

## ICL INQUIRY STATEMENT

IAN McFARLANE BOWIE

*[Paragraph One has been removed]*

2. I am one of HM Inspectors of Health and Safety, an appointment I have held since 1 April 1977. I have a BSc Honours Degree (Chemistry) and a postgraduate diploma in Safety and Hygiene. I have been a Principal Inspector (Band 2) since July 1992 (seniority date May 1991) and I am based at the Glasgow Office where I lead one of the inspection teams. In the geographical area covered by the former Strathclyde Region, Dumfries and Galloway, and the Western Isles my team in May 2004 covered the following industries: Printing, Paper, Paper Conversion, Rubber, Plastics, Traditional Textiles, Garment Assembly, Ship Building and Ship Repair, Motor Vehicle Repair, Light and Heavy Engineering, Utilities (but not water) domestic Gas Safety and across Scotland the Electricity Industry (generation and distribution).
3. Prior to 11 May 2004 I had not visited the premises of ICL Tech Ltd or the neighbouring premises of Stockline Plastics, Grovepark Mills, Hopehill Road, Maryhill. I was the first HSE inspector following the explosion on the 11<sup>th</sup> of May to visit the Grovepark Mill site and was the Band 2 leader for the initial response, rescue and making the site safe phases, and for a period of one week (when Stuart North was on Annual Leave) was Acting Head of Operations. My involvement with the site and the investigation, which had started on the 11<sup>th</sup> of May and ended on 1st June 2004 when Stuart North returned from leave.
4. During the rescue phase, I passed to the Fire Services photocopies of the COSHH and associated risk assessment documents, which had been forwarded to HSE by ICL Tech Ltd the previous year, so that the Fire Service was aware of the chemicals that may be present on the

site. All papers and printouts in my possession relating to the company were passed to Stuart North during May 2004.

5. At about 13:30 on 11 May 2004, along with Russell Berry HM Inspector, in response to the reported explosion at Stockline Plastics I attended the site at Grovehill Street, Maryhill. The scene was one of devastation. **[ICL/12248]**
  
6. After making contact with the Police, Russell and I were approached by representatives of TRANSCO, one of whom had recognised me as an HSE Inspector (having met at the time of a suspected Gas explosion in March of that year in the Govanhill area of Glasgow). We were informed by Transco that the natural gas supply to the Stockline building had been isolated (this was the adjacent warehouse building to the incident scene which belonged to the same parent group as ICL Tech Ltd (LA enforced), and that Transco had carried out certain tests, which would suggest that the Natural Gas supply to the building (TRANSCO pipe work) had not been the cause of the incident.
  
7. At the request of the representatives of TRANSCO we went with them into the Stockline Plastic Warehouse, entering the building through the front pedestrian door, which led into a small reception area, and from there into a small dark office (lighting was poor) where we were shown the incoming gas supply and governor. As Transco had concerns with regard to how the internal gas pipe work was installed/supported, on the user side of the governor (responsibility of the occupier) we went with them into the main warehouse to view the pipework. From recollection this pipe work in places was poorly supported, and one of the Transco employees expressed certain reservations about some of the joints being poorly made. We walked through the warehouse to the external yard at the rear where we were shown a long vertical section of unsecured gas pipe running up the height of what was the gable end of the adjacent building. It was unclear if this pipeline had been poorly installed or had in fact been affected by the incident. We also entered

a room, via a short stair just off the main warehouse area, which appeared to have been recently upgraded and new machines were in place though not fully installed.

8. I was surprised given the devastation to the neighbouring premises that the warehouse appeared to be unaffected. The interior was seen to be clear of any debris and was neat and tidy. In addition to looking at the internal gas supply pipe line, I remember seeing above my head a radiant gas heater as I walked through the building, and parked inside the warehouse near the front of the building (main door) still partially under wrap a new fork lift truck which was LPG fuelled. I recall this equipment, as I was thinking at the time of possible incident scenarios that could have led to the explosion in the neighbouring premises.
9. I took no photographs at the time of this visit. Before returning to the Police control area, I advised the representatives of TRANSCO that someone from HSE would be in touch with them to confirm what they had done/seen that afternoon, and that we would also need information with regard to any maintenance work that Transco may have done in the general vicinity of the site, any call out to the site, and confirmation of the bar hole sampling. I was given the name of Alex Stewart to contact at the TRANSCO Provan Depot.
10. Later that day at about 20:30, I noticed an elderly gentleman making his way from the general direction of the Police Control Room up the hill towards the Community Centre, near to where I was standing. He was dressed mainly in black and I noticed embroidered on his body warmer the names of the neighbouring sites. I made conversation with him and asked, his involvement with the sites, and was informed that he was Campbell Downie, Chief Executive. I explained I was with the HSE and had spoken with him as I was attempting to understand what had happened. He explained that all but one of the employees had escaped from the factory and that the office block had taken the worse of the incident. As I remember seeing the new LPG fuelled fork lift

truck I asked if they had an LPG tank to fill the gas bottle used on the forklift, and was told that they had an LPG tank used only to fuel the gas oven. He added that his colleague Colin Foard, Director was currently with the Fire Brigade. He then continued his walk. I had no other conversation with Mr Downie, and have not spoken with him since.

11. Following the explosion ICL Tech Ltd, set up a limited production facility in premises, new to them at 26 Lochburn Road, Maryhill, Glasgow G20 9AQ. I visited these premises on 21 July 2004, on the instruction of Stuart North, Head of Operations. Stuart North at that time had the HSE management responsibility of the then on going investigation into the explosion on 11 Mary 2004 at the company's other site at Grovepark Mills, Hopehill Road, Maryhill and as it had come to his attention that the company had recently started to operate from a site near the Maryhill Juniors Football Ground, at Lochburn Road I was asked to visit.
  
12. At the time of my visit to the Lochburn site, there was little to be seen as the firm had only just moved into what had been vacant units on this small established industrial estate. They occupied two interconnecting, single storey terraced factory units: Units A & B, No 26 Lochburn Road. I met Nick Downie Director, who had only recently been discharged from hospital and he described what the company's intention was with regard to the site: a limited production facility, mainly vacuum forming with some associated machining and assembly. A few machines were inside the factory building but had not been installed. I said I would return in a week or so once they were underway to see how they were progressing. I left copies with Nick Downie of the COSHH and other risk assessments documents [ICL/12253-92] relating to the Hopehill Road factory that had been forwarded to this office by the late MD of the company. In returning the COSHH and risk assessment documents I made no comment with regard to how suitable or sufficient they were in terms of content. Nick Downie said the documentation

would be helpful as all of the computerised records had been lost in the incident.

13. My recollection is, I had been asked to return the documents by Stuart North, as the Company had approached the PF/HSE for the return of certain documentation. I do not recall who within the HSE Glasgow office gave me the documents prior to the visit nor do I recall reading the documents before handing them back.
14. I do recollect, it was following a visit by Annette Leppla, HM Inspector to the Grovepark Mills site in 2003, that the MD forwarded the COSHH and risk assessment documents. I specifically recall referring to the chemical data sheets contained within the papers, in August 2003 when dealing with a letter of concern from a local MP. As my letter in reply had generated other letters from the MP, I had kept a copy of this correspondence with other related correspondence in a file in my room. The file was in my room on 11 May 2004 when the explosion occurred at "Stockline". **[ICL/12210-12224]**
15. I revisited the new factory premises, by appointment on 5 August 2004, where I again met Nick Downie and other members of staff. Later that day I visited with Nick Downie that part of the Stockline site at Grovepark Mills now occupied by ICL Tech Ltd. For detail please see the FOCUS contact report reproduced as **[ICL/ 012849]**.
16. In a letter dated 13 August 2004 **[ICL/012850]** I wrote to ICL Tech Ltd referring to both visits to the Lochburn site, and my visit on the 5 August to that part of the Stockline site now occupied by the company. **[ICL/ 012852]** is my letter of reply of 11 August 2004 to Ann McKeekin MP, which is included for completeness as I mention a letter to an MP in **[ICL/ 012852]**.
17. Below I make some general points with regard to the matters mentioned in the letter of 13 August 2004 to ICL Tech Ltd:

- (a) I confirmed since my visit to the site(s) I had spoken briefly with Alistair Ewing, Manager Glasgow City Council Environmental Protection Services, and that HSE would remain the Enforcing Authority for the activity of ICL Tech Ltd within the Stockline facility and that the Enforcing Authority for Stockline Plastic Ltd would remain as before with the local Environmental Health Department.
  
- (b) The loss of their computer records had created a significant problem, which meant information be it required for production, quality control or health and safety had to be reacquired. I mentioned copies of the risk assessment which had been forwarded to HSE had been returned to them at the time of my visit on 21 July. I did not comment on the suitability or sufficiency of the documents returned. I did say whilst the production process had been greatly scaled down, and that certain process would not be introduced (plastic coating) they would never the less find the assessments a useful starting point in reviewing the various process activities. This was said as I recalled, albeit from the previous August, the documents contained Chemical data which would be relevant if the same chemicals/solvent were used. I expected ICL Tech Ltd, to review all of their process activities to ensure that they had the necessary control measures in place with regard to the work activities carried out at this new manufacturing location.
  
- (c) In general terms the Law requires the employer to ensure the health and safety whilst at work of all his employees, and to conduct his undertaking in such a way as to ensure so far as is reasonably practicable, that persons not in his employment who may be affected are not exposed to risks to their health or safety. Specifically with regard to risk assessment employers and self-employed persons are required to make and maintain a

suitable and sufficient assessment of the risks to the health and safety of their employees, other workers and the public for the purpose of identifying the measures to be taken to comply with the requirements imposed under the relevant statutory provisions. To aid and assist the review process I enclosed information [ICL/012853- 012855]) on the Revitalising Health and Safety topics (Topics which HSE Inspectors focus on at time of routine visits) and said that these they would find helpful in ensuring they had the necessary control measures in place for the specific topics.

- (d) I commented specifically on Slips and trips (one of the HSE Topics) and said that they had recognised the need for good housekeeping and elimination of trailing cables etc. I went on to say that Working at Heights (another HSE topic) had also been recognised (by them) and should the storage facility on top of the internal office be taken back into use as already identified by them, edge protection was required.
- (e) They had confirmed that they would be using the gas central heating system which I said was wise (used to heat the premises), but this should only be taken back into use once the damaged flue was repaired and the installation checked out by a CORGI registered gas fitter.
- (f) I mentioned Mr Downie's proposal to appoint his wife to look after the administrative side of health and safety to free up Director time from day to day matters. I stressed that it was important for a Director to have overall responsibility for health and safety and for ensuring that the necessary competent advice when required was available and went on to say that this was a matter that should be addressed in the Health and Safety Policy Statement. This was mentioned to make it explicit to the company that someone at director level had to have overall

responsibility for health and safety and for the provision of competent advice. I enclosed several advisory leaflets relating to "Policy Statement" and other topics, the detail of which I do not recall. In closing I invited the company if following perusal of my letter or indeed the leaflets if they required any further information to contact me.

(g) Whilst certain advice was given to the company in the letter of 13 August 2004, the duty to identify and control the risks at the location rests with the Employer.

18. I have no first hand knowledge of how the explosion on 11 May 2004 at the factory premises of ICL Tech Ltd, Grovepark Mills, Hopehill Road, Maryhill occurred.

I confirm that the contents of this statement are true

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

Date \_\_\_\_\_