

# Second stage in civil trial over BP oil spill opens

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On Monday, British energy giant BP faced plaintiffs in the second stage of a civil trial set to determine the company's culpability for damages from the oil spill in the Gulf of Mexico in 2010. If it is found guilty, BP could be forced to pay nearly \$18 billion to plaintiffs.

In the first phase of the trial, which ended in April of this year, BP attempted to downplay its role in the disaster, which killed 11 workers and released millions of barrels of petrochemicals into the Gulf. Throughout the trial, the company attempted to portray itself as a victim of actions taken by its contract partners in the Deepwater Horizon venture, energy contractors Transocean and Halliburton. Both companies have joined with plaintiffs representing the five Gulf States in the current trial.

According to the Clean Water Act, a defendant can be fined anywhere between \$1,100 and \$4,300 per barrel spilled, depending on a judge's determination of whether the actions were the result of a certain degree of negligence. BP has declared its response to the spill to be entirely within federal regulations, hoping to receive a comparably lighter fine of just \$2.7 billion.

Also in dispute is the total amount of oil that flowed into the Gulf. Plaintiffs and representatives from the government say that nearly 4.2 billion barrels worth of oil escaped, while the company insists that the total amount was less than half that.

Lawyers for the plaintiffs claim that the oil giant misrepresented the amount of chemicals flowing from the breached well in order to justify its own haphazard response to the disaster. "BP's plan was nothing more than a plan to plan," said attorney Brian Barr, who added that the company "refused to spend any time or money" upon disaster prevention.

Barr also drew attention to the fact that out of a nearly 600-page disaster policy adopted by the company, only

a single entry made any reference to controlling the source of a blowout site. Also noted was the fact that BP's estimates for the total amount of oil flowing from the breach contradicted the company's own drilling policies.

The so-called "top kill," in which BP attempted to plug the leak with an infusion of mud and debris, famously portrayed by the company as a "slam dunk," was depicted as highly ineffective, contingent upon the company misrepresenting the total oil flow from the blowout. "I saw no evidence that it was a slam dunk," said John Wilson, a fluid mechanic testifying for the plaintiffs. Wilson said that BP was aware of the likely failure of the top kill method, but employed it due to its attempts to maintain that oil flow rates were lower than they really were.

BP, for its part, insisted that its safety protocols were in compliance with federal regulations, and that the blown-out well was an "unforeseen challenge" to the company, for which it deserved "recognition, not condemnation." The company has also disputed its requirement to pay out a \$7.8 billion settlement fund for private economic and medical grievances, alleging a "feeding frenzy" of illegitimate claims leveled against it.

The Gulf oil disaster was one of the worst environmental disasters in US history. The explosion itself went unreported for days by the company in an effort to downplay the situation. Millions of livelihoods in the Gulf region have been ruined.

In 2012 BP was found guilty on 14 criminal charges, including manslaughter and negligence. However, the company's level of negligence surrounding the civil trial phase could take over a year to determine. The company will likely appeal any verdict that District Judge Carl Barbier hands down, banking on the case's

complexity in order to draw the process to a stalemate in order to settle for lesser fines.

The company is also assured of the relatively light treatment it will receive from the federal government. In the aftermath of the disaster, the Obama administration defended BP's decision to remain in control of the cleanup procedure, while employing the National Coast Guard as a *de facto* enforcement arm for the corporation. Members of the press and independent researchers were prevented from examining regions affected by the spill and from making their own estimates of the amount of oil involved.

On top of this, in 2010 the administration agreed to tie all future fines paid by the company to its revenue in the Gulf, effectively insulating it from any financial repercussions due to its actions. In light of this past, as well as the current revelations regarding the companies' actions, the administration's current posturing as a defender of the people of the Gulf region against corporate malfeasance is thoroughly hypocritical.

The escrow fund finally set aside by the company was a small fraction of the total cleanup costs of the many millions of barrels leaked into the Gulf. A reminder of the damage done was seen during last year's Hurricane Isaac, when massive tar balls were strewn about the Gulf Coast, sometimes hundreds of miles from where the storm made landfall.

The criminality of BP was by no means an isolated incident. Since the spill in 2010, dozens of blowouts have occurred in the Gulf Coast. That BP's methods of operating were standard fare for companies was demonstrated by the companies' own assertion that its procedures implemented to deal with disasters such as the Macondo Well blowout were no different than the policies adopted by other operators in the Gulf.



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