

BP oil spill trial opens with scathing attack

February 25 2013, by Heather Miller



Activists protest today outside the building where the BP trial began in New Orleans, Louisiana. The blockbuster oil spill trial opened with a scathing attack on the poor safety standards which led to the worst environmental disaster in US history.

The blockbuster BP oil spill trial opened Monday with a scathing attack on the poor safety standards which led to the worst environmental disaster in US history.

Billions are at stake in the New Orleans courtroom where a [federal judge](#) is tasked with determining how much BP and its subcontractors should pay for the devastating [Gulf of Mexico](#) spill.

US prosecutors are determined to prove that gross negligence caused the April 20, 2010 blast that killed 11 workers and sank the BP-leased Deepwater Horizon rig, sending millions of barrels of oil gushing into the sea.

BP is equally determined to avoid a finding of gross negligence, which would drastically increase its environmental fines to as much as \$17 billion.

BP is also hoping to shift much of the blame—and cost—to rig operator [Transocean](#) and subcontractor Halliburton, which was responsible for the runaway well's faulty cement job.

Transocean's poor safety record was the focus of the first lawyer to speak, Jim Roy of the plaintiffs steering committee which represents thousands of individuals and business impacted by the spill.

Roy told the court that the Swiss giant's top safety official on the multimillion dollar rig "was not even minimally competent for this job."

"His training consisted of a three-day course. Amazingly, he had never been aboard the Deepwater Horizon," Roy said, noting that the blowout was the seventh major incident aboard a Transocean rig in the space of 17 months.

It took 87 days to cap BP's runaway well, which blackened beaches in five states and crippled the region's tourism and fishing industries in a tragedy that riveted the nation.

The British energy giant has already resolved thousands of lawsuits linked to the deadly disaster out of court, including a record \$4.5 billion plea deal with the US government in which BP pleaded guilty to [criminal charges](#) and a \$7.8 billion settlement with people and businesses affected by the spill.



Fire boats battle the blazing remnants of the BP operated off shore oil rig, Deepwater Horizon, in the Gulf of Mexico, April 21, 2010. Billions of dollars will be at stake Monday at the opening of a complex trial to determine how much BP should pay for the devastating 2010 Gulf of Mexico oil spill.

BP spent more than \$14 billion on the response and cleanup and paid another \$10 billion to businesses, individuals and local governments that did not join the class action lawsuit.

It remains on the hook for billions in additional damages, including the

cost of environmental rehabilitation.

The first phase of the civil trial at the federal courthouse in New Orleans will determine the cause and apportion fault for the disaster.

The second phase, not expected to start for several months, will determine exactly how much oil was spilled in order to calculate environmental fines.

The US government on Tuesday agreed not to count the 810,000 barrels of oil BP siphoned out of the runaway well before it could spill into the sea.

But a complicated battle looms over the rest, as BP insists the government overestimated how much oil gushed out of the well by "at least 20 percent."

The third phase will deal with environmental and economic damages.

"It's a very complex piece of litigation," said Ed Sherman, a Tulane Law professor who has closely monitored the case.

While the \$7.8 billion settlement reached last year resolved most of the economic and medical claims, scores more remain from insurers, racetracks, casinos, financial institutions and state and local governments.



Workers hired by BP clean oil off the beach in a contaminated area on June 12, 2010 in Grand Isle, Louisiana. The British energy giant has already resolved thousands of lawsuits linked to the deadly disaster out of court, including a record \$4.5 billion plea deal with the US government in which BP pleaded guilty to criminal charges and a \$7.8 billion settlement.

Despite BP's avowal to "vigorously" defend itself against the gross negligence charge, many experts believe it could still reach an out-of-court settlement with the US government over environmental fines.

"BP cannot let this case proceed to judgment because the liability exposure is too great and the facts are squarely against them," Loyola University Law School professor Blaine LeCesne told AFP.

"Even if settlement isn't reached before trial it can still happen once the trial is under way."

Protesters camped outside the courthouse said they hope that Judge Carl Barbier will assess the maximum penalties possible under the law.

"This is not just about something that's going to take decades to clean up," said Chris Canfield, vice president of Gulf of Mexico conservation and restoration for the National Audubon Society.

"This is about making sure that bad actors are punished for a series of decisions that put profits ahead of people and the environment."

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