

## **ICL INQUIRY STATEMENT**

### **ALISTAIR McCOURT**

1. I am employed as a Senior Safety Consultant at Central Safety Services, Ancaster Business Centre, Cross Street, Callander.
2. I hold two Diplomas in Safety. I obtained one Diploma through the British Safety Council and the other through the Institute of Safety and Health. I am a registered Safety Practitioner and a Chartered Member of the Institute of Occupational Safety and Health.
3. From about 1978 to 1989, I was employed as a fireman.
4. I then went to University to do Environmental Health but I left after one year.
5. Since about 1991 I have been employed in Health and safety.
6. I was employed for about 18 months as an Assistant Safety Adviser with RGC in Fife. This was an offshore fabrication yard, in other words it built oil rigs. During that time I obtained a NEBOSH Certificate, which is a starting qualification for Health and Safety. It was a 3 month course, which I successfully passed at the College of Building and Printing in Glasgow.
7. I was then employed as a Safety Engineer at John Brown Engineering, Clydebank. I was employed there for about 3 years. During that time, I was employed full time for about 5 weeks doing a Diploma at the British Safety Council in London.
8. I was then employed for about a year as a Senior Safety Adviser at North Lanarkshire Council, DLO, which is Directly Labour Organisation.

9. I also obtained a Diploma in Occupational Safety and Health mainly at Stevenson College, Edinburgh, which took one day release a week over 2 years.
10. In 1996 I set up my company of Central Safety Services, which is a company that specialises in construction engineering safety. A company will contact us and we will provide them with a health and safety consultancy package, which includes competent safety policy or management systems and then an agreed level of service, which can include risk assessments.
11. In 1998/99 I set up Hospitality Safety Services, which is a company that specialises in leisure, dangerous sports and retail.
12. In 2003 I set up Generating Safety Solution, which as a company that specialises in renewable energy. We provide safety advice for wind and hydro power stations. These companies have now been merged to form CHG Safety.
13. I employ 4 full time staff and about 8 or 9 associates.
14. I have been shown - Letter dated 25 February 2000 to Mr Marshall, ICL Tech, Grovepark Mills, Hopehill Road, Glasgow from A McCourt, Health and Safety Consultant [ICL/ 12203- 12208]
15. About the beginning of February 2000 I was approached by a Mr Marshall from ICL Tech. I do not know his Christian name or his title at that company. He telephoned me and said that they had been issued with an Improvement Notice by HSE with reference to their powder coating process under the COSHH Regulations. An Improvement Notice is issued under the Health and Safety at Work Act to instruct companies to make improvements in the area specified in the notice. It is different to a Prohibition Notice, which

stops a process straight away. Powder coating is where metal components are heated, placed in powder, which is melted onto the metal and is allowed to cool and cure. This coating is to protect the metal from the elements and to cut down on corrosion.

16. Mr Marshall asked me if I would do a COSHH assessment, this stands for the Control of Substances Hazardous to Health.

17. Around the 16<sup>th</sup> or 17<sup>th</sup> February 2000 I attended at Grovepark Mills, Hopehill Street, Glasgow where I met Mr Marshall.

18. I did ask him if they had their own way of dealing with COSHH assessments and I recall that they didn't have a format. I then asked for their company's health and safety policy. From memory, I don't believe they had a health and safety policy. This is a document where a company sets out its commitment to health and safety. It details the health and safety responsibilities of various persons from management down to their employees. It details specific health and safety arrangements and these would cover issues such as risk management, fire arrangements, first aid and COSHH arrangements, depending on the company's requirements.

19. I asked to be shown round the place, which is my normal working practice, to view the activities and discuss these with them as I accompanied them. I would have explained the safety requirements, which would go further than maybe what was specified in the Improvement Notice, for example, there might be more than one substance that would require COSHH assessment. I would also have discussed requirements for general risk assessments such as noise, manual handling and display screen equipment, as per noted in the above-mentioned letter.

20. I went round all the premises, which I think was at least 3 floors and a basement.

21. I remember that the basement was dark and dingy. There was a wee room in the basement that was used for moulding, welding or a spray booth. On the ground floor, I recall there being plastic curtains, which led into the powder coating, where there was maybe 2 or 3 ovens, but I didn't see what fuelled the ovens. It was a very hot environment. I was concerned with all the heat given the powder and sources of ignition there.
22. We then went into an upper area, where there were cardboard boxes, packaging and a wood working shop. I asked if HSE had visited there and Mr Marshall said that they had.
23. I went to an upper floor. I noticed a huge amount of wooden moulds. My main concern was the amount of combustible material in the factory and that these wooden moulds were a future fire risk. I noticed that there were gaps in the floorboards and if there had been a fire, then smoke and fire would have spread up through the floorboards. In my opinion there were a lot of concerns about safety.
24. I left that day and informed Mr Marshall that I was going to bring in a firm of occupational hygienists who specialised in COSHH, dust in the atmosphere and noise, given ICL Tech discharged into the atmosphere, i.e. in the spray booth. Mr Marshall seemed happy with my decision to bring in a firm of occupational hygienists.
25. About a week later I returned with Gerry Mooney from Associated Health Services, who specialise in occupational hygiene matters. They employ occupational hygienists, doctors and nurses. They measure the fumes in the atmosphere and monitor how much people on a site are exposed to the fumes. I think it was Mr Marshall who showed Gerry Mooney and I around. We were generally shown the lower working areas and I am not sure if we

were shown the upper floors. In terms of occupational health, it would only have been the working areas that were of concern.

26. It was agreed that I would provide them with a quote regarding health and safety and that Gerry would submit a quote regarding occupational health. I am shown Letter dated 25 February 2000 to Mr Marshall, ICL Tech, Grovepark Mills, Hopehill Road, Glasgow from A McCourt, Health and Safety Consultant [ICL/ 12203-12208]
27. This is the letter that I then issued. Normally I would issue a standard letter offering various options of consultancy level. However, on this occasion, I issued a more detailed letter because I felt that the company had nothing in place in terms of managing health and safety.
28. I felt that on my visits that Mr Marshall hadn't appeared to believe what I was telling him with regards to all the assessment's required, i.e. that areas of the workshops were noisy, methods of manual handling, and machinery required assessing. At that time the Fire Precautions (Place of Work) Work Regulations 1997 had not long come in, which required employers to assess the risks of fire within the workplaces, i.e. sources of ignition and combustible substances, and how fire would spread within a building and how to prevent it spreading. Fire loading with timber and combustible materials in these premises was a major problem.
29. As per page 2 of my letter, I advised that I would charge £2,200 plus VAT a year to prepare a safety management system. The Health and Safety Work Act 1974 requires every company with more than 5 employees to have a written health and safety policy. This has been expanded in the Management of Health and Safety at Work Regulations 1999 [ICL/ 2699-2754], with the difference being that in the latter regulations, the company has to monitor and review its own arrangements to ensure that they are effective.

30. A written health and safety policy would consist of 3 parts – namely,

1. A written general statement of intent, which is a commitment by a company to proactively manage health and safety. It is signed by the most senior person in the organisation.
2. A responsibility section, which would detail the structure of health and safety from senior level down and detail what levels of responsibility are to management and employees; and
3. Arrangements are set out for legal requirements and detail what the company has to do to comply with the legislation.

31. We would provide all forms and records in relation to management of health and safety. We were offering a management system and support to them to implement this. We would, for example for a fire, prepare a safety management system document detailing the procedures and arrangements on how they would deal with safety issues in order that they met legislative requirements. An example for a fire would be that they had trained staff and how often an evacuation should take place. This is different from a risk assessment because a risk assessment is identifying a particular risk. If they had wanted us to do a risk assessment, then we would have done it. I have not included for us carrying out risk assessment in this letter maybe because I felt that money was an issue. I have noted in this letter under “other services provided” that if required we could conduct risk assessments.

32. About a week or so later, I telephoned Mr Marshall. He informed me that he did not wish to proceed any further with our quote. The reason being that the HSE had only required him to produce one assessment under COSHH and that if he had to address all the matters I identified then the HSE would have told him. I told him that

I was just pointing out the legal requirements that the company had. In my opinion they should have been dealing with all the requirements under the various regulations and acts. I think Mr Marshall and I approached things differently. The Health and Safety Executive had gone in and addressed a complaint rather than assessing the bigger picture in looking at their health and safety policy.

33. In terms of COSHH we would have prepared a procedure detailing who was responsible for managing COSHH, such as a senior manager or departmental manager and what process they would go through, i.e. who would undertake COSHH assessments, how often they would carry out tests or assessments and how these tests would be recorded.
34. But my main overall concern was that management did not understand the implications of the lack of safety arrangements they had in place in relation to the hazards within the workplace.
35. My concerns were the presence of gases, LPG and bulk storage, cylinders, spray painting processes, powders, wood dusts and combustible packaging materials and these to me were more dangerous due to the construction of the building being mainly timber and brick.
36. My general opinion of the building was that it was not a good building for the processes it was getting used for.
37. The contents of the upper floors were All old timber moulds and when you looked to the floor you could see right through the floor boards to the floors below.

38. With regards to anything outside the actual factory eg. LPG bulk storage tank, I didn't look at this. I only looked at the areas within the factory.

39. **RISK ASSESMENTS**

40. We would have charged ICL Tech approximately £225 to £250 a day to prepare risk assessments. A risk assessment would have taken us about 2 weeks. Had I been asked to do risk assessments then I would have gone round the building and identified all the hazards and established what controls were already in place and if any additional controls were required. An example being for manual handling of a pallet, we would have noted what mechanical means they had such as a truck or crane and whether they had trained staff to use the truck or crane.

41. Risk assessments are recorded onto a matrix, which identifies a hazard in terms of likelihood and severity. Both likelihood and severity are considered before allocating a risk a colour. I use red for a high risk, blue for a medium risk and green for a low risk.

42. I would prepare the risk matrix. This simply uses colours to identify significant risks throughout the premises.

43. In the risk matrix I would use three columns. In the first column I would identify an activity, in the second column I would rate the risk of the activity in terms of high, medium or low and in the third column I would identify the potential hazards of the activity. An example being that in the first column I could note an activity such as "opening a pallet", in the second column I would rate the risk for this as being "high" and in the third column I would list the potential hazards for this activity as being 1. Slips, trips and falls, 2. Lacerations, 3. Fire and 4. Manual handling.

44. In the written assessment I would use four columns. In the first column I would again identify an activity for example "opening a pallet", in the second column I would identify a particular hazards for this, i.e. "slips, trips and falls, in the third column I would identify the existing control methods for that particular hazard and in the fourth column I would identify any further actions required for that hazard.

45. **LPG**

46. When I went round the building I saw LPG heaters, which I have noted on the final paragraph of page 3 in the above-mentioned letter. These heaters would be a source of ignition and hazardous, if not properly dealt with. ICL Tech needed to have in place procedures for safe delivery, storage, use and removal of cylinders. We would have included this in our safety policy. I would have made recommendations for ICL Tech to get rid of as many of the cylinders as possible because this would be safer. LPG is highly flammable and there is a potential for cylinders to get damaged and leak when being moved. This would be extremely dangerous when there would be sources of ignition from heating, etc. I would have recommended that they store all new and out of use cylinders to an external building in a locked facility such as a metal cage.

47. I do not recall seeing a bulk storage tank. I have not noted that I saw a bulk storage tank in my letter. Had I seen a bulk storage tank I would have viewed this as just being a bigger portable cylinder.

48. At that time, in terms of a risk assessment I would have thought the supplier of the bulk tank, i.e. the gas company would have been responsible for the bulk storage tank, given the tank was inspected and tested by the gas company providing the tank. At that time, prior to the explosion at the Maryhill factory, I might or might not have included a LPG tank on a risk assessment; it would have depended on its use. An example being that if the LPG tank had just been used for heating, I would not have noted this on a risk

assessment. However I might also have recorded the LPG tank as having either a high or low risk. An example being that there was the potential for a forklift truck to reverse into it, which was a potentially explosive situation and that would put it into a high risk. In terms of the pipe work I would have, at that time, not noted the pipe work on a risk assessment because it was underground, was not normally associated as part of work activities and I thought was the responsibility of the gas suppliers. However, since this explosion, I would now view this as a high risk and I would ask the company what the under ground pipe was made of, for example, plastic or metal. If it were metal then I would advise the company to speak to the gas supplier because metal can corrode.

I confirm that the contents of this statement are true.

Witness signature \_\_\_\_\_

Date \_\_\_\_\_