

Email from the Inquiry to HSE on 20 November 2008 following their first response on 13 November 2008

"On consideration of the HSE response to the matters raised by Mr Tyldesley, the Inquiry has a few areas which we would be grateful if HSE could expand or address. I have summarised the assertions made by Mr Tyldesley below and the HSE response to these with comments from the Inquiry.

Mr Tyldesley states: -

(a) The availability of LPGA codes to HSE Field Inspectors was limited compared with internally developed codes like HS(G)34. This meant the codes were 'out of sight and out of mind'

(b) "HSE management had little interest in enforcing anything to do with LPG"

(c) The attention of Fire & Explosion HSE Inspectors was more directed to COMAH sites and "less attention was paid to small scale LPG use"

(d) The situation only improved when all the LPGA codes became available electronically to HSE staff around 2003/2004.

HSE response:-

In response to (a) HSE refers to OM 1998/114 which describes the circulation of LPGA codes to HSE Inspectors when HS(G)34 was withdrawn and LPGA codes 'adopted' by HSE. We have noted that para 15 OM 1998/114 states that circulation of LPGA codes will be to specialist inspectors but not to general field inspectors. One copy being made available to each field office.

In response to (b) HSE asserts that the enforcement policy and procedure given in the Enforcement Management Model (EMM 1998/99) and Enforcement Policy Statement (EPS 1995) refutes Mr Tyldesley's assertions which "therefore have no foundation in fact". Is HSE able to demonstrate that there was, contrary to Mr Tyldesley's view, a proactive and robust enforcement of LPG matters at sub-COMAH sites in support of its statement that Mr Tyldesley's assertions have no foundation in fact? It is helpful that you have identified that EMM (1998/99) and EPS (1995) were both available, however this reliance on the existence of these policies and procedures does not evidence them being implemented in practice. It would be helpful if HSE could evidence these policies being implemented in practice.

HSE's response does not address point (c). Information received from HSE during the Inquiry tends to support a view that the focus may have been less on LPG enforcement issues at sub-COMAH sites than COMAH sites during this period. Does HSE have anything further to add concerning this beyond the issues raised in Phase Two submission (namely Chapter 3 of HSE 5)?

The HSE response does not address the matters raised in (d). We would be grateful for a response to this point. It would be helpful to the Inquiry if HSE could provide a fuller response to Mr Tyldesley's assertions in (a) and (b) and provide a response to his assertions made in (c) and (d)."