

PARIA FUEL TRADING COMPANY LIMITED

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

Telephone (868) 612-2463



January 27th 2023.

Ms. Sarah Sinanan
Secretary to the Commission
Southern Academy for the Performing Arts (SAPA)
Todd Street, San Fernando

Dear Ms. Sinanan

Re: Commission of Enquiry into the circumstances which led to the tragic incidents which occurred on February 25th 2022 at facilities owned by Paria Fuel Trading Co. Ltd ("Paria") located at No. 36 Sealine Riser on Berth No. 6, Pointe-à-Pierre.

On the 13th January, 2023, Lead Counsel to the Commission, Mr. Ramesh Maharaj S.C., in the course of his closing address, made reference to a letter dated 20th July, 2022 from Paria to the Occupational Safety and Health Agency ("OSHA"). A copy of the said letter is attached for ease of reference.

Having referred to the said letter, the following exchange took place between Mr. Maharaj S.C and the Chairman to the Commission:

“Mr. Chairman: Yes. So they were able to tell the amount of hydrocarbon—

Mr. Maharaj SC: In the underwater—

Mr. Chairman:— that came out of the pipe after—

Mr. Maharaj SC: Yes.

Mr. Chairman:—the incident happened, in other words, when they were pumping in order to recover the bodies, and they described that as about 125 barrels, but they were unable, at the time that this document was signed by Mr. Mushtaq Mohammed on the 20th of July, to tell OSHA how much had been taken out of the pipe before the accident happened.

Mr. Maharaj SC: Yes.

Mr. Chairman: Well that's not true, is it?

Mr. Maharaj SC: No.

Mr. Chairman: I mean, they did know?

Mr. Maharaj SC: Yes, they did know.

Mr. Chairman: I mean, those daily report records were contemporaneous, were they not?

Mr. Maharaj SC: Yes. And they were dated when? From where? And I'm reminded that those records were compiled contemporaneously so in January and February of 2022.

Mr. Chairman: As and when it happened?

Mr. Maharaj SC: As and when it happened.

Mr. Maharaj SC: Yes.

*Mr. Chairman: And so to say, as he does in OSHA's inquiry back in July of last year: "Given the configuration of the system it is **impossible to segregate and measure** the displaced volume", that is simply not the case, is it?*

Mr. Maharaj SC: No.

Mr. Chairman: Or even if you were unable to give an exact figure, he was certainly in a position, was he not, to have given the figures that you've given us before we had the break?

Mr. Maharaj SC: Yes.

Mr. Chairman: One thousand two hundred and fifty-two barrels?

Mr. Maharaj SC: And this is a letter signed by the head of Paria.

Mr. Chairman: Yes. It's perhaps a pity we didn't put this to Mr. Mohammed when he was here.

Mr. Maharaj SC: Yes.

Mr. Chairman: Because it's something that perhaps he ought to have explained. What I'm going to do is this. This is obviously quite a serious matter. I think that the sensible thing would be to allow Mr. Mohammed, Mushtaq Mohammed, to address this.

Mr. Maharaj SC: Yes.

Mr. Chairman: So I'm going to ask Mr. Peterson, obviously it's of some importance, and there may be a perfectly good explanation, so can I ask that you invite Mr. Mushtaq Mohammed to have a look at the letter that he wrote? I mean, obviously it's been part of the bundle from the start to finish so it's not as though it's only something that's just emerged. It's perhaps, as I say, a little lamentable that this wasn't—that he wasn't asked about it when he gave evidence, but, no loss. What we can do is, perhaps you'll be good enough to provide him with a copy of this and ask him if he would be good enough to explain what he meant by, in paragraphs four and five, if he's able and we will take that into account."

In light of the above exchange Paria wishes to place on record the following facts and matters for consideration by the Commission.

1. Insofar as the exchange between the Chairman and Mr. Maharaj S.C suggests and/or implies that Paria knew how many barrels of hydrocarbons were taken out of Sealine 36 and/or that Paria misrepresented the true position to OSHA in relation to this issue, that suggestion is wholly erroneous owing to the following facts and matters:
 - (a) At all material times Paria did not know the volume of hydrocarbons contained in Sealine 36. The Sealine had been out of commission for a considerable period of time during Petrotrin's (Paria's predecessor) operations due to a leak. Additionally, Paria had no estimate in its possession as to the volume of hydrocarbons in the line.

- (b) Sealine 36 (which is 30 inches in diameter) was temporarily connected into Sealine 66 crude system (which is 50 inches in diameter and consists of a network of pipes configured in a non-linear fashion) which in turn fed into Storage Tank No. 111 during the relevant period.
- (c) The length of Sealine 66 from the point where it intersects with Sealine 36 to Storage Tank No 111 is 14,025 ft with a calculated volume of approx. 33,660 barrels.
- (d) Although Paria does not precisely know the volume of hydrocarbons which were contained in Sealine 66 piping network during the months of January and February, 2022, it does know, from the general nature of its operations due to thermal expansion and its loading operations, that Sealine 66 is normally not completely filled with hydrocarbons thereby leaving vapour spaces within the line. Those vapour spaces have been known to range anywhere between 3% and 5% of the capacity of the line.
- (e) The method employed by LMCS for moving hydrocarbon content out of Sealine 36 was air blowing at a pressure of 40 psi. Further, given that Sealine 36 empties into Sealine 66 and Sealine 66 in turn is emptied into Storage Tank 111, air blown in this manner will not be confined to Sealine 36. It will necessarily filter into Sealine 66 and Tank 111.
- (f) Accordingly, the process of air blowing caused both the movement of hydrocarbons contained in Sealine 36 and the movement of hydrocarbons contained in Sealine 66. The process of air blowing:
- resulted in a commingling of hydrocarbon content from both Sealines within Sealine 66 which was ultimately emptied into Storage Tank 111; and/or
 - caused hydrocarbons from Sealine 66 to be moved into Tank 111 without a measurable volume attributable to Sealine 36.
- (g) Paria's "*Maintenance Department Daily Work Report*" referred to by the Chairman and Mr. Maharaj SC in the extract of the transcript of proceedings referred to above does not constitute a record of what volume was drained into Storage Tank 111 from Sealine 36 only but is instead a combination of hydrocarbons derived from both Sealine 36 and Sealine 66.
- (h) Accordingly, although Paria's "*Maintenance Department Daily Work Reports*" which are in evidence before the Commission show approx. 1247 barrels of hydrocarbons (18 Jan 798 barrels; 21 Jan 118 barrels, 3 Feb 276 barrels and 3 Feb 55 barrels) being drained into Storage Tank 111, that aggregate figure cannot properly be attributed to content from Sealine 36 only.
- (i) At all material times Paria did not have a system in place which allowed the amount of content drained from each of Sealine 36 and Sealine 66 into Storage Tank 111 to be

individually measured. Additionally, the nature of Paria's commercial operations did not and does not require it to have such a segregated system in place.

- (j) Further, the figures shown in Paria's "Maintenance Department Daily Work Reports" ought to be viewed with caution and treated as potentially unreliable. This is because temperature correction factors were never used for the volumes recorded on the Paria's "Maintenance Department Daily Work Reports" relative to the quantity of hydrocarbons drained into Storage Tank 111. In this connection it is critical to note that a 5 degree difference in tank temperature during the course of the day accounts for a difference of measurement of 401 barrels in Tank 111 at a 20 foot tank as level.
- (k) The fact that temperature correction factors were not taken into account is understandable because the levels in Storage Tank 111 were being monitored for the limited purpose of ensuring that the process of air blowing was working and not otherwise. This was required because, as the Daily Work Reports show, on some days no product was received in Storage Tank 111 notwithstanding that air blowing was in progress.

Accordingly, Paria's response to OSHA at item 4 of its letter dated 20th July, 2022 was correct in all material respects.

2. Insofar as the Chairman's remarks suggest that Paria did not provide OSHA with Paria's "Daily Work Reports" (see pgs 992 to 1019 of the Core Bundle) for any and/or all of the following days:

January 1st, 2nd, 3rd, 18th, 19th, 20th, 21st, 22nd, 23rd, 25th and 31st

February 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 21st, 22nd, 23rd and 24th

the same is wholly erroneous and misleading as those reports were in fact provided to OSHA by Paria under cover of email dated 15 August 2022 issued by Paria's Randolph Archbald to OSHA's representatives.

The text of the entire email (which is enclosed) reads as follows:

From: Archbald, Randolph <Randolph.Archbald@paria-ll.com>
Sent: Monday, 15 August 2022 10:08 pm
To: fayola.mcdonald@osha.gov.tt; jason.loorkhoor@osha.gov.tt
Cc: Gretel Baird <gretelbaird@outlook.com>; Ali, Anesia <Anesia.Ali@paria-ll.com>; Gayadeen, Sanjay <Sanjay.Gayadeen@paria-ll.com>; Sinanansingh, Joanne <Joanne.Sinanansingh@paria-ll.com>
Subject: Response to OSH August 15 2022

Hello Ms McDonald,

Please find attached letter and link with information requested by OSH Agency. If you have any difficulties accessing the link please contact us immediately.

OSHA 6th Response – 15th August 2022

*Randy Archbald
HSEQ
Paria*

In particular, the link which is referenced in the body of the email as "*OSHA 6th Response – 15th August 2022*", once clicked, takes the reader to a folder entitled "*Item 11- Daily Work Reports and Project Schedules*" where all of the relevant "Daily Work Reports" can be found.

In the circumstances, Paria trusts that the foregoing adequately addresses the matters arising out of the exchange between the Chairman and Mr. Maharaj S.C.

Yours faithfully
PARIA FUEL TRADING COMPANY LIMITED

Mushtaq Mohammed

MUSHTAQ MOHAMMED
General Manager

PARIA FUEL TRADING COMPANY LIMITED

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

Telephone (868) 612-2463



20th July 2022

Ms. Fayola Mc Donald
Safety & Health Inspector I
Occupational Safety and Health Agency
Level 5, Duke Place
Duke Street
PORT-OF-SPAIN

Dear Ms. Mc Donald

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25th February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

Reference is made to the matter at subject, your letters dated 1st July 2022 and 12th July 2022 relative to the OSH Agency's ongoing investigation.

PARIA previously provided to the OSH Agency information and documents on 25th March 2022 and 4th April 2022 pursuant to requests made by Mr. Jason Lookhoor, Safety & Health Inspector II on 3rd March 2022 and 16th March 2022. Further, information was submitted on 15th July 2022 pursuant to your request by letter dated 14th June 2022. There were two (2) outstanding items requiring responses from PARIA, items 1 and 18. We advised that our response to item 18 would be provided by 20th July 2022, however, compiling this information is taking longer than expected and we herein request an extension of time to 29th July 2022 to respond to same.

In response to your request by letter dated 1st July 2022, we herein submit the following:

- 1. The method statement and risk assessment for the removal of hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30" diameter.**

Response:

PARIA's procedure and LMCS Ltd. Job Safety Analysis for Clearing of 36 SL section between Berth 5 and Berth 6 provided in folder titled "Item 1 – Procedure and JSA".

Ms. Fayola Mc Donald

Safety & Health Inspector I

Occupational Safety and Health Agency

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25th February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

2. **Clarification on whether an air driven pump or an air compressor was used to remove hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30".**

Response:

PARIA confirms that an air compressor provided by LMCS Ltd. was used to remove hydrocarbon from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30".

3. **The rationale for utilizing the equipment, in item 2, above to remove content from the Sealine 36 diameter between Berths 5 and 6**

Response:

An air compressor was logistically more practical given the configuration of the pipeline.

4. **The volume of hydrocarbon removed from Sealine 36 between Berths 5 and 6 prior to the installation of the subsea slip-on flange 30" diameter as per method statement.**

Response:

Given the configuration of the system it is impossible to segregate and measure the displaced volume.

5. **The volume of hydrocarbon removed from Sealine 36 between Berths 5 and 6 after the accident.**

Response:

The volume of hydrocarbon removed is estimated at 125bbbls. The quantity is based on the estimated spilled hydrocarbons (6bbbls) and the recorded volumes of hydrocarbons recovered in the Sea Manatee (119.8bbbls).

6. **A description as to how the water level was maintained within the positive pressure enclosure (habitat) during dry works.**

Response:

Compressed air was continuously supplied to the positive pressure enclosure (habitat) during dry works. The air compressor was located on the crane barge (Adventurer 1) and via hoses, was routed to the positive pressure enclosure (habitat). The air supplied was sufficient to maintain the water level at the bottom of the positive pressure enclosure and catered for leakage, namely at the crane cable nozzle ports, top vent valve and top flange.

Ms. Fayola Mc Donald

Safety & Health Inspector I

Occupational Safety and Health Agency

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7. **Evidence as to how the air pressure was maintained within the positive pressure enclosure (habitat) during dry works.**

Response:

PARIA does not have this evidence as LMCS Ltd. was responsible for the works within the positive pressure enclosure (habitat).

8. **A measurement which indicates how far below the newly installed 30" diameter flange was the water level in the habitat during dry works.**

Response:

PARIA does not have this measurement recorded as LMCS Ltd. was responsible for the works in the hyperbaric chamber.

9. **The distance of the water level within the pipeline below the newly installed slip-on flange 30" diameter, prior to the accident.**

Response:

PARIA is still reviewing its records to respond to this item. We will provide a response on or before 29th July 2022.

10. **Clarification on whether the flange was blinded at Berth 5 at the time of the incident.**

Response:

The flange was blinded at Berth 5 at the time of the incident. The blind flange was temporarily installed as the final tie-in spool was to be re-installed at a later date.

11. **The project schedules inclusive of the daily progress reports submitted to Paria Fuel Trading Company Limited from the commencement of the project to the day of the accident, in accordance with Paria Fuel Trading Company Limited, Scope of Work Technical Section 8.8.3.**

Response:

PARIA is still reviewing its records to respond to this item. We will provide a response on or before 29th July 2022.

Ms. Fayola Mc Donald
Safety & Health Inspector I
Occupational Safety and Health Agency

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25th February 2022. involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

Please see enclosed for your records the following documents:

1. List of documents submitted by duty holder to Occupational Safety and Health Agency; and
2. Statement of Truth.

Should you have any further queries, the Company stands ready to co-operate fully herein.

Yours faithfully

PARIA FUEL TRADING COMPANY LIMITED



MUSHTAQ MOHAMMED
General Manager

From: Archbald, Randolph <Randolph.Archbald@paria-tt.com>
Sent: Monday, 15 August 2022 10:08 pm
To: fayola.mcdonald@osha.gov.tt; jason.loorkhoor@osha.gov.tt
Cc: Gretel Baird <gretelbaird@outlook.com>; Ali, Anesia <Anesia.Ali@paria-tt.com>; Gayadeen, Sanjay <Sanjay.Gayadeen@paria-tt.com>; Sinanansingh, Joanne <Joanne.Sinanansingh@paria-tt.com>
Subject: Response to OSH August 15 2022

Hello Ms McDonald,
Please find attached letter and link with information requested by OSH Agency.
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OSHA 6th Response – 15th August 2022

Randy Archbald
HSEQ
Paria

PARIA FUEL TRADING COMPANY LIMITED

Registered Office: #9 Queen's Park West, Port of Spain, Trinidad

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15th August 2022

Ms. Fayola Mc Donald
Safety & Health Inspector I
Occupational Safety and Health Agency
Level 5, Duke Place
Duke Street
PORT-OF-SPAIN

Dear Ms. Mc Donald

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-a-Pierre on 25th February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

Reference is made to the matter at subject, your letters dated 14th June 2022 and 1st July 2022 relative to the OSH Agency's ongoing investigation and our responses dated 15th July 2022, 20th July 2022 and 29th July 2022.

At the date of writing only two requests from the OSH Agency remain to be satisfied, namely:

- (a) OSH Agency's request, pursuant to item I of its letter dated 14th June 2022, for:
 1. **Internal accident investigation reports containing the following:**
 - i. a description of the accident and how it occurred
 - ii. the immediate and root cause(s) of the accident
 - iii. any corrective measures instituted to prevent reoccurrence
 - iv. witness statements from all relevant parties
- (b) OSH Agency's request, pursuant to item II of its letter dated 1st July 2022, for:
 11. **The project schedules inclusive of the daily progress reports submitted to Paria Fuel Trading Company Limited from the commencement of the project to the day of the accident, in accordance with Paria Fuel Trading Company Limited, Scope of Work Technical Section 8.8.3.**

Ms. Fayola Mc Donald
Safety & Health Inspector I
Occupational Safety and Health Agency

Re: Critical accident that occurred at Berth #6 Paria Fuel Trading Company Limited located at Southern Main Road, Pointe-aPierre on 25th February 2022, involving Mr. Christopher Boodram, Mr. Kazim Ali Jr., Mr. Rishi Nagassar, Mr. Yusuf Henry and Mr. Fyzal Kurban

As to request (a) above:

The process of compiling the report is ongoing. A copy will be forwarded to the OSH Agency once finalised.

As to request (b) above:

The revised project schedules submitted by LMCS Ltd. to PARIA on 19th January 2022 and 28th January 2022 are enclosed. These project schedules are provided in folder titled "*Item 11 – Daily Work Reports and Project Schedules*".

LMCS Ltd. provided their daily progress reports verbally which PARIA included in the Daily Work Report for offshore works. These reports are provided in folder titled "*Item 11- Daily Work Reports and Project Schedules*".

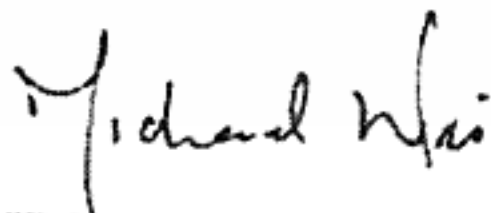
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Should you have any further queries, the Company stands ready to co-operate fully herein.

Yours faithfully

PARIA FUEL TRADING COMPANY LIMITED



MICHAEL WEI

Technical and Maintenance Manager