

Excerpts from “Poisoned Legacy: The Human Cost Of BP’s Rise To Power” by Mike Magner, published by St. Martin’s Press:

The Edgar law firm, made up of John M. Edgar and his two sons, David and John F., was hired by the city because of its experience in class action suits, and because the Edgars agreed to take the case on an incentive basis. “They will be paid on results, not just efforts,” City Administrator Cox assured the community. The Edgars’ legal team spent the next two years interviewing Neodesha residents and officials, gathering documents, and investigating the contamination with its own engineers. They discovered that the plume of pollution beneath the town was much bigger and much more toxic than BP had acknowledged. In fact, their consultant’s studies found that there was a layer of “pure petrochemical sludge” riding above the groundwater, a poisonous plume that was up to two feet thick in several places, and was measured at almost six feet thick at one test well.

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The city’s case was presented by John M. Edgar, a distinguished, graying Texan in his midsixties who had settled in Kansas City to build a small law firm with his two sons. BP’s team of lawyers was more than twice that size, with five women and four men led by Steven Lamb, a native Texan in his forties who was bald and heavy-set, and who had learned how to handle corporate environmental cases in the Los Angeles office of a top national litigation firm, Zelle Hofmann.

In his opening arguments for the plaintiffs, Edgar pointed out that BP acknowledged it was responsible for the pollution it had inherited in 1998 when it bought Amoco, which had run the refinery in Neodesha until it was shut down in 1970 after seventy-three years of largely unregulated operation. BP even agreed that the contamination should be cleaned up if it posed a threat to health and safety, Edgar said. The plaintiffs were not alleging any health damages in this case – those claims could be made later by victims of the pollution if BP was found to be at fault, he noted. The community in this case was only arguing that BP had flat-out lied about the extent of the contamination, about the threats that it posed, and about their intention to address any problems that were found.

“It was a huge liability,” Edgar told the jury. “And they were focused on trying to manage, limit, and terminate that liability.” The company had a two-pronged strategy, he said: Control the state agency that was overseeing the site, the Kansas

Department of Health and Environment (KDHE), and make sure the community didn't file a lawsuit demanding a full and costly cleanup. "They know that the state, particularly the KDHE, was understaffed, underfunded, and underqualified compared to what the BP resources and scientists were," Edgar argued. And in the community, he said, BP orchestrated a huge public relations campaign that included door-to-door visits, a PR team that was trained to stay on message, surveys, advertisements, meetings with officials and local groups, handouts, an office in town – all aimed at convincing Neodesha that the pollution was under control.

"They had four messages, and they were four lies," Edgar said. "One, we're cleaning it up; two, the contamination is stable; three, there is no risk; and four, we know where it is."