

Buckling a Wyoming industry

T. J. ...

The state's high rate of oil field deaths fuels a fight for greater accountability by petroleum companies.

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REPORTING FROM
RIVERTON, WYO.

Like a lot of other boys from his high school, John Vincent went to work in Wyoming's oil fields the day after graduation, hauling mud, unloading pipe and erecting rigs.

One winter night, the older roughnecks sent him out into the cold to clean up after a drilling fluid accident. "I was flopping around in the wind and mud, and that's when I thought maybe my mother was right and school wasn't such a bad idea," he said.

Vincent went on to college and eventually law school. He never went far from Riverton, though, and today serves as mayor of his city of 12,000. And he has never gotten any distance from the realities of life for Riverton folks who mine the energy-rich yellow plains of central Wyoming.

The neighbor's son who was crushed by a collapsing oil rig. The woman from his church whose brother slipped from a rig platform and was strangled with his own harness. The boy

he coached in baseball who cradled another roughneck as the man — struck by a piece of equipment — bled to death.

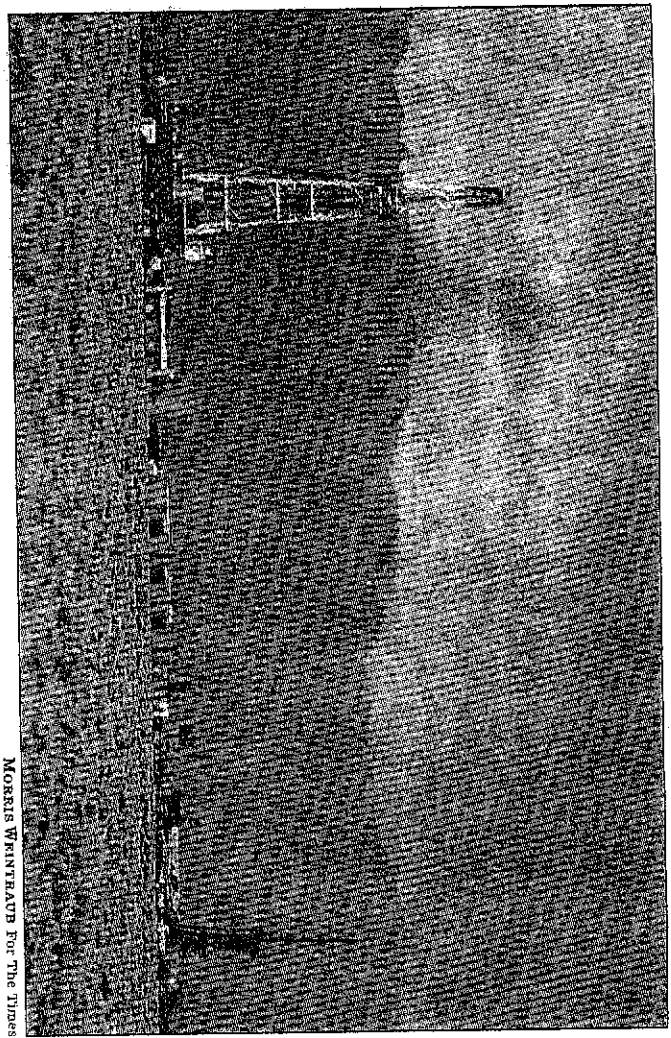
Wyoming has drawn national attention in recent years for the perils of its work. Though an oil field is a dangerous place — federal statistics show the death rate for oil industry workers is four times higher than for other occupations — it's particularly dangerous here, where roughnecks die at a higher rate than in other oil- and gas-producing states, according to the National Institute for Occupational Safety and Health.

For the last decade, Wyoming courts have made it increasingly difficult to hold oil and gas operators liable for negligence that causes injuries or deaths on their job sites, ruling that they owe no "duty of care" to the roughnecks who work there.

Vincent has launched a fight to change that. It's a fight that pits him against the state's and his town's most important industry. He marshaled his friends and hired his own lobbyist to work in the state capital four hours away.

"If the petroleum association of Eneanta or BP can have a lobbyist," he said, "why can't I have a lobbyist who works for me and my roughneck friends?"

While some in Riverton quietly cheer him on, others wonder whether his efforts might



HAZARDOUS FIELD: An oil well in Wyoming, where courts have held that petroleum firms owe "no duty of care" to the roughnecks who work for independent contractors.

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undermine the industry at a crucial time. One oil industry representative charges that Vincent, as a civil trial attorney, has a personal motive.

"He wants to make money," said Bruce Hinchey, president of the Petroleum Assn. of Wyoming.

Jim Davis, who serves on the Riverton City Council and has known Vincent all his life, disagrees. "Yeah, he's a lawyer, but I think it's genuine on his part," Davis said.

In Riverton, people see Vincent — a lone Democrat among Republicans — as a fair man, which is why he's twice been elected mayor, said Davis, who also heads the chamber of commerce. A few have grumbled about what Vincent's foray into state politics might cost the town, but many others, including Davis, don't think there's much to worry about. "The major oil companies are pretty bulletproof," he said.

Vincent shrugs off any concerns about fallout for Riverton, though he adds, chuckling: "I don't want to get them too mad at me," he said of one oil company. "They're thinking about building an office building here."

A portly, balding 60-year-old who seldom wears anything more formal than a sweat suit, even at council meetings, Vincent is nevertheless white-collar in a town of mostly blue-collar work.

"But I have a lot more in common with them than the dudes who play golf at the golf course," he said.

When workers are hurt or killed, they or their survivors have little recourse other than to accept workers' compensation payments offered by the state. Like other states, Wyoming doesn't permit them to sue their employers, who pay into the state's workers' compensation fund.

The issue now is whether in-



WAYNE NICHOLLS The Ranger

JOHN VINCENT

He is leading an effort to hold oil and gas operators liable for negligence.

jured workers ought to be able to sue third parties. Roughnecks don't work directly for the oil companies, but rather for independent contractors hired by those companies.

Until a decade ago, Vincent said, it was possible to sue the operators themselves. Wyoming courts routinely held that owners who maintained control over their work sites owed a "duty of reasonable care" to the employees of their contractors.

That changed in the '90s, when courts began applying a new standard: To make a case against an operator, an injured worker had to prove they maintained "pervasive" control over the site. Since the shift — which Vincent attributes to increasingly conservative politics — no one has succeeded, he said.

But he and others say operators exert considerable influence on their sites, with a "company man" there to oversee operations.

Vincent took the case of LeRoy Fried, who was killed in 2004 when a beam collapsed on him. A judge promptly dismissed the case, citing the Wyoming Supreme Court's re-

peated rejection of attempts to hold operators liable.

It gnawed at Vincent, especially when he thought about Fried's grandchildren. "These little kids will never know their grandpa," Vincent said. "And for no reason. It drove me nuts."

He hired a lobbyist and persuaded state Rep. Keith Gingery to sponsor a bill asserting that operators owe a duty of care to their contractors' employees.

Last month, the two sides met at a hearing before the House judiciary committee in Cheyenne, the capital.

Fried's widow, Cheryl, described her husband's death. Others testified about their concerns that the bill could create liability for anyone who hired a contractor.

The committee rejected the bill, 5 to 4. Vincent's group returned to Riverton, deflated.

Legislators are concerned about safety, said state Rep. Mary Throne, a Democrat from Cheyenne who voted against the bill. "It appears we have safety records we shouldn't be proud of," she said, but the bill didn't change that.

Instead it created a method for "people looking for an opportunity to sue a deep pocket," said Republican Rep. John Patton.

The fight appeared over. But last week, as the Legislature ended its session, news arrived from Cheyenne: Lawmakers had decided the issue deserved another look and ordered several studies to be conducted later this year.

"The issue didn't die," said Throne, who credited Vincent and the families.

In Riverton, Vincent quietly celebrated. "We have a chance now," he said. "We have to make our case, and that's all we're asking for."

Correll writes for The Times.