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Citgo's federal trial about to begin

Oil company accused of breaking emissions rules at refinery here

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Rachel Denny Clow/Caller-Times

A fluid catalytic cracking unit continues to undergo maintenance as well as environmental process updating at Citgo in January.

Listening to National Public Radio or having a child attend John Paul II High School might keep you from serving on a jury next week if you're scheduled for service at the federal courthouse.

Those are among the dozens of potential jury questions that might be asked in a Citgo Petroleum Corp. trial scheduled to begin jury selection on Tuesday in Judge John Rainey's courtroom.

Citgo and its environmental manager Philip Vrazel are accused of violating the Clean Air Act between 1993 and 2004.

Citgo was indicted in August on two counts of operating its Corpus Christi refinery in violation of the national emissions standard for benzene waste operations and two counts of operating open-top tanks as oil water separators without first installing the emission controls required by federal and state regulations.

Both sides also have posed potential questions about whether jurors might be involved in Citizens for Environmental Justice, a Corpus Christi-based environmental group.

Court documents suggest prosecutors want to know about associations with John Paul II High School because of Citgo's recent \$2 million donation to the school. The government also has suggested the question regarding National Public Radio. Numerous attempts to reach attorneys representing the federal government were not returned as of late Wednesday afternoon.

Linda Eads, a law professor at Southern Methodist University and former tax prosecutor, said it isn't unusual for jurors to be asked about media consumption.

Jurors probably will be asked about media consumption in another section – including a list of newspapers they read. The question about NPR stands alone.

"They are perhaps thinking that someone who listens to NPR has received a lot more information about the environment," Eads said. She added that it isn't unusual for lawyers to seek permission to ask all kinds of questions of potential jurors. Judges, however, can be

reluctant sometimes to permit lawyers to ask too much for fear it will scare off potential jurors. "I've seen one case where a lawyer wanted to know about the bumper stickers on a car."

The indictment against Citgo also charges that Vrazel failed to identify all of the points in the refinery wastewater system where benzene was generated in 2000. Benzene is a carcinogenic compound involved in processing crude oil.

Citgo's subsidiary, Citgo Refining and Chemicals Co., and Vrazel also face five counts of violating the Migratory Bird Treaty Act for illegally taking protected birds that were found coated with oil as a result of landing in the open-top tanks.

Jury selection is expected to last a day with trial to start Wednesday and last as long as six weeks, said Jimmy Parks, one of Vrazel's lawyers. The company contends the charges are nothing more than a technical dispute over regulations – and should never have risen to the level of a criminal indictment, a Citgo spokesman said.

Attorneys – and the judge – have filed nearly 300 documents in the case since it was filed in August.

Among other issues, Citgo is asking to exclude reference of Citgo's corporate relationship with Petroleos de Venezuela Sociedad Anonima, the Bolivarian Republic of Venezuela and/or any Venezuelan officials.

It also is asking that prosecutors not be permitted to introduce information about health effects of benzene emissions.

Lawyers say in filings that Citgo is not charged with causing poor health, and that such information could prejudice a jury.

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