

Written Submissions

Mrs Anne Ferguson and Mrs Louise Smith (Core Participants)

1. After the ICL Disaster of May 2004 and the following criminal proceedings we were in favour of a Public Inquiry. We hoped that the full circumstances that lead to the disaster would be learned. We needed to understand what had gone wrong and how a similar tragedy could be avoided in the future.

2. We wish to emphasise that in relation to Phase Two we support all the recommendations made by Mr Sylvester Evans. In the following submissions we aim to emphasise a number of matters which we consider particularly important.

REPLACEMENT

3. We understand that all interested parties are agreed that a strategy should be developed for the replacement of all buried metallic LPG pipework and we would support a recommendation to that effect. However, it is of the greatest importance to us that steps should be taken to promote the strategy and to replace the pipework as a matter of the greatest urgency.

4. It's been four and a half years since the ICL Disaster, but there are still many installations with dangerously ageing metallic pipework. It has also caused us concern that the evidence has suggested that work towards a replacement strategy only started after a further LPG explosion at Glenspin in 2006, and that no action was taken as a result of the ICL tragedy. Moreover, we are concerned that information about the proposed replacement strategy was not shared with the Inquiry until a late stage.

5. All of this points towards the importance of steps being taken urgently and we would suggest that ought to be reflected in the recommendations of the Inquiry.

6. LPG suppliers must assess and prioritise the replacement of metallic pipes. Buried metallic installations prior to 1988 are the highest priority. Immediate action needs to be taken to replace these. If necessary this needs to be enforced by HSE.

7. We understand that the replacement of pipework is to be prioritised on the basis of risk. We consider it vital that LPG pipework which goes into unventilated voids should be considered as a high priority and replacement of that pipework should take place immediately.

RESPONSIBILITY FOR PIPEWORK

8. What has emerged is that there is a difference of approach throughout the LPG industry as to the point from which a supplier has responsibility for the installation (for example in Calor's case it is to the offtake valve whereas Johnston Oils Ltd's case it is to the first stage regulator). There should be no ambiguity and all suppliers should adopt a uniform approach to ensure clarity of responsibility. This uniform approach would also provide clarity to the user as to their responsibility.

SAFETY DOSSIER AND VERIFICATION

9. We support the idea of a verification system, checked by a suitably qualified independent competent person, as part of the safety dossier for the LPG system. We consider it of particular importance to have a verification in addition to a safety dossier, so as to have independent expert input. It would mean that there would be a system which protects existing installations pending the completion of a replacement strategy. Without it, those existing installations might continue to be out of sight, out of mind. It is important that a verification scheme should not be in place only until all metallic pipes have been replaced but should continue for the lifetime of the LPG installation. There are many factors other than the material which pipework is made from which effects the risk arising from the use of LPG. The safety dossier needs to be maintained over the lifespan of a system. Periodic updates are needed and any significant changes included.

10. The inquiry has heard that UKLPG and HSE are meeting to define the framework of an LPG Safety Dossier that LPG users will be obliged to compile. We believe that this must include a verification of the system by a certified independent person. The LPG supplier must ensure that the verification has been completed before LPG can be supplied.

11. The safety dossier must also incorporate;

- an awareness of the properties of LPG and the associated dangers
- Building and property maintenance specifically considering the hazards of LPG
- Secondary controls such as gas detection systems or Cathodic Protection need to be considered where appropriate
- A clear map identifying the location and layout of the pipework

12. We support Mr Sylvester Evans recommendation to introduce a criminal offence to supply or use an LPG system which does not have an up to date verification certificate. If the

supplier is in doubt about the fitness of the system or no verification is in place it must be the LPG suppliers duty to notify HSE and they must not fill the tank. We would see a criminal offence as being used as an ultimate deterrent to LPG suppliers and users to maintain a safe LPG system.

13. Although we are in support of the recommendation to introduce a criminal offence we do not think this should detract from HSE improving standards and using their current powers to ensure the safety of existing installations.

REGISTRATION OF SUPPLIERS

14. We support the recommendations that LPG suppliers must be registered and attain appropriate accreditation.

AWARENESS

15. We would like to raise awareness of dangers of LPG to users and the general public. Public buildings and places of work need to be safe environments protected by failsafe systems. Public knowledge needs to be improved on the dangers of LPG and particularly underground metallic pipework. We would suggest that public awareness could be increased through the following measures:

- H & S must publicise previous incidents
- UKLPG and HSE must promote an awareness campaign on nationwide and local TV and Radio.

16. We are here today primarily because ICL did not take responsible actions to ensure the safety of their employees. In addition if HSE had taken the action recommended in 1988 the accident would have been prevented. It is also difficult for us to accept that the suppliers could not have done more to prevent this tragedy, particularly given the part played by Calor in 1988 and the continued supply by Calor and Johnston Oils Ltd to an installation that was clearly inadequate.

17. All three were responsible, working to individual agendas and did not follow guidelines. If these guidelines had been adhered to or enforced the accident would have been avoided.

18. The Inquiry has illustrated that guidelines are in place but has also demonstrated the confusion and ambiguity that exists. What is needed is a single regulatory document covering storage to burner which is clear and comprehensive to all parties.

19. The Users and Suppliers of LPG generate the risks and must manage them with guidance and regulation from UKLPG and HSE. Moving forward we would wish HSE, the suppliers (possibly through UKLPG) and the users to work together to ensure action is taken to prevent a tragedy such as ICL happening again.

20. Our wish is that no other family should suffer as we have as a result of such a preventable accident in the workplace and that the lessons are learned from the ICL Disaster.

21. We are hopeful the Chairman can lead a definite programme of strong recommendations and action as soon as possible. The Government must take on the recommendations and enforce them throughout the U.K. with urgency

Anne Ferguson and Louise Smith

12 November 2008