, why did you think it
11 was important to be more visible on the
12 platforms?

13 A. I am going to -- I am going to
14 explain that.

15 Q. I --

16 A. I'm going to explain why -- why
17 I thought that --

Page 450:02 to 451:21

2 Why -- leadership on the
3 platforms called the OIMs. I had put in
4 place -- prior to my arrival there was a
5 thing called a 5Q safety plan. And
6 each -- each facility had put together
7 their plan. Now, part of that
8 plan -- there were different -- there were
9 different elements of their individual
10 plans as to how visible the leadership was
11 going to be, meaning the OIMs. And boots
12 on means not sitting in the office. The
13 guy, the O -- the OIM, and I'm talking
14 about my OIMs on my -- on the BP facilities
15 not sitting in the office on e-mail, but
16 have their boots on and are walking around,
17 leading, you know, making sure they
18 understand what's going on the platform.

19 And what I'm -- what I'm saying is
20 that we need a common approach to the boots
21 on deck. And boots on deck is a -- it's a
22 phrase used inside the unit about getting
23 people out of the -- the off -- the OIMs
24 out of the office on the platforms and on
25 the deck and observing what's going on and
1 demonstrating leadership. That's what I'm

2 referring to right there.
3 Q. Isn't there a BP drill team
4 person already on the platform who is in
5 charge of safety?
6 A. Drill team person?
7 Q. Okay. Was there a well site
8 leader?
9 A. So I'm referring to
10 production --
11 Q. Sir, I'm not asking what you are
12 referring to.
13 A. There -- there is a
14 well -- there is a well site leader
15 on -- on the -- on the drilling rigs,
16 that's correct.
17 Q. Did you feel that you could rely
18 on your well site leader or your well team
19 leader to properly manage safety
20 initiatives without other people being
21 visible on the platform?

Page 451:24 to 452:08

24 Q. Or on the rigs?
25 MR. ROSENBLOOM:
1 Which question is it?
2 Q. Either, on either the platforms
3 or the rig?
4 A. So what I'm -- what I'm trying
5 to say here is that I need those leaders to
6 put their boots on, not be in their office
7 and being out walking around on the decks,
8 that's what I'm referring to here.

Page 452:12 to 452:22

12 I'm not referring -- so I'm
13 not referring to anybody externally coming,
14 I'm referring to --
15 Q. Sir, I just have a few more
16 minutes with you. I would appreciate it if
17 you would listen to my question that I ask
18 and answer that question. And then I will
19 leave --
20 A. I'm trying to answer the
21 question.

22 Q. -- you forever.

Page 452:25 to 453:05

25 Q. Let -- let me -- let me ask it
1 one more time.
2 Did you feel that you could rely
3 on your well site leaders or your well team
4 leaders to properly manage safety
5 initiatives?

Page 453:09 to 455:21

9 Okay. Which safety
10 initiatives are you referring to?
11 Q. Any.
12 A. Within -- I felt that within
13 their job responsibilities what the
14 initiatives were that they were supposed to
15 be doing, that they should be able to do
16 that, yes.
17 Q. And did you feel that they were
18 doing that?
19 A. I didn't -- I didn't have any
20 direct feedback on that.
21 Q. You didn't?
22 A. But I had expectations that
23 they -- that everybody was doing their --
24 their job.
25 Q. Did you ever ask for feedback
1 about whether the well site leaders were
2 doing their job?
3 A. No, I -- you know, I oversee,
4 you know, 1800 people. I wasn't
5 particularly picking one small part of the
6 organization to ask feedback on.
7 Q. This e-mail is dated March 3rd,
8 2010, which is a little more than a month
9 before the Deepwater Horizon incident; is
10 that correct?
11 A. That's correct.
12 Q. Who did you send out to the
13 Deepwater Horizon rig between March 3rd and
14 April 20th, 2010, if anyone, to assist in
15 managing safety initiatives?
16 A. I didn't send anybody out to the

17 Deepwater Horizon.

18 Q. You testified yesterday that you
19 are not privileged to all information about
20 what happened. Is that an accurate
21 reflection of what you said yesterday?

22 A. What happened?

23 Q. What -- I think you were talking
24 about what caused the explosion.

25 A. Yeah, I -- I don't have all the
1 facts on what happened that night on -- on
2 the rig, so I'm not privileged to all the
3 different testimony and what -- what
4 different people have said about what was
5 going on on the rig that night, that's
6 correct.

7 Q. What information have you
8 requested as the then SPU leader for the
9 Gulf of Mexico and the now regional
10 president of the Gulf of Mexico that you
11 have not been provided regarding the cause
12 of the explosion?

13 A. What information have I
14 requested?

15 Q. Yes, sir. You said you are not
16 privileged to all the information about
17 what happened. I'm asking you what
18 information have you requested as the
19 senior official responsible for BP's
20 operations in the Gulf of Mexico that you
21 were not provided?

Page 455:25 to 456:22

25 I haven't -- it -- so the
1 -- the only information that's been
2 provided me is the Bly -- is a lot of the
3 investigation reports. I haven't requested
4 any other investigation information.

5 Q. Okay. So --

6 A. I'm not sure I would have access
7 to that either.

8 Q. So it's your testimony here
9 today that you said that you were not
10 privileged to all the information about
11 what caused the event, but you have not
12 requested any additional information other

13 than what is contained in the Bly report?

14 A. Yeah, I'm not conducting any
15 separate investigation myself, no.

16 Q. And do I understand your
17 testimony correctly yesterday when you said
18 that you had not read the entire
19 presidential commission's final report?

20 A. That's correct.

21 Q. Or the chief counsel's report?

22 A. That's correct.

Page 457:19 to 459:07

19 Q. At any time as the senior BP
20 official responsible for the Gulf of Mexico
21 did you think to read those reports to see
22 if there was anything new that was not
23 contained in the Bly report?

24 A. No, I haven't read anything that
25 -- I'm relying on a lot of the organization
1 to decipher that information, especially in
2 the function and incorporate a lot of the
3 findings into the -- into the actions of
4 the company right now.

5 Q. So it's your testimony here
6 today, sir, that as the senior BP official
7 responsible for the Gulf of Mexico you did
8 not read either of those reports to see if
9 there was anything that you could request
10 to be implemented in the Gulf of Mexico?

11 A. No. I said I have read parts of
12 the report and there's a big part of the
13 organization, particularly the drilling
14 function, that is deciphering that
15 information, people that are more qualified
16 than I to know whether or not
17 certain -- certain recommendations are
18 implementable or not.

19 Certainly I'm involved in some
20 of the implementation of the
21 recommendations and the Center For Offshore
22 Safety, other things that are going on
23 externally, the Marine Well Containment
24 Company. But I'm -- but as far as taking
25 the overall recommendations and being able
1 to determine whether or not they can be

2 implemented, there's -- there's teams
3 within BP that are doing all that.

4 Q. And that does not include you?

5 A. Not me personally, people in --
6 in the organization are involved in that,
7 yes.

Page 466:01 to 466:08

1 Q. As the former SPU leader for the
2 Gulf of Mexico at the time of the
3 explosion, did you ever personally read the
4 presidential commission report or the chief
5 counsel report to identify if there was
6 anything new that was not contained in the
7 Bly report so that you could implement
8 those lessons learned?

Page 466:12 to 466:25

12 So I read elements of those
13 reports, but I didn't do an investigation
14 as to the -- the difference between the Bly
15 report and the -- the presidential
16 commission report.

17 Q. You didn't compare what you read
18 to see if there was anything new?

19 A. I didn't do any particular
20 analysis that said there was something that
21 wasn't covered in Bly that was
22 covered -- that wasn't -- that's not my
23 role. There's a whole team of people doing
24 that and then deciding what can be
25 implemented further.

Page 468:06 to 468:18

6 Q. Yesterday and I think today,
7 too, you said that during the relief
8 efforts you determined that the blind shear
9 rams were closed?

10 A. That's correct.

11 Q. And how did you make that
12 determination?

13 A. We -- we deployed some X-ray
14 plates, we took X-rays of the -- of the

15 locks on all the rams and based on the
16 interpretations of the X-rays, we concluded
17 that the rams were closed, that the locks
18 were in place.

Page 468:20 to 468:20

20 A. Closed -- at least --

Page 468:22 to 470:15

22 A. At least traveled to the point
23 where the lock would close, that the -- the
24 rams had travelled to that point.

25 Q. And who made that determination?
1 In other words, I mean, did you make it by
2 looking at X-rays or did someone else?

3 A. No, the other -- the -- some of
4 the teams, the experts in the engineering
5 teams did that and we also had individuals
6 from I think Lawrence Livermore Labs that
7 had the technology to be able to X-ray
8 steel like that and -- so people in the
9 science team and people in my organization.

10 Q. Then did anyone come up with a
11 reason why the well was not sealed?

12 A. It was unclear to us at that
13 time why -- why the -- the rams had
14 not -- had not sealed or -- or whether or
15 not they had fully cut or whether or not
16 they had travelled the full distance.
17 It's -- all we knew, that the locks were
18 engaged so that there was nothing else we
19 could do by trying to pump into the
20 chambers to -- to move the rams. So we
21 concluded it was closed and we don't know
22 when it closed.

23 Q. Is the purpose of the blind
24 shear ram to cut and then to seal the well?

25 A. That is my understanding.

1 Q. Right. So now, do you have any
2 more information sitting here today as to
3 why the well was not sealed by the blind
4 shear rams?

5 A. No. No. I only know from the
6 point where they -- the BOP kind of went

7 into custody. So I never saw any of the
8 drawings or -- I have only briefly read
9 about accounts of what -- the investigation
10 of the BOP.

11 Q. Okay. Now then, are you
12 familiar with the fact that your company BP
13 was told prior to the cementing of the
14 production casing on the Macondo well that
15 channeling of the cement was likely?

Page 470:19 to 470:19

19 No.

Page 475:08 to 476:11

8 Q. Okay. Here's where I'm coming
9 from. I mean, you're at the top of an
10 organization, right?

11 A. Uh-huh.

12 Q. And you have told us that you
13 don't know what a well site leader
14 specifically does, although I think you've
15 said generally you know.

16 A. Uh-huh.

17 Q. Now, what I'm -- and you have
18 all those lines of authority. I'm trying
19 to find out at what level someone can
20 ignore a recommendation of a contractor
21 without having to take it up to a higher
22 level.

23 A. I think that would depend on
24 that recommendation, what's the
25 technical -- what's the technical
1 boundaries around that recommendation and
2 what the -- what the -- what the level of
3 recommendation is and -- and who has got
4 the expertise to deal with that
5 recommendation.

6 Q. Very good point.

7 A. Somewhere -- somewhere in the
8 organization.

9 Q. Okay. Let's go --

10 A. So it's hard for me to kind of
11 just in general, say any recommendation.

Page 476:13 to 478:04

13 Let's talk about a
14 recommendation on the number of
15 centralizers to use in connection with
16 cementing on the production casing on the
17 Macondo well. All right? You follow me so
18 far?

19 A. Uh-huh.

20 Q. Assume with me that a
21 recommendation is made by the contractor
22 Halliburton that 21 centralizers be used.
23 All right? Who in your hierarchy of BP
24 would have the authority to ignore that
25 recommendation?

1 A. Under that particular scenario I
2 don't know. I would expect that the
3 organization would -- would review it and
4 in the proper technical experts or -- and I
5 don't know the expertise of every
6 individual in the organization -- would,
7 depending on the situation they are in,
8 would -- would decide whether or not to
9 deploy that or not, whether or not to
10 approve the recommendation or not.

11 Q. I would hope so, too, but do you
12 know what the line of authority is in that
13 situation?

14 A. On -- in general or --

15 Q. Fine. In general. Do you know
16 what the line of authority is in that
17 situation?

18 A. No, I'm not exactly familiar
19 with how the organization would deal with
20 particular recommendations coming from the
21 contractor on cementing on any one rig or
22 any particular operation.

23 Q. Do you know who would be?

24 A. I would expect you would have to
25 go down into the organization, be a better
1 question for Pat or -- or the engineering
2 authorities inside of the SPU.

3 Q. Pat being Pat O'Brien?

4 A. Yes.

Page 495:03 to 495:24

3 Q. Okay. Tab 35 is now 3051. Now,
4 have you seen this document before?

5 A. I don't recall ever seeing this
6 document before.

7 Q. Okay. Let's look on page 3,
8 paragraph -- fourth paragraph, full point,
9 says, "According to James Dupree, the BP
10 senior vice-president for the Gulf of
11 Mexico, the well did not pass this test.
12 Mr. Dupree told committee staff on Monday
13 that the test result was not satisfactory
14 and inconclusive." Those are in quotes.

15 Is Representative Waxman being
16 accurate when he says that?

17 A. I believe he's referring to
18 the -- I testified before about the
19 questions that -- that I answered via
20 teleconference, so yes, he -- he's -- I
21 think he's being accurate about the --

22 Q. Okay.

23 A. Their understanding of -- of
24 what I said on that phone call, yes, sir.

Page 506:02 to 507:09

2 Q. But what percentage of your
3 annual income was your bonus?

4 MR. ROSENBLOOM:
5 For 2010?

6 MR. BOWMAN:
7 Yes, sir.

8 A. So what was the -- what was the
9 target percentage, or what did I --

10 Q. No, no, no, no. No.

11 A. -- actually receive?

12 Q. What -- what did you actually
13 receive?

14 A. I'm trying to do the math in my
15 head.

16 Fifteen percent, or something
17 like that.

18 Q. Fifteen? 1-5? Okay.

19 And --

20 A. Of my annual salary; is that
21 correct?

22 Q. That's -- that's correct.
23 A. Yeah.
24 Q. Okay. And what was the
25 maximum -- was there a maximum you could
1 have received, maximum percentage?
2 A. Yes.
3 Q. What was that? What was that
4 percentage?
5 A. What would that have been if --
6 Q. Yes, sir.
7 A. -- everything had gone well?
8 Two and a half times my -- 250
9 percent.

Page 508:12 to 508:15

12 Q. Do you know that BP, apparently,
13 in June of 2010, identified a different
14 possible hydrocarbon zone that had not
15 previously been measured?

Page 508:18 to 509:14

18 A. No. In -- in the -- during the
19 response, we identified a different
20 hydrocarbon zone?
21 Q. Well, I'm just looking at some
22 document, and --
23 A. No. I -- I'm not aware --
24 Q. And it just --
25 A. -- of that.
1 Q. It just -- it's a BP document,
2 matter of fact. And it shows some sand in
3 57B being identified as a possible
4 hydrocarbon, June of 2010, not a measured
5 pressure.
6 So is the first you've ever
7 heard of that, me asking you about it
8 today?
9 A. Yeah, I have never seen that
10 document before, so --
11 Q. Whether you've seen the
12 document, have you heard about the
13 discovery of a different pay zone than was
14 otherwise known in the Macondo well?

Page 509:17 to 510:22

17 A. I don't know of a different pay
18 zone, other than the -- I -- I know that
19 they took inflows at zones above. I don't
20 know if they would qualify those as pay
21 zones.
22 Q. So the first time you've heard
23 that is me asking you about it today?
24 A. About a -- a pay zone?
25 Q. Possible hydrocarbon zone above
1 otherwise known hydrocarbon zone?
2 A. In the actual Macondo well?
3 Q. Yes, sir. Yes, sir.
4 A. That -- that's the first I've
5 heard of that --
6 Q. Okay.
7 A. -- fact that -- and I'm not sure
8 what document you're referring to.
9 Q. Okay. You -- you would expect
10 your engineers to have known, by the time
11 the final cement was done, where the
12 hydrocarbon-bearing zones were, would you
13 not have?
14 A. So that's June of 2010. So I'm
15 not sure what they knew at the time that
16 they did the cement job. So I -- so --
17 Q. Would you have expected them to
18 have known where the possible hydrocarbon
19 zones were?
20 A. I -- I would have expected them
21 to know that the -- the target hydrocarbon
22 zone they -- they drilled through, yes.

Page 519:14 to 519:19

14 Q. Okay. Mr. Dupree, before I
15 forget to ask you, do you have any opinions
16 one way or the other about the cement job
17 that was done on the Macondo well on about
18 April 19th or 20th of 2010?
19 A. I have no opinion.

Page 525:21 to 526:12

21 Q. Were any people demoted or let

22 go as a result of the Macondo blowout?

23 A. Not to my knowledge, no.

24 Q. Hand you what's 1652. This is
25 some sort of fact sheet, and you -- you're
1 one of the names. You're one of the many
2 names in the front part of it.

3 But all I really want to ask you
4 about is on that second page, the 3934,
5 where it says, top line, BP messages -- see
6 in the middle of the page? And, A, This is
7 not our accident, but it's our
8 responsibility to deal with.

9 You see that?

10 A. Yes, that's correct. Yes, I see
11 it.

12 Q. Okay. Whose accident was it?

Page 526:15 to 527:02

15 A. So I don't know what they are
16 referring to here, if they named whose
17 accident it was.

18 Q. Did you respond to the e-mail
19 indicating that you disagreed with this
20 statement, This is not our accident, but
21 it's our responsibility to deal with?

22 A. I never responded to the e-mail,
23 and I had no opinion about the statement,
24 or any of the other statements made in this
25 sheet.

1 Q. Did you ever use the sheet?

2 A. No. I never spoke externally.

Page 530:09 to 530:11

9 Q. Okay. Let me ask you this: Do
10 you personally accept any responsibility
11 for the blowout?

Page 530:14 to 530:14

14 A. No, I don't personally accept.

Page 537:05 to 539:18

5 Q. At any time prior to assuming

6 your role as leader of GoM SPU, did anyone
7 at BP communicate to you what your job
8 responsibilities were to be?

9 A. Sure. Yes.

10 Q. Okay. And who communicated
11 those to you?

12 A. I had a -- a meeting with Neil
13 Shaw, who was the previous SPU leader, and
14 I had had several meetings with -- with
15 Andy Inglis.

16 And at the same time, we were in
17 the middle of an organizational shift
18 which -- to sector leadership, which
19 clearly defined -- we started to define
20 roles in a consistent way across the
21 organization.

22 Q. Anyone else that you spoke with
23 about what your job responsibilities were
24 to be as head of the Gulf prior to assuming
25 that role?

1 A. So I spoke to Neil and I spoke
2 to Andy, and then I participated in larger
3 discussions about the blueprint, which
4 includes responsibilities of the different
5 roles under the -- under the new role, in
6 particular about -- the most confusion was
7 about the whole global projects
8 organization and how -- how the role
9 changed in that.

10 Q. Okay.

11 A. So I can't name everybody else
12 that was involved in those types of
13 discussions.

14 Q. Okay. In those discussions, do
15 you recall anyone telling you that you
16 would be responsible for either
17 implementing or -- or overseeing the
18 implementation of the OMS within GoM SPU?

19 A. Yes. It would be one of -- it
20 would be one of the -- one of the roles of
21 kind of hand -- observing the OMS, you
22 know, making sure that OMS was in place
23 and -- and stewarding M -- OMS in the SPU.

24 Q. Okay. Was there anyone within
25 GoM SPU higher than you that was
1 responsible for overseeing the

2 implementation of the OMS within GoM SPU?
3 A. So -- so I'm -- I'm going
4 to -- I'm in charge of implementing and
5 ensuring that OMS gets implemented. There
6 are some functional roles in the side
7 that -- that would be also assisting in
8 implementing the OMS, but that's the kind
9 of functional organizations that are
10 outside the SPU --
11 Q. Okay.
12 A. -- that report up functionally.
13 So --
14 Q. But within the S -- within GoM
15 SPU, you were the highest person
16 responsible for overseeing and
17 implementing --
18 A. That's correct.

Page 551:20 to 552:10

20 Q. Now, during the discussions
21 where you -- where people were telling you
22 what your job duties were to be as head of
23 GoM SPU, did anyone tell you that you would
24 have responsible -- responsibility for
25 process safety within GoM SPU?
1 A. Yes. I would be
2 responsible -- it would be one -- among one
3 of the things that -- one of the safety
4 measures that we would be working,
5 absolutely.
6 Q. Okay. Is there anybody within
7 GoM SPU, higher than you, that's more
8 responsible for the overseeing and
9 implementation of process safety within GoM
10 SPU?

Page 552:13 to 552:20

13 A. As I stated before, I mean,
14 everybody in the GoM SPU has a
15 responsibility for safety. I am overseeing
16 the -- the systems in place, to manage
17 safety and the operations.
18 Q. Okay. Anyone higher than you,
19 within GoM, that has more responsibility

20 for that than you?

Page 552:23 to 555:05

23 A. More responsibility for that.

24 That --

25 Q. For the overseeing and
1 implementation of process safety within GoM
2 SPU?

3 A. On a day-to-day basis, you know,
4 I'm -- I'm -- I'm overseeing the plan that
5 includes managing process safety. As you
6 see on my -- the performance contracts that
7 we are looking at, process safety is an
8 element of -- of my performance contract,
9 and therefore it's the interest as well
10 of -- of my boss and the corporation coming
11 down.

12 So I'm, you know -- so, you
13 know, there's lots of primary control
14 elements in my performance contract that --
15 that also -- that Andy would
16 have -- would -- would expect me to have
17 responsibilities for. So you -- you --

18 Q. Is that a yes to my question?

19 A. I'm not sure.

20 Q. Okay.

21 A. I'm trying to explain the -- I'm
22 trying to explain -- so you -- you're
23 saying, is anybody else -- well, I'm
24 report -- I've got these measures that I'm
25 going to be measured by, by the
1 corporation. I'm not sure if you're -- if
2 you assume that that makes them responsible
3 as well, or just me, or --

4 Q. Well, no. I -- I'm focusing --

5 A. -- broad on the responsible
6 piece, I'm not -- I'm not clear on.

7 Q. Understood.

8 But Andy -- Mr. Inglis --

9 A. Uh-huh.

10 Q. -- is he -- I mean, he's not the
11 head of GoM SPU, correct?

12 A. He's head of the segment,
13 though.

14 Q. Right. Okay. But within GoM

15 SPU, was there anybody higher up and more
16 responsible for overseeing and
17 implementation of process safety within GoM
18 SPU than you?

19 MR. ROSENBLOOM:

20 Object to form.

21 A. So --

22 Q. If there was, I just want to
23 know who that person is. And that's where
24 I'm going with that.

25 A. I don't know. I don't know.

1 Q. You were the highest.

2 A. I was the highest for

3 implementing the overall structure of the
4 plan, you know, of OMS and the safety
5 systems.

Page 555:09 to 555:10

9 you a document that's been marked Exhibit
10 6071.

Page 555:18 to 557:12

18 Q. Okay. Have you ever seen the
19 attachment to the e-mail before?

20 A. No, I hadn't seen this
21 particular PowerPoint slide presentation
22 before.

23 Q. Okay. Fair enough.

24 Could you please turn to page
25 seven. The top of it says, Process safety,
1 2010 plan, paren, major hazard awareness,
2 close paren.

3 Maybe you could show it to me
4 when you get there, so I know you're on the
5 right page.

6 A. This --

7 Q. It's a page that looks like
8 that.

9 Are you there?

10 A. Yes.

11 Q. Okay. So the -- the problem
12 stated reads, As we have started to more
13 deeply investigate process safety
14 incidents, it's become apparent that

15 process safety major hazards and risks are
16 not fully understood by engineering or line
17 operating personnel. Insufficient
18 awareness is leading to missed signals that
19 precede incidents and response after
20 incidents, both of which increase the
21 potential for and severity of process
22 safety-related incidents.

23 My question is: Do you agree
24 that this reflects very serious problems?

25 A. Okay. So I don't know what
1 they're alluding to and where they are in
2 reference to what they're trying to improve
3 upon, so -- so I'm not sure. I don't know
4 who the author of this is, but I would have
5 to ask you to reference the author, if it
6 may be Mr. Rule, Mr. Steven Rule, as
7 exactly what he meant in that.

8 Clearly, what they're -- what --
9 what they wanted to do is improve on all
10 process safety measures and severity. So
11 this continuous improvement is what he's
12 talking about; how do we improve.

Page 559:19 to 562:11

19 Do you agree that the issues
20 raised in the various bullet points of this
21 slide reflect serious problems?

22 A. No, I don't interpret that it
23 reflects serious problems. He's saying
24 that we -- that we can always improve, and
25 he's putting in place processes to improve
1 hazard awareness.

2 Q. Okay.

3 A. And -- and he's got all these
4 processes, and he's saying we need to
5 improve. That doesn't mean that there's
6 some massive deficiency in the past or some
7 serious problem. But -- but you'd have to
8 ask him if he believes there's some serious
9 problem that he's trying to address here.

10 Q. Okay.

11 A. Whoever the author of the
12 document was.

13 Q. Did anyone at BP bring to your

14 attention the issues raised on slides 7 and
15 8 -- to your attention during the period of
16 time from January 1, 2010, to April 20,
17 2010?

18 A. So we -- in these Thursday
19 meetings, we -- we start with safety, and
20 we start with process safety and personal
21 safety. And certainly, a -- a lot of these
22 things in here were discussed.

23 And I -- as you saw in my note
24 to Mr. Keiffer in previous testimony, the
25 first thing I said was hazard
1 identification was things that we wanted to
2 focus on. It's the same thing that we're
3 talking about here, and implementation of
4 processes.

5 Q. Okay. Do you recall which of
6 the ones identified on slide 8 here were
7 brought to your attention during these
8 meetings?

9 A. No, I don't recall every
10 specific one of them, but they're familiar
11 in that they're common -- common
12 conversations that we're having while
13 running a large operation.

14 Q. Do you recall any specific one
15 of them?

16 A. Do I recall that any -- they're
17 not very specific about -- they're --
18 they're very broad. Most of these are
19 discussed in context of -- of real -- real
20 investigations or issues that are being
21 handled at the time.

22 Q. Okay. Going back to slide 7,
23 was major hazard awareness OMS gap, that
24 concept, brought to your attention in these
25 meetings?

1 A. Those -- that concept on -- on
2 OMS gaps was brought to my attention.
3 Typically, so -- so -- so as major hazards
4 -- hazard awareness is a part of OMS, and
5 what we're trying to do is implement a lot
6 of these similar practices to close the
7 gap. Do we -- I discuss gaps to OMS in
8 different meetings quarterly. Quarterly
9 agency performance reviews and things of

10 that nature were being discussed, would --
11 would be where we would discuss OMS gaps.

Page 563:13 to 565:21

13 Q. Could you please briefly look at
14 slide 9.

15 And my only question for that
16 document is: Do you agree it reflects that
17 there were greater process safety incidents
18 in 2009 in GoM SPU than 2008?

19 A. So you're looking at the -- the
20 yellow dotted line and the blue dotted
21 line?

22 Q. Correct.

23 A. Yeah. They -- and I believe
24 that they're -- yeah, the blue, at the
25 cumulative -- at the end of the year of '09
1 is higher than the yellow dot, but it's not
2 clear the mix of severity in that -- in
3 that -- so I don't believe these are all G
4 incidents. So it's not clear, out of the
5 120 or so G to H, you know, the severity at
6 all.

7 But there are -- there are --
8 yes, the blue line is higher than the
9 yellow line.

10 Q. Okay. I appreciate the
11 explanation.

12 A. Yeah.

13 Q. Okay. Turning to the last page,
14 which is -- looks like this.

15 Are you there?

16 A. This one right here?

17 Q. Yeah.

18 The -- the last sentence -- or
19 second-to-last -- no, no -- last sentence
20 says, Major-hazard risk assessments are not
21 seen as a high priority with assets, and
22 many are unfamiliar with SPU requirements.

23 Assuming that were true within
24 the GoM SPU, would you agree that that
25 reflects a serious problem?

1 A. I wouldn't be able to form an
2 opinion whether -- without more
3 information; but, clearly, it's -- the --

4 the good news here is, it's been identified
5 to the gap assessment, and he's describing
6 how we're going to fix it.
7 Q. Okay.
8 A. So I'm not saying -- I
9 wouldn't -- I don't see him saying it's a
10 serious problem. I see him saying it's an
11 opportunity to continue to improve.
12 Q. Do you have any information as
13 to whether that gap was resolved prior to
14 April 20, 2010?
15 A. Closure of that OMS gap?
16 Q. Correct.
17 A. No, I don't have any information
18 about that.
19 Q. Okay. How would you go about
20 determining whether that was in fact
21 resolved prior to April 20, 2010?

Page 566:13 to 566:21

13 A. So there's a -- there's a
14 scorecard on our -- our -- our gap closure
15 to OMS, which is measured at this -- at the
16 time, I think it was -- Cindi Skelton would
17 be the one that would be -- would be
18 assessing that.
19 Q. Okay. So I would find that --
20 A. So she'd be the right person to
21 ask about --

Page 567:04 to 568:10

4 Q. Okay. What is the maroon book?
5 A. The maroon book is -- there's a
6 thing called the orange book, which is a
7 compile -- is -- is a segment-wide data
8 compilation of inputs and outputs with
9 regard to safety and process safety.
10 So there's a group book called
11 the orange book, and then there's -- in the
12 SPU, they created the maroon book that
13 mimics the SPU's input into the orange
14 book.
15 And Andy Inglis, every quarter,
16 would have a -- a phone call with all of

17 the leadership to review the orange book
18 inputs. And the maroon book would be the
19 book that I would have if -- to represent
20 kind of the Gulf of Mexico input into the
21 orange book.

22 Q. Okay.

23 A. Sorry. And the maroon book got
24 its name because of different collegial
25 references --

1 Q. A&M --

2 A. -- orange and maroon, yeah.

3 Because it was orange book, somebody had to
4 create a maroon book. Anyway, that's why
5 they called it the maroon book.

6 Q. They wouldn't happen to have a
7 red book for SMU, do they?

8 A. We could create one, you know.
9 I'm sure there's -- get somebody new in
10 there.

Page 568:12 to 570:20

12 who's -- who within GoM SPU, during January
13 to April 2010, was responsible for
14 inputting the information that went into
15 the orange book?

16 A. Oh, I don't know the exact
17 person, but there was a team in Cindi's
18 organization that would -- it -- some of it
19 would -- had become automatic, that the --
20 some of the systems -- common systems were
21 reusing traction, and others, action
22 traction, would -- would automatically be
23 able to be absorbed up into the orange
24 book.

25 But Cindi's -- I don't know the
1 individual's name that's on Cindi's team
2 that would prepare the maroon book.

3 Q. Okay. If a safety incident was
4 not reported in traction, would it make it
5 to the group operations risk committee?

6 A. Group operations risk committee.
7 So I'm -- I'm not familiar with -- with a
8 group -- I've never been in a group
9 operations risk committee, which is a very
10 high-level committee. I'm not sure -- I've

11 never seen their agendas and what they
12 review at each of their meetings.

13 Q. Okay. That's not the --

14 A. I'm not sure what they do at
15 those -- what -- what their agenda -- I've
16 never been to a meeting, and I know -- I
17 don't know how the orange book, then, plays
18 into -- they call it the GORC, I think
19 is -- is what it's called. I'm -- I'm not
20 sure how -- but Andy would represent the
21 segment, I believe, at the GORC. That's
22 the level that that's done at.

23 Q. Okay. You -- you mentioned you
24 had your maroon book that you took with you
25 to a meeting.

1 A. No. It would be a phone call
2 with all the SPU leaders around the globe.
3 And my maroon book was really -- they --
4 they -- they had set that up under Neil.
5 It just made it easier for Neil to find his
6 elements in the orange book. It was more
7 like a management tool that he put in place
8 that helped him --

9 Q. Orange book for dummies?

10 A. Yeah. To find out what -- what
11 his -- because when you go through the
12 orange book, all the corporation's in
13 there, and it's not easy to figure out
14 where -- what your numbers are or what --
15 you know, where -- where the GoM fits.

16 So he had a separate book that
17 was in the same format that was just GoM,
18 so that he didn't have to go through the
19 orange book and flip through and try to
20 find a line item.

Page 572:06 to 572:24

6 Q. First off, you understood that
7 there was a joint operating agreement, a
8 JOA, governing the relationship among BP,
9 Anadarko, and MOEX Offshore, correct?

10 A. That's correct.

11 Q. Okay. And you understood that
12 under that JOA, Section 4.1, BP was
13 designated as the operator of -- of the

14 Macondo well, correct?

15 A. I haven't particularly seen the
16 JOA and Section 4.1, but BP was the
17 operator of the Macondo well.

18 Q. Okay. And you also understood
19 that MOEX Offshore was designated as a
20 nonoperating party in the JOA, at Section
21 2.43, correct?

22 A. I haven't seen Section 2.43, but
23 I know that MOEX was a nonoperator of -- of
24 the Macondo well.

Page 574:20 to 574:23

20 Q. Okay. To your knowledge, MOEX
21 Offshore did not have the right to conduct,
22 or cause to be conducted, activities or
23 operations under the JOA?

Page 575:02 to 575:03

2 I don't know exactly what right MOEX would
3 have had under the JOA.

Page 577:23 to 578:14

23 Q. Okay. Did you have any personal
24 contact or communications with MOEX or any
25 of its representatives in connection with
1 the Macondo well?

2 A. No.

3 Q. Did you have any discussions
4 with MOEX or its representatives in
5 connection with any technical matters
6 related to the Macondo well?

7 A. No.

8 Q. Did you provide any technical
9 information to MOEX in connection with the
10 Macondo well?

11 A. Pre -- pre or during the
12 incident?

13 Q. Pre -- pre-incident?

14 A. No. And -- and I think MOEX

Page 578:17 to 579:13

17 Q. To your knowledge, did BP, as
18 operator, ever consult with MOEX or its
19 representatives with respect to any health,
20 safety and environment obligations of the
21 operator?

22 A. I wouldn't know.

23 Q. To your knowledge, did MOEX or
24 its representatives provide any technical
25 input related to the production casing that
1 was used on the Macondo well?

2 A. I don't know.

3 Q. To your knowledge, did MOEX or
4 its representatives provide any technical
5 input related to the type or number of
6 centralizers used for the Macondo well?

7 A. I don't know.

8 Q. To your knowledge, did MOEX or
9 its representatives provide any technical
10 input related to the decision that the
11 float collar had converted on the Macondo
12 well?

13 A. I don't know, but --

Page 579:20 to 580:09

20 To your knowledge, did MOEX or
21 its representatives provide any technical
22 input related to decisions about the cement
23 job for the Macondo well?

24 A. Don't know.

25 Q. To your knowledge, did MOEX or
1 its representatives provide any technical
2 input related to the decision to accept the
3 results of the negative pressure test on
4 the Macondo well?

5 A. I don't know.

6 Q. To your knowledge, did MOEX or
7 its representatives provide any technical
8 input related to the temporary abandonment
9 procedure for the Macondo well?

Page 580:17 to 580:17

17 Command. I wouldn't know about that.

Page 580:20 to 581:07

20 Q. Okay. To your knowledge, did
21 MOEX or its reps provide any technical
22 input related to the use of heavy spacer
23 material in connection with the
24 displacement process in the temporary
25 abandonment process for the Macondo well?

1 A. I don't know.

2 Q. To your knowledge, did anyone
3 from MOEX ever visit the Deepwater Horizon
4 in connection with drilling or the attempt
5 to temporarily abandon the Macondo well?

6 A. I'm not aware of any visits by
7 MOEX personnel.

Page 581:22 to 584:17

22 I have some questions related to
23 Exhibit 3044.

24 Do you recall, over the last two
25 days, answering some questions about that
1 C-Span transcript that was provided to you?

2 A. Yes, I do.

3 Q. And earlier today, the
4 Transocean counsel asked you about a
5 portion of your statement on page 7 in that
6 transcript, that says, Now what BP is doing
7 in this area right now is, we have changed
8 our equipment with BOPs to issue. We run
9 two blind shear rams on every deepwater
10 well we drill.

11 I believe you told Transocean's
12 counsel that that policy regarding running
13 two blind shear rams is limited to
14 dynamically-positioned rigs; is that true?

15 A. That's correct. And the
16 decision around --

17 MR. ROSENBLOOM:

18 Seven.

19 A. I'm sorry.

20 MR. ROSENBLOOM:

21 Page seven.

22 A. That's correct. And the
23 decision on BOPs and where we -- in
24 dry-tree systems is kind of being reviewed
25 internally right now in the configuration

1 of BOPs.

2 Q. Are you involved in that
3 decision-making process?

4 A. No.

5 Q. Who is?

6 A. That would be the -- the global
7 wells organization, led by Richard Lynch.
8 Inside that organization they're deciding
9 on the configuration of a dry-tree, you
10 know, spar type, where -- where you have a
11 rig on the actual platform, dry-tree BOP
12 configurations. It's an industrywide, kind
13 of, issue right now as to the -- how they
14 should be configured.

15 Q. Is it fair to say that BP has
16 decision-making authority as to whether the
17 subsea BOPs that are going to be used at
18 BP's wells have one or two blind shear
19 rams?

20 A. BP can request of -- have a
21 requirement of the contractor, as per its
22 specifications, relative to BOP
23 configuration. There's an -- an
24 engineering technical practice relative to
25 that. And that they can request of the
1 contractor to fulfill one of those
2 specifications, or have discussions with
3 the contractor with regard to that.

4 Q. And that -- that was true before
5 April 20th, 2010, and it's been true since,
6 right?

7 A. Yes, I believe so.

8 Q. What was BP's policy regarding
9 the number of blind shear rams on
10 dynamically-positioned rigs at BP wells
11 prior to April 20th of 2010?

12 A. I'm -- I don't know the exact
13 policy on that. There is an ETP that
14 governs the BOP. I can't recite it. And
15 that was the -- that was the governing
16 document, an engineering technical practice
17 within the company.

Page 587:22 to 589:03

22 Q. Okay. And do you have any

23 knowledge regarding the decision-making
24 process whereby BP would determine if a
25 subsea BOP in the Gulf of Mexico would have
1 one blind shear ram or two blind shear rams
2 prior to April 20th of 2010?

3 A. The decision-making
4 process -- so the -- there's a -- as I
5 stated, there's an engineering technical
6 practice document that governings --
7 governs BOP. And I -- I don't know who is
8 the controlling authority on that document,
9 but I'm pretty sure it would be in the
10 function, in the drilling function.

11 Q. So sitting here today, you don't
12 know what criteria might have distinguished
13 between a -- BP's requiring one blind shear
14 ram for one subsea BOP versus two on
15 another, prior to April 20th of 2010?

16 A. No.

17 Q. What is the purpose of the new
18 policy to run two blind shear rams on every
19 deepwater well that BP drills?

20 A. That'd be -- it'd be best
21 answered by a driller and the -- and the --
22 the person that's involved in the -- in
23 the -- the people that are involved in that
24 policy out of Richard's Lynch -- Richard
25 Lynch's organization.

1 But primarily, I would say it's
2 a redundancy of shear and sealing
3 capability in the BOP.

Page 589:14 to 590:01

14 Q. So as we sit here today, you
15 can't think of any impediment to BP
16 requiring two blind shear rams for the
17 subsea BOP used to drill the Macondo well
18 prior to April 20th?

19 A. The only require -- the only
20 issue would be if -- if the modification
21 wasn't possible, right, given the -- the
22 load on the -- you know, the -- the -- the
23 BOP has to be able to be brought to
24 surface. You know, it has to be a certain
25 size via the rig, is my understanding. So

1 it would only be around those changes.

Page 590:05 to 590:15

5 Q. Okay. In other words, you're
6 saying it's conceivable there would be
7 physical space or size restrictions?

8 A. There could be some technical
9 issue that I don't know about. But other
10 than that.

11 Q. Okay. And if that were true,
12 then BP could ask for another rig or employ
13 another rig that would have two blind shear
14 rams to be used?

15 A. That's true.

Page 592:01 to 592:18

1 Q. Are you aware of any documents
2 within BP that would suggest that it is
3 preferable to have two blind shear rams for
4 purposes of redundancy, as you said a
5 moment ago?

6 A. No, I'm not aware of any
7 documents that -- you mean supporting
8 documents on the two blind shear rams? No,
9 I'm not aware of any. I'm just aware that
10 the -- the drilling community and the
11 experts have -- have recommended that that
12 be -- be the case.

13 Q. Are you aware of it ever being
14 proposed or suggested within BP, prior to
15 April 20th of 2010, that it might be
16 desirable to require two blind shear rams,
17 as you're doing now?

18 A. No.

Page 594:12 to 594:20

12 Q. Okay. Do you recall that, on
13 the second floor of the -- of one of the
14 buildings at the campus -- BP's campus in
15 Houston, there was a monitoring room where
16 the actual data from the Deepwater Horizon
17 was available to be viewed?

18 A. Prior to the incident?

19 Q. Prior to the incident.
20 A. No, I wasn't aware of that.

Page 595:12 to 595:16

12 You were unaware that there was
13 a monitoring -- a -- a -- a mudlog
14 monitoring unit in the Houston office,
15 correct?
16 A. That's correct.

Page 596:16 to 596:19

16 Q. Would you, however, have the
17 general knowledge enough to be able to
18 tell, for example, when such a data stream
19 reflected problems with well control?

Page 596:22 to 597:23

22 A. No. I probably -- I wouldn't
23 have that type of general knowledge.
24 Q. Fair enough.
25 A. And typically, I guess, when you
1 have data like that, you -- you need more
2 than just that data to be able to
3 understand what's going on, so --
4 Q. Okay. Now, I'm -- I'm -- I'm
5 curious about whether or not you had an
6 opportunity prior to the deposition to talk
7 to some of the individuals that you
8 mentioned in your deposition over the past
9 two days.
10 First, in preparation for the
11 deposition today or at any time before that
12 preparation session, did you have an
13 opportunity to talk to Paul Tooms about the
14 deposition?
15 A. No.
16 Q. What about to Mr. Andy Inglis?
17 A. No.
18 Q. What about to Mr. Tony Hayward?
19 A. No.
20 Q. And how about Neil Shaw? Did
21 you have a chance to talk to him?
22 A. No.

23 Q. I may be duplicating previous

Page 601:21 to 602:17

21 Q. So even before you came to the
22 United States and eventually took up your
23 position as SPU leader in the Gulf, you,
24 because of your involvement at Angola, were
25 familiar with the six point plan?

1 A. I had seen -- I had seen where
2 the Angolan business had closed its gaps
3 against the six point plan, yes.

4 Q. Yes. Okay.

5 Now -- and -- and you were
6 generally familiar with the six points,
7 correct?

8 A. Generally familiar, yes.

9 Q. Okay. Now, one of the six
10 points that BP -- commitments that BP made
11 was to perform major accident assessments
12 and response plans.

13 Remember that?

14 A. No, I don't particularly
15 remember that. But it's -- there are -- if
16 you say it's one of the elements -- I
17 remember four or five -- that's fine.

Page 605:07 to 607:09

7 Q. But are you aware, sir, in fact,
8 that there was no MARA done for the Macondo
9 well?

10 A. No, I wasn't aware that there
11 was no --

12 Q. You would --

13 A. -- M -- major accident risk
14 assessment for the --

15 Q. Yes.

16 A. I'm not aware that there's a
17 requirement to do the MARA on a well.

18 Q. I'm not asking you whether
19 you're aware of a requirement.

20 Are you aware that there was
21 none done? And that's a yes or no, and
22 then you can --

23 A. I didn't. Okay.

24 Q. You did not know, did you?

25 A. I didn't know, and I'm not
1 sure -- the language is confusing, because
2 a MARA is usually done on a facility -- on
3 a facility basis, not on a well. So there
4 may be a different acronym, different
5 process, that does the same thing for a
6 well design issue, not -- not a MARA and an
7 OMARA. It was a different acronym. So
8 the -- the language isn't clear for me.

9 Q. Are you aware that no quantified
10 risk assessment was performed on the
11 Macondo well?

12 A. Quantified risk assessment on
13 the --

14 Q. -- Macondo well.

15 A. On the drilling program, the
16 drilling plan on the -- which --

17 Q. Well --

18 A. -- there was no risk
19 assessment --

20 Q. Let's start with the drilling
21 program.

22 A. So I wasn't aware -- I wasn't
23 there when the drilling program was put
24 together, so I'm not aware of -- of what
25 risk assessments were done.

1 Q. Assume with me, sir, that
2 neither the MARA -- that is, the major
3 accident risk assessment -- nor a
4 quantified risk assessment were done for
5 the Macondo project.

6 Wouldn't you agree with me, sir,
7 that that was a failure of BP to meet the
8 promises that it made when it entered the
9 six point plan?

Page 607:12 to 608:04

12 A. So I wasn't there, so I'm not
13 sure what was done prior to the well being
14 spudded and designed. And I -- I'm not
15 sure how you're relating one to -- back to
16 the six point plan, and what else was in
17 place -- other than MARA and quantitative
18 risk assessment, what other risk

19 assessments and things were done that
20 fulfilled those same requirements. Not
21 aware of those.

22 Q. Well, the fact is, none of them
23 exist; isn't that true, sir?

24 I mean, this is your well and
25 your period of time when you were
1 responsible for it.

2 You know that there were no risk
3 assessments on that -- on that rig, don't
4 you?

Page 608:07 to 608:11

7 A. So it's not my time, and I --

8 Q. It's okay for you to answer yes
9 or no, and then to explain. But I need an
10 answer.

11 Yes or no.

Page 608:14 to 608:15

14 A. I wasn't there. I wasn't there
15 at the time.

Page 609:11 to 609:17

11 Q. You're aware, are you not, that
12 there were no risk assessments of any kind,
13 whether they were MARAs, whether they were
14 QRAs, or any other kind of risk assessment
15 specifically performed for the Macondo well
16 project for the drilling operations?

17 A. I'm not aware --

Page 609:20 to 612:22

20 A. -- of what was done at all prior
21 to -- to the Macondo well spudding and on
22 the well plan. I'm not aware of what any
23 of the risk assessments were.

24 Q. Okay. So --

25 A. I'm not aware what they were or
1 what they were done and what they were
2 called.

3 Q. Understood. And your test --

4 A. I wasn't aware.
5 Q. I understood. Thank you.
6 Yesterday, you said that
7 the -- the -- you acknowledged that no one
8 could have anticipated -- you test --
9 you -- you gave this in a speech. Strike
10 all of that.
11 Yesterday, you acknowledged
12 that -- in a speech, you said no one could
13 have anticipated a disaster of this
14 magnitude, or something along those lines.
15 And I asked you, Well, the fact
16 is, this could have been anticipated.
17 And in response to that, you
18 said, We anticipated it in our risk
19 analysis.
20 You remember having said that?
21 MR. LANCASTER:
22 Object to form.
23 Q. Yes? You're shaking --
24 A. I said --
25 Q. -- your head yes.
1 A. I said that we anticipated and
2 that we had risk -- risk plans and
3 mitigation plans for a well control event
4 in the risk register of the -- of the SPU.
5 Q. That's not specific to the
6 Macondo project, is it?
7 A. Well, well control --
8 Q. Answer yes or no, and then you
9 can explain.
10 A. Well --
11 MR. LANCASTER:
12 Object to form.
13 A. Yes, it -- yes, it's specific to
14 the Macondo project, because a well control
15 event at the SPU level, and the Macondo was
16 in the SPU and it would be considered a
17 well control event.
18 Q. So that would enable us, then,
19 to find, as the -- as the Gulf SPU leader,
20 that would enable us to find what you
21 anticipated the potential disaster to be
22 like, correct, if we looked at that form
23 you're now telling us about?
24 MR. LANCASTER:

25 Object to form.

1 A. No. It would be the mitigation
2 plans to a -- there would be in place the
3 mitigation plans to a -- a well control
4 event in the SPU in the risk register.

5 Q. All right. So where can we find
6 that risk register?

7 A. There's a Gulf of Mexico risk
8 register.

9 Q. And you're familiar with it,
10 correct?

11 A. I'm familiar with most of it,
12 yes. I'm -- I don't have it in front of
13 me.

14 Q. No?

15 But, now, if you did, you would
16 look to it to tell you how you would deal
17 with a blowout?

18 A. No. The mitigation -- that --
19 that would be the spill response plan.

20 The mitigations would probably
21 be more of prevention and preventative in
22 nature.

Page 614:08 to 631:07

8 Q. So -- and I've seen this, you
9 know, over the past two days.

10 What -- what I'm asking you is:
11 Isn't it true, sir, that there was no risk
12 assessment specific -- specific to the
13 Macondo well in all of your files, in all
14 of your documentation, everything you had
15 relative to your position as SPU leader at
16 the time of this explosion?

17 MR. LANCASTER:

18 Object to form.

19 A. I wasn't there when they did all
20 the risk assessments. I'm not aware of
21 what all was put in place at the time the
22 well was planned prior -- prior to its
23 spudding.

24 Q. In the answers to
25 interrogatories that were propounded by
1 Plaintiffs Steering Committee in this case,
2 BP stated the following --

3 MR. PALMINTIER:

4 And I'll be glad to give
5 everybody a copy of it if you like.

6 Q. -- The BP parties state that
7 neither a BP major accident risk assessment
8 nor a BP qualified risk assessment was
9 performed for the Macondo well.

10 You don't disagree with that, do
11 you?

12 A. So what was this from, again?

13 Q. These are questions that are
14 asked in a court process. They are called
15 interrogatories.

16 A. Okay.

17 Q. That's interrogatory number 46,
18 asked of your employer, BP.

19 And in response to that, you see
20 the highlighted portion where BP explains
21 to us that neither of those two assessments
22 were done.

23 Do you accept that? Let me just
24 ask a yes-or-no question.

25 Do you accept that as correct?
1 And you can also say you don't know.

2 A. So I'll say that I don't -- I
3 don't know who the BP parties are. I've
4 never seen this document before, but then I
5 can't represent what they said is true. I
6 don't know.

7 Q. All right. Thank you.

8 What is a risk register?

9 A. So a risk register will -- will
10 be a compilation of all the -- the risks
11 that -- the major risks inside the SPU. It
12 will be usually formed through a bottoms-up
13 process where different teams get into
14 rooms and discuss the risks around their
15 particular aspect of the business.

16 Those risks are ranked. And
17 then common risks are -- are coalesced
18 into -- into one common risk, and then
19 those risks are -- are determined whether
20 or not they -- they are consistent across
21 all operations, like loss of stability on a
22 vessel or loss of well control, that they
23 are consistent risks. So then they go on

24 the SPU risk register.

25 Things that are not consistent
1 may reside in risk registers for each of
2 the assets, the -- the platforms, for
3 example.

4 Q. For each of the particular
5 wells?

6 A. Not for each of -- particular --
7 usually particular to an asset, like
8 Atlantis or Thunder Horse, that nature.

9 Q. Did you have an opportunity to
10 review the Macondo risk register before
11 coming to testify today --

12 A. No.

13 Q. -- or yesterday?

14 A. I'm not aware there's a risk
15 register particularly for Macondo. There's
16 a risk register in the drilling
17 organization.

18 Q. But yesterday, one of the things
19 you told us was in response to my question
20 where I quoted you, Nobody could imagine
21 the scale and magnitude of the incident
22 that we were going to respond to at that
23 time.

24 And I asked you, Did you mean
25 that, or do you retract that now?

1 And you said, I don't retract
2 it. It was part of the standard.

3 A. Standard statement for the
4 speech.

5 Q. And what -- and -- I -- I'll
6 read -- I'll read the rest of your
7 testimony: The standard part of that
8 presentation was to acknowledge that it was
9 a very large and almost unimaginable event
10 that occurred.

11 And then I asked, But -- you're
12 an executive vice-president with BP, and
13 your testimony to your statement to them --
14 and -- and, course, I later acknowledged
15 that it was not testimony; it was a speech.
16 And I -- and I apologized for that.

17 But your speech, or your
18 statement, to them carried -- and then
19 unreadable -- your testimony under oath

20 today -- yeah. Also, your testimony under
21 oath today is that no one could have
22 anticipated or could have imagined -- and I
23 go on.

24 My question to you is: How is
25 it that you could have missed that
1 possibility, or could BP have missed that
2 possibility, if it did its basic due and
3 diligence? And by that -- strike that.

4 What I was asking you
5 yesterday is --

6 MR. LANCASTER:

7 Striking everything, or which
8 part?

9 MR. PALMINTIER:

10 I'm -- no. Sorry. Keep the
11 question; strike the last part of the
12 question.

13 One of my difficulties, Walter,
14 is I'm having trouble reading the
15 transcript. Okay?

16 MR. LANCASTER:

17 I'm trying to track what you're
18 saying, so I'm having --

19 MR. PALMINTIER:

20 Okay.

21 Q. How is it that you could have
22 missed the possibility, or BP could have
23 missed that possibility, if it had done its
24 due and diligence?

25 Now, your answer is, There is a
1 risk register. Quote, So there is -- this
2 is like page 92 of the unedited rough
3 draft, and at line 18.

4 So there is a risk register in
5 the Gulf of Mexico. Certainly, on the risk
6 register is a loss of the well control
7 event.

8 A. That's correct. That's what
9 I --

10 MR. LANCASTER:

11 Object to form.

12 Q. What I'm -- what I'm getting at,
13 what I'm trying to understand, and I know
14 you'll be able to explain to us, is, how
15 does the risk register dictate how to

16 mitigate against an event like Macondo and
17 the Deepwater Horizon disaster?

18 A. So that the risk register will
19 have a -- there's clearly a risk in the SPU
20 of a loss of well control event. And in
21 that risk register there will be a
22 mitigation plan, and there will be
23 mitigations in place and actions taken for
24 individuals to mitigate those -- to put
25 those mitigations in place.

1 Q. So if we had had the benefit of
2 that particular risk register right now --
3 first, you're telling us that you don't
4 know whether there was one particular to
5 the Macondo, correct?

6 A. Well, I --

7 Q. Is that correct?

8 A. As I explained, the -- the
9 risk -- the risks are accumulated at
10 different -- different levels in the
11 organization. Common risks are put at the
12 SPU level, and at the SPU risk -- risk
13 register there is a loss of well control,
14 because Macondo is not the only well we're
15 drilling in the Gulf of Mexico, and it's
16 not the only well we manage in the Gulf of
17 Mexico.

18 So the register addresses all
19 wells for loss of well control and the
20 mitigation plans that should be in place
21 for those wells.

22 Q. Those plans weren't in place for
23 the Macondo. You said yesterday that much
24 of this was new experience for us.

25 MR. LANCASTER:

1 Object to form.

2 Q. Do you recall?

3 A. No. The mitigation plans were
4 in place, and there are mitigation plans
5 with actions against this.

6 Q. Well, is it your testimony under
7 oath today that there was a mitigation plan
8 which provided for ways to prevent the
9 escape of hydrocarbons into the Gulf of
10 Mexico under the circumstances that existed
11 on April 20th?

12 A. So I don't have the mitigation
13 plan in front of me, but I -- what I did
14 say was that the mitigation plan was more
15 geared at the prevention level.

16 Q. Yes. Blowout preventer, for
17 example?

18 A. Actions against prevention.

19 Q. Correct, a blowout preventer
20 would have been one of the things that --
21 that --

22 A. I don't have the register in
23 front of me to -- to -- I -- I don't recall
24 every one of the actions of the mitigation
25 plans in the register, but at a high -- a
1 majority of those are -- are --

2 Q. -- prevention?

3 A. -- based on prevention.

4 Q. So there was nothing talking
5 about the use of a cofferdam, was there?

6 A. That's in --

7 Q. That's not true?

8 A. That's in -- that's in the
9 response.

10 Q. Isn't it true that there was
11 nothing in --

12 A. In the -- in the mitigation --

13 Q. -- mitigation plan --

14 A. The mitigation plan would not
15 discuss cofferdam. That would be in -- in
16 the spill response plan.

17 Q. And is there a spill response
18 plan for the Macondo?

19 A. There's a spill response plan
20 for -- for BP in the Gulf of Mexico --

21 Q. Okay.

22 A. -- that is referenced to in the
23 regulatory documents as we drilled the
24 Macondo well.

25 Q. And you made commitments to the
1 federal government, among others, that you
2 would follow those mitigation plans,
3 correct? You, BP -- and you, in
4 particular, as the head of -- of the Gulf
5 of Mexico SPU, correct?

6 A. Which mitigations plans are you
7 referring to?

8 Q. The one you just talked about.
9 A. So you -- can you ask me the
10 question again?
11 Q. You said that the mitigation of
12 a disaster like this would be found in the
13 spill response plan that you said BP had
14 and filed in -- in the appropriate
15 regulatory manner.
16 A. No. I said that the mitigation
17 plans were part of the risk register.
18 MR. PALMINTIER:
19 Your Honor -- I'm going -- I'm
20 going to make a direct cite into the record
21 here.
22 The problem with this -- Your
23 Honor, you wouldn't let this go on. And,
24 you know, if we have to take this to the
25 Magistrate -- my complaint is, I can't get
1 an answer, and therefore we -- we break
2 down into this exchange. And I -- I
3 don't --
4 MR. LANCASTER:
5 The problem --
6 MR. PALMINTIER:
7 -- think it's appropriate.
8 MR. LANCASTER:
9 The problem, Counsel, is, I
10 don't think you and he are on the same page
11 when it comes to understanding what the
12 terminology means. And that's the
13 fundamental problem.
14 MR. PALMINTIER:
15 Well, you know, I appreciate
16 your testimony. You've done it all --
17 you've testified more directly than your
18 own witness has all week -- all -- all --
19 both days this week.
20 MR. LANCASTER:
21 Object to form.
22 MR. PALMINTIER:
23 And I move to strike your
24 colloquy.
25 Q. So, look. The fact is, sir, you
1 don't know anything about any kind of
2 mitigation plan or ability to stem the flow
3 of hydrocarbons into the Gulf, even today,

4 as we sit here, that was on record with BP,
5 do you?

6 MR. LANCASTER:

7 Object to form.

8 A. Mitigation plan -- I know that
9 there was a spill response plan in place
10 that dictated how we would respond to a
11 spill.

12 Q. And this is the thing that you
13 were talking about that would define --
14 would be defined by prevention or
15 post-prevention?

16 A. No. That's the risk register.
17 The risk register has -- identifies that
18 there's a risk of loss of well control in
19 the Gulf of Mexico, and there's mitigation
20 plans to that loss of well control built
21 into the register, with action items and
22 people that are assigned to close those
23 actions or to work ongoing actions relative
24 to that plan.

25 Q. Yeah.

1 A. And a majority of that plan is
2 based on prevention.

3 Q. Right. So then there's --
4 there's a spill control?

5 A. There's a spill response plan.

6 Q. Okay. And the spill response
7 plan -- the spill response plan is in a
8 file in the computers in your office in
9 Houston?

10 A. I imagine they're in --
11 they're -- they're on a -- on a computer
12 somewhere. They also exist in hard copy.

13 Q. And as a leader of the Gulf of
14 Mexico SPU, you would know what -- what is
15 on the spill response plan for this generic
16 spill in the Gulf of Mexico, wouldn't you?

17 A. No, I wouldn't know all elements
18 of the spill response plan --

19 Q. Do you know any elements?

20 A. -- especially in the short
21 period of time that I was there.

22 Q. Do you have -- do you know any
23 elements?

24 A. I couldn't recite directly the

25 elements to you.

1 Q. You know none; isn't that true,
2 sir?

3 MR. LANCASTER:

4 Object to form.

5 Q. You know none; otherwise, you'd
6 tell me now.

7 A. I'm not going to --

8 MR. LANCASTER:

9 Object to the form.

10 A. -- paraphrase what's in the
11 spill response plan and what's not. I'm
12 not an expert in the spill response plan.
13 I know it exists. I've seen it. I've --
14 I've looked at it before. But I -- all the
15 elements of it, I can't attest to. It's a
16 very thick binder, about this -- about this
17 thick.

18 Q. Testify to any element. Give
19 you the opportunity to do it now. Testify
20 to any element of that spill response plan.

21 MR. ROSENBLOOM:

22 Object to the form.

23 A. So I'm not the expert on the
24 spill response plan. It -- it would be
25 appropriate if you get somebody in here to
1 tell you exactly what's on --

2 Q. Well, I appreciate your --

3 A. -- the spill response plan.

4 Q. -- telling us how we should
5 conduct our discovery, but all -- the past
6 two days, you've told us that you were
7 extremely active, 150 days sitting in -- in
8 the -- in the control trying to deal with
9 the spill response.

10 And you don't know what plans
11 were in place, as we sit here today, nor on
12 the day of the explosion, do you, sir?

13 MR. ROSENBLOOM:

14 Object to the form.

15 A. I know that there was a spill --
16 spill response plan in place that -- that
17 we executed upon.

18 Q. So your testimony under oath
19 today is that cofferdam was in the spill
20 response?

21 A. No. That would be more of a
22 source control item. It wouldn't -- I
23 don't know if the cofferdam is in the spill
24 response plan.

25 Q. What about the top kill, various
1 top kill methods? Were those in the spill
2 response plan?

3 A. I don't know if they were
4 in -- certainly, a -- some type of a kill
5 procedure probably be in the -- the spill
6 response plan, but not that particular kill
7 procedure.

8 Q. Were dispersants in the spill
9 response plan?

10 A. Dispersants, I'm sure would be
11 in the spill response plan and mostly --

12 Q. And was there a method by which
13 those dispersants could be used in the
14 spill response plan at 5,000 feet?

15 A. They -- I don't believe that
16 the -- the spill response plan that was in
17 place had subsea dispersants contemplated
18 in its plan.

19 Q. All right. And when the
20 dispersants were actually used subsea, was
21 that in -- was that in any way reflected in
22 your -- in the actual spill response plan?

23 A. Dispersants are contemplated in
24 the -- in -- in my understanding, surface
25 dispersants are contemplated in the spill
1 response plan, but subsea dispersants were
2 not, because it was -- as I testified, it
3 was something that had never been done
4 before, and it was --

5 Q. Why -- why hadn't it been
6 done --

7 MR. ROSENBLOOM:

Page 631:18 to 633:10

18 A. So as I -- I spoke earlier,
19 there was a phone call from Exxon to BP
20 that said that they had an individual that
21 had been studying this, and -- and they
22 wanted to share that knowledge with us.

23 Q. Had BP been studying it? They

24 hadn't, had they?
25 A. Sub -- subsea dispersants?
1 Q. Yes.
2 A. No.
3 Q. But they had a situation in
4 which subsea dispersants would have to be
5 used if the -- the result was what it
6 eventually became; isn't that true?
7 A. But nobody ever had contemplated
8 using subsea dispersants -- dispersants
9 subsea like that, other than this
10 individual at Exxon who's been studying it.
11 So it was a relatively new use of the
12 technology from --
13 Q. I -- I thought you said in your
14 testimony yesterday that -- that you-all
15 had done some beaker tests, but that you'd
16 never tested it in real-life situation?
17 A. That was this -- this individual
18 from Exxon came over and told us about what
19 he had done and told us about what he
20 thought would happen if we tried it. And
21 so we -- we elected to try it. He thought
22 it would be effective.
23 Q. Why hadn't you -- as SPU leader,
24 why hadn't you and/or your predecessor
25 experimented, evaluated, tested the use,
1 for example -- just as an example -- of
2 deepwater dispersants?
3 A. I imagine it would -- it wasn't
4 something that we had contemplated. You
5 know, I'm not an expert on dispersants. I
6 became -- I became more knowledgeable, but
7 it wasn't something that we had
8 contemplated that was the highest priority
9 at the time, to study deepwater dispersants
10 and how to do dispersants in deepwater.

Page 634:12 to 640:14

12 Are you familiar with what's
13 called a -- a standby vessel?
14 A. Yes.
15 Q. And they are required in
16 situations such as existed on the 20th of
17 April, 2010, when temporary abandonment

18 were taking place, correct? Standby
19 vessels are required?

20 MR. LANCASTER:

21 Object to form.

22 Q. Or do you know?

23 A. Standby vessels were -- were
24 there, nearby, when the event occurred,
25 yes.

1 Q. They -- they are -- I wasn't
2 asking you whether they were there, sir. I
3 was asking whether they're required.

4 MR. LANCASTER:

5 Object to form.

6 Q. Surely, as SPU leader, you knew
7 they were required, correct?

8 MR. LANCASTER:

9 Object to form.

10 Q. You knew they were required?

11 A. So I'm not aware that there's
12 a -- that there's a requirement to have
13 a -- a standby vessel there 24 hours a day,
14 no.

15 Q. Okay. Now, why wasn't there a
16 cofferdam immediately available? Isn't
17 that because there was no plan to stop the
18 oil from flowing into the Gulf of Mexico?

19 MR. LANCASTER:

20 Object to form.

21 A. So there was a cofferdam
22 immediately available, the one that we
23 deployed. I think it was from Wild Well
24 Control, and it had been used previously on
25 what we called the leaders and downers
1 to -- for containment of wells after the
2 hurricane.

3 Q. So from your perspective, two
4 weeks later is an immediate response?

5 MR. LANCASTER:

6 Object to form.

7 MR. ROSENBLOOM:

8 Object to form.

9 A. So I think we responded relative
10 to the amount -- directly what we -- what
11 was required of us, you know. I
12 don't -- there wasn't a cofferdam sitting
13 right next to the rig before we -- it has

14 to be deployed. It has to be brought
15 offshore, you know.

16 So I think the -- the deployment
17 of the cofferdam reflects the time required
18 to get such a piece of equipment offshore
19 and -- and in place.

20 Q. How long was it before the
21 capping stack was ready to be placed?

22 A. I don't recall the exact timing
23 of how long it took to get the capping
24 stack in place. But we -- we deployed it,
25 probably on July 13th or 14th.

1 Q. Was the reason why you-all
2 didn't have these things sitting on the
3 dock, essentially ready, the cost of doing
4 so?

5 MR. LANCASTER:
6 Object to form.

7 Q. It was, wasn't it?

8 MR. LANCASTER:
9 Object to form.

10 Q. It would be an expense that
11 would be unreasonable, from your
12 perspective, to have all of that stuff
13 ready to go against the possibility of a
14 disaster like this?

15 A. No, I don't believe --

16 MR. LANCASTER:
17 Object to form.

18 A. -- it would have been a -- a
19 cost issue. Relative to the cost of a
20 deepwater well, it's a very small -- not a
21 large sum of money --

22 Q. Okay.

23 A. -- for a capping stack or a top
24 hat.

25 Q. Do you know that -- what the
1 eventual cost for stopping the flow of
2 hydrocarbons into the Gulf of Mexico was?

3 A. No, I don't know the eventual
4 cost for the total response.

5 Q. But from your perspective as a
6 leader in the Gulf, it was a minor expense?

7 MR. LANCASTER:
8 Object to form.

9 A. No. I didn't say that. I

10 don't --

11 Q. Relative to the deepwater
12 drilling, I think --

13 A. No.

14 Q. You want me to --

15 A. I was --

16 Q. -- get the court reporter to --

17 A. I was --

18 MR. ROSENBLOOM:

19 Yeah. Go ahead. Read what --
20 his answer. I want you to.

21 MR. PALMINTIER:

22 Read back the previous response.

23 MR. ROSENBLOOM:

24 And question. You asked him the
25 cost of capping stack and this cofferdam.

1 MR. LANCASTER:

2 Right. You're mixing apples and
3 oranges. You're -- you're creating a
4 misleading record, and it's unappreciated.

5 (RECORD READ BACK.)

6 Q. She read back the question, and
7 you -- you heard my question. I mean, it
8 is -- it was an isolated question about all
9 of these things -- the cofferdam, the top
10 hats -- all of the different things that
11 you -- you tried.

12 I was asking whether the reason
13 why they weren't sitting on the dock is
14 because of expense.

15 You answer was, no, that's not
16 the reason; isn't that true?

17 A. I said, no, that's not the
18 reason, and it was a -- it wasn't a -- I
19 said the cost of a cap hat -- top hat or a
20 capping stack wouldn't be the inhibitor, is
21 what I heard.

22 Q. Right. And then I asked you
23 what -- what was the total cost of this
24 mitigation? What was the total cost of --

25 A. And I -- I don't know the total
1 cost to date of the --

2 Q. But it certainly wasn't a small
3 amount of money, was it?

4 A. That's right.

5 Q. It was an enormous amount of

6 money to stop the flow of hydrocarbons into
7 the Gulf of Mexico, wasn't it?
8 A. That's correct.
9 Q. But if those things would have
10 been in place before they were, empirically
11 that cost would have been reduced, and the
12 amount of hydrocarbons released into the
13 Gulf would have been reduced; isn't that
14 true?

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17 Q. If this instrumentation had been
18 placed sooner.

19 A. Certain the expectation -- if
20 you -- if you'd had some of the equipment
21 built beforehand, we could have deployed it
22 quicker, absolutely.

23 Q. Okay. And that would have had
24 that effect, the beneficial effect of
25 reducing the amount of oil that got
1 released, and the beneficial effect of --
2 of eliminating the harm to the environment,
3 that is, to the planet earth, and -- and
4 other such things, correct?

5 A. If in case -- yeah. In -- in
6 any case where you can mitigate an accident
7 earlier, yeah, it would have less impact.

8 Q. Okay. The reason why those
9 things weren't sitting on the deck was
10 because, from a business standpoint, it
11 wouldn't have been a good idea to spend the
12 money, even if it was a relatively small
13 amount of money.

14 Is that a fair statement?

15 MR. LANCASTER:

16 Object to form.

17 A. No. I think we didn't
18 contemplate what was all totally required,
19 you know, to -- to respond to such an
20 event, you know. We -- we didn't have
21 those things built. We had the technology,
22 but we didn't have those things built.

23 But I don't -- I don't put it
24 all to a -- a cost, you know, being a
25 total -- a -- a cost issue.

1 Q. Well, if they were reflected in
2 your risk assessment, or reflected in your
3 spill response assessment, why wouldn't
4 they already have been built?

5 A. So the risk assessment, I said,
6 had mitigation plans on prevention, not
7 response. Okay.

8 Spill response plan, I don't
9 think contemplated a -- a top hat or
10 a -- or a capping stack requirement. It's
11 certainly a learning of the industry, and
12 it's something that we've kind of gone
13 forward with now and Marine Well
14 Containment Company and -- that we're a
15 member of in order to have those things in
16 place now for the industry.

17 Q. Okay. BP relied on certain
18 assessments to prepare for the possibility
19 of failure of well integrity, correct?
20 Just what we were just going over, really.

21 A. So help me.

22 Can you expand on BP relying on
23 assessments of what?

24 Q. Various risk assessments. And
25 as you now established, spill response
1 plan. It relied on those pre-accident
2 exercises, called assessments, to prepare
3 against the eventuality of a disaster,
4 correct?

5 A. It would -- relied upon the
6 spill response plan and its risks --
7 risk -- risk register.

8 Q. Okay.

9 A. I'm not sure what assessments
10 you're referring to.

11 Q. All right. Those two things --
12 risk register, which you've made clear had
13 to do with prevention, and the spill
14 response plan -- am I right in saying that
15 the spill response plan is the only place
16 we could go to look for exactly what plan
17 that your company and you had made for the
18 possibility of a disaster in the Gulf of
19 the proportions we saw on April 20th, 2010?

20 A. To the best of my knowledge,
21 that'd be the plan you'd go to. That's --

22 it's a -- it's a response to a major spill.

23 Q. Okay. And that is not
24 particular to Macondo well? It's -- it's
25 Gulf-wide, under your SPU operations,
1 correct?

2 A. That's right.

3 Q. So that if one rig were in 1,000
4 feet of water and another was in 8,000 feet
5 of water, it would have the same mitigation
6 plan; isn't that true?

7 A. I'm not sure how the plan
8 contemplates the different water depths,
9 but it would -- should be encompassed in
10 that plan.

11 Q. Who's in -- it -- it sounds like
12 you're not in charge of that plan.

13 That's a fair statement, right?

14 A. That's correct.

15 Q. Who is?

16 A. At the time of the -- at the
17 time of -- before the incident, I -- I
18 believe it's Dennis Johnson, is the one
19 that represents, or -- or he works for
20 Cindi Skelton, who will represent and --
21 and -- and construct the plan.

22 And then there's a regulatory
23 organization that will work the plan
24 with -- with the BOEM and the MMS, and get
25 approval of that plan.

1 Q. Okay. The purpose of the
2 plan -- of that plan is to, for example,
3 prevent -- strike that.

4 The purpose of that spill
5 response plan that you just testified that
6 Dennis Johnson and Cindi Skelton would be
7 responsible for is, among other things, to
8 prepare against the possibility of -- of
9 the failure of well integrity to begin
10 with, correct?

11 A. To the loss of well control.

12 Q. Yes. I'll accept that.

13 A. Or -- or a spill of any kind.
14 It could be well, it could be pipeline; but
15 it's a spill response plan.

16 Q. But it's to prepare also for
17 the -- I mean, in -- in other words, the

18 possibility of a blowout?

19 A. And a loss of well control, yes.

20 Q. Is that a yes?

21 Escape of hydrocarbons into the
22 Gulf of Mexico?

23 A. That's correct, yes.

24 Q. You would acknowledge, would you
25 not, as we sit here today, that the spill
1 response plan was ineffectual as it was in
2 place in April of 2010?

3 A. I wouldn't say it --

4 MR. ROSENBLOOM:

5 Object to the form.

6 A. I wouldn't say it was
7 ineffectual. I'd say it didn't -- it
8 probably didn't incorporate all the things
9 that we would have needed in order to
10 attack this type of event.