

# US District Court issues wrist slap fine for serious environmental pollution at BP refinery in northwest Indiana

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The UK-based oil giant BP has been ordered to pay the US federal government \$500,000 in fines for emitting illegal amounts of soot particles into the air from its Whiting, Indiana oil refinery, according to a legal settlement filed last Thursday in the US District Court of Hammond, Indiana.

The *Chicago Tribune* reported that BP's own testing revealed that catalytic crackers, which help turn crude oil into gasoline, were emitting "concentrations of particulate matter," more commonly known as soot, in excess of legal limits between 2016 and 2018. The recent lawsuit found that BP was in violation of the terms of an agreement from a 2012 lawsuit brought by the US Department of Justice and the Environmental Protection Agency (EPA), including BP's failure to "properly operate pollution-control equipment" during that period when BP was required to install the equipment as a result of the 2012 settlement.

The 2012 lawsuit alleged "violations of the Clean Air Act at the Whiting refinery in connection with the construction and expansion of the refinery, as well as violations of a 2001 consent decree with the company that covered all of BP's refineries and was entered into as part of EPA's Petroleum Refinery Initiative."

In the 2012 settlement which the company signed, BP agreed to pay an \$8 million penalty and invest more than \$400 million to install pollution controls and cut emissions and reduce air pollution by over 4,000 tons per year. The settlement recognized that BP's activities were harmful to life in the area around northwest Indiana, which includes the Chicago metropolitan area, stating that they "can cause respiratory problems such as asthma and are significant contributors to acid rain, smog and haze."

A number of nonprofit groups were represented in Thursday's lawsuit, including the Environmental Integrity Project (EIP), the Environmental Law and Policy Center, the Natural Resources Defense Council (NRDC), Save the Dunes Project, and the Sierra Club. Ann Alexander, senior attorney at NRDC, told the *Tribune* that "We sued [BP] in 2008 for Clean Air Act violations, reached an agreement with them to curb emissions in 2012, and now here we are in 2021 reaching another agreement after they violated the first one."

In April of this year, a separate court ruling issued by Judge Philip P. Simon of the U.S. District Court in Northern Indiana found that BP "repeatedly violated legal limits on deadly soot-like particulate air pollution." The Sierra Club and Environmental Integrity Project had sued the corporation in 2019 because the Indiana Department of Environmental Management (IDEM) did not act against BP to enforce the terms it agreed to in the 2012 lawsuit, according to an April 14 post on the Sierra Club's website.

The Sierra Club and EIP found that between August 3, 2015 and October 9, 2018, the results of nine emissions tests conducted by BP on the smokestacks from three of its boilers at the refinery showed that the company continued to release "soot-like particles" into the air "over the permitted limits." Although these results were available publicly online through the IDEM as part of the 2012 agreement, the IDEM did not intervene and allowed BP to continue the violations.

Although the NRDC states that it hopes that the latest legal action is "the end of the matter," in reality, that will be far from the case as long as the productive forces remain subordinate to the profit system and

corporations and their management partners in the trade unions remain in control of operations at the plant.

Three years after the settlement with the EPA was signed, the United Steelworkers (USW) collaborated with BP management and those at other major oil companies in the US to isolate a nationwide strike of oil workers in order to implement a sellout contract that did not address any of the health and safety issues that workers demanded, including those which addressed the company's impact on the environment.

During the 2015 strike, a striking worker spoke to the *World Socialist Web Site* about the damage that BP's operations caused to workers' health and the environment in which they live. "BP cuts corners everywhere," the worker pointed out. "Every day we have a pipe leak or an accident. Every day we have some safety issue that is never reported. We tell them about major issues that we can fix, but they won't stop production for one moment to address safety issues.

"We have a pipe that is completely fractured that goes into Lake Michigan that they wrapped in a cast. It's like a Band-Aid on a broken arm. The pipe carries benzene—cancer-causing benzene!—and if this breaks, that's going to leak into the lake."

BP has a long history as a notorious environmental polluter not only in Indiana, but in other parts of the US and the world, negatively impacting the health and well-being of workers and their families all over the planet.

BP made a name for itself as a global environmental polluter in April 2010 when the oil drilling rig Deepwater Horizon exploded and sank in the Gulf of Mexico. The preventable disaster was the largest oil spill in the history of marine oil drilling operations, according to the EPA. Nearly five million barrels of oil leaked into the gulf for 87 days, 11 workers were killed, and large numbers of marine wildlife were killed, harmed and diseased for years as a result of the aftermath.

Far from prosecuting company executives and major shareholders as criminals, whose drive for profits ultimately shaped the decisions made by corporate management that led to the Deepwater Horizon spill, the US justice system let BP off with a slap on the wrist. The Obama administration penalized the company for a small fraction of the damage it caused, ordering it to pay \$18.7 billion in fines over five years. The only executive at the company who was charged

with a crime over the spill, David Rainey, was acquitted in 2015 by the Obama administration.

The \$500,000 in fines demanded in the most recent lawsuit against BP are even less than a slap on the wrist for the massive oil corporation. BP beat third-quarter earnings predictions in posting \$3.3 billion in underlying replacement profit for the third quarter of this year, a proxy for net profit, according to CNBC.

CEO Bernard Looney told CNBC that "Rising commodity prices certainly helped" boost earnings, but also admitted that the company is focused on "delivering significant cash to strengthen our finances, grow distributions to shareholders and invest in our strategic transformation," in other words, continuing to invest in areas which directly generate more profit and minimizing spending on areas that do not, such as environmental health and safety for workers. The corporation also has plans for a \$1.25 billion share buyback before the fourth quarter earnings report in order to artificially inflate its stock price.

Like the coronavirus pandemic, the devastation of the environment on a global scale is not solely the result of natural phenomena, but primarily the result of the policies pursued by the world's most powerful corporations to ensure the relentless extraction of profit at any cost. Under capitalism, which places nation-state interests above the interests of the international population, elected politicians worldwide faithfully take the side of the corporations each time they are responsible for great social crimes.



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