

Stratus v. Stratus
***Scientists in Ecuador Case Change Tune
After Chevron Threatens to Ruin Them***

**Amazon Defense Coalition
April 15, 2013**

Chevron on April 12 presented sworn affidavits in the Southern District of New York trial from Douglas Beltman and Ann Maest, two scientists from Stratus Consulting who during the trial in Ecuador worked for the rainforest communities that won a \$19 billion judgment against the oil giant for deliberately dumping billions of gallons of toxic waste into Ecuador's rainforest.

The plaintiffs believe these new affidavits are untruthful and a product of a Chevron extortion campaign that threatened the small consulting firm with legal claims that could have forced it into bankruptcy.

As a partner at Stratus, Beltman faced personal bankruptcy from Chevron's lawsuit. Chevron wrote letters to numerous clients of Stratus demanding the company be fired on the grounds it participated in the Ecuador case. Chevron even intervened in separate litigation between Stratus and its insurer so that Stratus would be denied coverage of its legal fees in defending itself, putting further financial pressure on the company.

Stratus understood the extent to which it was the victim of a shakedown. In papers filed in federal court in New York just weeks ago, Stratus accused Chevron of engaging in "an extrajudicial campaign of malicious defamation and deliberate interference with Stratus' business to tortuously destroy Stratus (and the livelihood of its employees) and to prevent Stratus from being able to successfully defend itself at trial against Chevron's allegations."

Evidence demonstrates that Beltman and Maest provided the affidavits as part of a "settlement" with Chevron that eliminated the company's risk of bankruptcy in exchange for testimony. Beltman and Maest also agreed to a gag order that prevents them from talking about Chevron's contamination. They also agreed for the next 20 years to refrain from working on any project with Chevron as an adverse party.

This memo includes examples of how Beltman and Maest previously testified *under oath* in ways that contradict or call into question their statements in the recent affidavits procured by Chevron. Both Beltman and Maest consistently concluded that Chevron was responsible for massive pollution in Ecuador that formed the basis for the \$19 billion judgment against it.

Changed Testimony on General Contamination In Ecuador

Beltman's affidavit of March 22, 2013: I am “unaware of any credible scientific evidence that supports the statement that the water, soil, and air in the Amazon are, for the most part, poisoned.” (para. 69)

Beltman's testimony under oath Sept. 9, 2011: “The way that Texaco operated that oil field [in Ecuador] was substandard by industry practices... groundwater, streams, rainforest and wells and stations, they all were contaminated by Texaco's operations.” (p. 84)

Beltman's testimony under oath Sept. 9, 2011: “My opinion is that Texaco's operations caused pollution of the rainforest environment, caused the pollution of groundwater, of soils, of surface water, streams, rivers, and of the air.” (p. 298)

Changed Testimony On Drinking Water Contamination In Ecuador

Beltman's affidavit of March 22, 2013: “Stratus is not aware of any scientific evidence that people in the former concession area are drinking water contaminated with petroleum.” (para. 50)

Beltman's testimony under oath Sept. 9, 2011: “... from what I have seen, the streams that run along and near processing facilities and well sites where contamination from surface runoff would end up are the same streams that people bathe in and wash their clothes in and swim in. And, from what I've read... some people use those as their drinking water sources.” (pp. 236-7)

Changed Testimony On Health Impacts

Beltman affidavit of March 22, 2013: “I am not aware of any scientific data that shows any adverse health affects caused by the contamination from petroleum operations” in Chevron's former concession area in Ecuador. (para. 51)

Beltman's testimony under oath Sept. 9, 2011: “The ... danger is to humans ... in comparing the data on the produced water of the petroleum hydrocarbon content [in Ecuador], to EPA's standards for the protection of human health, this produced water had petroleum hydrocarbons in it that was much, much higher than the EPA standards. And that indicates that it is a danger.” (pp. 104-5)

Changed Testimony On Discharge of Toxic Produced Water

Beltman affidavit of March 22, 2013: “... I am not aware of any evidence that would support the statement that discharged water caused contamination that still exists. During my visits to Ecuador, I never performed any analyses of the discharged water to determine its chemical composition or toxicity.” (para. 67)

Beltman's testimony under oath Sept. 9, 2011: “... the data on production water certainly showed that Texaco is discharging into the environment water that had a high salt content, high TPH (Total Petroleum Hydrocarbons) content. I don't know of any efforts to remediate the contamination that resulted from that discharge.” (p. 219)

Changed Testimony On Chevron's Claimed "Remediation" In Ecuador

Beltman affidavit of March 22, 2013: "From the documents I reviewed, [Texaco] had remediated all of the [waste] pits it was responsible for in accordance with its settlement agreements with the Government of Ecuador." (para. 310)

Beltman's testimony under oath Dec. 2, 2010: "I recall reading material prepared by Chevron ... that says that the clean-up was effective. I think that's false." (p. 100-1)

On Higher Rates of Cancer In Chevron's Former Concession Area

Beltman affidavit of March 22, 2013: "The Cabrera Report cannot be relied upon to conclude ... that there was any elevated risk of cancer from living near oil operations" in Ecuador. (para. 53)

Beltman's testimony under oath Sept. 9, 2011: "My opinion was that it was likely that the exposure to the carcinogens caused by Texpet operations at least contributed to the higher rates of cancer." (p. 205)

On Comments for News Show 60 Minutes

Beltman affidavit of March 22, 2013: "Video and still imagery shown during this 60 Minutes segment reflected Petroecuador rather than [Texaco] operations." (para. 66)

Beltman's testimony under oath Sept. 9, 2011, upon being shown video of his interview in front of waste pit: "That is one of the oil pits at well Aguarico 4. It's a well site operated by Texaco.... It's oil and you wouldn't want to step out there." (p. 293)

Maest Testimony On Groundwater Contamination

Maest affidavit of March 22, 2013: "At no time while working on the Ecuador Project did I see any data supporting a finding of groundwater contamination from TexPet operations away from the pits." (para. 14)

Maest testimony under oath Jan. 20, 2011: "There has been some sampling of groundwater that's down gradient of pits, and they did find quite high concentrations of TPH in groundwater." (p. 133)

Maest Testimony On HAVOC Laboratory

Maest affidavit of March 22, 2013: "Havoc Lab had two significant shortcomings related to its ability to measure polycyclic aromatic hydrocarbons (PAHs) and chromium VI (Cr(VI)) in samples." (para. 46)

Maest testimony under oath Jan 21, 2011: Question: "Did HAVOC Lab have the necessary equipment and expertise to analyze for chromium VI?" Maest: "I believe they did." (p. 173)

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