

Family of worker killed in Marathon refinery explosion files lawsuit

Chase Lawrence
22 May 2023

The family of a worker killed at a refinery explosion in Houston has filed suit against Marathon Petroleum. Scott Higgins, 55, died in an explosion this month in the company's Galveston Bay refinery in Texas City, Texas. The lawsuit also names Blanchard Refining Company LLC, which is registered at the same address as Marathon.

Higgins was a machinist and a union rep from United Steel Workers (USW) Local 13-1. He had worked at the refinery for 19 years and had no plans to retire soon. According to his daughters, he was a dedicated employee who showed up to work early every day but had expressed concerns about safety in the plant.

Two other workers in the explosion were sent to a hospital burn unit.

According to the petition to the court, "The Higgins family looks to bring claims of wrongful death, negligence, and gross negligence," including failure to properly and adequately maintain, inspect, and repair the unit which exploded and surrounding machinery. The lawsuit will be seeking inspection records and names of employees who performed maintenance on the unit.

"Mr. Higgins was working near the origin of the explosion," the petition continues. "The flames quickly engulfed his body. The severity of the fire made it impossible for anybody to reach Higgins to render aid or pull him out of the flames. Higgins was unable to get to safety and ultimately burned to death near Ultraformer Unit #3." An initial report from the Texas Commission on Environmental Quality confirmed it was a splitter on the unit that developed a leak and caught on fire.

"The fire from the explosion continued to burn for four hours, releasing thousands of pounds of toxic compounds and chemicals into the air. Texas City

residents saw the amount of black smoke in the area and thought there was an approaching 'thunderstorm.'"

The filing quotes a worker who spoke about the constant lack of maintenance in the facility. "They [Marathon] had delayed repairs because margins were low, and then suddenly the margins were so incredibly high, so they delayed maintenance again."

One of Higgins' daughters told a press conference announcing the lawsuit that her father "understood that his time was the most valuable thing he had to give, and he gave it to the people who mattered most to him.... Marathon has taken away my dad's ability to give us that time. Marathon, due to negligence and disregard for the well-being of everything but their bottom line, has thoroughly devastated me and my family."

Another of his daughters stated that "my father may have believed in being prepared for and preparing us for everything, but even he could not prepare us for Marathon and their negligence to send my father's empty clothes home to me."

The company released a boilerplate statement in response to the filing, calling the incident "tragic," professing their "deepest sympathies," and claiming "we approach our work with the highest commitment to safety."

Deaths are a common occurrence at US refineries, and Marathon's Galveston Bay refinery in particular has a reputation as a death trap. It is infamous for an explosion in March of 2005, when the plant was owned by BP, which killed 15 people and injured 180. This year, on February 28, 25-year-old Alfredo Reyes was electrocuted to death at the plant when he came into contact with an electrical conduit.

Any fines levied by state or federal authorities against

Marathon will likely amount to a slap on the wrist, to say nothing of prosecution of members of management responsible for the disaster. The Occupational Safety and Health Administration (OSHA) fined BP \$156,250 for the deaths of two workers at its Husky refinery near Toledo, Ohio.

Marathon Petroleum's first quarter net income was \$2.7 billion, and it made \$14.5 billion in the full year 2022.

Millions of people in the US are routinely subjected to high levels of cancer-causing pollution, according to EPA data. Fines are viewed by the oil companies as the cost of doing business.

A Marathon worker told the WSWS: "It was absolutely horrific what happened to Scott. It's had a pretty serious impact on everyone. And the incident could have been much much worse. The response team did an amazing job containing and putting the fire out. Only their outstanding dedication and bravery kept more lives from being lost.

"I'm not sure how familiar you are with those teams, but they're almost entirely volunteer. They have, I believe, a handful of full-time firefighters and the rest of the team are just other workers, who choose to go through the training to become firefighters and risk their lives to help save others. They carry radios home with them and rush to the plant if there's a call. Many of the people who choose to join the teams do so because they have little faith in the company's ability or willingness to keep us safe.

"The initial reports of the fire when Marathon announced it to the media, before they even mentioned any injuries, and then hearing it described by people who experienced it are vastly different."

Despite Higgins being a union representative himself, the USW's response has been extremely muted. It issued only a single statement on May 18. As of this writing, their official Facebook and Twitter accounts have no further announcements on the death, nor the lawsuit.

The May 18 statement calls for "thoughts and prayers" and declares: "It is imperative that, as a union, we are a central part of the investigations following these incidents so that we can ensure that we're identifying the true root causes. We also push employers to not just take superficial corrective actions but also to follow through on deeper solutions so that

we truly eliminate the hazards and prevent these sorts of incidents from happening again." Essentially, the plan is to give the company cover by collaborating in its phony investigations.

The USW also worked closely with the Biden administration to push through a sellout contract last year, even as the oil industry was profiting hand over fist due to US-led embargoes against Russia over the war in Ukraine. In a 2015, it also shut down a national strike even as workers at Galveston Bay were left on the picket lines without a contract.

Another refinery worker wrote to the WSWS, in response to the company's self-serving press release after the lawsuit was announced:

"There needs to be a huge spotlight on Marathon. The statement they released is completely false! The safety is not the 'number one priority' of the company, as they continued operating as usual while a person burned to death and two others were injured. The men and women worked while their fellow coworker died.

"That is not the only case. As you mentioned a young man [Reyes] died less than three months ago to electrocution from a rusted, broken conduit. The number of broken conduits and fried, burnt transformer boxes outweighs the new conduits that meet the safety standards and requirements. If an employee inhales a chemical and brings it to the attention of a supervisor, they pass it off as an anxiety attack. If the employee would have succumbed to his injuries, that would have just been one more fatality swept under the rug.

"Marathon needs to be held responsible. These men spend their lives laboring for a company who sees them as a paycheck. Imagine how many more stories there are out there."



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact