

Deposition Testimony of:

James Dupree

Date: June 16, 2011

Created by:



www.indatacorp.com

Page 10:15 to 10:18

15 JAMES H. DUPREE,
16 after having been first duly sworn by the
17 above-mentioned court reporter, did testify
18 as follows:

Page 10:20 to 11:02

20 Q. Good morning, Mr. Dupree. I'm
21 Mike Palmintier. I represent the
22 Plaintiffs Steering Committee in this
23 deposition this morning, and I have a few
24 questions for you.
25 First, have you ever given a
1 deposition before?
2 A. No.

Page 12:05 to 12:09

5 Would you state your full name
6 and your residence address for the record,
7 please.
8 [REDACTED]
9 [REDACTED].

Page 12:13 to 14:24

13 Q. Okay. I know that you are a --
14 an employee of BP and that you have been a
15 BP employee since 1985, correct?
16 A. That's correct.
17 Q. And then one of the jobs that
18 you had, in fact, before the current job
19 that you have was that you were the -- I
20 have seen it explained in various ways, but
21 the Group Vice-President for Russia; is
22 that correct?
23 A. Group vice -- vice-president for
24 Russian Kazakhstan.
25 Q. Kazakhstan.
1 Why did you leave that job to go
2 to the new job that you took and that you
3 have now?
4 A. I was -- I was, as you said, a
5 Group Vice-President of Russian Kazakhstan,

6 so I was the -- the representative for BP
7 on the board of TNK-BP, our group venture,
8 our assets in Kazakhstan. Around
9 October-ish of 2008, my wife -- I was
10 living in London at the time with my four
11 children. My wife became very ill. She
12 was suffering kid -- from kidney failure,
13 both of her kidneys were failing and so
14 I -- I found that out early in 2008, but we
15 tried to understand what the condition was.
16 And it turned out that things were getting
17 worse, and so I took a leave of absence
18 from the job of Group Vice-President of
19 Russian Kazakhstan to try to help my wife
20 get well.

21 Q. Yes, sir.

22 A. So I did that, and her -- her
23 condition did not improve coming into the
24 summer of 2009. And so I elected to move.
25 I was working with several hospitals at the
1 time: Mayo Clinic, John Hopkins and
2 Houston Methodist Hospital. I decided that
3 Houston Methodist -- Methodist Hospital was
4 probably the best place for her -- her
5 treatment. So in the summer I moved my
6 family and myself to Houston. I was on a
7 leave of absence. I moved to Houston
8 essentially seeking medical care for my
9 wife.

10 The -- she got a transplant on
11 November 17th of 2009 and -- which was what
12 she needed, and it was kind of shortly
13 after that I -- I indicated to Tony that I
14 would be willing to return to BP if -- if
15 they had the right role for me. At the
16 time they were restructuring the
17 organization. They were creating a -- a
18 centralized global projects organization --

19 Q. Yes.

20 A. And Neil Shaw who was the SPU
21 leader for GoM, was going to lead that,
22 which created an opening in Houston for a
23 senior level role and so I -- they asked me
24 to take that role.

6 Q. What's the actual job title that
7 Neil Shaw lateral'd to you?
8 A. It was Strategic Performance
9 Unit. The Strategic Performance Unit
10 leader for the Gulf of Mexico.
11 Q. Okay.
12 A. It's SP -- it's usually referred
13 to as SPU leader and/or senior
14 vice-president.
15 Q. In the press mostly you're
16 called the senior vice-president for the
17 Gulf of Mexico.
18 A. Externally referred to as the
19 senior vice-president because people don't
20 understand the internal language of SPU
21 leader. They don't understand what that
22 means.

Page 18:01 to 18:19

1 of Strategic Performance Unit leader, SPU
2 leader. And tell me, first of all, you
3 entered that job in November of 2009,
4 correct?
5 A. Well, I -- I was transitioning
6 with Neil in November. My wife -- my wife
7 had the transplant on November 17th, so
8 when we do a transplant, they essentially
9 knock down your immune system. So she was
10 isolated for -- into December. So I was
11 still Mr. Mom taking care of the family.
12 So I really didn't arrive in the office
13 until around January. I was being briefed
14 and Neil was transitioning to his new role
15 and I was transitioning in.
16 Q. So you said "I really didn't
17 arrive" -- did you say February?
18 A. No, January. January, end of
19 December.

Page 19:01 to 19:10

1 So in -- although you began the
2 transition in November with Neil Shaw, you
3 actually took over in January?

4 A. That's correct.
5 Q. 2010, correct?
6 A. Essentially, yes.
7 Q. Less than four months after -- I
8 mean, before this disaster occurred,
9 correct?
10 A. That's correct.

Page 19:21 to 20:17

21 had -- you took over the same job that Neil
22 Shaw had when he left?
23 A. Not -- it wasn't exactly the
24 same. But it was the same job, it was
25 transitioning. Because, like I said, well,
1 the way Neil's organization was set up, he
2 had projects in the Gulf of Mexico
3 reporting directly to him. And one of the
4 reasons Neil was moving was because we were
5 taking projects and moving them into a
6 global organization.
7 So as I came, in that pro
8 -- so -- so it wasn't exactly the same. I
9 still had a -- a vice-president of the
10 projects and I was still accountable for
11 the strategic framework of what -- what
12 projects would go on, but I wasn't going to
13 be accountable for how it got built, you
14 know, the building of it. That was -- that
15 was a whole new vision. So sort of the
16 same, but in transitioning to a slightly
17 different role.

Page 21:03 to 22:24

3 Q. All right. Well, now, let's get
4 to what the job was because it seems to be
5 a very high level leadership position and I
6 want to make sure that I'm not
7 misunderstanding what your role was when
8 you did, in fact, take over in January. We
9 can talk about that now.
10 You were stationed in Houston
11 then in January, correct?
12 A. That's correct.
13 Q. How many people worked directly

14 under you when you took over the SPU
15 leadership position?

16 A. So we were in transition I'd
17 say -- say until the people moved to Neil,
18 so we were in this -- say about 1800 people
19 and I'd say after the move, kind of later
20 in March or April, it was probably around
21 1600 people because about 200 probably
22 moved to direct line responsibility up into
23 Neil.

24 Q. Following Neil to his new
25 position, correct?

1 A. Still working on the Gulf of
2 Mexico but actually line -- directly kind
3 of reporting to him more solid line rather
4 than to me.

5 Q. What was Neil's new job?

6 A. He was head of the globe -- the
7 global projects organization.

8 Q. In -- in an effort to unify the
9 global projects, correct?

10 A. Well, it was an effort to make
11 sure that we procured better. So that
12 we -- when we built projects around the
13 world, when we bought steel, when we bought
14 pipe, we -- we -- the way we were organized
15 in the past, each strategic area of the
16 company did their own deals, and so the
17 idea was to unify that and better leverage
18 the -- the people, better -- better
19 leverage the procurement practices --

20 Q. Yes.

21 A. -- better leverage -- make
22 career paths that were more contiguous
23 so -- for -- for individuals that were
24 going to build projects in BP.

Page 23:05 to 23:12

5 upon. Did you participate in the process
6 of restructuring BP as you have just
7 described the restructuring?

8 A. I -- in October -- as I was on
9 leave of absence, I was still asked --
10 especially the -- the thing the -- the
11 restructuring was called sector leadership.

12 That was the -- the words we used.

Page 23:14 to 24:03

14 A. And it was a shift from an asset
15 based organization into a more functional
16 organization. And so in October I had seen
17 a white paper on kind of the -- the -- how
18 it was going to frame, but I wasn't
19 involved in the day-to-day kind of
20 decision-making. I was -- it was shared
21 with me what -- what the thinking was.

22 And I was asked by Andy, I
23 talked to him about it, what did I -- did I
24 believe in it. How -- how did it -- what
25 were my impressions when I saw the white
1 paper because he was -- he wanted me to
2 come to the Gulf -- take the Gulf of Mexico
3 role, and so he was saying here --

Page 24:05 to 25:12

5 A. -- this -- this is how it's
6 going to change but it's quite exciting and
7 Neil is going to do this and this is what's
8 going to happen.

9 Q. Andy?

10 A. Inglis.

11 Q. Inglis?

12 A. He was going to be my -- my
13 boss, so --

14 Q. Okay. So although you didn't
15 participate in the actual act of
16 restructuring, you participated in
17 observing as it was being formed, the
18 restructure, correct?

19 A. Yeah. Typically what -- what
20 would happen is there would be a lot of
21 alignment and work done before a major
22 change like that, and so I -- I
23 participated late in the process by seeing
24 a lot of the documentation; had a few
25 conversations with some of the leadership
1 about why they were doing and what they
2 were doing and I -- and I supported the
3 change that they were headed toward. Come

4 out the asset organization, move more
5 towards the functional organization.
6 Q. And the purpose, as you said,
7 was going to function, but also one of the
8 purposes was to save money, correct?
9 Because, for example, leveraging on a
10 global level would enable you to obtain
11 steel at lower prices, pipe at lower
12 prices, and so forth, correct?

Page 25:15 to 28:09

15 A. I -- I don't think that was the
16 actual -- the intention was, as I said, we
17 could procure better. It wasn't just to
18 save money. It was to create a career path
19 and it's to be more efficient really with
20 the way we built projects and also to -- to
21 employ lessons learned. And we learned a
22 lot in the Gulf -- in the Gulf of Mexico.
23 The things we would learn around the world
24 we didn't want to repeat.

25 And so we wanted to become more
1 efficient about how we did things. And
2 instead of being a siloed asset, being in
3 kind of a unified functional organization,
4 those lessons can be moved around a lot.

5 Q. I --

6 A. I wouldn't say directly saving
7 money wasn't the goal. It was to become
8 more efficient.

9 Q. That wasn't my question.

10 A. Better.

11 Q. Sorry to interrupt. But that
12 wasn't my question. My question is one of
13 the reasons was, as you say, efficiency and
14 that would be saving money?

15 A. I wouldn't directly say
16 efficient means saving money.

17 Q. So saving money was not a
18 purpose of this restructuring?

19 A. It wasn't a mantra that was in
20 the white paper. It was more about lessons
21 learned and -- and career path, progression
22 and --

23 Q. That wasn't my question, and I

24 apologize for stopping you. But my
25 question was simple and that is, was
1 money -- saving money one of the purposes
2 for this restructuring? And if the answer
3 is no, that's fine.

4 A. No, I don't -- I don't -- I
5 didn't see it in the documentation.
6 Clearly you can get a hold of the
7 documentation. I -- I don't recall ever
8 reading anything that said, hey, we're
9 making this move because we're going to
10 save money.

11 Q. Now -- understood.

12 My initial impression was that
13 you observed, but if I understand your
14 recent testimony correctly, you actually
15 did input in the sense that some of the
16 leaders would talk to you about their
17 concepts and you would give them feedback
18 as you progressed to January 2010?

19 A. The -- the blueprint was pretty
20 much laid down by October, November, you
21 know, what -- what -- you know, the
22 blueprint of what -- what was going to
23 happen.

24 Q. Yes.

25 A. It was more about kind of how do
1 we communicate -- well, number one was I
2 bought into what was going to happen and --
3 and yes, you know, they asked me that
4 because I was going to take over a unit
5 that was going to be new. And, you know,
6 people are sensitive because, you know, as
7 a leader, you see your accountabilities
8 changing. You want to understand what your
9 real accountabilities are.

Page 29:16 to 29:18

16 MR. PALMINTIER:

17 Let the record reflect that --
18 that the witness shook his head yes.

Page 29:22 to 31:13

22 Q. Now, let's talk about the

23 particulars of the job that you took over.
24 You said you had 16- to 1800 people
25 working under -- sorry. 1800 at first,
1 reduced to 1600 in this sector leadership
2 redesign.

3 What -- was there a structure
4 to -- to that? In other words, was it
5 everyone that worked in the Gulf of Mexico
6 for BP was under you? Is that what made
7 1800 people or explain to me --

8 A. That's the total organization
9 size. You asked me how many people were in
10 the organization. So that was the
11 organization size.

12 Q. Yeah.

13 A. Clearly I did not have 1600
14 direct reports.

15 Q. Yeah.

16 A. And -- so -- so as I was
17 alluding to, there was a -- there was a
18 framework that was built for sector
19 leadership. One of the -- one of the
20 goals, again, was a common organizational
21 design where we had -- in -- in the
22 previous years we'd had SPUs that had
23 different organizational designs.

24 So we were moving to this common
25 organizational design, and in that there
1 were roles that reported to SPU leaders.
2 There were roles that reported below.
3 There was a -- a systematic framework that
4 if you went to any business around the
5 world, you went to Indonesia, after the
6 restructuring it would all become --

7 Q. Yes.

8 A. And so there was a common
9 structure with a certain number of direct
10 reports to me, vice-presidents, in a
11 functional line that then had direct
12 reports to them and then kind of moving all
13 the way down the organization.

Page 33:15 to 33:25

15 Q. What you told me -- told me
16 earlier and what you've taught us is that

17 under the new system you would -- that BP
18 would benefit by being able to leverage
19 greater because of global application of
20 contracts, correct?
21 A. That's correct.
22 Q. That's all I'm asking you.
23 Would in this case Halliburton, for
24 example, under this change have gotten the
25 benefit of that global leveraging?

Page 34:03 to 35:05

3 A. I wouldn't know in that -- I
4 wasn't -- that procurement went off
5 underneath Neil and it was just the very
6 beginning of a vision. It wasn't
7 implemented at that time.
8 Q. All right.
9 A. So I wouldn't know if -- who was
10 going to benefit, who wouldn't benefit.
11 Q. Okay.
12 A. The idea was more about -- it's
13 more about taking and showing somebody
14 that -- a bigger scope of work to create
15 more interest in your program. It's
16 not -- I don't think it's about any
17 individual company.
18 Q. Okay.
19 MR. PALMINTIER:
20 Move to strike as
21 non-responsive.
22 Q. All right. Let me ask you some
23 questions about where you worked before
24 and -- and let's go back to Russia. And
25 you were kind enough to explain to us the
1 reason that you say you left your job in
2 Russia.
3 But have you heard that there
4 was a dispute between BP and the Russian
5 partners?

Page 39:12 to 40:07

12 Q. Yes. All right. Before you
13 went to Russia, there were other jobs that
14 you had for BP obviously, correct?

15 A. That's correct.

16 Q. And one was BP Gulf Deepwater
17 Drilling Unit or -- or -- can you describe
18 that one. The deep -- in 2000, 2001, that
19 job?

20 A. In 1999 I -- I came down. I was
21 transferred to Houston as the business unit
22 leader for Gulf of Mexico production. That
23 was the -- the time line. That was a
24 different structure than we were in -- than
25 we were in before the incident and we're
1 even in right now. There were three
2 business unit leaders that were involved in
3 the Gulf of Mexico. One did developments,
4 one did exploration, and one managed the
5 production.

6 Q. And what was your --

7 A. I was production.

Page 40:14 to 43:22

14 Q. Okay. Now, in your capacity in
15 production in deepwater, did you have
16 anything to do with the drilling
17 operations, whether exploratory or
18 otherwise?

19 A. I had the production drilling
20 operations --

21 Q. Okay.

22 A. -- with the -- with the
23 vice-president that ran production drilling
24 operations.

25 Q. All right. Then with regard to
1 exploratory drilling, would you have
2 participated in that at all in -- in the
3 time that you were in the deepwater
4 division?

5 A. In the time as business unit
6 leader, there was a different business unit
7 leader of exploration and he drilled his
8 well separately than -- than the
9 production. Now, we would share rigs
10 sometimes. You know, we still had a -- a
11 fleet of rigs in the Gulf of Mexico.

12 Q. Yes. Well, so the answer is no,
13 you didn't work in exploration. Correct?

14 A. No, I did not work in
15 exploration. But I was saying that we --
16 we did sit down and --

17 Q. Yes.

18 A. -- share our -- our fleet
19 together.

20 Q. Okay. All right. How
21 many -- during that year that you were
22 business unit leader for production in
23 deepwater, how many deepwater wells in
24 production were -- were operational for BP?

25 A. Operated or non-operated wells?

1 You mean --

2 Q. Give me the total number of
3 wells and then we can break them into those
4 two if you remember.

5 A. It's hard for me to recall.

6 Q. Would it be more than 30?

7 A. So we had a lot of partnerships,
8 and so I -- I can't recall all the wells in
9 the different -- we didn't operate. Yes,
10 it would be more than 30 wells that we --

11 Q. Understood.

12 A. -- were -- we were participating
13 in.

14 Q. Just a layperson's question.
15 How do you define "deepwater"?

16 A. Greater than a thousand feet of
17 water.

18 COURT REPORTER:

19 I'm sorry.

20 THE WITNESS:

21 Greater than a thousand feet of
22 water.

23 Q. During the time that you were a
24 business unit leader in production,
25 who -- what was the structure under you for
1 that division, if we can call it a
2 division, or unit, I guess we would call
3 it.

4 A. So I don't recall the
5 exact -- but we were in an asset type
6 structure so --

7 Q. Okay.

8 A. -- each -- each area -- more of
9 an area type structure where each area

10 would have all of its own component parts
11 to perform all duties of that particular
12 area.

13 Q. And by "area," you mean
14 geographic area?

15 A. Area or asset, you know,
16 so -- or -- a group -- it can be an area or
17 a single facility.

18 Q. Okay. Any idea how many areas
19 were under you during that period of time?

20 A. Five or -- four or five. So
21 some things were designed together and some
22 things weren't.

Page 44:03 to 45:13

3 Q. When you left the job of
4 business unit leader for production in
5 deepwater, what did you go to? What new
6 job did you go to?

7 A. Well, BP has a relationship with
8 the school of business at Stanford
9 University because John Brown was a
10 graduate of the university, and every year
11 they nominate an executive to go to
12 Stanford to the business school, get an MBA
13 or a master's in business, master's in
14 business management. And they nominated
15 me. They asked -- they called me and asked
16 me, would you be interested in being BP's
17 nominee to this program? And I said yes.

18 Q. Okay.

19 A. So I went to Stanford for
20 roughly a year.

21 Q. And that's when you got your
22 master's.

23 A. Yes, that's correct.

24 Q. Okay. And where did you go
25 after that?

1 A. Well, I think I did all my good
2 deeds in California and I --

3 Q. You got --

4 A. I got a phone call. They had
5 just -- got a phone call, I think it was
6 from Tony, who said, we just did this big
7 deal in Russia where we bought part of the

8 partnership. We would like you to go to --
9 to Moscow and be the executive
10 vice-president of technology inside of
11 TNK-BP, and my role was going to be to
12 modernize the firm and -- and I accepted
13 that job.

Page 47:20 to 48:04

20 A. And the role they offered me was
21 president of BP Angola and the main office
22 for our Angolan business is in Luanda.
23 There's an office in Luanda and an office
24 in London. And I moved to London with my
25 family and became the -- the president of
1 BP Angola.

2 Q. And when you did that, what year
3 was it?

4 A. It was 2006 or 2007.

Page 49:22 to 51:11

22 Now, so we got you to 2007. How
23 long did you stay president of BP Angola?

24 A. A little less than a year.

25 Q. And what did you do after that?

1 A. The succession started. And
2 then John left. Tony moved up. There
3 was -- there are many things going on
4 inside the company, including issues in the
5 United States. And originally they offered
6 me a job as the head of strategy and
7 planning for the upstream. That quickly
8 changed into the Group Vice-President for
9 Russian Kazakhstan because Lamar was going
10 to be moved to the U.S. to deal with other
11 issues. They needed somebody that was
12 familiar with the joint venture, and so
13 they asked me to -- to take that role.

14 Q. And when you took -- and you did
15 take that role, correct?

16 A. Yes.

17 Q. And that would be in 2008 or
18 thereabout?

19 A. 2007, 2008, yeah.

20 Q. When you did, did you move to

21 London or to Moscow or where?
22 A. No. I was already living in
23 London.
24 Q. Yes.
25 A. And -- so I remained in London.
1 Q. Okay. And during that service
2 is when your wife developed her kidney
3 difficulties and --
4 A. That's correct.
5 Q. -- needed a transplant. Okay.
6 I apologize for all the detail.
7 But it was mystery and certainly we found
8 out a lot of things, you know, that I
9 didn't understand. Thank you for that.
10 We know that you were educated
11 at University of Texas. My condolences for

Page 51:20 to 52:18

20 What was your undergraduate
21 degree in?
22 A. It was in natural sciences.
23 Q. Okay. And then what was
24 your -- do you have any engineering
25 degrees?
1 A. I have a master's degree in
2 engineering.
3 Q. And where did you take that, at
4 UT?
5 A. University of Texas, petroleum
6 engineering.
7 Q. Okay.
8 A. So I say natural sciences and
9 then got a master's in engineering.
10 Q. Yes. Okay. And then did you
11 work for anyone other than BP when you
12 got -- after you got your master's in
13 petroleum engineering?
14 A. I worked for -- well, Sohio
15 Petroleum Company. I went to work for
16 Sohio Petroleum Company. At the time it
17 was 50 percent owned by BP, but it was an
18 independent entity.

Page 57:06 to 57:11

6 Q. Now, beginning in January, your
7 job as Strategic Performance Unit leader,
8 I'm going to start -- to start trying to
9 use the acronym, as SPU leader, you
10 commenced that job, correct?

11 A. That's correct.

Page 57:14 to 58:14

14 What I want to find out is the
15 details of what that job entailed. So can
16 we begin with that. You mentioned that
17 there eventually were 1600 people under you
18 and that would be the whole Gulf operation.
19 But directly beneath you, can you kind of
20 give me the hierarchy of employees who
21 reported to you?

22 A. So I would have a number of
23 vice-presidents that would report to me,
24 the vice-president of drilling,
25 vice-president -- this is just the new
1 blueprint structure.

2 Q. Yes.

3 A. Vice-president of safety -- or
4 HSE at the time, it was called HSE.

5 Q. Health, safety and environment?

6 A. Health, safety and environment.

7 Vice-president of resource. I
8 had a vice-president of operations and I
9 also had an a vice-president of Thunder
10 Horse and I had an HR manager.

11 Q. Tell me about --

12 A. Vice-president of the HR.

13 Q. Thunder Horse?

14 A. Thunder Horse.

Page 59:10 to 59:14

10 Q. And who was the VP for drilling?

11 A. Pat O'Brien.

12 Q. Okay. How about what was then
13 called HSE?

14 A. Cindi Skelton.

Page 60:02 to 60:08

2 Q. Now, today as we sit here, are
3 any of those people in those same
4 capacities that they were in in January of
5 2010?

6 A. No.

7 Q. Okay. They have all either
8 retired or moved to other positions?

Page 60:16 to 61:25

16 Q. Okay. Let's talk about Cindi
17 Skelton. What did her role change to?

18 A. Post the incident or --

19 Q. No. Before.

20 A. In this particular model?

21 Q. Yes.

22 A. It was my understanding before I
23 arrived that she would be leading the OMS
24 transition in the Gulf of Mexico. So I
25 think she went from leading the OMS and
1 some of the backbone work into becoming the
2 VP of HSE.

3 Q. OMS?

4 A. Operation management system, the
5 operational management -- the overall
6 management system.

7 Q. All right. Pat O'Brien then
8 reported to you regarding all -- all
9 drilling operations in the Gulf of Mexico,
10 correct?

11 A. That's correct.

12 Q. And so under him would have been
13 operations that included exploration,
14 correct?

15 A. That's correct.

16 Q. And production?

17 A. That's correct.

18 Q. Now --

19 A. Drilling. Just -- correction,
20 drilling.

21 Q. Yes. Yes. Drilling.

22 Understood.

23 Drilling for exploration,
24 drilling for production, correct?

25 A. That's correct.

Page 62:08 to 64:10

8 responsibility. In other words, was Pat
9 O'Brien already the leader of the drilling
10 group or did you appoint him?

11 A. Well, as I said, we were in this
12 process of a new template and part of
13 the -- the movement to the new template was
14 the best man for every job. And in
15 November and December the -- the
16 function -- the drilling function was kind
17 of looking at all candidates for all jobs
18 across the company, and Pat was nominated
19 to be the best candidate for the role.

20 Q. In December?

21 A. I think it was December. I
22 think we announced it in January or late
23 January that we announced that structure,
24 those names that we put forward.

25 Q. Yes.

1 A. So his predecessor was named
2 Kevin Lacey. I met Kevin when I was there,
3 but he was on his way out. He decided to
4 leave the company.

5 Q. Did you know Kevin Lacey at all?

6 A. I barely knew Kevin. You know,
7 I knew of his name. I had met him at a
8 management conference years before. I
9 can't remember what role he was in at the
10 time. I think he worked in the functional
11 organization. But I didn't -- didn't know
12 him very well at all.

13 Q. Were you familiar with the
14 reasons for his departure?

15 A. My understanding, okay, I didn't
16 participate in any conversations with him
17 about -- about his -- his potential
18 departure, you know, what -- my
19 understanding was he -- he was not
20 satisfied with the role he was going to
21 give -- be given in the restructuring and
22 decided to look elsewhere. He's a very
23 talented guy, mobile guy, right, maybe
24 because he's a driller, he's a very
25 experienced deepwater driller. Decided to
1 look elsewhere. And I respected that, he

2 told me he wanted to go somewhere else.
3 Q. Yes. So do you -- you have not
4 heard nor have you formed an opinion about
5 whether or not he left because of
6 dissatisfaction with operations?
7 A. I had not heard that he left
8 because of that. I heard that he was
9 dissatisfied with the role he was going to
10 take and he had other options.

Page 65:02 to 65:19

2 Q. Okay. Did you ever reach a
3 point -- did you ever reach a point where
4 you got to know those individuals under Pat
5 O'Brien?
6 A. Not in the time I was there. I
7 got to know them during -- many of them
8 during the response because I led the
9 source control response, but I didn't --
10 had I learned -- ahead of the event, I
11 didn't know very many of the folks, no.
12 Q. So one of the questions I have
13 is: Did you know any of the well -- the
14 well team leaders?
15 A. No.
16 Q. Any of the well site leaders?
17 A. No.
18 Q. Like Murry Sepulvado,
19 Ronnie Sepulvado and those guys?

Page 65:23 to 65:23

23 A. No. I didn't know them.

Page 66:08 to 67:02

8 Q. Any -- so you know none of the
9 well site leaders aboard the Deepwater
10 Horizon on the Macondo well?
11 A. That's correct.
12 Q. Okay. But do you know the job
13 function of the well site leader; in fact,
14 did you help design it?
15 A. No.
16 Q. Okay. Do you know its function,

17 the function of the well site leader?

18 A. I have an -- an understanding of
19 kind of what their role is on the rig. I
20 don't understand all the details of their
21 roles on the rig. I couldn't tell you
22 their full job description on the rig.

23 Q. Who did structure the
24 protocols for the -- or strike that.

25 Who did structure the job
1 description for well site leader aboard the
2 Deepwater Horizon on the Macondo well?

Page 67:05 to 68:22

5 A. I don't know who would have done
6 that.

7 Q. Okay. When you took over the
8 job in January, though, of SPU leader, did
9 you -- did you begin to familiarize
10 yourself as time passed with the
11 responsibilities of people who were
12 actually on the rigs for BP?

13 A. No, not directly, no. No, I
14 didn't begin to familiarize myself with who
15 was on the rigs. There were, if I recall
16 correctly, five rigs running at eight
17 facilities, all of which was very active
18 operations onboard.

19 Q. Understand. I wasn't asking
20 about the individuals. I was actually
21 asking whether you familiarized
22 yourselves -- yourself with the job
23 description of well site leader after you
24 took over.

25 A. No, no.

1 Q. Now, is that because that was
2 not part of your job description, to -- to
3 understand what well site leaders and well
4 team leaders were to be doing in the
5 deepwater?

6 A. Well, they -- you know, there's
7 1600 jobs in -- in the deepwater Gulf of
8 Mexico business.

9 Q. Yes, sir.

10 A. So -- and I have a management
11 team that kind of -- that leads those

12 organizations. I didn't focus on one
13 particular set of jobs in the Gulf of
14 Mexico, understanding their roles. I have
15 a kind of overall understanding of what's
16 happening, but I leave that to the -- the
17 functional leads that are qualified to do
18 that.

19 Q. Yes.

20 A. So I -- so I assume that the
21 management in place is doing the right
22 thing, have the right people in place.

Page 70:13 to 71:11

13 Q. In your job capacity as SPU
14 leader did you interface with any of the
15 contractors that worked for BP in the Gulf?

16 A. No, not at the time I was there.

17 Q. Okay. What is your current job
18 for BP?

19 A. Regional president for the Gulf
20 of Mexico.

21 Q. Okay. And when were you
22 elevated to that position?

23 A. I don't know if it was elevated.
24 It's a different title for a similar -- for
25 a similar role. Well, coming out of the
1 restructuring from the response, I would
2 say it was -- it was in December or January
3 when we restructured in our organization
4 again and that's when the regional
5 president organizational concept rolled
6 out.

7 Q. Okay. And what year was that?

8 A. It was in the end of 2010,
9 early -- early part of this year.

10 Q. Yeah. This is a recent --

11 A. Very recent change.

Page 72:14 to 74:17

14 Q. Yes. Before the break we -- I
15 was asking you about your understanding of
16 certain roles in the jobs that were below
17 Pat O'Brien at the time of the accident
18 in -- in April of 2010. And among other

19 areas that I am interested in are the wells
20 team leader and -- and well site leaders.
21 And one of the reasons I am interested in
22 those, sir, is because they have been
23 mentioned in the investigations that have
24 taken place since the disaster.

25 Before April 20th, 2010, did you
1 know the role of any of the people who
2 worked below Pat O'Brien?

3 A. Did I know the role or did I
4 know the people? I --

5 Q. The role.

6 A. I understood how the -- how the
7 organization was meant to -- to run, you
8 know. So I understood that there was going
9 to be some -- engineering was going to be
10 a -- a team and operations was going to be
11 a separate team, so -- and I knew that
12 we're -- and my understanding was that the
13 Gulf of Mexico had been in a fully
14 functional organization for at least a year
15 or two before my arrival that had gone
16 function.

17 Q. Yes.

18 A. Which meant that instead of
19 having an asset team that had drillers
20 and -- and kind of had everything -- every
21 rig had its own microcosm of the big
22 organization, maintenance and -- and -- not
23 maintenance. But the operation of
24 engineering were now bigger groups and
25 teams run as separate organizations.

1 So I knew the -- the model. I
2 didn't know the individuals and -- and the
3 exact -- what every role was underneath
4 there. I understood that, the intention of
5 the functional changes that were going on.
6 And I understood why because we were trying
7 to -- as we lost -- a lot of people retire
8 over time, you know. We are -- our
9 strength of our organization and the asset
10 models was weakening.

11 We -- we believe if we would
12 consolidate that back into functional
13 models, that we would better prepare
14 ourselves for the future and retrain our

15 work force and maybe go to assets again in
16 ten years from now, similar to what we had
17 done before.

Page 75:11 to 77:11

11 Q. So if you were called upon to
12 testify in a trial about what the job
13 function of the well site leader was at the
14 time of this explosion, you would have to
15 say you don't know. Is that a fair
16 statement?

17 A. I would say that I -- I
18 understand that he is the representative on
19 the rig. But all his job functions in his
20 title, I wouldn't be able to recite. I
21 don't know.

22 Q. Understood.

23 For example, if I asked you
24 whether or not he was -- that it was
25 essential that a well site leader, BP's
1 representative on the rig, know how to
2 perform a negative pressure test, you
3 wouldn't be able to answer that?

4 A. I wouldn't be able to answer
5 whether or not he -- that was in his job
6 description or in his competency or not.

7 Q. Okay. And likewise, if I were
8 to ask you -- if someone were to ask you at
9 trial whether or not the well site leader
10 should be routinely monitoring the mud
11 logging, you wouldn't know whether that was
12 part of his job function either, would you?

13 A. I certainly expect that somebody
14 would be monitoring the mud logging. I'm
15 not sure if it -- if it would be in the
16 direct accountability of that individual,
17 but I certainly expect that that -- that
18 there's a role on the rig and somebody is
19 doing that role. I don't know if he's
20 supposed to be in the shack or not sitting
21 there monitoring the pits, no. I would say
22 I wouldn't -- I wouldn't expect that to be
23 his responsibilities.

24 Q. But you wouldn't be able to
25 testify as to what it actually was,

1 correct?
2 A. Whether he would be in the room
3 or not? In the -- in the mud loggers shack
4 or not?
5 Q. Yes.
6 A. I would be able to testify that
7 I was pretty sure that wasn't his job to be
8 in the room monitoring -- in -- in the
9 mudlogger shack.
10 Q. But you would be speculating
11 about that; is that correct?

Page 77:14 to 78:03

14 Q. Because you don't actually know?
15 I think your previous testimony was that
16 you didn't actually know the particular
17 job.
18 A. I don't -- what I said, I don't
19 know the exact job description of every one
20 of the -- of the roles. I couldn't recite
21 that to you.
22 Q. Okay. But with regard to the
23 mud shack, you know -- or you believe that
24 your BP well site leader wasn't supposed to
25 live in the mud shack?
1 A. That's correct.
2 Q. But he was supposed to keep an
3 eye on mud logging, wasn't he?

Page 78:06 to 79:25

6 A. I -- I don't know exactly what
7 every one of his roles would have been.
8 Q. I'm not asking you about every
9 one. I'm just asking --
10 A. Well, as I said, I don't know.
11 Q. Okay.
12 A. I don't know if that was --
13 Q. That's an acceptable answer.
14 And you don't know whether or
15 not he had responsibility for overseeing
16 the cementing job that would have been
17 occurring as they approached temporary
18 abandonment, correct?
19 A. I wouldn't know his direct

20 responsibility versus the contractor's
21 responsibility to run the job at the actual
22 time of the -- the job was being run.

23 Q. And you wouldn't know whether or
24 not it was his responsibility, well site
25 leader's responsibility to review, for
1 example, whether or not the proper testing
2 had been done and lab work had been done on
3 the cementing job in question?

4 A. You say "responsibility." What
5 do you mean? Do you mean that he -- he
6 knew it happened or he okayed the -- I
7 don't understand your question.

8 Q. I'll rephrase. Okay. You
9 wouldn't be able to testify as to what his
10 responsibilities were with regard to
11 reviewing the lab reports from the -- the
12 contractor who was performing the cementing
13 operation?

14 A. Yeah, I wouldn't know what his
15 -- what his role would be on -- just lab,
16 you know, lab data analysis, his role
17 versus the engineers in town, versus the
18 other engineers. I wouldn't know his role.

19 Q. But you would know, wouldn't
20 you, sir, as you sit here today and in
21 April of 2010, that if, for example, a
22 negative pressure test was -- demonstrated
23 a problem in -- in well integrity, that you
24 your BP well site leader would be able to
25 and should shut down the job, correct?

Page 80:05 to 80:17

5 Q. Sure. You know that your well
6 site leader could shut down a job if a
7 negative pressure test revealed pressure?

8 A. I know that my well site leader
9 can -- or anybody on the rig can shut down
10 any job if they are uncomfortable with
11 what's happening at the time.

12 Q. And the follow up to that is --

13 A. So any -- anybody on the rig,
14 including the Transocean employee, any
15 other employee should have been able to
16 shut down the job if -- that's my

17 expectation.

Page 81:07 to 81:16

7 Q. As a petroleum engineer, you are
8 familiar with the ways of testing well
9 integrity, both positive pressure and
10 negative pressure testing, correct?

11 A. Well, I'm not a practicing
12 drilling engineer. I understand what the
13 test is. You know, I don't understand
14 how -- I wouldn't understand how to
15 directly interpret the test on the rig
16 floor. I wouldn't be qualified to do that.

Page 81:19 to 82:08

19 As the SPU leader at the time of
20 this explosion in the Gulf of Mexico, you
21 would have expected your well site leader
22 to be able to interpret and deal with a
23 negative pressure test, wouldn't you have,
24 sir?

25 A. I would expect that the -- not
1 just the well site leader but the
2 organization, whoever was -- whoever was in
3 charge in order to be able to properly
4 interpret that test, that's correct.

5 Q. Yes. And his failure to be able
6 to do that would have made his being on the
7 rig an irresponsible situation, wouldn't it
8 have been?

Page 82:19 to 88:03

19 A. You're saying he had a failure
20 and he's irresponsible, I'm not sure what
21 you're asking me, so --

22 Q. I accept that.

23 A. So --

24 Q. If an individual was placed by
25 your company on the Deepwater Horizon and
1 that individual was incapable of
2 interpreting a negative pressure test,
3 wouldn't that to you as the leader of the
4 Gulf of Mexico organization seem

5 irresponsible?

6 A. That he was on the rig -- that
7 he was incapable of -- of interpreting
8 the -- the negative pressure test?

9 Q. Yes.

10 A. It's hard for me to judge. So I
11 wasn't there, and I don't know really what
12 happened that night. Okay. So I -- or
13 that afternoon, whenever they did the test.
14 So to say it's irresponsible, there were
15 multiple people interpreting that test in
16 my opinion. I don't know. Okay. I don't
17 know if -- if I -- if I can pass judgment
18 on that individual. You're asking me to
19 pass judgment on the well site leader,
20 right, as to whether or not he was
21 irresponsible?

22 Q. No, sir. I'm asking you
23 actually to tell me whether or not you
24 considered -- you would have considered it
25 to be irresponsible for BP to have put a
1 person on the rig as the leader for BP on
2 the rig who couldn't even interpret a
3 negative pressure test. It would be,
4 wouldn't it, sir, irresponsible?

5 A. No, I don't think -- okay. So
6 you're asking me to -- to pass judgment on
7 whether or not -- I don't know that
8 person's role. So it's not clear to me. I
9 don't know.

10 Q. Okay. When did you first learn
11 about the explosion and the death of 11 men
12 on the rig in April of 2010?

13 A. So I first heard about the
14 explosion -- well, I didn't -- I was first
15 notified of the event within about an hour
16 of it happening. There was a phone call to
17 my home asking me if I was aware of
18 something going on on the Horizon and if
19 anybody contacted me and I said no. So at
20 the time I didn't know if there was an
21 explosion or who had passed away at all.

22 Q. Okay.

23 A. So I was notified there was an
24 event on the Horizon.

25 Q. About an hour after? What did

1 you do?

2 A. We had already had a small
3 crisis team in the office because of the
4 volcano that was erupting at the time. We
5 were trying to locate all our people and
6 make sure they were safe. And so the
7 individual that was working there had
8 already stood up the Incident command
9 system.

10 So I asked them, have you stood
11 up the incident command system and they
12 said yes. I said, I'll be right there and
13 I came in, and I went directly to the
14 office, into our crisis management center.

15 Q. And what did you do when you got
16 there?

17 A. I -- I participated in -- well,
18 first the incident command system was up.
19 The incident commander was in place. The
20 things were operating, so I was -- I --
21 well, called Doug Suttles immediately after
22 they called me and he also was coming over.
23 So he and I met as we were of the business
24 support team trying to support the response
25 and were there to try to -- try to support
1 the response in any way, shape or form that
2 was required.

3 Q. And what did you do eventually
4 that day in response to that?

5 A. Well, we had -- well, I worked
6 to make sure that the proper resources and
7 people were in place in the incident
8 command. So I had to try to understand the
9 issues, communicate them to London. So I
10 was on a conference call with Tony and
11 Andy. We made decisions relative to -- you
12 know, the -- the Unified Command wanted to
13 open up in New Orleans and wanted to run
14 Unified Command out of New Orleans. So we
15 had to make decisions about where we're
16 going to run the surface spill response out
17 of Houma, that we were going to run to New
18 Orleans and then we were going to run the
19 source control out of Houston. We tried to
20 communicate that to the Coast Guard, that
21 we can't run everything from a centralized

22 location because all the expertise for
23 attacking the source control was in
24 Houston.

25 So we were -- in those first
1 days, the first few hours we were trying to
2 work out the -- make sure the response was
3 right, the right resources were put
4 forward.

5 Q. Were you in con -- in charge of
6 that operation or was it a multilevel
7 project?

8 A. Right there at that
9 time -- you're talking about when I went in
10 that night?

11 Q. Yes, sir. The immediate
12 response.

13 A. I would say myself and then Doug
14 as he arrived took over, but I wasn't the
15 incident commander. The incident commander
16 was in charge of the response. I was part
17 of the business support team which supports
18 and makes sure the resources and all the
19 company's -- all the company's resources go
20 right towards the effort.

21 Q. Okay. And the incident -- who
22 was the incident commander?

23 A. I think it was Keith Seilhan at
24 the time. They were -- they were rotating.
25 So there was one that went overnight, and I
1 believe Keith Seilhan became the first
2 incident commander. I'm not sure on that
3 though.

Page 88:20 to 89:18

20 Q. Yes. Now, as you know, I mean,
21 almost immediately investigative operations
22 began. My understanding based on my
23 reading of your materials is that you did
24 not initially participate in the
25 investigation; is that correct?

1 A. That's correct.

2 Q. Instead you kept yourself away
3 from investigation in order to be more
4 focused on response. Is that a correct
5 statement?

6 A. I led the source control effort
7 in Houston. Yes. I was asked once we
8 split up these organizations, so we sent
9 some leadership to Houma. We sent some
10 leadership to New Orleans, and then we
11 stood up the -- the source control response
12 in Houston and I led the source control
13 response in Houston. So that was my role.
14 So shortly after, you know, 12 to 14 hours
15 of the -- of the -- after we got that
16 sorted, you know, I immediately turned
17 focus and attention towards resource,
18 towards being able to close the BOP.

Page 89:23 to 97:17

23 of control of the well. But at the time
24 that this occurred, was there a -- a
25 category of response called source control
1 response or is that a subsequent time?

2 A. Source control is part of the
3 incident command system as such.

4 Q. And define it for me, please.

5 A. Well, source control is the
6 operation that's trying to control the
7 source of the hydrocarbon or the -- or
8 whatever is the final -- whatever is
9 causing the issue, you are trying to
10 control the source.

11 Q. Okay. Did you have any training
12 whatsoever in source control prior to this
13 occasion or did you learn on the job as it
14 were?

15 A. I had training in the incident
16 command system, but was I -- am I trained
17 at killing wells and -- no. No, I'm not
18 trained in -- in that particular area, but
19 I was trained in the incident command
20 system.

21 Q. Okay. Why did they put you in
22 that particular category as an aspect of
23 the response team, do you know?

24 A. Source control, what -- what
25 immediately happened was -- because I was
1 in Houston, and a lot of the response to
2 the source would happen in Houston

3 through -- mainly through my organization,
4 the GoM deepwater organization. That's
5 where the expertise was to respond to a
6 deepwater blowout.

7 And so it was a natural -- you
8 know, Doug -- Doug went to New Orleans. I
9 stayed in -- in Houston and immediately
10 started to -- to work on the BOP and
11 those -- it was the GoM organization that
12 was responding at the time. Later on we
13 bring people from all over the world and
14 every industry and we build a large
15 organization trying to respond.

16 Q. Can you give me the names of
17 some of the individuals to whom you ascribe
18 that expertise in the Gulf of Mexico?

19 A. Harry Thierens, Richard Lynch,
20 Mark Mazzella, who was our engineering
21 authority for well control who killed
22 hundreds of wells in Kuwait and done a lot
23 of these operations before. Paul Tooms,
24 our head of engineering. Gordon Birrell.

25 So we brought -- one of my
1 immediate roles was to bring all these --
2 this expertise in quickly to start a
3 response and how to -- how to tackle the
4 source. So --

5 Q. And so you put together this
6 team of experts, correct?

7 A. Myself with the help -- with the
8 assistance with Andy and another a lot of
9 the other functional leaders in the
10 company. So I wouldn't know everybody
11 directly, but I would say we need this type
12 of people and we start flying in people
13 from around the world. And then we put
14 them in a systematic program of who was
15 working on what. There was an engineering
16 team. There was a BOP team. There was a
17 containment team. Different teams started
18 working immediately in parallel, all the
19 different options, junk shot team, dynamic
20 kill team --

21 Q. Yes.

22 A. -- cap and stack team.

23 Q. All of those were put together

24 by you in conjunction with London?

25 A. Myself and Andy Inglis, Doug,
1 myself, whenever -- we were putting -- I
2 got a lot of assistance from other
3 technical experts in the company as to who
4 are the right people to come in and perform
5 different functions.

6 Q. Where did you get the
7 information in the first place, though,
8 from which to ask the questions of the --
9 of your various experts?

10 A. I don't understand -- the
11 information in the first place to ask the
12 various questions.

13 Q. Well, for example, how did you
14 learn about the fact that the riser was
15 entrapped?

16 A. How did I learn that, the fact
17 that the riser was --

18 Q. Was -- was creating a problem
19 for capping the well? How did you learn
20 that? I'm just trying to get the source of
21 your general information.

22 A. Okay. Okay. I was in that
23 crisis center for 150 days. I sat in the
24 -- in the source control room with my team.
25 I sat there and watched as the first ROV's
1 flew over the riser while -- flew -- flew
2 over the BOP and the riser while the rig
3 was burning above. I was there when we
4 tried to activate the BOP and tried
5 to -- to -- to close the shear rams or
6 activate them.

7 Q. Yes.

8 A. I was -- I was in the -- I was
9 there 150 days. I sat in that room and I
10 watched everything that occurred and I --
11 and the other technical team were all
12 watching what was occurring. I was there
13 in the room when we flew back over the BOP
14 directly after the rig had sank, after the
15 murk had cleared. So I was there when we
16 surveyed it, surveyed where the riser was
17 on line. So myself and everybody who
18 collected -- so I'm sitting in the center
19 watching all the feeds from offshore with

20 the technical experts.

21 Q. So the center itself is actually
22 the source of the information from which
23 you derived the conclusions as to how
24 to -- as to who to appoint and -- and how
25 to proceed?

1 A. Well, it's information that's
2 being -- being brought in and what we're
3 seeing and then we're acting, saying, okay,
4 we're going to need this. We're going to
5 have to be able to cut this riser. Go find
6 us the jaw -- the things to cut it, we
7 might be able to do this. And we were
8 just -- we were prioritizing and trying to
9 put a plan of attack in place.

10 Q. Yes. And -- and you were -- in
11 that 150 days were you the highest ranking
12 BP official who was in the crisis center?

13 A. In the Houston crisis center,
14 not -- well, Andy Inglis was there for a
15 significant amount of time as well.

16 Q. Okay. So that is yes except
17 when Andy --

18 A. Except when Andy was there.
19 Andy was -- but there were several -- I
20 can't say -- when you say senior,
21 there were several SPU leaders that were
22 brought in. Bernard Looney was brought in
23 from the North Sea. He has particular
24 expertise in drilling. Kent Wells was
25 brought in in North American Gas. He had
1 particular expertise, and the roles were
2 all partitioned. So, for example, Kent
3 took media, Bernard was working with Andy
4 on kind of informing, you know, how we
5 interface with London. You know, so it
6 was -- it was a complicated but efficient
7 structure and myself and Andy --

8 Q. Yes.

9 A. -- were interfacing with
10 Secretary Salazar and Secretary Chu on a
11 daily basis as the government came in -- in
12 to -- in to assist on the response.

13 Q. Okay. So in terms of your
14 function during that 150 days, among other
15 things was governmental interfacing?

16 A. That's correct.
17 Q. And what?
18 A. Running the source control
19 effort, the day-to-day -- day-to-day source
20 control effort.
21 Q. When a decision was made for a
22 particular method by which to control the
23 source, were you the person who made the
24 final -- that gave the final go ahead to
25 use that particular method?
1 A. No. I would make the
2 recommendation. So at the same time when
3 we were -- so it was a Unified Command. So
4 everything was done under Unified Command.
5 So I would make the recommendation. We
6 would eng -- engineer the recommendation.
7 We would -- we would propose that to the
8 Unified Command, the Coast Guard, which was
9 then was the MMS, now the BOEM, science
10 team members, Secretary Salazar, Secretary
11 Chu, Thad Allen, whoever was involved, and
12 then we would make those decisions. They
13 would -- they would concur with decisions
14 typically on a lot of the actions later.
15 So the early first few days was about
16 immediate response and we acted, you know,
17 to try to activate the BOP.

Page 97:22 to 98:12

22 we -- where we sought support from Unified
23 Command on any actions we took. So
24 typically -- sometimes we would fly to
25 Washington or I would be on the phone with
1 governors explaining what we were going to
2 do, getting concurrence to -- to our
3 actions.
4 And then typically then Thad
5 Alan would write a letter saying, we agree
6 with your plan. So he would write a letter
7 saying, I want a plan, we'd write out, say,
8 we want to do this, and then after all
9 these conversations and everybody agreed,
10 he would write back saying, I agree with
11 your plan you, you're allowed to execute
12 and go forward.

Page 98:20 to 99:10

20 Q. I think you're making, you know,
21 tremendous effort to respond and I
22 appreciate it. But I'm really asking
23 relative to BP in its position in the
24 Unified Command, you were the -- you were
25 often the person with the final say as to
1 BP's suggestions as to source control. Is
2 that a correct statement?
3 A. Me and my --
4 Q. Answer and then --
5 A. Me and my organization --
6 Q. Is that a yes?
7 A. I would make the
8 recommendations. I would typically make
9 the recommendation as to what we did next,
10 yes.

Page 99:24 to 100:01

24 Q. I understand. But I'm talking
25 about with regard to BP alone, not with
1 regard to Unified Command.

Page 100:06 to 100:20

6 time we had industry experts. We had
7 contractors on the ground. We had a lot of
8 people making recommendations and bringing
9 forward ideas. My job was to coalesce all
10 that. It wasn't all BP. There were
11 contractors -- there were a lot of people
12 involved and then represent that with
13 Unified Command and get concurrence, and
14 certainly other people had a say in how it
15 happened.
16 Q. I understand. But when it came
17 to that reporting to Unified Command, it
18 was through you. That's all I'm getting
19 at.
20 A. Through me, yes, I would report.

Page 100:25 to 101:07

25 Q. What eventually succeeded?
1 A. The capping stack succeeded.
2 Q. Okay. And whose idea was the
3 capping stack?
4 A. It would have been -- I don't
5 know the individual -- particular
6 individual that was -- conceived the
7 capping stack. It could have been my

Page 101:17 to 102:02

17 in a moment. But when did it get -- you
18 said we began to build the capping stack.
19 When?
20 A. I don't know the exact time. I
21 don't remember the exact time. I think
22 within weeks of the incident we were
23 fabricating multiple different devices,
24 yes.
25 Q. But you're not sure whether or
1 not the capping stack was begun within that
2 period of time, correct?

Page 102:16 to 103:10

16 was -- and I'm going to change it. You
17 don't know whether or not the capping stack
18 began to be constructed after being
19 approved for -- for being constructed
20 within the first few weeks?
21 A. I don't know the exact date, but
22 I'm pretty sure it would have been
23 constructed -- started in those first few
24 weeks --
25 Q. Okay.
1 A. -- that we would have started an
2 effort, because in order to build something
3 of that nature, you have got to
4 fabricate -- fabrication and construction
5 takes a long time. We built things in
6 months that would typically take us six
7 months to a year.
8 Q. Yes. And what is the ultimate
9 method for source control in this
10 situation?

Page 103:13 to 104:11

13 A. That's a very broad question.
14 Q. Wasn't well formed either.
15 The -- what's the industry
16 standard for sort of the benchmark for the
17 way in which you -- you control source?
18 A. Ideally we would have liked the
19 BOP to have operated.
20 Q. Okay. And in the failure of the
21 BOP, you would then work toward temporary
22 containment until you can drill relief
23 wells, correct?
24 A. Either that or for static, the
25 dynamic kill that we tried that junk shot.
1 It typically depends -- depends on the
2 configuration of the well at the time as to
3 how you attack -- how you would attack it.
4 Q. But that's not your area of
5 expertise. You were relying on your
6 experts in the Gulf of Mexico, correct?
7 A. That's correct. In the
8 situation that we had at hand. What we
9 were dealing with -- at -- you know, that
10 was sitting in front of us, what we knew at
11 the time.

Page 104:21 to 107:22

21 Do you remember having recently
22 given testimony before a governmental
23 committee that was evaluating the future of
24 deepwater drilling in the Gulf of Mexico,
25 correct?
1 A. I didn't consider it testimony.
2 I -- I was asked by the secretary to speak
3 at the ocean -- the first meeting of the
4 Ocean Energy Safety Institute Advisory
5 Committee, I think it's called.
6 Q. Yes. And you did that?
7 A. I did that. And I --
8 Q. And who -- who actually invited
9 you to do that?
10 A. Deputy Secretary Hayes,
11 Secretary Salazar and Tom Hunter invited
12 me.

13 Q. Do you have any idea why they
14 chose you as -- as the BP representative
15 to -- to give this presentation?

16 A. I spent 150 days -- or 140 days
17 speaking to the secretary on the phone and
18 briefing him on the situation in the Gulf,
19 30 minutes to an hour every day. I worked
20 with Tom Hunter who was working with
21 Secretary Chu and Secretary Salazar. So I
22 presume they asked me because they -- they
23 knew I had -- I had a lot -- I had worked
24 on the source control of the well and had a
25 lot of knowledge about what had happened
1 and about the incident.

2 Q. Had you also begun to
3 participate in the evolution of a set of
4 principles for well control -- sorry, for
5 source control in -- in deepwater?

6 A. I don't understand the -- I'm
7 not -- set of principles?

8 Q. Yes. You gave a presentation to
9 the committee and -- and you had a
10 PowerPoint presentation?

11 A. Okay.

12 Q. Right?

13 A. Yes, I -- so that was a -- so
14 that was our -- what I presented was mostly
15 from the global lessons learned report that
16 was -- or lessons learned presentation that
17 we had been using around the world. I
18 wasn't particularly the author of the
19 report, but that was -- I had seen what the
20 lessons learned report was and that's what
21 we -- we decided to present and that's what
22 they asked us to present, was our lessons
23 learned.

24 Q. Okay. Understood. And -- but
25 when you -- when you gave your
1 presentation, you -- you gave a prefatory
2 set of remarks. Do you recall having done
3 that?

4 A. I don't recall exactly what I
5 said.

6 Q. Well, assume with me that one of
7 the things you said was that "No
8 one" -- "nobody could have imagined the

9 scale and magnitude of the incident that we
10 were going to respond to at the time." Do
11 you remember having said that?

12 A. Yes, I remember having said
13 that.

14 Q. All right. The question from
15 the Plaintiffs Steering Committee's
16 perspective at least is, how is it that the
17 leader of the Gulf of Mexico SPU could not
18 have felt that this kind of a disaster
19 would have been anticipated? Is it your
20 testimony today that BP had no idea of the
21 potential in the Macondo well for disaster
22 of the kind that actually occurred?

Page 107:25 to 107:25

25 A. Can I see that?

Page 108:07 to 108:14

7 Q. I can't hear you. Hold on. By
8 the way, just for the record, that's only
9 half the transcript. And my reference is
10 in particular to the first page at line 15.
11 And we'll go ahead and offer, file and
12 introduce this as an informal transcript of
13 the CNN coverage of your statement to the
14 committee.

Page 108:25 to 108:25

25 A. I don't think it was CNN.

Page 109:04 to 109:21

4 Q. C-SPAN.

5 A. Yeah.

6 Q. I apologize.

7 A. Okay. So I think C-SPAN covered
8 it.

9 Q. Okay.

10 A. I said there was -- there was a
11 standard lessons learned pack and there's
12 some standard text that went along with
13 that pack that you would have heard anybody

14 that presents that. This is part of the
15 standard text, what I recited.
16 MR. PALMINTIER:
17 Okay. I will offer, file and
18 introduce this -- this as an exhibit next,
19 which I guess is 3043.
20 (Exhibit 3043 was marked
21 for identification.)

Page 110:05 to 111:11

5 Q. So what I'm referring you to is
6 line 15. Have you had a chance to read
7 that?
8 A. Yes.
9 Q. "Nobody could have imagined the
10 scale and magnitude of the incident that we
11 were going to respond to at the time." Did
12 you mean that or do you retract that
13 statement or --
14 A. I don't retract that. I said --
15 I said that. It was a part of the
16 standard -- the standard part of that
17 presentation was to acknowledge that it was
18 a very large and almost unimaginable
19 incident that occurred for -- not just for
20 the people involved, but for the responders
21 as well, because we were talking about the
22 people that respond right in the next
23 sentence.
24 Q. Yes. But you are an executive
25 vice-president with BP and your
1 testimony -- or your statement to -- to
2 them and carried in the press and now your
3 testimony under oath today is that no one
4 could have anticipated or could have
5 imagined the scale and magnitude of the
6 incident.
7 And my question to you is: How
8 is it that you could have missed that
9 possibility or how could have BP missed
10 that possibility if it did its basic due
11 diligence analysis of this -- of this well?

Page 111:14 to 112:13

14 A. So there's a risk register in
15 the Gulf of Mexico. Certainly -- and on
16 the risk register in the Gulf of Mexico
17 is -- is a loss of well control event.

18 Q. Yes.

19 A. And so I'm not acknowledging
20 that BP -- I'm not saying here BP
21 didn't -- didn't have or understand the
22 risk of drilling in the deepwater well.
23 That's not what I'm saying here.

24 Q. BP knew that this possibility
25 existed, didn't it?

1 A. BP manages risk.

2 Q. Answer the question and then you
3 can explain. BP knew that this -- these
4 risks existed when it undertook to drill
5 the Macondo well, didn't it?

6 A. BP has a risk register and part
7 of those risks were -- were this particular
8 risk of well control.

9 Q. So your answer is yes?

10 A. There is -- there is always a
11 risk of well control.

12 Q. Put it on the record for me,
13 please. Yes?

Page 112:16 to 113:21

16 A. There's always a risk.

17 Q. All right.

18 A. I'm saying they acknowledged
19 that because we have a risk register
20 that -- and this is one of the risks and
21 there's mitigation plans against the risk.

22 Q. There was no mitigation plan for
23 this blowout, was there?

24 A. There is mitigation plans
25 against well control events in the risk
1 register in the -- in the Gulf.

2 Q. All right. Well, how long did
3 it take to cap the well?

4 A. It took from April 20th to July
5 15th.

6 Q. How long did it take to bring
7 even the first mitigative piece of
8 equipment in to place on the well?

9 A. We were -- we were -- I would
10 say within 24 hours we -- we had stabbed
11 into the BOP and attempted to close the --
12 were attempting to close the rams.

13 Q. And failing that, what was the
14 next step?

15 A. Actually we continued to try to
16 close those rams for weeks because we ran
17 into difficulties with the BOP functioning.

18 Q. Yes. Meanwhile the Gulf was
19 being glutted with the oil that was in the
20 reservoir that you guys drilled into,
21 correct?

Page 113:24 to 113:25

24 A. Did you say glutted with?

25 Q. Okay. You don't see the pouring

Page 114:25 to 114:25

25 method in place for dealing with the

Page 115:25 to 117:25

25 time, but it was cutting some steel.

1 Q. Did it work?

2 A. The cofferdam did not work.

3 Q. All right. What was the next
4 method that was used to attempt to stop the
5 flow of hydrocarbons into the Gulf?

6 A. At the time we were doing the
7 cofferdam, we were still trying to activate
8 the BOP and trying to understand the
9 configuration of the BOP and activate it.

10 Q. Note that for the record --

11 A. We're running many things in
12 parallel.

13 Q. What was the next thing other --
14 after the cofferdam failed?

15 A. We put in place the riser
16 section tool.

17 Q. Okay. And did that work?

18 A. It collected -- collected oil
19 from -- from the --

20 Q. And did it prevent the movement

21 of hydrocarbons into the Gulf?

22 A. It mitigated. Didn't prevent.
23 Mitigated. And then we also put a -- we
24 capped the drill pipe that was off to the
25 side. We put a cap on that, closed that,
1 mitigated the amount of hydrocarbons
2 spilling into the Gulf.

3 Q. Okay. And so if I understand
4 your testimony correctly, you are actually
5 saying today that you could imagine
6 something of this scale and that BP had
7 provided for that?

8 A. What I said in this statement
9 was more to the responders, that no -- that
10 nobody could have under -- could have
11 believed what we had to go through to -- to
12 do this well, yeah, to -- it didn't -- it
13 doesn't -- there can't be drawn any other
14 references that you are trying to draw it
15 into.

16 Q. You -- let's talk about your
17 involvement with the United States
18 Congress. You actually did not testify in
19 front of the committee led by I think
20 Representative Waxman. You didn't actually
21 testify in front of that?

22 A. That's correct.

23 Q. But you did give an interview to
24 staff members; is that correct?

25 A. That's correct.

Page 118:25 to 121:08

25 Q. You remember having been asked
1 questions about negative pressure tests,
2 don't you?

3 A. Yes.

4 Q. And you gave answers about what
5 was appropriate and what wasn't, didn't
6 you?

7 A. I was not aware I gave them a --
8 answers about appropriateness. I think I
9 said --

10 Q. I'll withdraw the word
11 "appropriate." And use the one you used.
12 Should be the same on all three levels,

13 pressure should be the same on all three
14 levels? Remember having said that?

15 A. I remember explaining that there
16 was an anomaly on the drill pipe versus the
17 choke and kill line pressures. And -- or
18 we believe they should have been the same.
19 We don't know why somebody elected maybe
20 not to take the kill line pressure into
21 account. You know, I didn't know that at
22 the time. I just could recognize that
23 those were the facts that I was told at the
24 time.

25 Q. The kill line pressure or the
1 drill pipe pressure? What is your
2 understanding of the anomaly?

3 A. That they were reading
4 differently.

5 Q. And that tells you as a
6 petroleum engineer that what should happen?

7 A. That told me based on what had
8 been -- so I'm -- I'm attempting to respond
9 to the BOP. So I'm trying to understand
10 the configuration of the BOP that I'm
11 responding to. So I'm getting information
12 from people during the response. The fact
13 that one line had higher pressure than the
14 other would -- we'd have -- in order for
15 that to happen, then the -- then the kill
16 line has to be closed off somehow or
17 there's something not operating properly in
18 the kill line.

19 We're not -- but there's an
20 anomaly there, and I don't know where
21 that -- why that anomaly is there during
22 that test. But they had the kill line
23 closed. I don't know what was going on.
24 Was it clogged? We were concerned that
25 maybe the kill line could be plugged later.
1 So -- so I said there was discrepancy in
2 those pressures. One was 1400 and one that
3 they said was reading zero.

4 Q. There was no doubt in your mind
5 by -- by the time you learned about the
6 1400 and the discrep -- and the anomaly
7 that that 1400 psi constituted hydrocarbons
8 escaping the well, didn't it?

Page 121:11 to 122:21

11 A. You say no doubt in my mind. So
12 the evidence is that yeah, there was
13 pressure on the drill pipe and -- and the
14 well was -- post the event the well was
15 unloading at that point in time.

16 Q. Yes.

17 A. And that's -- that's borne out
18 by the evidence. I'm pretty sure that that
19 was what was happening.

20 Q. Yes.

21 A. But we still weren't clear as to
22 why there was zero on the kill line and --

23 Q. But is it your testimony as SPU
24 leader for the Gulf of Mexico at the time
25 of this event that in any way at any time
1 it would have been appropriate to proceed
2 with the abandonment, temporary abandonment
3 efforts with a positive -- with a reading
4 of 1400 psi on the drill pipe?

5 A. So I --

6 Q. Would it ever have been
7 appropriate?

8 A. So -- I don't know. So we
9 got -- we got these guys sitting there. I
10 don't know what they were looking at and
11 what they did that night, so it's hard for
12 me to make a blanket statement, yeah, you
13 got a discrepancy so -- so I don't know
14 what they were really -- I know what
15 I -- what I was told, but I don't know what
16 they knew. So it's hard for me to say
17 that.

18 Q. So is it your testimony that it
19 would ever, ever be appropriate to proceed
20 with a 1400 psi on the pipe, on the drill
21 pipe?

Page 122:24 to 123:17

24 A. I don't know.

25 Q. Would it ever be appropriate to
1 proceed --

2 A. I don't understand. It's hard

3 for me to say "ever" when I don't -- you're
4 saying me to suppose something
5 when -- when -- you know, I don't know all
6 the circumstances and what would happen in
7 some of these events. I'm not an expert in
8 negative pressure test interpretation.
9 What I said in that testimony was there was
10 a discrepancy. I don't understand the
11 discrepancy. Nobody understood it at the
12 time.

13 Q. You didn't tell the Congress
14 that they shouldn't have proceeded; that
15 is, that --

16 A. I don't recall telling Congress
17 that they shouldn't have proceeded.

Page 132:07 to 132:19

7 Q. But that was a written
8 remuneration policy from BP?

9 A. Well, there's a -- there's a --
10 there's a policy on how people in my level
11 are remunerated.

12 Q. Yeah.

13 A. And group leaders, how they're
14 remunerated. It's changed several times.

15 Q. And that remuneration, as you've
16 said, is tied into actual performance of
17 the unit, correct?

18 A. Some. Okay. So there's several
19 pillars to this remuneration.

Page 135:09 to 136:02

9 Q. The measure of performance is in
10 the total -- is it -- is it in gross
11 profits or net profits or what is
12 it -- what is it based on?

13 A. Well, if you look at performance
14 contracts, it's based on safety. So there
15 will be a recordable injury rate,
16 process -- a process safety loss, primary
17 control measure and there will typically be
18 a measure on sometimes in some years how
19 you're closing gaps to -- to the management
20 system. Then there's a financial section

21 that will include production, costs,
22 capital.
23 Q. Nowhere as simple as what I was
24 talking about, correct?
25 A. Yeah. And then --
1 Q. Is that correct?
2 A. That's correct.

Page 137:02 to 138:16

2 Q. Well, are you familiar with the
3 idea that the new head of BP will base his
4 projected future -- sorry. Will base
5 performance rating on safety and only
6 safety?
7 A. He -- well, again -- so it's a
8 My Plan. I'm not -- at the end of the day
9 it's subjective, I believe, these ratings.
10 But there's an entity plan and then there's
11 a My Plan for the individual. And inside
12 the My Plan, most of those are -- are
13 inputs rather than outputs, so they are --
14 they're about gap closure. They are about
15 closing gaps to technical practices and
16 things of that nature. It's not -- it
17 doesn't include production and cost and
18 capital. It's been changed in the
19 individual.
20 Q. It includes safety?
21 A. It includes safety.
22 Q. He's focused on safety; isn't
23 that correct?
24 A. That's correct. Mostly it's
25 about the safety aspect, yes.
1 Q. It's a change, is it not?
2 A. It's a -- it's a change from
3 outputs to input, yes.
4 Q. And it was a change based on the
5 explosion and fire aboard the Deepwater
6 Horizon in April of 2010, correct?
7 MR. ROSENBLOOM:
8 Objection as to form.
9 A. So I -- I don't know
10 exactly -- I know that we changed
11 performance management in the company as
12 one and we have said that's one of the

13 lessons learned that we have taken forward
14 and -- certainly post the event, the -- the
15 way performance management was done was
16 changed.

Page 142:09 to 142:20

9 Q. Some of the things that you said
10 in this transcript, though, in this -- in
11 your presentation to the Ocean Energy
12 Safety Advisory Committee, and it would be
13 in April of this year, 2011, were -- were
14 actually stated outside of the learnings.
15 And, for example, one of the things you
16 said was that you -- you believed that it
17 was the -- the event was multiparty and
18 multicausal. Do you remember having said
19 that?

20 A. That's correct.

Page 143:06 to 143:10

6 Q. Who provided them to you, sir?
7 A. I don't recall who provided, but
8 I have read them and I subscribed to the
9 event. I think they -- are they part of
10 the Bly report or --

Page 146:21 to 146:22

21 Q. Did you or did you not craft
22 those words?

Page 146:25 to 147:02

25 Q. Just yes or no and then you can
1 explain.
2 A. No, I didn't craft those words.

Page 147:07 to 147:10

7 Q. Okay. Now, and I have asked you
8 who did, in fact, craft them and I believe
9 your testimony is you don't know.
10 A. I don't know.

Page 147:14 to 147:22

14 Q. You -- do you subscribe to
15 everything you said in the testimony that
16 you provided to the committee, the advisory
17 committee? Yes or no and you can explain.
18 A. I don't believe it to be
19 testimony. I went there to give a speech
20 and -- and I believe I -- I did the best I
21 could in explaining and answering what they
22 wanted -- what they wanted me to do.

Page 148:05 to 148:25

5 Q. Who wrote the speech?
6 A. The speech was -- was -- I don't
7 know who wrote the speech. But it was
8 somebody in Kent Wells' organization. It
9 was a standard script that went along with
10 those slides that I -- I didn't read the
11 script. I actually spoke to it in my own
12 words in a lot of cases. So --
13 Q. In a lot of cases?
14 A. Well, in -- well, some of it I
15 renditioned because I knew what it was
16 saying, so I may have followed the script,
17 but I wasn't reading that. I came there to
18 speak and -- and to explain what happened
19 on the slides.
20 Q. At times --
21 A. So I gave -- so I gave a
22 presentation. So at times I might have
23 renditioned the script. At times I might
24 have added more color based on my own
25 personal experience and understanding.

Page 149:14 to 150:05

14 content. In the learnings that you talked
15 about, included in those were the
16 following: Third party testing of cement
17 slurries. Do you remember having
18 subscribed to that idea?
19 A. That's correct.
20 Q. One of the things that BP has
21 changed is that it is now as a response to

22 the BP explosion, the Deepwater explosion,
23 seeking third party independent testing of
24 cement slurries?

25 A. That's correct.

1 Q. And the reason for that is
2 because it acknowledges that the cement
3 slurry was part of the problem of the
4 blowout in the first place. Isn't that
5 true, sir?

Page 150:08 to 150:10

8 A. It's not -- it's -- I won't
9 say -- I would say it's an improvement upon
10 past practices.

Page 151:12 to 152:19

12 Q. You know the old saying, if it
13 ain't broke, don't fix it? You know that
14 saying? If you don't, let me know.

15 A. Yeah, I know the saying.

16 Q. Okay. That's a yes.

17 Wouldn't you agree with me, sir,
18 that if there weren't any problem with
19 competency before, then there wouldn't have
20 been any changes such as you were
21 recommending or actually talking about
22 having been implemented in the practices of
23 BP when you gave this speech? If there
24 wasn't any problem with the competency, it
25 wouldn't have been addressed?

1 A. So, no. I think that what we
2 were recognizing is that there needs to be
3 an improvement upon the competency
4 practices that were in the past. So, for
5 example, we had relied upon competency
6 assessments through the well control
7 certifications, and I think we're coming
8 back and saying are those -- were
9 those -- was that enough? So we're
10 improving on practices. What we're saying
11 is we have to improve practices around
12 competency.

13 Q. Understood. But do you --

14 A. That doesn't mean that there

15 is -- you can immediately say that there
16 was a deficiency in the past.
17 That's -- that's -- I am not going to say
18 that because I don't know the competency of
19 the individuals that were on the rig.

Page 153:05 to 154:11

5 Q. You have acknowledged on the
6 record that well control -- you gave me an
7 example, for example, well control
8 certification is not necessarily an
9 indication of competency?

10 A. Well, I think there seems to be
11 some improvement on the -- the
12 certification process. Certainly people
13 were certified. But what we were talking
14 about in that document or what we're
15 talking about is trying to improve upon
16 that internally with our own kind of
17 certification of competency.

18 Q. What document were you referring
19 to just now?

20 A. The one that you keep referring
21 to as my speech at the Ocean Engineering
22 Safety Institute.

23 Q. One of the things, then, that
24 you -- did you actually instill into your
25 unit the notion that external well control
1 certification was inadequate for
2 certification for well site leaders?

3 A. No. No.

4 Q. Who did?

5 A. That -- that's a Bly report
6 recommendation that's come down through the
7 functional drilling organization.

8 Q. Okay. Do you know why the Bly
9 report mentioned the example that you've
10 used?

11 A. No.

Page 157:07 to 159:09

7 Q. Those environmental factors that
8 you told the committee about, those create
9 dangers of loss of well control, don't

10 they? You hesitate.

11 A. Well, they -- they add -- well,
12 because you want yes and no, I'm trying to
13 say can I answer yes or no or should I ask
14 to -- they add additional risks that are
15 different than drilling on land or -- or
16 drilling the different other environments,
17 yes. There -- there's a different risk
18 profile for a deepwater well than a land
19 well.

20 Q. And as the SPU leader in the
21 Gulf of Mexico at the time of this
22 explosion, you recognized that the
23 deepwater drilling requirements were
24 special, didn't you?

25 A. They are different than -- yes,
1 they are different than drilling a well
2 onshore.

3 Q. And since the Macondo explosion
4 and fire and the death of 11 men, changes
5 have been made in the BP protocols for how
6 to deal with deepwater drilling, correct?

7 A. That's correct.

8 Q. Also one of the things that you
9 spent time talking about to this committee
10 was the thing that you were at least
11 partially in charge of in the -- in the
12 recovery process and that is source
13 response, correct?

14 A. Source control.

15 Q. Source control.

16 A. Yes.

17 Q. Source control.

18 Now, in your speech you talk
19 about, using a slide presentation, you
20 talked about the blowout preventer on -- on
21 the Deepwater Horizon, did you not?

22 A. I believe so.

23 Q. You are not an expert on blowout
24 preventers; is that a fair statement?

25 A. That's correct.

1 Q. And -- but you do recognize that
2 there's a difference between a land-based
3 blowout preventer and a deepwater blowout
4 preventer?

5 A. Absolutely.

6 Q. The deepwater blowout preventer
7 is designed and manufactured specifically
8 for marine use; isn't that fair?
9 A. That's fair, yes.

Page 159:12 to 159:24

12 Q. One of the changes in the
13 procedures that B -- that BP is using in
14 deepwater since the explosion of the
15 Deepwater Horizon is also third party
16 independent testing and evaluation of
17 blowout preventers, correct?
18 A. No. I think it says third party
19 verification of blowout preventers. I
20 don't think it says third party testing.
21 Q. Verification?
22 A. "Verification" is the word
23 that's used. When they are brought to
24 surface at certain times.

Page 161:19 to 169:25

19 Q. Let me -- let me pause. I am
20 going to wait until I get the rest of the
21 record, but what I was asking you is:
22 If -- if the record reveals that
23 you -- that the speech said climb steep
24 learning curve after -- that BP had to
25 climb a steep learning curve, would you
1 disagree with that after the explosion and
2 fire?
3 A. I don't recall what I am
4 referring to, the -- the learning curve,
5 but as far as responding to such as -- such
6 an event, yeah, I think we -- we -- yes, we
7 went through a very steep learning curve in
8 responding as quickly as we possibly could.
9 Q. I assume from that answer that
10 BP had -- did not anticipate events of the
11 type that occurred on April 20th, 2010?
12 A. No. I think we -- we were aware
13 of risk of well control events in the Gulf
14 of Mexico. We had a risk register for that
15 and we had mitigation plans in place for
16 well control events, well control policies,

17 all -- all these things in place.

18 Q. I want to ask you some questions
19 about source containment. What -- what's
20 your phrase for that?

21 A. Source control.

22 Q. Source control.

23 A. That's the standard incident
24 command for that particular division.

25 Q. Standard incident command.

1 A. Source control.

2 Q. And it's actually called -- and
3 you've already testified about that. I
4 apologize, source control. And you have
5 testified that -- to begin with, you would
6 hope that -- that an event involving well
7 integrity never happened, but if it did,
8 that you would have a blowout preventer in
9 place that would stem the flow of
10 hydrocarbons up the well; is that correct?

11 A. That's correct.

12 Q. We know that in this case that
13 did not occur, so there were methods that
14 your group within the incident command were
15 responsible for, correct? Methods for
16 trying to stop the flow of hydro --
17 hydrocarbons?

18 A. I say there were -- no, there
19 were methods that we put forward given the
20 situation we have to try to activate the
21 BOP, if -- if it hadn't activated, we were
22 trying to activate it, close it.

23 Q. Understood.

24 That's one of the methods that
25 you used to try to stop the flow of
1 hydrocarbons, correct?

2 A. Correct. And it was a method
3 that was used on the rig floor apparently
4 to try to stop the flow of hydrocarbons and
5 then it was a method that we used later
6 after the rig sank, we were trying -- we
7 were still trying to activate components of
8 the BOP.

9 Q. Yes, using -- using the -- the
10 remote vehicles?

11 A. That's correct.

12 Q. And none of those worked,

13 correct?

14 A. We were -- yeah, correct. We
15 were unable to -- to stop the flow of
16 hydrocarbons from the BOP --

17 Q. Yes.

18 A. -- using the ROVs.

19 Q. You were actually there when
20 that failure to stop the flow of
21 hydrocarbons occurred, correct? You could
22 observe in the offices of incident command
23 the failure?

24 A. That's correct. I was there.

25 Q. Yes.

1 A. I was there when trying in
2 multiple attempts over many weeks to try to
3 activate different components of the BOP.

4 Q. I have this visualization of
5 someone actually giving a command to
6 attempt to place the rams -- to make the
7 rams do what they were supposed to do. Was
8 it -- was it like that or was someone
9 constantly trying to --

10 A. No. There was a -- so any time
11 you're going to work with a piece of
12 equipment like that, you have to give a
13 very clear --

14 Q. Yes.

15 A. -- clear procedure to the
16 individuals that were on the boat. So the
17 way it was said, it would be live video
18 from the ROV itself.

19 Q. Yes.

20 A. Multiple ROVs in the water.

21 Q. Yes.

22 A. That night we only had two off
23 of one vessel. Actually in the -- in the
24 room, we had the individuals from
25 Transocean providing the instructions to
1 the people on the boat as to how -- how to
2 activate the rams from the ROV.

3 Q. Were you present when someone
4 said, you know, 10, 9, 8, whatever, fire.

5 A. It didn't exactly happen like
6 that. So there was -- you know, there -- I
7 was present when they pulled -- what was
8 call the hot stabs and they pulled the

9 covers from hot stabs and they stabbed in
10 with the ROV. They stab in to create
11 access to the chamber, to the -- to what we
12 thought was the chamber, the blind shear
13 ram, and -- and then to start pumping. So
14 I was there, yes, when they gave -- but it
15 doesn't happen immediately. Like it's a --
16 it's a period of time where the operation
17 starts and the operation ends.

18 Q. And you watched that whole
19 process?

20 A. Yes, I did. Yes, I did.

21 Q. And what was the reaction in the
22 room when it failed, just out of curiosity?

23 A. Well, what --

24 Q. Expletives?

25 A. No. We didn't understand
1 what -- what was going on. Okay. So
2 there's a -- we're pumping with the ROV,
3 but we're building no pressure. So there's
4 a certain amount of volume that you can
5 pump as you're -- that you're pumping, that
6 as you fill the chamber, you should start
7 to see pressure and we saw no pressure.

8 So we were unclear as to -- the
9 BOP components are very complicated, and in
10 order to go in through the hot stab, you
11 have to shuttle a little valve over to give
12 you access. So we were unclear as to
13 whether or not we had enough pressure
14 for -- to shuttle that valve over.

15 Q. Yes.

16 A. So we weren't totally dis -- you
17 know, we were trying to collect data
18 constantly, trying to understand.

19 Q. But eventually you reached the
20 conclusion that that process using the ROVs
21 was not going to work, correct?

22 A. Eventually we
23 concluded -- eventually we concluded that
24 some way somehow the ram was closed --

25 Q. Okay.

1 A. -- and -- and that it
2 had -- because eventually after -- after
3 attempting for a very long period of time
4 to -- to get access to the chamber, the

5 pressure chamber, because there were
6 multiple leaks and the drawings that we
7 were provided of the BOP were inaccurate,
8 were not the right drawings. So as we
9 looked at it that night, what we thought we
10 were pumping into we weren't.

11 Q. Who provided you with those
12 drawings?

13 A. Transocean provided us with
14 those drawings.

15 So eventually we came to -- once
16 we got everything -- like I said, the ram
17 was already closed. And so, you know,
18 if you fail that -- well, it failed. But
19 it was already closed, so we were trying to
20 close it, but it was already closed.

21 Q. And it just didn't do what it
22 was supposed to do when it closed, correct?

23 A. Well, we didn't know what -- if
24 it was -- we finally -- we figured out
25 eventually by X-raying the back of the ram
1 that it was closed and locked, which meant
2 that the ram had traveled a certain
3 distance, which would have meant it had to
4 have done something. But we didn't know if
5 it had -- if it was on some
6 err -- something that it couldn't cut or
7 didn't properly cut. Or there's a
8 situation where, if you got enough
9 hydrocarbons flowing through the BOP, the
10 rubbers on the ram could be damaged and it
11 won't seal. So it could have cut and
12 didn't seal because the hydrocarbons
13 destroyed the rubber. So there were
14 multiple different scenarios.

15 Q. But at some point you, you and
16 your team reached the conclusion that using
17 the BOP to try to stop the flow of
18 hydrocarbons could not succeed. Isn't that
19 true, sir?

20 A. That's correct.

21 Q. And when you reached that
22 conclusion, you began to look for other
23 methods to stop either permanently or
24 temporarily the flow of hydrocarbons; isn't
25 that true?

Page 170:03 to 174:17

3 A. No. We were -- that was all
4 being done parallel.

5 EXAMINATION BY MR. PALMINTIER:

6 Q. Okay.

7 A. We didn't do things in series.
8 You know, we -- so we were building, you
9 know, building the manifold for the junk
10 shot. And all of these things were being
11 built in parallel. We didn't do things in
12 a series and say, okay, now it didn't work,
13 now let's go engineer something else. Like
14 I said in the beginning, all these
15 initiatives were running at the same time.

16 Q. All right.

17 A. So we just would move to the
18 next initiative at --

19 Q. Were you involved in the design,
20 planning and implementation of any of the
21 -- for example, the containment dome, did
22 you participate in the design of that?

23 A. You're referring to the
24 cofferdam, the containment cofferdam?

25 Q. Yes.

1 A. I participated in the concept
2 and agreed to proceed with the way, you
3 know, to -- to deploy the -- the cofferdam.
4 I didn't design the cofferdam. The
5 containment team designed how to deploy it
6 and how to hook it up.

7 Q. One of things that you mentioned
8 in your speech to the committee was that
9 these depths affect temperature and
10 pressure, correct?

11 A. That's correct.

12 Q. Did BP in its participation in
13 the design and development of the cofferdam
14 take into consideration any of those
15 special conditions?

16 A. Yes, absolutely.

17 Q. Did it take into consideration,
18 for example, the effect of methane?

19 A. Yes absolutely.

20 Q. What -- what was the effect of

21 methane that you had to be concerned with
22 in the development and -- and use of the
23 cofferdam?

24 A. We had to be concerned with the
25 formation of hydrates. Which is a
1 crystallized methane.

2 Q. Okay. And did -- because you
3 knew about the possibility of the
4 crystallized methane, you were the persons
5 involved in the design, what steps were
6 taken to prevent the adverse effects of it?

7 A. So we -- so -- so in other
8 words, there's what's called a hydrate
9 window. Okay. So there's a -- there's
10 a -- for the environment where hydrate form
11 or it won't form.

12 Q. Okay.

13 A. And what we knew was -- what we
14 were told by our experts, we brought in
15 experts from different -- different
16 companies and experts from inside the
17 company to study and try to tell us the
18 hydrate window. But in order to -- to do
19 that perfectly, you have to have the
20 composition of the fluids at -- at that
21 point and that pressure and everything,
22 which wasn't very well-known.

23 Q. Yes.

24 A. Okay. So our teams told us we
25 were outside the hydrate window, okay, and
1 so we went into it thinking we were outside
2 the hydrate window. It wasn't correct.
3 Once we got in there, hydrates formed
4 inside the cofferdam and so -- and we
5 couldn't pump -- typically a mitigation
6 factor would be methanol, pump alcohol
7 to -- to -- you can't pump enough methanol
8 to resolve that. We couldn't get it on
9 quick enough, and then we knew that once it
10 heated up just a little bit, we definitely
11 would be outside the window, but deployment
12 and installation didn't allow us to --

13 Q. Was it the buoyancy of the
14 crystallized methane that was the problem,
15 wouldn't let the cofferdam seat properly?

16 A. No. As we brought the cofferdam

17 over, what was eventually the crystal
18 methane would form ice.

19 Q. Yes.

20 A. And then the cofferdam began to
21 float --

22 Q. Yes.

23 A. And then we had to go set it
24 down on the sea floor. It was over. But
25 even if it hadn't floated, it's likely that
1 the ice formation would have clogged the
2 path of the hydrocarbons up to the vessel
3 anyway.

4 Q. Yes.

5 Was there any other factor that
6 rendered it, the cofferdam unsuccessful
7 other than that, than the methane
8 crystallization problem?

9 A. Well, we never got very far. We
10 never got it seated. Just as we got it
11 close -- and it doesn't take much methane
12 to form the ice that would -- the kind --
13 the amount of ice that got formed on the
14 cofferdam and then we had to abort it.

15 Q. So meanwhile, hydrocarbons are
16 flowing into the Gulf?

17 A. That's correct.

Page 175:15 to 175:18

15 we have been referring to and we're going
16 to offer, file and introduce the full
17 transcript which has some page and line
18 discrepancies as Exhibit 3044?

Page 176:09 to 178:16

9 Q. All right. Now, before we left
10 we were talking about -- for example, we
11 talked about the containment dome and the
12 problems with methanization [sic],
13 crystallization of methane and so forth. I
14 want to ask you some other questions
15 regarding the various attempts to kill the
16 well.

17 What is a top hat?

18 A. A top hat is -- is a name that

19 we -- somebody on the team came up with.
20 It's a device to put over the -- it's a
21 small device about the size of this table
22 area here, to put over the top of the well
23 to try to capture hydrocarbons up -- up
24 into the -- the Enterprise at that time, to
25 try to allow a pathway to capture the
1 hydrocarbons up to the -- the Discovery
2 Enterprise.

3 Q. And so it has a -- both a
4 seating mechanism that you described as
5 relatively small and tubing to the surface,
6 correct?

7 A. The top hat itself is
8 just -- it's like an upside down, very
9 large trash can. But it's a -- it's a very
10 heavy piece of equipment. It had -- we
11 built several designs. One -- one of the
12 designs that we deployed had some seals
13 around the base and had some vents that we
14 could open and close so that we -- we can
15 manage the amount of hydrocarbons going up
16 from the sea floor.

17 It had methanol injection to try
18 to manage hydrates up the -- up the riser
19 and then it had a riser -- a connection
20 latch and then a connect and then a riser
21 all the way up to the -- or an intervention
22 riser all the way up to the Enterprise so
23 it could -- so hydrocarbons could board the
24 Enterprise up the top hat and then be
25 processed and then stored.

1 Q. You called the tubing an
2 intervention riser?

3 A. A riser, that's correct.

4 Q. Now, who designed the top hat
5 that you actually deployed?

6 A. The containment team -- there
7 was a whole team of engineers that designed
8 the -- the top hat. I think one of the
9 primary designers, I think, was Stan Bond.
10 Stan Bond and --

11 Q. And who is he with?

12 A. He was with BP. Richard,
13 Richard Lynch, who led the containment
14 effort, he had multiple engineers

15 underneath him, but I think Stan was the
16 one that designed many of the top hats.

Page 178:21 to 185:24

21 Q. Okay. And who built it?

22 A. I'm not sure where the top
23 -- where every top hat was fabricated at.

24 Q. There was more than one top hat?

25 A. Yes.

1 Q. Of the kind that you said was
2 constructed in the intervention process,
3 correct?

4 A. That's correct.

5 Q. And how many were deployed?

6 A. We only deployed one.

7 Q. Do you remember the volume that,
8 the one that was actually deployed, the top
9 hat that was actually deployed, that it was
10 designed to collect?

11 A. There wasn't -- the restriction
12 for collection wasn't the hat itself. It
13 was the physics of the hydrocarbons going
14 up this riser and then the amount of
15 capacity on the surface on the Enterprise
16 that was there to process the hydrocarbons,
17 so --

18 Q. Okay. And it wasn't designed,
19 was it, to completely eliminate the loss of
20 hydrocarbons, but merely to mitigate while
21 other methods were being used; is that a
22 fair statement, a correct statement?

23 A. No. I -- at the time we
24 believed that it would capture most of the
25 hydrocarbons.

1 Q. And were there any risks --
2 okay. Were there any risks involved in
3 the -- in the use of the top hat from an
4 environmental standpoint?

5 A. No, not to my knowledge. We
6 were trying to mitigate -- we were trying
7 to mitigate the environmental damage by
8 using the top hat.

9 Q. But it was unsuccessful; is that
10 correct?

11 A. The top hat was very successful

12 for what it was intended to do.

13 Q. Okay. I'm sorry.

14 A. It collected a significant
15 amount of hydrocarbons.

16 Q. What percentage of the flow, do
17 you know --

18 A. I don't know.

19 Q. -- was captured? But it was
20 less than 25 percent?

21 A. I didn't know -- I don't know.
22 I couldn't tell.

23 Q. That's okay. Okay. We talked a
24 little bit about the junk shot. What -- is
25 there another name for junk shot?

1 A. That was the -- that was the --
2 the name that was given from -- well, well
3 control and others that actually performed
4 these types of operations before.

5 Q. Yes, sir.

6 A. It was really a dynamic kill,
7 is, I think is what people refer to as a
8 technical term, dynamic kill --

9 Q. Dynamic kill?

10 A. -- with a --

11 Q. Okay. And then tell -- explain
12 then what the difference between a dynamic
13 kill and a top kill would be or is there a
14 difference?

15 A. Top kill was just another phrase
16 that was -- that was given to the -- to the
17 overall operation that included -- what --
18 when you refer to dynamic kill, it means
19 you're going to try to kill the flow
20 while -- while it's -- you know, you're
21 going to try overcome it, you know, you're
22 going to try to overcome it and force it
23 back while it's still -- while it's still
24 got access to -- to exit, you know, either
25 the wellbore or whatever.

1 So they are kind of both the
2 same. They are one in the same pretty
3 much, but the terminology that was used
4 wasn't standard industry terminology.

5 Q. Okay.

6 A. So top hat, RIT tool, you know,
7 these are things we gave them names.

8 Nobody ever built a tool like that before
9 and nobody ever siphoned oil before using
10 it, a RIT tool or top hat, you know, in
11 open water in that depth trying to
12 collect -- nobody had ever done that
13 before.

14 Q. Okay. But loss of hydrocarbons
15 into the water in this fashion was
16 anticipated in the risk analysis, wasn't
17 it?

18 A. Which risk analysis are you
19 referring to?

20 Q. In the one that you have been
21 referring to throughout your testimony,
22 that -- the idea that hydrocarbons would
23 flow freely into the Gulf in this case was
24 part of the general anticipation of risk in
25 this case, correct?

1 A. Well, the risk assessments,
2 there is -- you know, there's mitigation
3 plans to an event, a well control event,
4 and a well control event would have meant a
5 release.

6 Q. Yes. So the answer is yes, that
7 was one of the things that was anticipated,
8 correct?

9 A. Yes.

10 Q. And -- but we see in April of
11 2010 and -- and especially in May and
12 later, efforts to mitigate the flow using
13 things that have never been used before
14 that you just talked about; isn't that
15 true?

16 A. That's true.

17 Q. It's fair to say then that the
18 anticipation of the risk was not met with
19 the preparation against the risk; isn't
20 that true?

21 A. Well, most of the risk was on
22 prevention. You know, most of the risk
23 management was prevention of such an
24 occurrence.

25 Q. So you disagree with my
1 statement?

2 A. I disagree with you.

3 Q. Okay. And tell me, in this

4 case, I mean since the terminology is
5 basically being applied at -- at birth
6 and -- of these procedures. Tell me in
7 this case what a top kill was. And
8 I'm -- my reading indicates that a top kill
9 was attempted at the end of May of 2010.

10 A. Well, a top kill was -- the
11 terminology is -- just to be clear, you
12 know, the industry understands how to --
13 has killed multiple wells before from the
14 top and the bottom. Bottom kill was how we
15 were referring to a relief well.

16 Q. Relief well.

17 A. Top kill was when we went to
18 enter through the top. So in order to do
19 the -- the top kill, since the BOP was not
20 functioning, wasn't alive, you know, the
21 brains of the BOP, we had to pull one of
22 the pods. We had to have the ability to
23 operate the BOP because we had to have the
24 ability to connect to the BOP to try to
25 pump mud down the BOP.

1 Q. Okay.

2 A. So we pulled the yellow pod out
3 of the BOP, brought it to surface,
4 reconfigured it and brought the BOP alive
5 again, you know, reestablished -- then put
6 it back, redeployed it and then had what's
7 called a mux cable, which is a cable that
8 allows you to send signals to the BOP to
9 operate it as if --

10 MR. LANCASTER:

11 I didn't do that.

12 A. So that you could operate the
13 BOP in a similar fashion as -- as if -- as
14 if the event hadn't happened. So you
15 actually have control, some control from
16 the surface using this mux cable.

17 Q. Okay.

18 A. So first thing we did was try to
19 reinstall some brains in the BOP so we
20 could activate it because we had to
21 turn -- we had to open up multiple valves
22 on the side because we were going to enter
23 the well through the -- through the choke
24 and kill lines in order to --

Page 186:01 to 186:04

1 A. So -- so that was the -- so what
2 the idea is, we enter the well through the
3 choke and kill lines at the BOP and we
4 inject mud --

Page 186:06 to 192:24

6 A. -- and we try to overcome the
7 flow. Now, the -- the junk shot, because
8 we know we have hydrocarbons going up and
9 escaping actually out through the riser at
10 that time --

11 Q. Yes.

12 A. -- right. The junk shot was
13 deployed as things that you put in the hope
14 that you plug up the holes, you know, plug
15 temporarily just to give enough time for
16 the mud to -- to overcome the well. That's
17 the concept of the -- of the top kill. So
18 we're trying to get -- the flow
19 was -- was -- was contained by this junk,
20 just slowed it up enough so that we could
21 catch up and start sending mud down the
22 hole and eventually a column of mud would
23 kill the well.

24 Q. What -- do you know what type of
25 mud was used and who designed the mud
1 design? That's two questions. But first
2 let me, who designed the mud that was going
3 into the top kill?

4 A. There were several different
5 -- okay. Who designed the mud? I don't
6 know who designed what -- well, I think
7 that the team using well control, de --
8 decided what weight and type of mud they
9 wanted to use.

10 Q. Okay.

11 A. And it might have been based as
12 well on what was available. I don't know.
13 And the -- and the weights, the weights of
14 that mud and then there -- but there were
15 several types of mud, weighted mud, kind of
16 put on -- on different barges in order to

17 be available in case we needed it.

18 Q. All right. Do you know who you
19 obtained the mud from?

20 A. No. I think the mud was -- my
21 opinion we were -- we were mixing so much
22 mud we -- we obtained mud from a lot of
23 difficult sources onshore.

24 Q. All right. And based on your
25 description of the attempt at top kill,
1 pushing the mud down and then corresponding
2 to the junk shot, holding things down long
3 enough for the mud to work, my impression
4 is that you must have lost some mud into --
5 into the water. Is that a correct
6 statement?

7 A. That's correct.

8 Q. And generally what would
9 you -- you do -- you would describe that
10 top kill as unsuccessful, correct?

11 A. That's correct.

12 Q. And why was it unsuccessful, do
13 you know?

14 A. At the time we pumped the job,
15 we were constantly looking at pressure
16 curves to try to -- because we had modeled
17 the job. So we're constantly looking at
18 these different pressure volume curves to
19 try to understand what's going on.

20 So as we're pumping junk and
21 we're doing the dynamic kill, it would
22 appear that we were getting ahead and
23 getting ahead and then we would, we would
24 kind of lose -- lose control. Something
25 would happen and we wouldn't -- we wouldn't
1 keep advancing. Somehow we were -- we were
2 at some point where we wouldn't -- we
3 couldn't finish. You know, we got -- in my
4 opinion got very close several times to
5 killing the well to where we saw, you know,
6 the -- the rates out of the kink really
7 slowed down and diminished. That means we
8 were getting ahead.

9 Q. Yes.

10 A. But we would only get to a
11 certain point and then we couldn't -- we
12 couldn't continue to gain on the well. So

13 we had hypothesized that -- given the --
14 you know, we didn't really understand the
15 configuration of the well inside the BOP or
16 downhole, what was still intact, what
17 wasn't.

18 So we hypothesized that there
19 was a chance that we had some failure in
20 the casing where the mud wasn't going down.
21 It was going down, but some may have been
22 escaping somewhere else. So we -- we
23 worked over three days, pumped -- made some
24 multiple attempts.

25 Q. Meanwhile the mud that's being
1 pumped down is escaping into the Gulf,
2 correct?

3 A. That's correct.

4 Q. Now, and there was no method in
5 place for mitigating the loss of the mud?

6 A. No.

7 Q. Okay. And was one of the
8 concerns there fracturing the formation by
9 pushing too hard?

10 A. No.

11 Q. Okay. Because --

12 A. You mean the -- the reservoir
13 deep?

14 Q. Yes.

15 A. No, because we would have had to
16 have been way ahead of the well. We would
17 have -- if we had gotten that far, the mud
18 would have hit the reservoir and we would
19 have known it and then the well would have
20 been dead because that column would have
21 killed the well and pushing mud
22 into -- into the reservoir wouldn't have
23 been --

24 Q. But it would have killed the
25 well, right?

1 A. Well, if we had gotten that far
2 down.

3 Q. So why wouldn't you have just
4 killed the well that way rather than wait
5 for two or three months to pass before
6 we --

7 A. We're at the sea floor, and
8 we're pumping the mud down here, the

9 reservoir is way down here.
10 Q. Yeah.
11 A. And if we get mud all the way
12 down there, full column --
13 Q. Yeah.
14 A. -- it will be dead. The mud
15 will be almost to there, and the well will
16 be dead, because the weight of that mud
17 will overcome the pressure. And if you've
18 got the mud all the way to the reservoir,
19 it would plug and you'd need a bigger
20 pressure, and it surely would be dead. The
21 weight of that column of mud will overcome
22 the pressure of the reservoir down there.
23 Q. Okay.
24 A. If you lost mud into the
25 reservoir, nobody would care.
1 Q. I see. Now, this -- I will call
2 it com -- combination top kill/junk shot,
3 based on your explanation, who designed
4 that?
5 A. It was designed with -- with our
6 consultant, well control and Mark Mazzella,
7 our engineer authority for well control in
8 BP. Mark actually pumped the job and was
9 offshore and -- and executed on the job.
10 Q. He -- he's provided his
11 deposition or at least has testified
12 before. When that, of course when -- ask
13 you the same question about each of these
14 containment methods that were attempted.
15 When -- when the top kill and junk shot
16 failed, then, of course, hydrocarbons just
17 continued to flow into -- obviously into
18 the -- the Gulf, correct?
19 A. That's correct.
20 Q. Bear with me just a moment.
21 What is a static kill?
22 A. A static kill is in a sit -- so
23 there's dynamic situation. Right, there's
24 nothing flowing.

Page 193:01 to 203:01

1 A. You are in a static condition.
2 So this is when the -- the capping stack

3 was on and deployed, and in that situation
4 we're still starting from the top. We're
5 going to go in with the mud, but there's no
6 flow, right, so the capping stack is
7 providing your equivalent of your junk
8 shot. There's nothing flowing, and then
9 you just -- what we call bullhead, bullhead
10 right down, so we just put a slug of mud
11 right down the well to the reservoir and
12 then it's dead.

13 Q. Okay. Is that -- that's what
14 actually eventually --

15 A. That's -- we capped it with a
16 capping stack --

17 Q. Yes.

18 A. -- and then came on later and
19 did the static kill.

20 Q. Okay. Why did -- why did we
21 need to wait for the static kill to be
22 exercised?

23 A. The -- so all the components on
24 the BOP, the capping -- the BOP, the LMRP,
25 the lower marine riser package and the
1 capping stack was on top of that --

2 Q. Yes.

3 A. -- and we had a transition spool
4 there. There were certain ratings that we
5 were concerned about so that the pressure
6 as -- as is normal, when you shut in a
7 well, the pressure on the surface at the
8 capping stack where the pressure gauges
9 were, the pressure went to 5- or 6,000 psi
10 and was going up to 7,000. So the pressure
11 on the surface was going up and it
12 was -- what we were doing was trying to see
13 where that pressure was going to go because
14 there was a concern mainly in -- in the
15 government with the science team that when
16 we began the static kill, it was going to
17 take an increase in pressure at the surface
18 before the pressure would fall. Because as
19 you put mud on this -- this column, the
20 pressure will fall. You take it over to
21 zero at the end. And there are certain
22 ratings of that equipment that you didn't
23 want to exceed. So --

24 Q. Which was what?

25 A. Huh?

1 Q. What was the risk if you
2 exceeded?

3 A. If you exceed the rate, you
4 could potentially release hydrocarbons, you
5 could have a failure in one of the
6 components and then that failure would then
7 lead to -- back to where we were.

8 Q. Open you back up again. Okay.

9 A. So it was heavily debated.
10 Turned out to be a nonissue. The -- the
11 increase in pressure when we started to
12 inject was like 16 psi. So when we
13 started, the pressure went up to 16 psi
14 from 7,500 and immediately started to fall
15 right when we started to pump. There
16 wasn't -- it turned out that it wasn't as
17 big an issue, but we studied it deeply
18 before we did it.

19 Q. All right. And were there any
20 videotapes -- I mean, video footage of any
21 kind made of the actual static kill? Do
22 you know?

23 A. WROV --

24 Q. Yes.

25 A. WROV footage of the BOP at the
1 time, so they'll just -- all you see is the
2 BOP and the capping stack. You won't see
3 what's going on --

4 Q. Right.

5 A. -- because the kill is going in
6 through the choke and kill lines.

7 Q. Understood.

8 A. You won't see anything
9 other -- well pressure gauge readouts.

10 Q. Do you know whether or not the
11 static kill completely eliminated the flow
12 of hydrocarbons into the Gulf or did --
13 before August -- or after August 5th or has
14 there been leakage since then?

15 A. So I -- my opinion the -- the
16 capping stack on July 15th stopped all the
17 flow into the Gulf.

18 Q. July 15th. Okay.

19 A. And then the static kill later

20 just was the beginning of the abandoning
21 process of the well.

22 Q. Okay. But that wasn't the last
23 step that was taken? Can we -- what was
24 the final manner in which this well was
25 mitigated?

1 A. Well, after the static kill,
2 then we put about 5- or 6,000 feet of
3 cement into -- into the well. After the
4 static kill we pretty much established
5 that, given that the volume of mud we had
6 to pump in was -- to kill the well was
7 exactly equivalent to the -- the volume of
8 the internal casing, right.

9 Q. Yes.

10 A. We concluded that we had
11 no -- we had almost no -- no flow up the
12 back side. So we went right in and
13 cemented -- put cement -- bull headed in
14 cement down and cemented the well.

15 Q. Okay. When you say the back
16 side, you mean through the annulus?

17 A. Uh-huh. (Witness nods head.)

18 Q. Okay. And so then the entire
19 casing line was --

20 A. Inside, inside was full of
21 cement. The back side still had whatever
22 the remnant cement was from the original
23 cement job of the reservoir and then there
24 was mud up the back side.

25 Q. Okay. So based on your
1 testimony, is it fair to assume that
2 there's been no leakage up until the time
3 of the relief wells of course, in that --
4 in that period of time?

5 A. Well, from the time we put the
6 capping stack on until, let's say
7 the -- well, the static kill, there were
8 small amounts of bubbles emanating
9 from -- from different seams and things in
10 the BOP. So there was very small gas and
11 maybe very small oil leaks that are
12 documented and we were always watching to
13 see what was happening because we were
14 concerned about whether or not the stack
15 was holding or not.

16 Q. Okay.

17 A. So there was -- there was very
18 small releases. But post the static kill,
19 then there's almost no release. And then
20 there's -- I believe there's very small
21 releases, like we, when we pulled the BOP
22 off and do -- do other things. There's
23 light amount of hydrocarbons that are being
24 released, either hydrates or dissipating or
25 something, but there were other very small
1 amounts of hydrocarbons released during
2 that time.

3 Q. Okay. Now, the relief well
4 drilling, I'm not -- we could spend, I'm
5 sure, a lot of time on that. And I have
6 read some of the things that have been said
7 and some of the things you said in your
8 speech. But suffice it to say that this
9 was -- these were two wells that were
10 drilled in order to -- directionally,
11 correct?

12 A. That's correct.

13 Q. In order to give an absolute
14 secure approach to the well after it had
15 been cemented, correct?

16 A. Yeah, well, the relief wells had
17 been started within, you know, weeks of the
18 event. Like I said, one of the things in
19 parallel that we initiated and we -- we
20 drilled two -- not -- the second one was in
21 case the other one had trouble getting
22 down, we had a second one on the way. And
23 so --

24 Q. Yes. I was going to ask you,
25 why two?

1 A. Why two? Well, because we -- we
2 didn't want to have a situation where we --
3 we would have stuck pipe on one or have
4 troubles on one rig and then have that cost
5 us months. We wanted to go ahead and have
6 two up. The one that was ahead, the one we
7 started first -- we eventually suspended
8 the second one because we were using
9 magnetics to find -- we didn't want the
10 magnetics to be confused and find the other
11 relief well.

12 Q. Yes.

13 A. We were trying to find the
14 Macondo wellbore as we were going down. So
15 we suspend the well here and once it gets
16 to a certain depth, some problem, have to
17 locate that, we'll go back to that one.
18 But we eventually suspended it and then the
19 idea was to find the -- to intersect --
20 to -- to intersect the actual wellbore, but
21 go around it and then intersect it.

22 Q. Now, have you ever seen two
23 relief wells in tandem done the way you
24 just described?

25 A. No.

1 Q. Who designed that concept, do
2 you know, the concept of tandem staggered
3 relief wells?

4 A. I wouldn't say we designed the
5 concept. We sat and we -- we decided that
6 we're going to drill a relief well and
7 we're going to have a backup.

8 Q. Who is "we"?

9 A. It would be myself and Andy
10 and -- and the drilling team. Essentially
11 we -- we decided we wanted to -- we
12 discussed it with the Department of
13 Interior, discussed it with Secretary
14 Salazar and decided that we would
15 drill -- we would initiate two relief wells
16 as soon as we possibly could.

17 Q. And Unified Command approved it?

18 A. Absolutely.

19 Q. Okay. Now, did you participate
20 in the design, for example, of the
21 cementing jobs on the two relief wells?

22 A. No.

23 Q. Are you familiar with those
24 designs -- strike that.

25 Do you know who actually
1 designed the cementing jobs on the two
2 relief wells?

3 A. Who in BP? Which contractor?

4 Q. Yeah, contractor. Was it
5 Halliburton?

6 A. I believe it was Halliburton
7 that was --

8 Q. Sounds you don't really know one
9 way or the other.

10 A. I believe it was Halliburton. I
11 remember there were Halliburton individuals
12 in the room sometimes when I would go to
13 the drill floor. So I believe they were
14 doing the relief wells, and certainly I
15 believe it's their equipment for those
16 rigs. Halliburton had the equipment on the
17 rig, you know, so -- and if we were going
18 to move quickly, there was no way we were
19 going to remove their -- be able to remove
20 their equipment. So they were going to be
21 the -- the preferred contractor for that
22 operation.

23 Q. Now, those relief wells are in
24 place now, correct?

25 A. They are abandoned. We
1 abandoned both of those.

Page 203:25 to 205:08

25 Q. We -- in -- the lawyers among us
1 who go to the status conferences get
2 treated to the humor of the length of time
3 it took to get the BOP up, you know, and
4 over to the facility, but suffice it to say
5 it's a large piece of equipment that had to
6 be moved carefully, correct?

7 A. That's correct.

8 Q. Now, who put together the plan
9 for -- for moving it from BP? Who
10 participated in the plan for move -- moving
11 it from BP?

12 A. So moving -- okay. So moving it
13 from the sea floor up to the Q4000?

14 Q. Yes.

15 A. Okay. So I believe the team --
16 my teams prepared all the engineering work
17 to get it off the sea floor and up to the
18 Q4000.

19 Q. Okay.

20 A. The issue was, we wanted to pull
21 it in one big piece with the LMRP there.
22 The moon pull, the opening -- the weight
23 was issue for the -- for the rig. And

24 certainly we didn't want to drop it or lose
25 it in the process, which would have -- so
1 it was a very big issue that we do it
2 properly.

3 Now, I'm not sure who -- I know
4 it went off on a barge. So our team got it
5 to surface. I'm not exactly sure when the
6 hand-over happened. I think it went on a
7 barge and then it went to -- it went to
8 Michoud.

Page 205:19 to 209:19

19 Q. Was -- what did you replace it
20 with?

21 A. Well, we put another -- we -- we
22 came back on with -- it wasn't -- I don't
23 know if it was DD2 or DD3, we put the
24 other -- another BOP on so we could start
25 the abandonment.

1 Q. Okay.

2 A. There's a thing called a
3 wellhead that you unlatch from and come
4 off.

5 Q. Yes, sir.

6 A. And then you just come and latch
7 another one --

8 Q. Put a new piece of equipment on,
9 correct?

10 A. That's correct.

11 Q. And do you know who -- who
12 manufactured that new piece of equipment?

13 A. I don't recall who -- who was
14 the manufacturer of the BOP on that rig.

15 Q. Okay. Now, as SPU leader in the
16 Gulf, are you familiar with the emergency
17 notification and reporting requirements for
18 release of hazardous materials under
19 federal law such as emergency planning and
20 Community Right to Know Act, the EPCRA or
21 the Comprehensive Environmental Response
22 Compensation Liability Act, CERCLA? Are
23 you familiar with those?

24 A. I am familiar, yes, with
25 regular -- if there's a release, there's
1 certain requirements and -- and

2 notifications that need to be made
3 depending on the type of the release. I
4 wouldn't be able to name the particular
5 acts.

6 Q. Okay. But are you familiar, for
7 example, with the EPCRA, it's a requirement
8 for reporting NC -- NC2 burning, which did
9 take place extensively, correct?

10 A. No, I'm not -- not familiar with
11 that requirement. But I did -- I wasn't in
12 the surface response. I was in the source
13 control below the subsea.

14 Q. Who would know --

15 A. So I suspect --

16 Q. -- about that?

17 A. Doug was pretty much BP in
18 Robert, Doug Suttles or Richard Morrison.
19 One of those two would know about the NC2
20 burning, but it was done under Unified
21 Command, so I don't understand -- clearly
22 everybody was involved and the government
23 and Unified Command in those decisions for
24 burning, so I don't -- I don't know the
25 nuances for reporting or who was actually
1 there during the decision-making process.

2 Q. If it was reported, it would
3 have been done by Doug?

4 A. It would be done by the Unified
5 Command in New Orleans or Robert, not in
6 Houston, because we weren't managing the
7 burns.

8 Q. Okay. Do you know whether BP
9 ever made a report to the National Response
10 Center for a release associated with the
11 spill?

12 A. I don't know.

13 Q. That's all right. That's a fine
14 answer. And that answer equally applies to
15 the actual release of liquid hydrocarbons,
16 oils that were released from the well, you
17 wouldn't know whether a report was made
18 regarding those?

19 A. I don't know. I know that we
20 would have endeavored to fulfill
21 any -- cooperate and fulfill any regulatory
22 requirement. So clearly --

23 Q. Who would have been responsible
24 for that meeting of the regulatory
25 requirements?

1 A. So I'm not clear once in Unified
2 Command, if the Unified Command would have
3 done that. As you know, certain amounts
4 are disputed as to what was spilled, what
5 wasn't spilled. So --

6 Q. Let me ask this then generally
7 based on your previous answer, that you
8 don't know specifically whether reports
9 were made. Is it fair to say that with
10 regard to any type of release from, whether
11 methane, oil, other forms of release of
12 hydrocarbons or other substances, whether
13 or not any report was made, you don't know?

14 A. I -- I haven't seen such a
15 report. I don't know if it was made, but I
16 know that we would have fully complied with
17 the law and nobody has indicated to me that
18 there was some gap that we never filled out
19 a report for this -- for these things.

Page 210:16 to 210:18

16 Q. Good afternoon, Mr. Dupree. My
17 name is Nat Chakeres. I'm with the United
18 States Department of Justice and I'm going

Page 220:23 to 222:09

23 Q. Okay. And did you interact with
24 the team of science advisors that Secretary
25 Chu brought in?

1 A. Absolutely.

2 Q. And did you interact with Marcia
3 McNutt?

4 A. Yes.

5 Q. And the flow rate technical
6 group that she was heading up?

7 A. I never interacted with the flow
8 rate technical group.

9 Q. Okay.

10 A. I interacted with Marcia.
11 Secretary Salazar brought Marcia in, so
12 that she was his representative when he

13 wasn't there, and so she part -- Marcia
14 participated in everything.

15 Q. Okay. And at all times when you
16 were interacting with these people, you
17 were open in all your dealings, you were
18 trying -- if somebody wanted information,
19 you provided information if you were able
20 to?

21 A. Absolutely.

22 Q. To the best of your knowledge,
23 those government individuals you were
24 working with, they were -- their one
25 objective as well was trying to -- was
1 trying to seal this well up, correct?

2 A. Absolutely, yes. That's
3 correct.

4 Q. And with everything they were
5 trying to do, they were always doing their
6 best to be open and honest with you, to the
7 best of your knowledge, correct?

8 A. Yes, that's correct.

9 Q. Okay. Couple of questions.

Page 224:10 to 224:10

10 Exhibit 3045.

Page 225:05 to 227:10

5 Q. Okay. I want to -- you spoke
6 with Mr. Palmintier in some detail about
7 various response efforts, and so I wanted
8 to be able to skip -- if you could skip to
9 the page -- make sure I'm at the right page
10 here. Page 146. Before I have you review
11 that, did you direct anyone to try to
12 estimate the flow of oil out of the well?

13 A. No.

14 Q. Why not?

15 A. At the time we were working
16 early on, it really wasn't -- when we were
17 work on the BOP, what was flowing wasn't
18 going to change what we were doing. What
19 we were trying to do is make the flow rate
20 zero. So I really wasn't concerned
21 about -- and I -- I was concerned about the

22 flow of oil, okay, but I -- the rate didn't
23 matter. What mattered was trying to close
24 the rams, that's what mattered. Close the
25 rams, the rate goes to zero. So that was
1 my primary focus in the beginning.

2 Q. Once the efforts moved from BOP
3 intervention to other efforts, did you ask
4 anyone to try the calculate the flow of
5 oil?

6 A. No. I knew there were
7 calculations ongoing and I -- and I was
8 aware of these. There was an estimate that
9 came out in New Orleans, out of Unified
10 Command, that somebody else was actually
11 making estimates of the flow rate of oil.

12 Q. Did you ever ask anyone to
13 determine the constituents of what was
14 going out; i.e., gas versus oil fractions?

15 A. Not that I recall that -- now,
16 we had -- we had hydrocarbon samples from
17 the reservoir that would give some form of
18 indication of what the -- the hydrocarbons
19 chemical makeup was, so what the gas is,
20 what the gas makeup would be versus what
21 the oil makeup would be of a straight oil
22 flow. We had some idea of that from the
23 actual samples of oil before the -- before
24 the event.

25 Q. The cores that were taken, the
1 logging that was being done --

2 A. There was actual -- there was
3 actual samples taken. So there was a tool
4 at the surface that can draw a sample and
5 keep it in close containment and you study
6 the -- the chemistry of the oil from that.

7 Q. I was trying to refer to that as
8 a core. Is that not the right word?

9 A. That's not a core. That's
10 a -- it's just a downhole sample.

Page 227:14 to 230:07

14 Q. Okay. My understanding from
15 your testimony this morning was that with
16 the cofferdam, it would have been useful to
17 know the properties of the -- of the fluids

18 coming out in order to determine when
19 hydrates would form?

20 A. That's correct. Now, we -- we
21 had -- we had those fluid samples and we
22 had hydrate experts. People had written
23 books on hydrates. We brought in experts
24 and it still -- it's not a perfected
25 science to tell you if you're going to be
1 in this window or not, where it's going to
2 form or not. Our experts were telling us
3 we weren't in the window, which clearly was
4 not the case when we deployed the
5 cofferdam.

6 Q. I want you to look at the second
7 full paragraph on page 146 of Exhibit 3045.
8 And I am going to -- I'm going to ask you
9 to -- to see if I read this correctly.

10 It says, "Inaccurate estimates
11 of the well's flow also affected the
12 cofferdam effort. According to Suttles,
13 during this time, no one at BP believed the
14 flow was greater than 13,000 to 14,000
15 barrels per day. The government's then
16 current estimate of the flow was 5,000
17 barrels per day. The far larger volume of
18 the actual flow was about 60,000 barrels
19 per day, according to government's now
20 current estimate, may be part of the reason
21 hydrates formed more quickly than
22 expected."

23 Did I read that correctly? I'm
24 not saying if you agree with it, but did I
25 read it correctly?

1 A. Yes, you read it correctly.

2 Q. Now, do you agree that a larger
3 flow of oil than what was estimated at the
4 time may be part of the reason hydrates
5 formed more quickly than expected?

6 A. No. And the -- so it doesn't
7 take -- so the cofferdam, it's a big thing.
8 But it doesn't take much methane to form
9 ice and the thing floated fairly quickly.
10 So theoretically we could go and -- and
11 take the buoyant weight of that big piece
12 of steel and figure out how much methane
13 was required to create the ice to make it

14 float. And I have never done that
15 calculation, but it doesn't take much
16 methane to create a big piece of ice. And
17 so rate-wise it wouldn't have -- I don't
18 think it would have mattered. And we were
19 way -- the thing started to float before we
20 even got close to the -- to the source
21 so -- do you follow my --

22 Q. Well, I -- I just want to make
23 sure I get that you tell us everything,
24 everything that --

25 A. But certainly we didn't think --
1 we didn't think, oh, we have some kind of
2 rate issue. It doesn't take much methane
3 to create the kind of ice that made it
4 float.

5 Q. But the bigger the flow, the
6 higher the chances there's enough methane,
7 right?

Page 230:10 to 233:19

10 A. It just -- it doesn't take much
11 methane at all create to kind of ice that
12 made the cofferdam float. No.

13 Q. So in your opinion it was very
14 unlikely based on --

15 A. The time we spent. It wasn't
16 just the rate. We spent a lot of time
17 trying to get it situated. We're floating
18 around out there trying to put it over the
19 top. You know, we don't how much -- we
20 can't see inside of it, not sure what's
21 forming. But it really doesn't take
22 much -- and we didn't realize it until it
23 started to become buoyant, it started to
24 float, is kind of what I think is -- I
25 think -- it's not clear here -- yeah, the
1 dome became buoyant as it filled with the
2 gas. But it wasn't the gas. It was the
3 hydrate that made it become buoyant --

4 Q. Okay.

5 A. -- the ice.

6 Q. You -- you testified earlier
7 about the RIT, the riser insertion tube
8 tool; is that correct?

9 A. RIT tool, riser insertion tool,
10 yes, sir.

11 Q. Okay. And then there were more
12 sophisticated containment efforts after the
13 RA -- after the RIT?

14 A. That's correct.

15 Q. And I have seen numbers -- and I
16 want to see if you recall -- of ships for
17 collection being deployed to collect up to
18 80,000 barrels of oil per day. And I think
19 these were -- these were plans maybe
20 ballpark late June when they were being
21 drawn up. My question is: First
22 were -- is that your recollection
23 of -- of -- were there plans to try and
24 collect as much as 80,000 barrels of oil
25 per day?

1 A. There were several plans that
2 started with the Enterprise and eventually
3 led up to the Enterprise. And there's a
4 lot of documents on this that we shared
5 with the government. And plans that were
6 given to Admiral Allen who -- who began to
7 call for more -- we began to call for
8 more -- we wanted more redundancy. And
9 there was eventually a plan for two FPSOs
10 and a collection from a vessel Q4000 and
11 the Enterprise, and all that added up
12 depending on what combination of vessels
13 you put out there. Could have added as
14 high as 80,000.

15 Q. Can you just help me. What does
16 FPSO stand for?

17 A. Floating production offshore and
18 storage unit.

19 Q. Okay.

20 A. That's the HP1. We started it
21 up late in the -- we started -- we actually
22 flowed hydrocarbons into what was called
23 the HP1 FPSO.

24 Q. Would it help for planning,
25 collection and containment efforts to know
1 how much oil was coming out? It's a lot of
2 work to try to figure out how to collect
3 80,000 barrels of oil per day.

4 A. Well, we were -- we were -- we

5 were trying to put redundancy in as much --
6 in as much collection capability as
7 possible. So we were building -- putting
8 like -- like we discussed at the beginning,
9 we were sparing no expense and doing
10 whatever it took, because nobody ever
11 started up an FPSO in the Gulf of Mexico
12 before. So we had redundancy. We had two.
13 And if we needed two, we tried to use two.
14 Q. Okay. But effort, brain power,
15 money, people going towards building excess
16 redundancy that might not be needed is
17 power that can't be going towards doing
18 something else that might stop the flow,
19 right?

Page 233:22 to 234:05

22 A. Not sure what that something
23 else was. I think we deployed on pretty
24 much everything.
25 Q. Well, there's -- there's
1 only -- here's another thought. There's
2 only so much space on the water and subsea
3 around the well; is that right? You can't
4 have infinite number of ships?
5 A. That's correct.

Page 235:03 to 241:04

3 Q. Okay. Were you involved in the
4 subsea injection of dispersants?
5 A. Yes.
6 Q. Okay. And those dispersants,
7 I'm sure you would agree with me, you would
8 say that they had a beneficial effect, net
9 beneficial effect?
10 A. Yes.
11 Q. And I think you testified -- not
12 testified -- but I think I remember you
13 saying, if it was somebody else, correct
14 me, but one of the purposes of injecting
15 the subsea dispersants was to prevent
16 volatile gases from affecting responders at
17 surface?
18 A. That's correct.

19 Q. And it also may assist in the
20 breakdown of oil in the water?

21 A. That's correct.

22 Q. But the dispersants themselves
23 have some toxic properties; is that your
24 understanding?

25 A. I'm not an expert on
1 dispersants, but they are a chemical.

2 Q. So you wouldn't want to be
3 pumping more dispersants than you needed to
4 be pumping into the Gulf to get the job
5 done?

6 A. That's correct.

7 Q. And if you knew how much oil was
8 coming out, you would know better how much
9 in terms of dispersants you would have to
10 pump in?

11 A. Not really because -- so nobody
12 had ever done subsea dispersants before.
13 Nobody had ever injected dispersants
14 subsea. Actually Exxon had studied it and
15 had an expert inhouse that had been
16 studying subsea dispersants and
17 we -- Andy -- Andy Inglis got a call from
18 the CEO of Exxon who told him, hey, you
19 know, we got this -- this individual that
20 has studied this. Send him over and talk
21 to us.

22 He came in and he saw myself and
23 my team. He said they had never done it
24 before, but they think in a laboratory it
25 worked very well, in these beaker tests
1 where they tried it. But we had no idea of
2 what the amount of dispersants, the mix
3 rate, the perfection of the laboratory on
4 the dispersants to stop, to try to
5 mitigate, as you said, either the
6 hydrocarbons coming directly to the surface
7 to affect the responders, or to help the
8 hydrocarbons break-down over time.

9 There was very little guidance
10 on what the mix rate was, how much
11 dispersant per -- how much dispersant,
12 barrels of dispersant or gallons of
13 dispersant versus gallons of oil
14 were -- were required for -- to get the

15 right effect. So we had no idea really.

16 They had beakers that they mixed the
17 stuff up. But our situation on the sea
18 floor -- and if you -- if you've seen the
19 video, we started by trying to just spray
20 it into the -- into the oil that was coming
21 out of the trench and that later on we
22 built a tool to try to get it up inside of
23 the -- so it would mix better. But we had
24 no idea how effective it was -- it was
25 going to be. We knew that we had to -- we
1 were -- we were -- as we started to do it,
2 that it was being very effective. But we
3 didn't understand how effective it would be
4 and what the mix rate was.

5 So really what we injected was
6 based on the pump rate on the boat that we
7 had, was kind of the basis of how we tried
8 to inject the dispersants.

9 Q. So the -- you were going to get
10 as much -- I'm sorry. You were going to
11 try to get as great a volume of dispersants
12 to bear in the Gulf without worrying about
13 whether it was more than enough?

14 A. Well, I didn't -- well, nobody
15 knew what was -- people had taken oil in
16 beakers of dispersant and mixed it up in a
17 laboratory. But nobody is trying to mix on
18 the sea floor like that in that condition.
19 So yeah, we were -- we just attempted to
20 put -- put it as best we could, as much
21 dispersant and watch for the response. As
22 you know, the response was quite -- was
23 very interesting and very beneficial.

24 Q. Were you trying to -- to gather
25 information on -- on how much dispersant
1 was needed so that you wouldn't over apply?

2 A. We -- we never -- so we never
3 understood the effectiveness of the mixing
4 in what we were doing. It's all we knew
5 when we were injecting dispersants, the
6 surface rendition of the hydrocarbons was
7 much reduced compared to when we weren't
8 injecting dispersants. So that's the only
9 data we really knew. But we -- we
10 measured -- Unified Command approved every

11 drop of dispersant we injected. So --

12 Q. Right.

13 A. -- so that was all measured and
14 it was all relative to different protocols
15 inside Unified Command. So yeah, we
16 measured every bit that we put in and yes,
17 we tried to minimize what the impact -- but
18 really we minimized by the pump rate and
19 the -- our inability to actually get it
20 contacted with the oil.

21 Q. How -- how were you trying to
22 minimize the impact? Sounds like you're
23 just -- I mean --

24 A. We eventually -- we could have
25 done more, but we were holding about eight
1 gallons a minute, we saw that was
2 effective, an effective rate of injection.
3 I mean, that typically we would get -- we
4 would have very reduced LELs, which was
5 hydrocarbons at the site, if we stayed
6 eight gallons a minute, so we tried to stay
7 eight gallons a minute. So that -- that
8 particular rate of injection was -- was
9 near the limits of the pumps, but actually
10 happened to be effective. But it -- but
11 what we couldn't tell was -- was the wands
12 and getting the hydrocarbons mixed with
13 dispersants subsea, if that couldn't be
14 better. We constantly tried to make that
15 better, constantly tried to build newer and
16 better tools to get the -- to make the
17 dispersant more effective.

18 Q. Okay. So as the response was
19 going on through May and June, there's,
20 safe to say, a lot of public attention
21 given to the amount of oil that might be
22 flowing out of the well?

23 A. That's correct.

24 Q. There were members of the public
25 wondering and the government was asking BP.
1 In response to those queries, did you ever
2 ask anybody to revisit BP's initial
3 calculation for how much oil was flowing
4 out of the well?

7 A. It's -- so I wasn't -- I was
8 managing source control in a particular
9 area of the response. I wasn't sitting
10 listening to media and these things. So
11 did I ask anybody to calculate flow rate
12 based on -- because there's a lot of media?
13 No.

14 Q. And you -- so you didn't ask
15 flow assurance engineers to try to model
16 the flow through the BOP and the riser?

17 A. Model the flow?

18 Q. The flow assurance engineers to
19 try and figure out how the hydrocarbons
20 were flowing through the BOP and the riser?

21 A. Now, there was a -- early on
22 response when -- when we had the kink at
23 the top and the riser had fallen over, and
24 the riser itself had collapsed upon itself,
25 there was an engineering team that looked
1 at, you know, was there enough space there
2 for flow -- for flow. And then we also
3 tried to study what the collapsed pipe that
4 might be inside there, what the effects
5 that were. So -- yes, but we never -- we
6 didn't understand what was inside the BOP,
7 what was going on inside the BOP post the
8 sinking of the rig.

Page 242:12 to 243:02

12 deposition as Exhibit No. 3215. And
13 there's an e-mail from Jason Caldwell to a
14 number of individuals including yourself,
15 sent on Monday, April 26, 2010. Is that
16 what you have in front of you?

17 A. Yes.

18 Q. Okay. And it says "attachments
19 interface meeting.ptt; interface
20 meeting_1notes.doc."

21 A. Uh-huh.

22 Q. Okay. Under that e-mail there's
23 a PowerPoint, appears to be agenda for a
24 call. Is that fair to say?

25 A. Yes.

1 Q. And then the next attachment are

2 notes dated 1600, 4/25/10. And --

Page 243:05 to 246:05

5 A. Okay. Yes.

6 Q. And the second header entitled
7 "crimp in pipe?

8 A. That's what I was talking about.

9 Q. And the first bullet, it says,
10 based on estimate spill rate, if well is
11 leaking through a single orifice, it would
12 be 1/5th inch diameter." Did I read that
13 correctly?

14 A. Yes.

15 Q. You -- and if you don't remember
16 this call, because you were a busy man at
17 that time, do you remember what that was
18 about?

19 A. I think -- can I read through
20 some of the other --

21 Q. Go for it.

22 A. So there were several teams
23 involved. There was a team that led BOP.
24 There was a team this crimped pipe at the
25 bottom which later becomes called
1 engineering. There's a team leading subsea
2 collection, team leading relief wells, and
3 in these sessions, they're reporting out,
4 the notes are on the report out. So I
5 think -- so the way I interpret this, I
6 don't recall directly that day in that
7 meeting, but I interpret this -- remember I
8 said that we observed that the pipe was
9 collapsed and enclosed and that's all we
10 wanted to know was what -- what size
11 of -- what size in that collapsed area
12 could there be -- I don't know what the
13 based on estimates for it means, but
14 essentially what I remember of the
15 conclusion was that even though that pipe
16 was collapsed, there's plenty of room for
17 there to be flow going through the kink.

18 Later on we talked about finite
19 element and riser flow area. So trying to
20 understand -- this is what we were trying
21 to understand, how effective the kink is as

22 we are trying to get ready for top kill and
23 these other -- you know, what does the area
24 look like? Because as I mentioned in the
25 junk shot and everything, we're going to
1 inject junk in there to try to clog these
2 holes up so that we can get ahead of it.
3 That's what I believe this is about.

4 Q. Can you explain that, just a
5 little bit more, with the junk shot. I
6 didn't understand this morning. Where were
7 you shooting the rocks and golf balls and
8 thing into exactly? Were you shooting them
9 into the riser or were you shooting down
10 the BOP or neither?

11 A. If you have a picture of a BOP,
12 I'll show -- well, the choke and kill lines
13 on the BOP enter the BOP at different
14 levels in the BOP. We were taking the junk
15 shot from a manifold, which was preloaded
16 with junk, and there's no rocks. It was
17 grease, rope, special things called
18 breaker -- breaker balls, things that are
19 made to -- to endure kind of a tough
20 environment, but have different shapes to
21 be able to lock in place.

22 So we are injecting them from
23 the manifold up down the choke and kill
24 line, which is a three-inch line, so that
25 limited the size of things that we would
1 inject down into the base of the BOP, which
2 would be caught in the flow and then thrown
3 up into -- into different -- hopefully
4 different restrictions, you know, and
5 locked up there.

Page 246:08 to 246:25

8 been marked Exhibit Number 3216. It's
9 another e-mail from Jason Caldwell to a
10 number of individuals, including yourself,
11 and the attachment is
12 InterfaceMeeting_4:26a.m.notes.doc; is that
13 what you have?

14 A. Uh-huh.

15 Q. Okay. And if you could look at
16 the attachment and just confirm for me

17 under "crimped pipe," there's a highlighted
18 section saying: Varying the flow rate in
19 the leak simulation between 1MBOD and
20 10MBOD did not significantly change the
21 conclusion that erosion at the crimp is not
22 significant.

23 Did I read that correctly?

24 A. Yes. Can I -- can I read
25 through the --

Page 247:03 to 247:05

3 Q. Okay. So did I read the
4 highlighted portion correctly?

5 A. That's correct.

Page 247:12 to 249:02

12 Q. Okay. Is this the same issue
13 you were just testifying to a few minutes
14 ago?

15 A. No. This is a -- this is a
16 different concern, is -- so we had the --
17 the riser collapsed and kinked on the top
18 of the well. And what -- they are
19 simulating rates to try to understand,
20 because it's a restriction, how -- we're
21 trying to understand, is it going to erode
22 and erode away the -- the pipe because
23 that -- that particular riser wasn't made
24 to have flow in it. It's collapsed. It's
25 damaged. Is it going to erode away pieces
1 of pipe?

2 And, sure enough, I think
3 probably on the 27th or the 28th is the
4 first time we see -- we start seeing the
5 erosion or the -- the kink has no -- I
6 don't know if you have seen the video of
7 the kink with the -- when it starts
8 eroding, but up to that point in time,
9 there was no erosion on the kink.

10 But within seven or eight days,
11 the -- these individuals that were doing
12 the finite element model were estimating
13 that if -- if there was going to be
14 erosion, it would show up in seven or eight

15 days, and, sure enough, there was a -- we
16 were starting to seeing oil coming from the
17 kink, and eroded part of the kink, I think,
18 within seven or eight days.

19 I don't know if you have
20 other -- so I think they are modeling that
21 erosion, and then if you see below, a
22 floating portion, the riser may need to be
23 anchored or minimize fatigue. What we are
24 talking about here is how do we maintain
25 the integrity of the kink because we -- we
1 perceived the kink was -- was a restriction
2 to the well.

Page 253:04 to 254:02

4 Q. Dynamic kill? I'm sorry. You
5 didn't say "momentum kill." But my
6 question was: I think I have seen it in
7 documents as momentum kill. Is that the
8 same thing?

9 A. Same thing.

10 Q. Okay. The rate of oil flowing
11 out would be relevant to how much mud had
12 to -- had to go into -- to kill the flow,
13 correct?

14 A. That's correct.

15 Q. Okay. So it would have been
16 helpful to know how much oil was coming out
17 in order to -- to model a kill?

18 A. Well, we modeled at different
19 rates. If you -- there's different pump
20 curves and different rates. I would say
21 the success would -- would have been -- the
22 success rate would have been -- the
23 prediction of success may have been
24 different at different rates but -- but you
25 can model an outcome at different rates --

1 Q. Okay.

2 A. -- and we did that.

Page 254:16 to 255:25

16 Q. Were you briefed prior to
17 mid-November 2009 that Pat O'Brien would be
18 replacing Kevin Lacey as VP of drilling and

19 completions?

20 A. I don't remember the exact date
21 that I was told that Pat would become the
22 vice-president or was the -- the nomination
23 for -- for vice-president. I don't
24 remember the exact date of when I was told,
25 but at some point in time there, I was told
1 that he was -- that he was the pick.

2 We, like I said, went through
3 this template, tried to get the right
4 person for the right job and -- and people
5 in the function -- and I -- I didn't
6 disagree that Pat would have been -- I -- I
7 hadn't worked with Pat in a very, very long
8 time since I was there in '99, but I knew
9 of him.

10 Q. Did you have an opinion of
11 Mr. Lacey?

12 A. I had no opinion of Mr. Lacey.
13 I have never really worked with Mr. Lacey
14 at all.

15 Q. Were you asked for your opinion
16 on that -- on that change?

17 A. I remember a dialogue
18 about -- about Kevin -- well, about Pat
19 replacing Kevin. I -- I stayed away from
20 having an opinion on that because I -- I
21 didn't have an opinion. I -- I felt it was
22 more like what -- Neil's position to be
23 able to state what Kevin's capabilities
24 were versus what the function was saying
25 that Pat's capabilities were.

Page 256:13 to 258:01

13 Q. So it would have been, if you
14 had had a strong opinion on it, you would
15 have said something?

16 A. Strong opinion about Pat
17 versus --

18 Q. Yes.

19 A. -- Kevin or --

20 Q. Yes.

21 A. I didn't know Kevin that well.
22 I know that the powers that be, the
23 function, had decided that Pat was the

24 right man for the job. I -- I didn't have
25 an opinion either way to say he wasn't, you
1 know, and that -- that it was Kevin. So I
2 don't know.

3 Q. Okay. You testified this
4 morning that you were told that Kevin
5 was -- was leaving the company sort of at
6 his -- what were you told about what Kevin
7 was doing?

8 A. So I -- it's -- it's my
9 understanding that when Kevin didn't get
10 the Gulf of Mexico role, he -- he elected
11 to leave the company.

12 Q. Okay. Do you know what other
13 roles were offered to him?

14 A. No. But I -- but I was under
15 the impression that there were other roles
16 offered to him, but he -- he wasn't
17 satisfied with those roles.

18 Q. Okay. Would it surprise you
19 if -- to learn and Kevin Lacey testified
20 two weeks ago that he was told that there
21 were no other roles for him within the
22 organization?

23 A. I didn't know that.

24 Q. Okay. Is that rare with
25 vice-presidents within BP to be told they
1 don't have any roles within the company --

Page 258:14 to 259:06

14 Q. Have any executives under you
15 left the -- VP level left the company?

16 A. In the Gulf of Mexico or --

17 Q. Ever.

18 A. Ever? When I was -- it's very
19 rare, okay, so -- that that would occur.
20 I'm trying to think back. 1999, 2000, I
21 understand one of the vice-presidents of
22 drilling left the company when he worked
23 for me, but it's -- it's very rare.

24 Q. Do you know -- do you remember
25 that -- with that individual whether that
1 person was offered another role within the
2 company?

3 A. Sure. Actually he was -- he was

4 offered the role he was in when he decided
5 to leave. He was in the role, and he
6 decided to leave so -- so --

Page 259:19 to 267:11

19 Q. Mr. Dupree, I would like you to
20 flip to tab three in your notebook. And
21 you see there a string of e-mails between
22 yourself and Christina Verchere, the
23 last -- the one at the top dated Monday
24 April 5, 2010?

25 A. Uh-huh.

1 Q. Who is Christina Verchere?

2 A. Christina Verchere, okay, well,
3 she -- she's had several roles. I think at
4 this time she is the head of the executive
5 office for the segment so that -- so
6 that -- what that means is that she works
7 for the executive team, mainly Andy Inglis
8 as one of his executives, kind of similar
9 to the role I -- I worked in
10 for -- similar, not exactly the same. But
11 that's her role.

12 Q. Okay. I would like you to look
13 at the second e-mail in this chain. It's
14 an e-mail from her to you, also on Monday
15 April 5th, 2010.

16 And the -- it says: James,
17 thanks for this. FYI, AGI asked for one
18 pager on Macondo.

19 And there's more writing. But
20 did I read that part up to the hyphen
21 correctly.

22 A. Yes.

23 Q. And AGI, is that Andy Inglis?

24 A. Uh-huh.

25 Q. Okay. Then I want to jump up to
1 your e-mail back to her.

2 You said: No problem contacting
3 Dave. I saw his note. We really do need
4 to test the deeper amplitude. I have
5 spoken to Pat about drilling on in six
6 inches if we need to. If we can stabilize
7 with some LCM, we should be able to drill
8 ahead.

9 James.
10 Did I read that correctly?
11 A. That's correct.
12 Q. Do you remember sending this
13 e-mail?
14 A. Yes.
15 Q. Okay. And LCM, that's lost
16 circulation material?
17 A. That's correct.
18 Q. Okay. What did you -- well, let
19 me ask you a real question. What did you
20 mean when you said "we really do need to
21 test the deeper amplitude"?
22 A. So can I just look at the rest
23 of it?
24 Q. Go right ahead.
25 A. Well, at the time Dave and --
1 and the exploration community -- so let me
2 go back.
3 Macondo -- and in exploration we
4 are -- we were drilling -- we're drilling
5 different amplitude signatures off of a
6 seismic survey, which is a sound survey
7 from the surface. So we don't know if
8 there's hydrocarbons in there, but we are
9 looking for a particular type of signature.
10 So Macondo -- a signature and structure to
11 drill to -- to make a discovery to try to
12 find oil and gas in the pores of rocks.
13 In Macondo, there's a particular
14 signature that we drill, but there's also
15 another signature down below that we hadn't
16 reached yet. Okay. So the exploration
17 talent team was telling me that we are
18 going to lobby to drill the deeper
19 amplitude, means to drill on and -- because
20 there could be another oil sand there.
21 Q. The exploration team, who -- is
22 that Dave Rainey?
23 A. Dave Rainey and his team are
24 saying that they want to do that. Now,
25 it's not really my call. That's the
1 exploration forum's call. So what -- what
2 happens in -- in these situations is that
3 they will get the exploration -- we'll call
4 the exploration forum, which is a group of

5 explorers, high-level explorers, across the
6 whole company, and they will review a
7 request to drill deeper or not, and the
8 technical experts actually look at it and
9 say this -- this looks like it could be
10 something interesting or maybe it isn't.
11 And actually it turns out when they meet
12 that they decide it's not -- it's not worth
13 drilling -- it's not a signature that would
14 be something that they would want to drill
15 to. So we TD'd the well right there.

16 Q. But why did -- you say "we
17 really do need to test the deeper
18 amplitude" --

19 A. I'm lobbying -- I'm lobbying him
20 on behalf of my team because I -- the
21 exploration community makes that decision
22 so I'm actually lobbying them, saying,
23 okay, we -- we need to do this. But later
24 on I come back and say, well, let's make
25 sure this goes through the forum, and then
1 they come back and say it's not technically
2 justified. And later on I say okay.

3 Q. And what would be the basis for
4 concluding it's not technically justified?
5 Is that the exploration people saying --

6 A. Yeah. That's the explorers
7 saying no. There was a -- this one-pager,
8 I think you probably have, it's just a
9 one-pager about the discovery. There's
10 maps and there's all kind of amplitudes on
11 it. They are referring to the one-pager.
12 So I'm referring to the amplitudes on the
13 one-pager.

14 Q. Got it. And I have seen I think
15 in the documents XAX, is that the
16 exploration people you are referring to?

17 A. XEX. It's exploration
18 excellence organization.

19 Q. Okay. I think it said
20 exploration and appraisal excellence, XA --

21 A. Okay.

22 Q. -- which was the one I thought.

23 A. Okay.

24 Q. Okay. But that's the same group
25 that you're talking about, those would be

1 the technical experts who would make the
2 call on --
3 A. Uh-huh.
4 Q. -- whether to TD the well. You
5 say at the end of your e-mail: If we can
6 stabilize with some LCM, we should be able
7 to drill ahead.
8 A. I asked with -- with Pat -- so
9 when I -- but I also say "six-inch hole."
10 Q. Yes, sir.
11 A. So what that -- what that means
12 is that I'm expecting -- so there has
13 been -- what Pat's telling me is obviously
14 there's been -- been mud weight issues, and
15 so we put this -- we were putting this
16 particular section, the Macondo section in
17 8-and-a-half-inch hole behind pipe. That
18 means we were going to set pipe behind it,
19 set pipe across it. And then we would be
20 into a new six-inch hole. And what Pat
21 told me, we would have to manage that hole
22 if we had the same mud weight issues as
23 drilling the upper hole.
24 MR. CHAKERES:
25 I'd like -- before I forget, if
1 you could mark this sticker. This is going
2 to be Exhibit 3046, and I am going to just
3 fill it in so it's a little clearer, to me
4 at least, 3046.
5 (Exhibit 3046 was marked
6 for identification.)
7 A. And LCM is lost circulating
8 material. It's a standard -- it's used in
9 drilling.
10 Q. Did Pat tell you what the
11 drilling margin was at the bottom of that
12 hole?
13 A. No.
14 Q. Did he tell you that there was a
15 tight drilling margin?
16 A. But at this -- in this --
17 remember, I'm saying drilling on six inch.
18 Okay. So the -- the drilling -- the
19 drilling -- when you say "drilling margin,"
20 the margin of the mud weight to the pore
21 pressure weight, that -- the expectations

22 would put that behind pipe.
23 When we -- we cement it up,
24 there is no margin anymore. Once we --
25 once we set pipe over the 8 and a
1 half we're drilling -- see we're drilling
2 ahead in six-inch means that we'll pipe the
3 8-and-a-half-inch hole and we'll drill
4 ahead. And so the margin is unknown ahead
5 of the -- because we haven't drilled it
6 yet.
7 Q. Until you do a shoe test and
8 figure out your fracture gradient in the
9 next section of hole?
10 A. Probably after you set this
11 piece of pipe --

Page 267:15 to 268:01

15 Q. Okay. I would like you to look
16 at tab four. This is a long e-mail,
17 previously marked Exhibit 1220. I don't
18 know if it's an e-mail you have ever seen
19 before. It's from Robert Bodek to Michael
20 Beirne, I believe. It has his name
21 forwarded on -- I'm sorry -- replied to by
22 Michael Beirne to Robert Bodek.
23 First, I would just like you to
24 glance over the e-mail and see if you have
25 ever seen it before.
1 A. I have never seen it before.

Page 268:08 to 268:10

8 Q. Do you know who Michael Beirne
9 is?
10 A. No.

Page 269:09 to 270:14

9 Q. I don't know what group within
10 BP he was in. But this was Macondo well,
11 for the purposes of this question, and I
12 want you to read starting the -- the long
13 e-mail from Bobby Bodek.
14 A. Can I can go ahead and read it,
15 see what it says?

16 Q. You can -- yeah. Why don't you
17 go ahead and read as much as you want to.
18 A. This is a long e-mail. Okay.
19 Q. Okay. You're going to feel like
20 an idiot having had to read all that after
21 my -- my follow-up question, but the third
22 line from the bottom of the long thing
23 beginning "drilling ahead." You see that?
24 A. Uh-huh.
25 Q. It says: Drilling ahead any
1 further would unnecessarily jeopardize the
2 wellbore. Having a 14.15 PPG exposed sand
3 and taking losses in a 12.6 PPG reservoir
4 in the same hole section had forced our
5 hand. We had simply run out of drilling
6 margin.
7 A. Uh-huh.
8 Q. "At this point it became a well
9 integrity and safety issue. TD was called
10 at 18,360 feet, MD."
11 A. Measured depth.
12 Q. Measured depth. Thank you. Did
13 I read that correctly?
14 A. Yes.

Page 270:23 to 271:01

23 Q. Yeah. Would it be accurate to
24 characterize this e-mail as an explanation
25 that it would have been unsafe to drill
1 farther?

Page 271:04 to 271:14

4 A. So -- so this is a very
5 complicated -- to drill further in
6 8-and-a-half-inch hole, the
7 gentleman -- you know, I don't know Bobby
8 Bodek, but certainly what he has written
9 here says that to drill ahead at
10 8-and-a-half-inch hole, he says it's an 8
11 and a half by 9 and 7/8ths hole section.
12 Q. Uh-huh.
13 A. He -- he's stating that he's run
14 out of margin to drill further.

Page 271:18 to 273:06

18 And go ahead and mark that one
19 before I forget with a sticker. This is
20 going to be Exhibit 3047.
21 (Exhibit 3047 was marked
22 for identification.)
23 Q. And the top e-mail is an e-mail
24 from David Rainey to a Mike Daly with UCC
25 dated Thursday April 15th, 2010. Is that
1 what you have in front of you?
2 A. That's correct.
3 Q. Okay. Who is Mike Daly?
4 A. Mike Daly is head of exploration
5 for the corporation -- for the upstream.
6 So he's the senior explorer in the
7 organization.
8 Q. Is that worldwide?
9 A. Yes.
10 Q. Okay. Do you remember this
11 e-mail or this string of e-mails?
12 A. I remember that, as I described
13 to you, that the forum had met and didn't
14 see justifying to that deeper amplitude.
15 Q. Okay. I want to go to the third
16 e-mail down on the chain. It's the one
17 from Jay Thorseth where the header is on
18 the first page, and then it goes to the --
19 to the next page. Jay Thorseth, is he
20 under Dave Rainey?
21 A. Yes, that's correct.
22 Q. Okay. And then the second
23 paragraph says: From a drilling
24 perspective, the Macondo well could be
25 deepened based on the PP work completed by
1 the Tiger team. We need to make the
2 decision very quickly as drill pipe would
3 need to be ordered, planning completed and
4 MMS contacted.
5 Did I read that correctly?
6 A. Yes.

Page 273:19 to 274:12

19 Reading the long e-mail from
20 Bobby Bodek, would it surprise you to learn

21 that he was on the Tiger team?

22 A. Bobby Bodek was on the Tiger
23 team?

24 Q. Yes.

25 A. I don't know.

1 Q. Okay. Was that the sort of
2 analysis that Tiger team members engage in?

3 A. This -- this seems to me to be
4 more of a -- an analysis of -- he's -- he's
5 talking about pore pressure, but he is also
6 talking a lot about mud weight and mud
7 circulation. So I don't know. So
8 he's -- he's -- clearly, based on the
9 e-mail, perceives himself to be an expert
10 on a lot more than just pore pressure, but
11 a lot of mud weight and circulating mud
12 weight densities. So --

Page 274:24 to 275:02

24 You don't think that Mr. Bodek's
25 e-mail spoke to the safety of drilling
1 ahead with a six-inch hole after putting
2 casing?

Page 275:06 to 275:09

6 A. You really need to speak him,
7 but as I read at the top here, he's
8 referring to the situation currently at
9 hand, an 8-and-a-half-inch hole.

Page 276:03 to 276:11

3 Q. Okay. I appreciate your sorting
4 that out. The reason I'm asking you was
5 because it appeared to you -- to me that
6 MOEX is being told, we're not going any
7 farther for safety concerns, and you and
8 the individuals above you are being told,
9 oh, we could drill further, but we're not
10 going to because the -- the exploration
11 people don't think it's worth our while?

Page 276:14 to 277:17

14 A. So I think there's two different
15 things going on here, right. You know,
16 there's -- there's the current situation,
17 the current well, and then the drilling
18 ahead was -- I think is removed from this
19 because -- the expectation was that you're
20 drilling a six-inch hole and you're casing
21 all this off.

22 So are you -- you following what
23 I'm saying? Once this is behind pipe, it's
24 the new hole you're going to drill that
25 you're going to deal with. This is dealing
1 with the current situation.

2 Q. Okay. And --

3 A. And I don't know what MOEX was
4 doing. I don't under -- I don't know what
5 that three criteria were that they refer to
6 in their note so --

7 Q. To be fair, you don't know the
8 context of what Mr. Bodek and Mr. Beirne
9 were telling MOEX?

10 A. No.

11 Q. But it -- the reason I was
12 asking you was because it looks like you
13 were being told something different from
14 MOEX, but your explanation is -- it's --
15 the e-mail from Bobby Bodek is talking
16 about something different than the e-mail
17 from Jason Thorseth?

Page 277:20 to 278:01

20 Q. Is that fair?

21 A. Well, you'd really have to speak
22 to Jay and you'd have to speak to Bobby.
23 But the way I read this is that -- is that,
24 you know, it's consistent that any way to
25 drill ahead would be in a different hole
1 size. Jay talks about ordering drill pipe.

Page 278:16 to 281:03

16 Q. And confirm what you have in
17 front of you is an e-mail from John Barnes
18 to you dated Wednesday, April 7th, 2010.
19 Is that what you have got?

20 A. That's what I have.

21 Q. And the subject line says: JHD
22 OTC Speech, First Draft.

23 What is -- what is the JHD OTC
24 speech?

25 A. So this was April, sometime in
1 May. I was being asked to give a -- some
2 introductory remarks. I have -- several of
3 the team from BP were giving papers at the
4 Offshore Technology Conference in Houston.
5 And I was going to give some comments there
6 ahead of their presentations.

7 Q. Who were -- who would the
8 attendees be at this conference?

9 A. It will be people from industry
10 regulators, contractors --

11 Q. Okay.

12 A. -- external conference. It is a
13 very large Offshore Technology Conference
14 every year in Houston.

15 Q. Okay. Did you tell Mr. Barnes
16 what you wanted the speech to say?

17 A. Mr. Barnes is the speech writer
18 and -- so they -- they are presenting --
19 they are sending it to me, but in general,
20 the themes were being compiled by Larry --
21 and Larry Thomas here from GPA and Daren.
22 So -- so this is the first draft of a
23 speech that's written by a speech writer,
24 and they are sending it to me to see -- to
25 see -- it's the first time I ever see it.

1 Q. And so Larry Thomas and Daren
2 Beaudou?

3 A. Are from the government and
4 public affairs organization, not in the
5 GoM. There are in the BP America
6 organization.

7 Q. Okay. So the themes and the
8 speech came from their office.

9 A. They came from -- well, John is
10 a speech writer and John takes -- will
11 meet -- my understanding is that John would
12 have met with Larry and Daren and -- and
13 decided what type of speech they want to
14 write, and then they would kind of bring --
15 bring that to me to see if I agree.

16 Q. Okay. I didn't see anywhere in
 17 your files any response to this or any
 18 edits that you did, and I think the
 19 conference was set to happen in May. So
 20 I'm pretty sure you didn't give the speech,
 21 but --

22 A. No, I didn't give the speech.

23 Q. Did you make any edits to this
 24 speech before -- before April 20th?

25 A. No.

1 Q. Did you ever review this -- this
 2 draft or read it?

3 A. I don't recall reading it.

Page 281:09 to 281:18

9 says: When you live on the frontier as BP
 10 does, the unexpected sometimes does occur.
 11 We go after big fields in challenging
 12 environments, and when you do that,
 13 sometimes you stub your toe.

14 Did I read that correctly?

15 A. Yes.

16 Q. Okay. What do you -- what do
 17 you think is meant by -- by stubbing your
 18 toe?

Page 281:21 to 282:13

21 A. You are going to have to ask the
 22 speech writer. It's a -- it's a process
 23 where somebody writes a speech. This will
 24 usually get worked numerous -- lots of
 25 times, much closer to the event, so you'd
 1 really have to ask John what he was -- what
 2 he was thinking.

3 Q. As well as --

4 A. Because clearly that's -- I
 5 mean, there -- different speech writers
 6 have different styles.

7 Q. As well as a couple of
 8 paragraphs down saying: Not to mention a
 9 strong stomach.

10 Not sure what that would -- it's
 11 a one-line paragraph.

12 A. You're going to have to ask

13 John.

Page 284:03 to 287:08

3 Have you -- are you familiar
4 with the -- with the BP motto
5 or -- actually heard somebody refer to it
6 as a mantra, "every dollar counts"?
7 A. Yes, I have heard "every dollar
8 counts."
9 Q. What's the -- what's your
10 understanding of what that means?
11 A. So that was an initiative that
12 started I think when I was still in
13 Russia --
14 Q. Okay.
15 A. -- at the time. So I
16 wasn't -- I didn't participate in its
17 launching, all right, so I didn't
18 understand -- no. I think it was probably
19 when I was gone on sabbatical or a leave of
20 absence, but in general what it means,
21 what -- what was being said was that in --
22 in theory, there's -- there's good costs
23 and there's bad costs, and I think it
24 was -- it was trying to address the bad
25 costs and trying to address and try to tell
1 the staff that certain things mattered, you
2 know.
3 So whether or not you flew first
4 class or not kind of mattered, you know,
5 and it was -- a lot of people didn't make
6 those associations. You know, whether or
7 not you had lots of meetings off site
8 mattered. So that -- that was the "every
9 dollar counts."
10 But you would have to ask
11 Tony -- Tony -- Tony and the leadership
12 team at the time exactly what they meant by
13 that.
14 Q. Okay.
15 A. But I have heard "every dollar
16 counts" before.
17 Q. Okay. And finally, I would like
18 to go back -- you mentioned earlier this
19 morning a few things about the -- the

20 reorganization that was in the process of
21 being rolled out at the time the incident
22 happened, and you spoke in broad terms
23 about how it was -- it was a transition
24 from an asset-based organization to a
25 functional-based organization. Did I get
1 that correctly?

2 A. That's correct.

3 Q. Okay. And one of the things you
4 mentioned, I think, within drilling
5 completions was you were going to organize
6 engineers and -- and operations people in
7 sort of their own groups. Is that
8 accurate?

9 A. Well, my -- what I said was that
10 my understanding is that it had already
11 been moved to a functional organization
12 before I arrived --

13 Q. Okay.

14 A. -- about a year or so -- year
15 and a half before I arrived, and it was
16 already in a functional -- an operational
17 and engineering kind of organization and a
18 completion organization.

19 Q. Okay.

20 A. So I thought it was -- it was
21 already in that form.

22 Q. Okay. Thanks for clarifying
23 that.

24 Did you -- were you getting any
25 feedback up the line from anyone about
1 whether that was creating chaos or
2 uncertainty in -- in accountabilities on
3 projects?

4 A. No. I wasn't getting any -- as
5 a matter of fact, I -- I -- most of my --
6 the feedback was that the Gulf of Mexico
7 was already operating in a functional model
8 effectively.

Page 288:17 to 288:18

17 minute ago, I'm Joe Hassinger. I represent
18 the State of Louisiana in this case, and I

Page 288:25 to 289:22

25 You made reference earlier to
1 the, I think you said, regional president
2 for the Gulf of Mexico. Is that --
3 A. That's correct. That's my new
4 title, regional president for the Gulf of
5 Mexico.
6 Q. As of what date?
7 A. I don't remember exactly the
8 date of the -- but there was a transition
9 organization from -- coming right out of
10 the response so it would be in December.
11 Q. Of 2010?
12 A. That's correct.
13 Q. So today you are the regional
14 president for the Gulf of Mexico for BP; is
15 that right?
16 A. That's correct.
17 Q. And at the time of the disaster
18 that we're here to talk about, you were the
19 SPU leader for the Gulf of Mexico?
20 A. That's correct.
21 Q. And a senior vice-president?
22 A. That's correct.

Page 294:24 to 297:25

24 Q. You are a member of the senior
25 leadership team, aren't you?
1 A. Yes.
2 Q. Are you familiar with the Texas
3 City incident?
4 A. The -- the incident -- the
5 explosion, I am aware of what happened
6 there, yes.
7 Q. Lots of stuff got blown up and
8 people died?
9 A. That's correct.
10 Q. And they were lots of -- several
11 investigations internal to BP, by the
12 government and so forth?
13 A. That's correct.
14 Q. Where were you at the time?
15 A. I was in the joint venture in
16 Russia.
17 Q. As the regional president for

18 the Gulf of Mexico for BP -- let me write
19 down that other title you had so I don't
20 forget it.

21 As the current regional
22 president for the Gulf of Mexico and as the
23 man who was the SPU leader for the Gulf of
24 Mexico and the senior vice-president when
25 11 people died on the Deepwater Horizon,
1 can you tell me what lessons were learned
2 from the Texas City incident? Don't go too
3 fast because I'm going to write this down.

4 A. So I -- I can't recite directly
5 the lessons learned out of the -- out of
6 the investigation or report. I wouldn't
7 want to paraphrase the lessons learned, but
8 I know the transition that BP went through
9 from that period of time. When I was in
10 Russia, John Brown came, visited and he
11 shared with us the six-point plan concept
12 he put in place for inside of BP
13 immediately after the incident.

14 When I returned to BP, I
15 was -- I was aware that OMS was in -- was
16 in practice, that we were transitioning
17 OMS. We had put in place engineering
18 authorities. A lot of the group defined
19 practices and -- and engineering practices
20 were being documented, and there was a
21 transition going on from the six-point plan
22 over to the -- to a full OMS system. Most
23 of that stimulated by kind of post Texas
24 City.

25 Q. Can you just give me one of the
1 lessons learned from the Texas City
2 incident? We won't go with the list.
3 We'll just start with one.

4 A. Well, there was -- I don't want
5 to paraphrase. I don't know them off the
6 top of my head. But there were certainly
7 lessons about portable buildings and --

8 Q. Can you give me a second one?

9 A. I don't want to paraphrase the
10 lesson, but there's certainly a lesson
11 around the vents.

12 Q. Sorry?

13 A. Open vents, vent systems, but

14 I'm not an expert in the refining side
15 so -- vents and flares and the upstream
16 where it was slightly different than
17 downstream, but there was a finding around
18 vent systems.

19 Q. What about a third lesson? Was
20 there a third lesson learned from the Texas
21 City incident?

22 A. I don't recall all the lessons
23 and I can't paraphrase them.

24 Q. So we'll stick with two?

25 A. Yes. I --

Page 298:15 to 303:07

15 Q. Have you as the current regional
16 president of the Gulf of Mexico for BP and
17 the SPU leader for the Gulf of Mexico in
18 2010 made any effort to incorporate lessons
19 learned from the Texas City incident into
20 operations in the deepwater Gulf of Mexico?

21 A. So I believe one of our
22 obligations was to incorporate a lot of the
23 lessons learned. I think they had been
24 instituted -- by the time I -- I'm arriving
25 and returning, most of those have been
1 institutionalized in the actions that I --
2 that I described, group defined practices,
3 engineering authorities, an operating
4 management system worldwide, global
5 operating management system.

6 And that's consistent with what
7 we were doing in the deepwater Gulf of
8 Mexico, my predecessor and myself, we
9 were -- we were operating under a totally
10 different -- from before when I was there
11 in 1999. So incorporating a lot of the
12 lessons or all the lessons from Texas City
13 is my understanding.

14 Q. Since coming back to the Gulf of
15 Mexico in January of 2010, have you made
16 any effort to evaluate whether the lessons
17 learned from the Texas City incident have
18 been incorporated into the operations in
19 the deepwater Gulf of Mexico?

20 A. So it's my impression that the

21 lessons learned from the -- the -- from the
22 Texas City explosion are incorporated into
23 the whole process that we are running under
24 OMS. And so -- and would -- would I be
25 aware of the gaps in OMS and studying the
1 gaps as to where we were in OMS, yes.

2 Q. Was part of your responsibility
3 as the SPU leader for the Gulf of Mexico to
4 evaluate the gaps identified through the
5 OMS process?

6 A. It wouldn't be my role to
7 directly evaluate the gaps in OMS process.
8 It would be my role to kind of oversee OMS
9 and to ensure that we're constantly making
10 progress and continually improving towards
11 closing all gaps that have been identified.

12 But the corporation --

13 Q. When you --

14 A. But the corporation had --

15 Q. I'm sorry.

16 A. The corporation had put in place
17 a system that adhered to these -- it's
18 called OMS that addressed -- and inside of
19 that and amongst the other changes,
20 addressed the findings from Texas City.

21 So they weren't always referred
22 to as this is a finding from Texas City.
23 Once the six-point plan migrated across
24 into OMS, you know, control of work,
25 integrity management standards, all these
1 things migrated across, we were working in
2 OMS, and no longer kind of working the gaps
3 of Texas City, and that had already
4 transitioned into the Gulf of Mexico.

5 Q. Let's assume that some of the
6 lessons learned from the Texas City
7 incident were incorporated into deepwater
8 Gulf of Mexico operations as you say. Are
9 you able to discuss the specifics of how
10 that played out? I mean, specific impacts
11 on operations, your operations in the Gulf
12 of Mexico, or would that be better
13 addressed to one of your vice-presidents
14 under you?

15 A. I'm not sure what you are asking
16 me. The specific impact of the Texas City?

17 Q. Lessons learned.

18 A. Oh, the Texas City lessons
19 learned were incorporated in the six-point
20 plan that migrated into the OMS. So it's
21 hard for me to describe that. It would be
22 somebody in the group that would better
23 describe the gap, the movement across from
24 the six-point plan over into OMS. So --

25 Q. Okay. When you came back to the
1 Gulf of Mexico at the end of '09, did
2 anybody tell you about the gaps that were
3 identified in 2008?

4 A. In -- gaps in what?

5 Q. Gaps in the OMS, as part of the
6 gaps identified as part of the OMS process.

7 A. No.

8 Q. Or 2009?

9 A. So they were -- I think in
10 2000 -- I think they were in the process of
11 migrating to OMS.

12 Q. All right.

13 A. And then they are constantly
14 looking forward on -- on progress.

15 Q. When you came back to the Gulf
16 of Mexico at the end of 2009, did anybody
17 tell you about gaps identified in 2009 that
18 were supposed to be addressed in 2010? And
19 that may be handled by folks under you.
20 I'm asking --

21 A. So I'm trying to be clear
22 on -- so was I -- did I see specific gaps
23 to OMS? No. Would I -- would I have been
24 in some conversations about gaps to
25 particular standards and where we were?

1 Yeah, I was in conversations about our
2 overall progress in migrating to -- to OMS.

3 But, in particular, the whole
4 organization, operations or different parts
5 of the organization were managing the
6 movement to OMS, the gaps to the practices
7 that we were putting in place.

Page 305:08 to 306:25

8 Q. Well, can you tell me what
9 lessons you have learned that would prevent

10 something like this from happening again?
11 I'm not talking about containment. I'm not
12 talking about response. I'm talking about
13 the explosion. And if you can't, just tell
14 me that.

15 A. I'm not privileged to everything
16 that happened so --

17 Q. I understand.

18 A. I wasn't on the rig that night.
19 I'm not privileged to all information that
20 you're collecting here and others have
21 collected. So it's hard for me to pass
22 judgment personally on the overall, you
23 know, lessons. I know there's been reports
24 and recommendations and we're implementing
25 those reports and recommendations.

1 Q. So can you tell me any lessons
2 you have learned as a result of this
3 disaster that you think would help prevent
4 it from happening again? If you can't,
5 just tell me that.

6 A. So I'm -- I don't have all the
7 information to speculate on a lesson at
8 this point in time. I can talk to you
9 about prevention and -- and the lessons
10 learned that we have compiled to get -- you
11 know, inside of BP, relief wells, surface
12 response, how to organize a -- how to
13 organize and coordinate such a massive
14 response. Those are lessons that we
15 learned.

16 Q. All right. So I can talk to you
17 today about lessons learned with respect to
18 containment and response efforts for a
19 disaster like this; is that right?

20 A. Yes. I gave a speech about
21 those lessons learned.

22 Q. We can't talk today about
23 lessons learned to prevent an incident like
24 this from occurring? You're not able to
25 have that discussion today?

Page 307:03 to 308:01

3 A. I am not able to -- I am not
4 privileged to all the information that has

5 gone on for me to personally say these are
6 the lessons learned.

7 Q. Can you give me any lessons, any
8 lessons you have learned from this disaster
9 that you think as the regional president
10 for the Gulf of Mexico may prevent a
11 similar incident from happening in the
12 future?

13 A. I think the recommendations in
14 the Bly Report are appropriate, and I
15 attest that they -- that they should be
16 incorporated.

17 Q. What are those recommendations?

18 A. I am not going to paraphrase
19 those recommendations directly, but I
20 could -- there was recommendations around
21 cementing. There was recommendations
22 around competency. There was
23 recommendations around BOP configuration.
24 I don't want to paraphrase them and -- and
25 not accurately depict them. I'm happy to
1 discuss them if you have got them.

Page 310:01 to 310:12

1 Q. The only specifics you can give
2 me about what you have learned from this
3 incident in terms of things that can be
4 implemented to prevent a similar incident
5 from happening in the future are the
6 recommendations listed in the Bly Report?

7 A. That's correct.

8 Q. All right. Can you tell me -- I
9 assume since it's been, what, 16, 14 months
10 since the disaster, that those
11 recommendations have all been implemented;
12 is that right?

Page 310:18 to 313:16

18 Q. In other words, have all the
19 recommendations, the -- what you say are
20 the lessons learned in terms of preventing
21 a future similar incident, have all of
22 those recommendations been implemented in
23 the deepwater Gulf of Mexico so that BP can

24 tell us that a similar incident won't
25 happen in the future?

1 A. I would say that those
2 recommendations are in the process of being
3 implemented, yes. I can't attest to their
4 current status, on the closure of every
5 recommendation right now.

6 Q. Can you give me one -- how many
7 recommendations are there?

8 A. I don't remember directly how
9 many recommendations are there. I don't
10 want to speculate on it.

11 Q. All right. Regardless, however
12 many there may be, can you identify one
13 recommendation for me that has been
14 implemented?

15 A. When you say has been, is in the
16 process of being implemented or is
17 completely implemented?

18 Q. Has been implemented.

19 A. So I can't tell you right
20 now -- so this -- the implementation of the
21 Bly recommendations into the drilling
22 organization sits in the function, and that
23 reports to Richard Lynch, and he would be
24 the right guy to ask as what -- exactly
25 what -- where they are. There is a -- I
1 know that there is a -- an implementation
2 team, and that team has measures and is
3 working towards implementation of the
4 full -- but I don't have that information
5 with me. That doesn't -- that's not my
6 accountability to implement the -- the Bly
7 Report recommendations. That's in the
8 function.

9 Q. It's not the responsibility of
10 the regional president of the Gulf of
11 Mexico for BP to ensure that the Bly
12 recommendations are timely implemented to
13 prevent a similar incident from occurring
14 in the future; is that right?

15 A. No. It's a -- I have a role --
16 in asking the question, have they been
17 implemented, the actual implementation is
18 in the function.

19 Q. Have they been implemented?

20 A. There is a -- at varying degrees
21 is -- are they being implemented right now?

22 Q. Have any been implemented like
23 all the way, a hundred percent?

24 A. Actually you would have to ask
25 Richard because I don't have his scorecard
1 on where he is on implementing anything in
2 front of me right now, and I don't want to
3 misrepresent the position where we are with
4 that.

5 Q. You don't -- you don't as the
6 regional president for the Gulf of Mexico,
7 you don't need to -- to know that kind of
8 on a continuing basis?

9 A. I get an update on that with
10 Mike Zanghi, my vice-president of drilling,
11 just for the Gulf of Mexico. Every two to
12 three weeks, there's an update on -- on
13 the -- that they are making progress. I
14 don't particularly dwell in every -- that's
15 not my area. The function is doing
16 implementation.

Page 314:05 to 314:14

5 Q. All right. My office is right
6 across the street in One Shell Square.
7 Have you been in there before, the
8 building? It's right across the street.
9 Every day I come over to these depositions
10 trying to find somebody who will
11 acknowledge responsibility for what
12 occurred.

13 So along those lines, let me ask
14 you a few questions.

Page 314:24 to 315:04

24 A. Can you repeat the question.

25 Q. As the regional president for
1 the Gulf of Mexico, do you acknowledge that
2 there are things that BP did not do, but
3 could have and should have that would have
4 prevented this disaster?

Page 315:07 to 315:19

7 A. So it's hard for me to say. I
8 wasn't there -- I wasn't there on that rig
9 that night. I wasn't deeply immersed into
10 the drilling organization at the time when
11 I arrived. I'm unaware of the things that
12 occurred the -- the year before I arrived.

13 I am not -- I don't have a deep
14 understanding of everything that occurred,
15 so, no, I don't.

16 Q. So as you sit here today, you
17 can't tell me anything that BP didn't do
18 but should have and could have that would
19 have prevented this incident?

Page 315:22 to 316:05

22 A. You're referring to the past,
23 right, in the past at some point in time?

24 Q. I do not understand that
25 question. What do you mean?

1 A. Well, didn't do what a few years
2 ago, or didn't do that night on the rig? I
3 mean, it's hard -- I don't understand.

4 Q. Don't overthink it. It's a
5 simple straightforward question.

Page 316:08 to 316:25

8 Q. You can't, sitting here today
9 talking to us, identify anything that BP
10 did not do but could have and should have
11 that would have prevented the disaster?

12 A. No.

13 Q. You told us earlier that the Bly
14 Report identifies multiple parties and
15 multiple causes.

16 A. That it was my recollection
17 that's where -- that that's where that
18 language came from.

19 Q. All right. What you mean is
20 multiple parties and multiple -- multiple
21 parties that played a role in causing this
22 disaster; is that right?

23 A. There's multiple parties
24 involved and there's multiple causes

25 involved.

Page 319:09 to 319:22

9 Q. Have you personally as the then
10 senior vice-president and now president
11 made any effort personally, all right, to
12 identify mistakes that were made, mistakes
13 that can be prevented in the future,
14 mistakes that led --

15 A. You mean me personally, no.

16 Q. -- mistakes that led to the
17 disaster in April 2010?

18 A. You say me personally, no.

19 Q. Yeah.

20 A. No, I didn't lead the
21 investigation. It wasn't my role to run an
22 investigation.

Page 322:17 to 323:17

17 Q. Can you tell me what input you
18 have given, what suggestions you have made
19 to BP as far as things that can be
20 implemented in -- in the deepwater
21 operations that may prevent an incident
22 like this from happening in the future?

23 A. In most of these situations,
24 we -- we discuss the Bly recommendations
25 and implementation of those
1 recommendations, and beyond that, I hadn't
2 shared anything that I thought was missing
3 from that particular -- from that
4 particular document.

5 Q. All right. In other words,
6 since the disaster, you haven't made any
7 recommendations on procedures that should
8 be changed or additional procedures that
9 should be implemented in the Gulf of Mexico
10 that may prevent a similar incident from
11 occurring in the future, have you?

12 A. Other than the implementation of
13 the recommendations and findings of the
14 investigations, I haven't made any
15 particular personal finding -- implemented
16 any personal findings or any personal

17 opinions into the organization.

Page 328:21 to 329:07

21 Q. What about, the same is true for
22 section 1.2? Are you aware of any reason
23 why what's recommended in section 1.2
24 couldn't have been done before the
25 explosion?

1 A. No. But I'm -- I'm also not
2 aware of everything in the -- in the group
3 practice or ETP on well control, but -- so
4 I'm not clear what their -- if these are
5 enhancements or if they are additions, you
6 know, so it's not clear to me here in this
7 recommendation.

Page 329:21 to 334:19

21 Q. What about section 1.4, are you
22 clear on what they are talking about there?

23 A. Yep. I understand what they are
24 talking about, that they want to review and
25 update the ETP on working with pressure.

1 Q. Are you aware of any reason that
2 this recommendation, this recommended
3 practice could not have been put in place
4 prior to April 2010?

5 A. I'm not an expert in these
6 technical practices so -- so I don't know
7 whether or not they could have been
8 incorporated ahead of time.

9 Q. 1.5, 1.6, 1.7, same answer for
10 those; is that right?

11 A. I'm looking at them very briefly
12 here.

13 Q. I'm sorry. You have read this
14 before, right?

15 A. Yeah. But I'm reading it and I
16 want to be -- I would like to be accurate
17 with you. Okay.

18 Can you ask the question again,
19 please.

20 Q. Is there any reason why these
21 practices could not have been in place
22 before April 2010?

23 A. So I'm not exactly clear on what
24 existed before but -- so I don't know
25 of -- so it's hard for me to say on all
1 these particular items.

2 Q. Say that again. I didn't follow
3 you.

4 A. Okay. So, for example, proposed
5 to the American Petroleum for recommended
6 practice, I'm not exactly sure what -- what
7 the details of that are, but I am -- you're
8 asking me could that have been done before,
9 could somebody have proposed to do that,
10 yes, they could have. You know, it could
11 have been done before, a proposal to the
12 American -- to the API --

13 Q. And you understand --

14 A. But I don't -- but I don't know
15 all the details of that.

16 Q. I understand that.

17 Number four, Process Safety
18 Performance Management. Do you know what
19 "process safety management" means?

20 A. Yes.

21 Q. Look at 4.1 and 4.2 and tell me
22 if you're aware of any reason why BP could
23 not have implemented those procedures prior
24 to April 2010?

25 A. So I don't see any reason why
1 they couldn't have been implemented, but I
2 also was not aware of what else was in
3 place that they were replacing. So --

4 Q. Number 5, next page, Cementing
5 Services Assurance, and this is under the
6 broader category of contractor and service
7 provider oversight and assurance. Take a
8 look at number 5 and tell me once you have
9 read it.

10 A. Okay.

11 Q. As the president of BP's Gulf of
12 Mexico operations, are you aware of any
13 reason why these procedures could not have
14 been implemented prior to April 2010?

15 A. So this is referring to a -- the
16 review of quality of services -- a review
17 of quality of services and not procedures.
18 So -- so could a review of quality of

19 services could have been done on -- in
20 cementing prior, there's no reason that a
21 review couldn't have been done prior.

22 Q. Number six, Well Control
23 Practices, read that one and let me know
24 once you have read it.

25 A. Okay.

1 Q. The recommendation begins with
2 assess and confirm that essential well
3 control and well monitoring practices such
4 as well monitoring and shut-in procedures
5 are clearly defined and rigorously applied.

6 Are you aware -- as the regional
7 president for the Gulf of Mexico, are you
8 aware of any reason why BP could not have
9 implemented such a practice prior to April
10 2010?

11 A. So this says assess and confirm.
12 It doesn't say that that practice wasn't
13 already implemented. It looks to me more
14 like a check in -- a check to see if -- the
15 quality of the implementation.

16 Q. So to figure out if it was being
17 done or not?

18 A. No. To see how well it's being
19 done is the way I read this. Assess and
20 confirm.

21 Q. Has that recommendation been
22 completed in the 14 months since this
23 disaster?

24 A. So the -- the disaster
25 didn't -- isn't -- didn't end until
1 September, so a lot of these people were
2 aware. I'm not sure where this -- of the
3 date on this report.

4 Q. All right. In the 14 --

5 A. At the time of the
6 implementation of this -- of this report --

7 Q. Let me ask my question again.

8 A. -- it hasn't been 14 months.

9 Q. In the 14 months since 11 people
10 were killed, has BP implemented this
11 recommendation? If you don't know, just
12 tell me that.

13 A. I think we would have to ask
14 Richard in the function because I can't

15 attest to BP worldwide, what they have
16 done.
17 Q. You don't know?
18 A. I don't know the full
19 implementations of this worldwide.

Page 335:13 to 335:15

13 MR. HASSINGER:
14 We're going to mark that as
15 Exhibit 3049.

Page 336:03 to 340:07

3 Q. So as the president, are you
4 aware of any reason why recommendations 7.1
5 and 7.2 could not have been implemented
6 prior to April 2010?
7 A. Not technically, no. But I'm
8 not sure -- based on -- I'm not sure if
9 certain HAZOPS weren't already done on
10 certain drilling rigs as part of their
11 acceptance practices, but --
12 Q. Next page number 8, BOP Design
13 and Assurance. Take a look at those.
14 There's a bunch of them here. 8.1 through
15 8.7.
16 A. Okay.
17 Q. You have read this before,
18 haven't you?
19 A. Yes, but I will refresh myself
20 on it.
21 Q. All right. Are you done?
22 A. Yes.
23 Q. As the president, are you aware
24 of any reason why these practices
25 recommended in sections 8.1 through 8.7
1 could not have been implemented prior to
2 April 2010?
3 A. Technically, no. But I -- --
4 but I -- many of these recommendations are
5 for the -- for the contractor side. I
6 couldn't speak for their ability or
7 inability to have done this prior, so that
8 many of them speak to requiring
9 contractors. So --

10 Q. Well, these recommendations
11 speak to BP's obligation to exercise proper
12 oversight of its contractors; isn't that
13 correct?

14 A. It sets the minimum requirements
15 that BP expects from the contractors,
16 that's correct. But whether or not they
17 could be done before and what the
18 implications of whether or not they could
19 be done before, I can't attest to.

20 Q. You don't know?

21 A. But technically they -- I don't
22 know. Technically they could have been
23 done or if there's something that needs to
24 be -- to change, I don't know, for some of
25 these.

1 Q. Just to be clear, my question
2 was: Are you as the president aware of any
3 reason why these practices could not have
4 been implemented prior to April 2010?

5 A. I'm not aware, but I'm also not
6 qualified to -- to assess some of the
7 changes that they are talking about here
8 that the contractors need to implement.

9 Q. Some of these changes in section
10 8, you are qualified to comment on and
11 assess; is that right?

12 A. So not -- on the contractors'
13 BOP testing, I'm not aware the --
14 contractors all around the world of what
15 their -- 8.2. So please ask the question
16 again.

17 Q. Well, you said, "I'm not
18 qualified to assess all of these."

19 A. Not qualified to assess the
20 contractor's capability prior to the event
21 to incorporate these things. And I presume
22 you're asking globally or are you asking
23 deepwater Gulf of Mexico or --

24 Q. I get that question a lot. But
25 I never understand why it's -- that's
1 important. Why it is important to
2 distinguish between BP Gulf of Mexico and
3 BP everywhere else in the world?

4 A. Because you're asking me as the
5 regional president in the Gulf of Mexico,

6 and so I couldn't speak to how these things
7 are being incorporated in other parts of
8 the world, but the function could --

9 Q. All right. Let's break them
10 down.

11 A. Because when -- like I said,
12 when I meet with Richard Lynch and the --
13 the heads of the function who are
14 incorporating all these things, I am
15 typically only being briefed on what's
16 going on in the Gulf of Mexico, not what's
17 going on globally. That's why a
18 distinction, and I don't want to attest to
19 something globally that I --

20 Q. Thank you.

21 A. -- I don't want to attest to
22 something globally that I'm not -- I have
23 no knowledge of.

24 Q. Okay. Fair enough. Let's stick
25 with the Gulf of Mexico. As the president
1 of BP Gulf of Mexico, are you aware of any
2 reason why recommendation 8.1 could not
3 have been implemented by BP prior to April
4 2010?

5 A. No. Technically I think there
6 could have been -- there's no reason why
7 this couldn't have been done.

Page 341:14 to 344:19

14 Section 8.1, are you aware as
15 the president of BP Gulf of Mexico of any
16 reason why BP could not have implemented
17 this practice prior to April 2010?

18 A. BP in the Gulf of Mexico?

19 Q. Yes, sir.

20 A. Technically, no.

21 Q. As the president of BP Gulf of
22 Mexico, are you aware of any reason why
23 recommendation 8.2 could not have been
24 implemented in the Gulf of Mexico prior to
25 April 2010?

1 A. Technically, no.

2 Q. Section 8.3, same question?

3 A. But on -- on BP, drilling BP --
4 drilling contractor, BP can be BOP testing

5 so -- 8.2. So, technically, no, but I'm
6 really not qualified because I don't know
7 what the current testing protocols are.
8 BOP maintenance systems, technically, I
9 kind of don't know.

10 Q. All right. So 8 --

11 A. Because I don't know what the
12 maintenance practices are for the -- all
13 the contractors for the rigs and --

14 Q. All right. For Section 8.3,
15 recommendation 8.3, as the president of BP
16 Gulf of Mexico, you can't identify for me
17 right now any reason why that practice
18 could not have been implemented prior to
19 April 2010?

20 A. Technically, I don't know.
21 Yeah.

22 Q. Recommendation 8.4, as the
23 president of BP Gulf of Mexico, are you
24 aware of any reason why this practice could
25 not have been implemented in the Gulf of
1 Mexico prior to April 2010?

2 A. Technically, no, I don't think
3 so.

4 Q. Recommendation 8.5, as the
5 president of BP --

6 A. On 8.4, the only issue would be
7 if the MOC process that we're implementing
8 somehow conflicts with the drilling
9 contractors' MOC process, and then which
10 MOC process would override that would be
11 the only thing that I would wonder about in
12 8.4, which would have the priority, but
13 anyway --

14 Q. You don't know the answer?

15 A. No, I don't know the answer to
16 that, but, technically, no.

17 Q. All right. Recommendation 8.5,
18 as the president of BP Gulf of Mexico, are
19 you aware of any reason why that
20 recommendation could not have been
21 implemented in the Gulf of Mexico prior to
22 April 2010?

23 A. On this one, I perceive that ROV
24 intervention, the Gulf of Mexico had plans
25 for ROV intervention on its -- this IS all

1 each of BP's operating regions. So I'm not
2 sure this one particularly applied to the
3 Gulf of Mexico as a recommendation because
4 I think they already had a plan. I think
5 this has to do with probably more remote
6 operations worldwide where it's referring
7 to non-rig ROVs, so having different ROV
8 vessels.

9 Q. Are you aware as the president
10 of BP Gulf of Mexico any reason why BP
11 could not have developed a clear plan for
12 ROV intervention independent of the
13 rig-based ROV as part of the emergency BOP
14 operations in each of BP's operating
15 regions, including all emergency options
16 for shearing pipe and sealing the wellbore?

17 A. Any reasons why they couldn't
18 have done that, no.

19 Q. Section 8.6 --

Page 345:04 to 345:18

4 Q. All right. Section 8.6, as the
5 president of BP Gulf of Mexico, are you
6 aware of any reason why BP could not have
7 implemented that practice in the Gulf of
8 Mexico prior to April 2010?

9 A. No, technically, no.

10 Q. Section 8.7. I'm sorry,
11 recommendation 8.7, are you aware as the
12 president of BP Gulf of Mexico, any reason
13 recommendation 8.7, why that practice could
14 not have been implemented in the Gulf of
15 Mexico prior to April 2010?

16 A. Technically, no.

17 Q. I'm sorry?

18 A. Technically, no.

Page 348:25 to 350:18

25 Q. Was it your understanding that
1 breaching safety could cause you not to
2 receive a bonus?

3 A. Yeah. It's my understanding
4 that a very poor safety performance
5 would -- could -- could have an impact on

6 receiving bonus, yes. A very poor safety
7 performance could have an impact on a
8 bonus, sure.

9 Q. And did you, in fact, receive a
10 bonus in 2009, 2010?

11 A. So the bonuses are annual, 2009,
12 2000 -- so for 2009 I received a -- I was
13 on a leave of absence and kind of returned
14 to the company.

15 Q. Right.

16 A. So I received a nominal average
17 bonus.

18 Q. 2011 for 2010?

19 A. Yes. Did I receive a bonus for
20 2010?

21 Q. Yes.

22 A. Yes.

23 Q. So the explosion to the
24 Deepwater Horizon didn't rise to that
25 safety level that -- safety breach that
1 would preclude a bonus?

2 A. Well, I -- the -- so we have to
3 talk about the -- there's a matrix. So I
4 received a bonus, but it was a very
5 minimal, minimal bonus relative to what I
6 would have received in prior years. So --
7 so as part of the way the matrix worked, I
8 received the lowest possible in the
9 contract so --

10 Q. But bonus, nonetheless?

11 A. Bonus, nonetheless.

12 Q. Thank you. And that's your
13 prior testimony, that it would be a
14 significant breach that would cause a zero
15 bonus, but you did receive, albeit the
16 minimal, the Deepwater Horizon explosion
17 did not rise to the level to cause no
18 bonus?

Page 350:21 to 351:23

21 A. No, I don't think I said
22 "significant breach." The bonus -- I don't
23 think I ever said that there's a
24 significant breach that would cause no
25 bonus.

1 There is -- there is a -- your
2 bonus is dependent on your personal
3 performance and the performance of your
4 unit. And it's different for different
5 people. And there's a matrix and that's
6 been shared -- we shared -- that -- that
7 shows a payout relative to how you fit on
8 this matrix.
9 And so there's a low end to the
10 business, which the business has got what's
11 called a below expectations, which is the
12 lowest rating that's possible. And then
13 the individual ratings were either meets or
14 low expectation, and that -- that then
15 points to a score on a matrix, and then
16 that becomes the outcome. So --
17 Q. Okay. Is the real-time up? I
18 would tell you what you said, but
19 apparently it's up for everybody but me.
20 As far as the projected -- the
21 source control response, switching to that,
22 what was the first initial estimate put out
23 by BP?

Page 352:01 to 353:10

1 A. The source control response?
2 Q. As far as how many barrels of
3 oil were coming out of the exploded well.
4 A. What was the -- I think the
5 first estimate I heard was 5,000 barrels a
6 day, and that came from Unified Command.
7 Q. Okay. When was that?
8 A. I don't remember the exact time,
9 when it was. It was about the same time it
10 was announced. I don't remember the exact
11 day.
12 Q. And that was not -- that was not
13 important to you as the point person on
14 source control?
15 A. The -- what, the estimate of
16 5,000 barrels a day?
17 Q. Yes.
18 A. Yeah. The estimate was fine,
19 but my -- at the time I was trying to make
20 that zero. I was attempting to close the

21 BOP rams, and make it zero so -- yeah, I
22 was aware that somebody made that estimate.

23 Q. So it's your testimony, again,
24 here today that that in no way affected
25 your response, how much was coming out?

1 A. It didn't -- it didn't affect
2 what I was going to do that day, no. I was
3 still going to attempt to close the BOP
4 rams whether -- depend -- independent of
5 what people were estimating the rate to be,
6 and I was still running the source control
7 response on every area. I was still -- I
8 was still going to spud the relief wells.
9 I was still, you know -- all the
10 engineering was still going on.