

Written Statement of
Katherine Rodriguez, daughter of Ray Gonzalez
OSHA Listening Session, February 10, 2010

Begin with introduction of other family members. I have 2 other sisters who wanted to be here, but work/school commitments kept them from doing so. We come to you as a family to tell you about our husband and father, Ray Gonzalez. My father was a pipe fitter by trade with 33 years of service to his employer. He knew the value of hard work and took pride in what he did. Always the first to arrive in the morning and always volunteered when they needed him. When not at work, he was with his family. Married to my mom for 35 years with 4 daughters. Family was a huge part of his life. My dad would do anything for his family. He would sacrifice his own wants and needs just to make sure we always had what we wanted or needed. Family is who my father was.

On September 2, 2004, our lives were changed forever. The BP Texas City refinery had an incident. It didn't make the news and there was not continuing press coverage, but 3 families were devastated by the news that 3 workers were injured when the seal ruptured on a water pump. When the seal burst it sprayed 500 degrees superheated water and steam on all 3 workers, including our father. All three workers were rushed to the hospital with 2nd and 3rd degree burns to 90%, 80% and 70% of their bodies. My father, Ray received burns to 80% of his body, while his co-worker, Maurice Moore, Jr., received burns to 90% of his body and Robert Kemp received burns to 70% of his body. All three men expressed concern for the other. Mr. Moore died the next day at the age of 39. Mr. Kemp took months to recover from his severe injuries and survived. My father fought a long tough battle. Through multiple skin graft surgeries and painful daily cleaning of his skin. For 2 ½ months he would remain in the Burn Unit ICU. I can tell you that my mom was there every single day, as was one of her daughters from September 2nd to November 12th. On November 12, 2004 he lost his battle and died from his injuries. Our hearts have been broken ever since.

Over the last 5 years as our family has tried to put our lives back together. OSHA did investigate my father's incident and cited his employer, BP Products North America, Texas City Refinery, \$109,500 for 7 serious and 1 willful violation. The willful violation was for failure to control hazardous energy. The fines were contested and 1 serious violation was deleted. Eventually the case was settled with a total fine paid of \$102,500. My father, Mr. Moore and Mr. Kemp had a combined 70+ years of experience among them.

As I look back on everything, I realized that our nations laws and regulations need improvement. No family should have to go through this needless pain and grief. I would like to respectfully ask you to consider these recommendations.

I will admit that my first thought when I found out that OSHA was going to investigate was relief. From what I knew at the time this would mean that if a violation occurred, then the company would be cited appropriately. On March 5, 2005, I read in the local newspaper the headline "OSHA fines BP Refinery for safety violations". I thought, "wow, they found something, I wonder what it is". Then I thought, why am I reading this in the newspaper? Did the local office not feel like the families of these 3 men would want to know what the outcome of

the investigation? I recommend that all documents and correspondence sent to the employer be provided simultaneously to the worker's family. All citations and penalties related to the incident should be sent to the families before they are issued to the employer. This courtesy is extended by the Mine Safety and Health Administration to families of mine workers and OSHA should do the same for the fatality cases it investigates.

My family was in the hospital with my dad for 2 ½ months and we had many visitors from the plant. We were told a lot of information that maybe the investigator didn't know because he didn't interview these particular people. If they had spoken to us they may have gotten better information. Also, fellow co-workers are more willing to talk to the family than any investigator. Family members must have the opportunity to recommend names of individuals to be interviewed by the accident investigation team.

Lastly my father's employer, BP Products, North America-Texas City Refinery had 21 fatalities in 5 years. 2004 – 3, 2005 – 15, 2006 – 1, 2007 – 1, and 2008 – 1. After my father's incident an internal BP report stated, "the refinery's policy and training don't address potential stored energy hazards and had inadequate standards, specifications and design criteria for the procedure the 3 men were performing. Charles Williams, OSHA South Houston area Director called the September incident a "tragic loss of life" that could have been avoided if standards were followed. A survey was conducted after the September fatalities of the Texas City refinery employees. The Telos Group reported, "Most interviewees say that pressure for production, time pressure, and understaffing are the major causes of accidents at Texas City". On March 23, 2005 the same site had a massive explosion that killed 15 contract workers and injured over 170 additional people. This explosion triggered even more investigations and reports on the Texas City site. An independent panel, the Baker Panel concluded that the company emphasized personal safety, such as slip and falls, over process safety or containing potential hazards such as explosions. The Chemical Safety Board investigated and said, "the company fostered bad management at the plant and cost cutting was a factor in the explosion". OSHA's own investigation into the March 23rd explosion resulted in 300 violations and a \$21.4MM fine. Recently, on October 30, 2009, my father's employer was cited with a \$87MM fine for 270 instances of failure to comply and 439 new willful violations. My question to you is how did BP Texas City get to this point? Where was OSHA and why did 21 people have to lose their lives before something is done? My father deserved better. The men and women who work there deserve better and the people of Texas City deserve better. I can only ask that you help make Texas City a place where families will not have to worry about if their loved one is coming home just for making a living.

My father spent his 35th wedding anniversary in the hospital. My first-born daughter was only 5 months old when he left us. She will never get to enjoy her grandfather and neither will my second daughter who was born 3 years later. His other grandchildren, ages 7 and 3 at the time will never get to play with him again. My oldest sister will graduate from college without him there, as Jennifer did in May of last year. And our littlest sister, who was only 20 at the time of his death won't have him there to walk her down the aisle at her wedding. This is our life now. All because of a willful violation with a \$102,500 fine for a company that had net income for 2004 of \$15.4 billion. . Please help OSHA be the best that it can be at preventing workplace fatalities. Everything I do and will do is for you daddy. Thank you for your time.