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## 24 Nov 2007

### Independent Environmental Experts Say Court Appointee's Plan Will Not Produce Scientifically Valid Results or Meet Court Objectives

Quito, Ecuador, November 24, 2007 - Two independent evaluations of the study being conducted by Mr. Richard Cabrera in the environmental suit against Chevron in Ecuador have concluded that Mr. Cabrera's work plan can neither meet the goals established by the Court nor yield results that can withstand vigorous scientific review. Copies of the reports were filed with the Court on October 5 and October 11, 2007.

The analyses, conducted separately by Dr. Raymond Loehr, an American Academy of Environmental Engineering-certified professional with more than 50 years of experience in the field, and Rafael ("Ralph") Marquez, a former U.S. environmental commissioner, concluded that Mr. Cabrera's plan is poorly conceived and lacks sufficient transparency and detail. Each expert also concluded that the team of Mr. Cabrera, who was appointed by the Court to conduct the second part of the evidentiary phase of the case and produce a report of oil related environmental impacts in the former Petroecuador-Texpet Consortium Area, does not have enough qualified professionals and time to carry out his stated objectives.

These findings are consistent with the report filed with the court on August 27, 2007 by Drs. Pedro J. J. Alvarez, Douglas Mackay, and Robert Hinchee, which concluded Mr. Cabrera's work plan "stands a very significant risk of failing to meet the court's general objectives and a very significant chance of producing a report that will not contain the scientific rigor required."

Ricardo Reis Veiga, Managing Counsel for Chevron Latin America, said: "These reports further validate Chevron's serious and legitimate concerns that Mr. Cabrera's report will not be the result of a fair and impartial assessment and therefore can never form the basis of any legitimate determination of environmental impact or its source. Mr. Cabrera's lack of competency and his clear bias in favor of the plaintiffs have been fully explained to the Court. Now, well-regarded experts in the field have provided more convincing testimony that plainly reveals the rank amateurism of this expert determination. Mr. Cabrera's work plan violates Court orders and makes a mockery of the seriousness of this judicial proceeding."

#### Comments of Dr. Raymond Loehr and Rafael Marquez

Describing Mr. Cabrera's plan as an "overview of intended activities" Dr. Loehr stated; "The [Cabrera] Plan does not provide adequate detailed information to determine if what is identified as to be done actually can be done successfully and in a scientifically and technically defensible manner. If the activities in the Cabrera Plan are conducted in the general way described in the Plan, it is doubtful that the resultant report will be able to withstand the level of scientific and professional peer review that such a report is expected to receive." Dr. Loehr concluded that as it currently stands, "the Cabrera Plan is not likely to meet the goals established by the Court..."

In his report, Mr. Marquez was equally critical of Mr. Cabrera's ability to generate scientifically valid results, citing the absence of information about the methodologies being used and quality control measures taken, the sufficiency of the data collected and the qualifications of the experts supporting Cabrera's work. Mr. Marquez said "it is difficult for me to imagine how Ing. Cabrera will draw scientifically valid conclusions from such limited technical investigation and how it is possible to extrapolate the results to an area that covers over 450,000 hectares". Mr. Marquez called on the Court to "immediately open this process to technical oversight and review."

#### Cabrera's Execution of Workplan Cannot Produce Legitimate Results

Compounding the inherent flaws within Mr. Cabrera's work plan is the fact that, in its execution, the mining engineer by trade has violated Court orders, compromised the evidence by not following basic scientific procedure, and refused to follow generally accepted chain of custody procedures designed to protect the integrity of the data he collects. Further, the Court recently had to ask him to comply with Court order to cease withholding from Chevron critical details about the credentials of the team being used to help him conduct the evaluation and what labs, if any, are being used to conduct the analysis. This latter obstruction by Mr. Cabrera is no small matter within the context of the legitimacy of the process given that 75% of the results filed by plaintiffs were gathered from a laboratory neither qualified nor accredited to perform the work.

Veiga concluded, "From the design to the execution of Mr. Cabrera's environmental assessment it is 100% clear that he is incapable of producing legitimate results. To date the Court has refused to dismiss Mr. Cabrera despite his clear lack of integrity, bias towards plaintiffs, and general incompetence. We can only hope that these latest findings will prompt the Court to finally do the right thing in order for justice to be served."

#### Background information on Dr. Loehr and Mr. Marquez

Dr. Loehr has more than 50 years of experience as an environmental engineer, with a specialty in the evaluation and remediation of contaminated sites. A distinguished academic, Dr. Loehr is currently the H.M. Alharthy Centennial Chair Emeritus in the Environmental and Water Resources Engineering Program at the University of Texas at Austin, and previously was a professor at the University of Kansas and at Cornell University. Dr. Loehr has authored more than 300 technical publications related to industrial or hazardous waste management, and authored or edited 10 books dealing with the same subjects. Dr. Loehr was elected to the U.S. National Academy of Engineering in 1983. He also chaired the Scientific Advisory Board of the U.S. Environmental Protection Agency (USEPA) for five years.

Mr. Marquez brings to his role a strong technical background, having served as an outside expert on a number of issues like the one currently before the Court. He has also been appointed to a number of U.S. governmental agencies dedicated to environmental control. Mr. Marquez was appointed to the Texas Commission on Environmental Quality (TCEQ) in 1995 where he was actively involved in the successful development of the Texas Emissions Reduction Plan, encouraging innovative, cooperative solutions for improving air quality. In addition, Mr. Marquez has served on a number of governmental commissions regarding air quality improvement, including the EPA's Federal Clean Air Act Advisory Committee, the governmental Joint Public Advisory Committee to the United States' Commission for Environmental Cooperation, and as chair of the Environmental Council of States Regulatory Reinvention Work Group. Mr. Marquez was also a board member of the Gulf Coast Water Authority, the State Waste Reduction Advisory Committee, and chairman of the City of Texas City Environmental Advisory Board.

A copy of the reports submitted by Dr. Loehr and by Mr. Marquez, along with other information on these issues, can be found at <http://www.texaco.com/sitelets/ecuador/en/>.

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