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Over 40 Former Refinery Workers Sue Contractors for Asbestos Exposure on St. Croix

Atty. John-Russell Pate represents dozens of plaintiffs alleging negligence and conspiracy by former refinery contracting firms. The lawsuits accuse the companies of hiding asbestos dangers and failing to provide protective equipment or safety facilities.

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Janeke Simon **October 11, 2025**

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An aerial shot of the refinery and oil terminal facility on the south shore of St. Croix. By. V.I. CONSORTIUM.

Dozens of new lawsuits have been filed against former refinery contracting companies, accusing them of negligence and conspiracy for exposing workers to toxic, asbestos-containing dust without proper safety equipment or procedures.

Attorney John-Russell Pate, current president of the Virgin Islands Bar Association, is representing the over 40 plaintiffs that have come forward since the beginning of the year, all of whom were diagnosed with various health conditions linked to asbestos exposure. Some, including [Dennisson Stewart](#) and [Jeanne Leroy David](#), passed away from their ailments, with their grieving relatives filing suit on their behalf.

The list of defendants in the current crop of civil complaints filed last week include Virgin Islands Industrial Maintenance Corporation, Riggers & Erectors Virgin Islands Corporation, Riggers & Erectors International, Resal Inc., and Pinnacle Services LLC. “All of the above businesses likely engaged in a conspiracy to hide and conceal the risks of exposure to asbestos containing materials by their workers, and by extension, all workers at the refinery,” the lawsuit alleges. The named defendants have already acknowledged their “joint corporate history” before the courts, the lawsuit claims.

Plaintiffs have similar stories – they all either worked at the HOVENSA refinery on St. Croix at various points between the 1970s and 1990s, or are related to a refinery worker and lived in the same household. According to the civil complaint, those who worked at the facility, many of them immigrants from other Caribbean islands, were “never warned they were working with dangerous dusts.” Neither were the workers provided with on-site showers, changing rooms or laundry facilities, forcing them to bring their dust-laden clothing home to be washed, “usually by spouses and daughters,” according to the civil complaint. The lawsuit notes that an ESSO refinery in Aruba, operating since the 1930s, was equipped with the safety measures HOVENSA's St. Croix refinery lacked. Therefore, the complaint argues, those named as defendants knew about the Occupational Safety and Health Administration (OSHA) requirements.

These plaintiffs were all diagnosed with “fibrotic lung scarring pneumoconiosis related to asbestos” this August, with the lawsuits directly linking the condition to the allegedly unsafe working environment at the refinery.

The complaints allege negligence in several permutations, as well as conspiracy among defendants. They give notice that punitive damages will be sought because the failure to establish adequate safety practices “were either grossly negligent, reckless, intentional and/or done with a willful or reckless disregard of the rights of others.” Such punitive damages will serve to “punish the defendants, deter similar future conduct by the defendants and others, to make a safer society, to encourage others harmed to step forward, and to additionally compensate Plaintiff[s] for the egregious conduct to which [they were] subjected.”

As Mr. Pate explained, personal injury lawsuits cannot be given class certification, meaning that each person who believes that exposure to asbestos in the refinery has led to a diagnosed health condition must file individual complaints. He notes that there must be evidence of an injury caused – mere exposure is not sufficient, a medical diagnosis must be received. The long latency between exposure and development of symptoms – 30 to 40 years according to the lawsuits, explains why these complaints are only being filed now, Mr. Pate says. The cumbersome backlog within the court system also contributes to the delay, he lamented.

Nonetheless, Mr. Pate believes that those impacted by the negligence of the companies who supplied labor to the refinery deserve their day in court. “The companies put their profit over the safety of these guys,” he declared.