

## ICL INQUIRY STATEMENT

### ALEXANDER KEDDIE

#### Background

1. I am a Principal Inspector with the Health & Safety Executive based in Newcastle in the Hazardous Installations Division (HID), dealing with chemical industries. I have been in Newcastle since June 1988 and a Principal Inspector since that time. I was promoted into Newcastle out of the Glasgow office.
2. I joined the Health & Safety Executive in about 1976. When I joined it was the Factory Inspectorate. I started in Southwark District, and then worked in a District Group that dealt with all of the factories in a particular geographical area. I then worked in an area office, Southwark dealing with a range of industries. I was later transferred from London to Glasgow (Scotland West area) in 1980. I stayed there until 1 June 1988.

#### Glasgow

3. Whilst working in Glasgow I had a range of jobs. I was mainly a Factory Inspector. I started in the Services Group dealing with new entrants such as hospitals and educational establishments.
4. I also worked as an Assistant to the Area Director. At the time I started that role the Area Director was George Smith, then Jim Renton. I worked for both of them.
5. I then worked in an Industry Group which was led by John Ives although I am not clear when that started. I think there was a reorganisation around the time of my visit to ICL and I think our Group was dealing with oil / chemicals / paint / ship building. That is my recollection.

**ICL**

6. My involvement with ICL occurred in April 1988, from the Shield file I have seen [ICL/ 11426].
7. I have no recollection as to why I had that visit to do. I do not remember the visit at all. Sue Johnston who handled the visit/entry before me and who has typed up that prior entry never worked in the same group as I did. I think that there was a reorganisation and Sue Johnston was working for a different Principal Inspector. The only way I can rationalise my involvement with the site is that maybe I got a pile of files from Sue Johnston's group. The postcode of G20 was not an area I dealt with much. I cannot say that the work was transferred from Sue Johnston's group because of the volume there although it may have been. It may also have been because of the formation of a new group.
8. I can only conclude that as it was my first visit to ICL that I checked to see if outstanding matters had been addressed. I did not assess the LPG installation myself, as far as I can tell from my notes, but I checked to see if the recommended improvements had been carried out. My conclusion was that they had not been completed with particular reference to the spray system.
9. I cannot comment on why the 1982 recommendations had not been followed up sooner.
10. Inspectors are always busy and require to constantly reprioritise their work.
11. I have noted in my entry of 7 April 1988 that I had seen Mr Masterton the Coating Manager. I have also written "+ the employees". It was very common to see employees when you were doing the factory visits. I think I would have written it down because from time to time in HSE there have been claims from people that visiting inspectors had not spoken to employees. From time to time, therefore, there was a direction that we should be speaking to

- employees and should note that we have done it. I have noted it but I have not noted a specific person which suggests that there was not a Health & Safety Representative, or Union Representative.
12. I should comment at this stage that I often hand wrote entries. I note that I have marked "B/F now" on the entry and my assumption is that once I had hand written my entry and dictated my letters; the file would go for clerical input, as the entry would be put on SHIELD and I would have wanted to get on with the work involved.
  13. I have also noted in my entry that the CV (check visit) referred to above (that is, in the entry before mine) 'was never paid'. I think I have noted that because it is not noted anywhere in Sue Johnston's entries that she had cancelled the check visit which was to be 4 months after the last entry.
  14. In looking at Sue's typewritten entry, in column 4 there is a note that a CV was to be done in relation to the guarding, the LPG storage and the spray booths. There is a handwritten annotation suggesting it was to be done in May 1986 (it is noted as "5/86"). That check visit does not appear to have been done. I noted that the CV had not been done as I wanted to make it clear because I was picking the file up at that point.
  15. I had noted Sue Johnston's entry and the letter of 13 January 1986 from ICL [ICL/11070]. That letter itself indicated that no spray system had been fitted so I could not see how Sue Johnston had written that the items brought to the firms' attention "had either received or are receiving attention". That was not the case and was quite clear in the letter, but it was at the end of the letter. I do not know what was in Sue Johnston's mind at the time.
  16. In my view things at that stage were not good with the LPG and appeared to be getting worse, as when I visited I had noted that the bund wall was damaged. As I recall there was a problem with that site and it was difficult to get work done there, judging by the file entries.
  17. I have not noted anything else in my handwritten note of the inspection. I believe that by raising issues in a letter then they didn't require to be put into

the report. As long as the details were in one place or another in the file then that was appropriate.

18. I was intent on returning to the site so I was brief in getting the points down in my handwritten entry.
19. I think that the words in the left hand column of my entry which read "Bas P" indicate that that was a basic planned inspection which shows that I covered more issues than those originally proposed for the check visit. [ICL/11426] I have written "cv" under the Bas P to indicate that I also checked the items previously flagged for the check visit in 1986. Normally a basic planned inspection would be brought forward at a preplanned date or according to a rating system, but I don't know what system was used then.
20. The notation 08 is not in my writing but it may have been some entry that was translated onto SHIELD.
21. The other administrative entries are the letter "L" which indicates that a letter had been sent and that has been ticked, and I am not sure what the entry "3" could be.
22. I can tell you that I used to do a lot of work at home, and in weekly blocks. I think, although I am not sure, that I would have written the handwritten entry, and either written out or dictated a letter and put the file in as a weekly report.
23. A weekly report involved all of your files for the week being put into a big blue pouch with a time sheet on it. I recollect that that is what happened. There was a time when all correspondence, reports and the time sheet would go to the Principal Inspector. Later though the Principal Inspector did not check and sign off every piece of work. I don't recollect whether all of this would have gone to John Ives or whether he would have taken some of it on trust from me as an experienced inspector.
24. If you look at the file of entries you will see there are a number of entries where the Principal Inspector has agreed with the actions carried out by the Inspectors themselves and then (looking principally at those entries for

November 1982, December 1982, March 1984) entries where Principal Inspectors have signed off on the entries made by the Inspectors.

25. Prior to this visit in April 1988 I had never previously been to ICL so I would have wanted a list of issues in my notebook, as a prompt for the inspection. If I was taking premises over as one of my own premises then I would have wanted to get it off on the right foot. I commonly wrote down issues in the notebook after going back through the file. I would go back through the file, look at the issues raised and would tend to check all the issues have been covered off. I can't say that I definitely did that then but that is one of my habits. I would go back as far as I could in the file but I would want to know whether or not there were any Notices in the file and I would want to look at those to check they were sorted out.
26. I am shown a copy of Sue Johnston's letter following her visit in November 1985. The copy of the file copy I have is stamped 18 December 1985 and appears to have been annotated by me [ICL/11451]. I am surprised to see this as I don't remember doing this. Having said that I am quite careful. This is a simple way to make notes on the visit. I have had lots of training and instruction over the years although I don't think I was trained to do this.
27. I cannot recall any of the code instructions of the time but my training would have been to be careful, to be diligent about previous issues.
28. Clearly I put the annotated letter in the file so I didn't have to write it all down in my file entry. It can be seen that I must have done these notes as I went round the factory.
29. Following my visit on 7 April 1988 I wanted to visit the factory again with a specialist inspector to give me specialist advice on, in particular, the LPG tanks. I had written to ICL telling them that I was going to return with a specialist inspector [ICL/ 11450] and I had a letter from them dated 13 April 1988 saying that they would welcome that visit [ICL/11473]. My request for a specialist visit doesn't appear to be in the file although there is acknowledgement of receipt of that request within the file indicating that my papers dated 25 April 1988 was received in that office on 26 April 1988

**[ICL/11069]**. It was responded to but on 5 May 1988 and I would say that I wouldn't be surprised by that delay.

30. I indicated that I wanted this case to be dealt with as immediate case work, although I didn't think it was a particularly imminent risk. This can be seen by the marking under the 2 week period **[ICL/11069]**. If it had been an imminent risk then I would have made a telephone call. It may be that there was a telephone conversation between whoever was given the case and me and that I could have arranged the visit with the company prior to the paperwork going through.
31. I recall Alan Tyldsley as being a process safety specialist. I would think he would ring up once he got the request with dates when he could visit. I don't know why the check visit wasn't done within a short space of time after April 1988.
32. I was often in the habit of getting a file back and keeping it on my desk if there was work outstanding. I think I would use a diary, but I can't recall what my system was then.
33. I have noted, in my handwritten entry of my visit that I was considering "enforcement" and that I would return as soon as possible **[ICL/11426]**. The company had been told about LPG storage for a period of years and had done nothing. I would be thinking of enforcement, probably an improvement notice.
34. The LPG tank was clearly in a bad location but they needed LPG to operate so we needed to look at how they could improve the situation. We needed specialist advice. A specialist had given advice before, but that needed to be confirmed. The Specialist Inspectors have generally seen more of these installations than we had, and could make better judgements about precautions to improve the situation. "Enforcement" is me expressing a view before I got that advice. I don't know if I discussed it with John Ives or not although I think it was probably an instruction that we had to get specialist advice before raising a notice.

35. As I recall there were problems with spacing and separation around the LPG tank. It was not in a good place.
36. Table 2 in HSG 34 gives the separation distances [ICL/01281]. Those were developed and extended from table 6 in CS5. It is possible because different sizes of tanks became available over time.
37. My normal practice at the end of inspection would be to have a closing summary with the person in charge. I do it formally now but in those days I would simply go back at the end of the visit and feed back to whoever was there to see me during my visit. This would give them a chance to sort it out before I went away and wrote to them directly.
38. I would see my letter as being confirmation of what I said during the visit.
39. I don't know why it took until 25 April to get my papers to FCG. Sometimes, as I indicated, we would speak by telephone and then do a written request. I simply don't know what happened to my request. I may have sent a handwritten one through, which I may have done while I was writing up the note at home. I can't say in this case.

#### **Follow up**

40. When I left Glasgow (to go to Newcastle as a new Principal Inspector) in June 1988 John Ives would have been given all of the files left on my desk. I would imagine I would have taken all the outstanding things to him or he may just have said to me that he would deal with them. John Ives was an extremely careful manager and I think he would have read the files that I had left. It may be that other priorities or holidays put off the visit. I simply cannot say.
41. I do not know why I did not visit with the Specialist Inspector shortly after my April visit, presumably because no Specialist had been in touch to arrange it.

- 42. It is difficult to rely too much on the entries I made back in 1988 as that note was there to let me and my boss know what was going on. It was not a forensic record.
- 43. Much of what I have said is based on my current practice, and my recollection of my practice then but I cannot be clear as to exactly what I was thinking at the time.
- 44. As I cannot remember this visit, and even have difficulty in recalling the factory (other than a vague recollection of the outside of it based on the type of windows there) there is little I can add to this.

I confirm that the contents of this statement are true

Witness Signature \_\_\_\_\_

Dated \_\_\_\_\_