

BP Found Criminally Liable for Gulf Oil Spill and Subsequent Cover Up

Largest Criminal Penalty In U.S. History. BP Employees Indicted for Manslaughter and Lying to Federal Investigators

By [Washington's Blog](#)

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As we've [documented](#) for years, BP was [criminally negligent](#) in connection with the Gulf oil spill, and has [gone to great lengths](#) to cover up the scope of the disaster ... including [low-balling](#) spill estimates.

Up until today, many said that [nothing had changed](#), and that [the missing ingredient](#) is holding BP executives criminally responsible.

AP [reports](#) today:

Two men who worked for BP during the 2010 Gulf oil spill disaster have been charged with manslaughter and a third with lying to federal investigators, according to indictments made public Thursday, hours after BP announced it was paying \$4.5 billion in a settlement with the U.S. government over the disaster.

A federal indictment unsealed in New Orleans claims BP well site leaders Robert Kaluza and Donald Vidrine acted negligently in their supervision of key safety tests performed on the Deepwater Horizon drilling rig before the explosion killed 11 workers in April 2010. The indictment says Kaluza and Vidrine failed to phone engineers onshore to alert them of problems in the drilling operation.

Another indictment charges David Rainey, who was BP's vice president of exploration for the Gulf of Mexico, on charges of obstruction of Congress and false statements. The indictment claims the former executive lied to federal investigators when they asked him how he calculated a flow rate estimate for BP's blown-out well in the days after the April 2010 disaster.

Before Thursday, the only person charged in the disaster was a former BP engineer who was arrested in April on obstruction of justice charges. He was accused of deleting text messages about the company's response to the spill.

Earlier in the day, BP PLC said it would plead guilty to criminal charges related to the deaths of 11 workers and lying to Congress.

BP will plead guilty to 11 felony counts of misconduct or neglect of a ship's officers, one felony count of obstruction of Congress and one misdemeanor count each under the Migratory Bird Treaty Act and the Clean Water Act. The workers' deaths were prosecuted under a provision of the Seaman's

Manslaughter Act. The obstruction charge is for lying to Congress about how much oil was spilling.

This all sounds good. And BP is – in fact – being hit with the [largest criminal penalty in U.S. history](#).

But given the [decades-long culture of criminal negligence](#) at BP, the indictments against small fish is no more impressive than the Department of Justice's [dog-and-pony show](#) going after low-level bank employees, [instead of the big boys](#).

And given that BP made a profit of \$5.5 billion *in the most recent quarter* – and that the penalty will be paid over five years – this is just the cost of doing business for BP.

Most importantly, [nothing has changed](#) in regard to dangerous drilling practices. Indeed, BP is going to drill [even deeper](#) ... with an even greater potential for disaster. And see [this](#) and [this](#).

Top oil spill expert Dr. Robert Bea – a UC Berkeley professor and government consultant – told us the following after reading this post:

The assigned BP well site leaders, Kaluza and Vidrine, were at the pointed end of this disaster “spear”. Several news reports have stated they were the two highest ranking BP officials onboard the Deepwater Horizon.

This is not accurate. the two highest ranking BP officials onboard the Deepwater Horizon were Pat O'Brien, VP of Exploratory drilling in the Gulf of Mexico and his subordinate manager David Sims. O'Brien and Sims were further up the “blunt end” of the disaster spear.

The real power that caused this disaster came from higher levels of management (or mis-management) in BP. Again, we have “blamed the victims” in an attempt to localize the causation.

You are right – at this point in the developments, we have reinforced the lesson that this is an “affordable” (to those along the blunt end of the disaster spear) cost of doing business.

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