

## **ICL INQUIRY STATEMENT**

**JAMES JOHN KINCAID**

### **Employment History**

1. At 15 years of age I started my apprenticeship as an electrician. At 21 years of age I served my apprenticeship.
2. On 18 March 1987 I started up my own company, namely, Boiler-Scot Limited. My company services, maintains and installs all heating equipment. It also designs, installs and commissions energy management systems.
3. An engineer has to be accredited otherwise it is illegal to work on any gas equipment. Every 5 years an engineer must be accredited. An engineer must attend a college and be trained and then tested both by written examination and practical tests to ensure that the engineer knows how to do the job. I sent my engineers to Cardonald College to be accredited. It cost £1,700 per engineer for 5 days training. I also attended this course. I also used to run a course on combustion for the British Gas Council, now known as Transco.

### **ICL Plastics Limited**

4. My first involvement with ICL Plastics Limited was when I received a telephone call from Bill Masterton who said that he needed an oven to cure their products. Curing is when paint is heated to make it stick to the metal, such as on a car. Bill Masterton asked me to come up and see him and said that he had a skip outside that he wanted to make into an oven. He asked me if this was possible. I went to see him.
5. I was shown [ICL/ 11797] Letter dated 29 November 1993 to ICL Technical Plastic Coaters, Grovepark Mills, Hopehill Road, Glasgow from J Kincaid, Managing Director, Boiler Scott.

6. This is a quote detailing that our cost for making this oven “would be approximately £3,000 plus VAT”. I would have attended that week and looked at the skip and said that we could make it into an oven.
7. Whilst on those premises Bill Masterton showed me a small oven, which I saw was being supplied by LPG gas. I immediately observed the following faults with that oven:
  - (1) the door on the oven was open and the main premises door was also open therefore any gust of wind, which happened while I was there, would blow out the gas flame on the oven. Under the Gas Control Regulations there should be no flame when a door is open. This is for safety reasons because it is dangerous to the public or an employee. An example being that someone could fall into it and also that it is dangerous to be near chemicals.
  - (2) As described above, whilst in these premises the wind blew out that flame. I saw a man light a gas poker with a match and then re-light the oven. However he did not have to switch on the gas to re-light that oven. There appeared to be no safety device to close off the gas when there was an interruption to the flame. This meant that when the flame had gone out, the gas would have continued to escape and as LPG gas is heavier than air, then this would have built up creating a pocket of gas and would have caused an explosion when lit.
  - (3) I noticed that the flue that they had was inadequate. A flue is like an exhaust pipe in a car in that it takes the products of combustion out of the atmosphere and allows it to escape. I noticed that the flue had holes in it because the metal was rotten. It also just went out through the wall but had no chimney. This meant that the fumes would then go up the building and

enter any windows above that were open. It should have had a chimney that went up to the top of the building to allow the gases to escape.

8. I also saw tins, I am not sure what were in the tins, but I got the impression that they contained highly flammable products inside. These tins were lying about the ovens. There were 5 electrical ovens and the LPG oven. This meant that given the temperature of these ovens that they would create a build up of temperature in the room, which could be dangerous with highly flammable products.
9. Bill Masterton told me that I could service this LPG oven after we had helped to build the new oven. I replied that I would not service that LPG oven unless he rectified the defects, namely, there should be a switch on the door that ensures that when the door is open that the gas is switched off. They should fit thermo-couples to the gas burners which means that if the flame is lost then this closes the gases off and it has to be re-set prior to re-lighting it.
10. I told Bill Masterton that if I was asked to service it, then I would close it down and put a label on it and inform the HSE that it had been switched off. I would have done that because if resulted in a fatality then it would have been my company's responsibility. I told him that I would not allow Boiler-Scot to be responsible for something that was unsafe. He said that he was a manager and he could only take it to his director but I don't know if he did. I told Bill Masterton that he would either have to pay my company to get this oven operating safely or go and get another company to do it before we would then take on the servicing of it. I did not put this in writing to the company because I didn't want anything to do with it. I did not report this oven to the HSE because Bill Masterton indicated that the new oven that we were going to build would result in the LPG oven being phased out. In hindsight, I should have reported the LPG oven to HSE. We went ahead and built the new oven for this company.

11. I was shown [ICL/ 11849] Invoice dated 27 June 1994 to ICL Technical Plastics Limited, Hopehill Road, Glasgow.
12. This details that at this time the new oven was completed at the agreed price of £3,000 plus VAT. Our involvement in that new oven had consisted of us building the combustion side for the new oven. The oven that we built was supplied by natural gas. The oven was commissioned which means it passed all the relevant safety tests.
13. I am shown [ICL/11850-11851] Invoice dated 5 June 1995 to ICL Tech Plastics Limited Hopehill Road, Glasgow from Boiler-Scot Limited.
14. About 5 June 1995 we supplied 3 thermo-couples. This was because the oven that we had built was still under its year's warranty. A thermo-couple causes the flame to go out if the gas goes out. It works similar to a central heating gas boiler.
15. I am shown [ICL/ 12155] Boiler-Scot Limited Engineers Report dated 14 June 1999.
16. At that time my company was contacted by ICL Technical Plastics because there had been a fire in the Stockline Plastics building, which is the building with the Apex roof. They asked us to check the gas line for the natural gas as they could smell gas.
17. On 14 June 1999 my two engineers, Tom Crossan, Billy Dean and I attended and shut off the natural gas at the meter. We then carried out a **soundness check** to see if there were any leaks in the pipe work. This is done by putting compressed air or nitrogen into the pipe work until it reaches one P.S.I. on the electronic pressure gauge. P.S.I. is a measurement of pressure. The compressed air is then switched off and we start timing how long it takes for any pressure to drop. If the

pressure drops then it signifies a leak. At that time the pressure dropped signifying a leak.

18. At that time we were introduced to a director by Bill Masterton. I can't remember the director's name. I told the director what was required. He replied that he would get his engineers to check for the leak. I advised him to check for the leak using fairly liquid.

19. We then attached a label to the natural gas meter stating that this should not be switched on by any unauthorised personnel. The label is attached to the meter by a piece of string. It is informing the customer that they cannot use the natural gas. However, this label is not applied in such a way that the customer cannot switch the gas on. The gas can be simply switched on by the customer by use of a lever. There is nothing to stop it being used. A long time ago I put a padlock on a meter but got into trouble for this. At that time I had been commissioning boilers for NEI. I attended a hospital and noted that the grills in the hospital should be at the bottom rather than at the top because LPG is heavier than air. A man from the Gas Board told me that it was okay for the grills to be at the top. I released some LPG gas and then dropped a match on it and it ignited. Had the grills been at the bottom this would not have happened. I therefore put a padlock on the meter. I did this for safety reasons to stop them using the gas until the grills were in the correct place. However, I got into trouble for that from NEI.

20. As well as attaching the above-mentioned label to the natural gas meter at ICL Technical Plastics, we also issued a warning sheet with it. The warning sheet is in 3 parts. One part goes to the customer, one part goes to HSE and the other part is retained by our company. Basically this is notifying HSE that the natural gas should not be switched on until such times that they receive a clearance notice from an engineer.

21. I remember that on 14 June 1999 when I attended to do the first soundness test, at that time I saw the LPG oven for the second time. I observed that they had a new flue pipe but that it still just went to the outside wall. At that time I ignored the problems with the LPG oven because I was more concerned with the natural gas leak. That was the second and last time that I saw the LPG oven.

22. I was shown **[ICL/12158]** Boiler-Scot Limited Engineer's Report dated 25 June 1999

23. On 25 June 1999 Tom Crossan re-attended on his own. He completed a soundness test and observed that the pipe work was still leaking. He found that the repairs had been carried out using the wrong fittings. There was no electrical bonding or pipe sleeving and that the pipe work had not been identified. By being identified, the pipes should be either painted or stickers applied to the pipe work in order that anyone such as the Fire Brigade would be able to instantly observe what the pipes contained. At that time Tom Crossan placed another warning notice onto the natural gas meter. Again this report would have been in 3 parts and one part was sent to HSE detailing these incorrect repairs.

24. I was shown **[ICL/12156- 12157]** Boiler-Scot Limited Invoice dated 25 June 1999 and attached Engineer's Report dated 14 June 1999 and 25 June 1999

25. This details our charge of £206.80 for the above-mentioned visits when soundness tests were completed.

26. I was shown **[ICL/12159]** Boiler-Scot Limited Engineer's Report dated 28 June 1999 and 30 June 1999 and **[ICL/ 12160]** Boiler-Scot Limited Engineer's Report dated 28 June 1999, 30 June 1999 and 2 July 1999.

27. On those dates Tom Crossan and I attended at ICL Technical Plastics. At that time we instructed ICL employees on the best method and

materials for repairing the gas pipe work. On 2 July 1999 we carried out a soundness test, which again failed.

28. I was shown **[ICL/ 12161]** Boiler-Scot Limited Engineer's Report Dated 7 and 8 July 1999.

29. On 7 and 8 July 1999 Tom Crossan and I returned to the site to do another soundness test. This being after ICL had carried out repairs. On both those dates the gas line failed again. At that time a director, I cannot remember who, asked us to measure up for new pipes and new joints, which we did.

30. I was shown **[ICL/ 12162-12163]** Letter dated 12 July 1999 to ICL Tech Plastics, Hopehill Road, Glasgow from J Kincaid plus attached Diagram.

31. On 12 July 1999 I submitted a quotation detailing that our cost for fitting a new gas line for the natural gas would cost £4,700.72 plus VAT using weldings or £3,100.28 plus VAT using premax fittings. ICL Tech Plastics did not reply to this letter.

32. Attached to this quotation is a plan showing the route of the natural gas from the Stockline building leading into the adjacent building. The part of the building in Grovepark Street is not shown in this diagram.

33. I was shown **[ICL/ 12392]** Letter dated 15 October 2002 to ICL Tech Limited, Hopehill Road, Glasgow for the attention of I Mavers from J Kincaid.

34. About 15 October 2002 I attended at the site. On that occasion I entered the building at, I think, Grovepark Street. At that time Ian Mavers took me to the radiant tubes, which serve heat to the factory workers. I then submitted the above-mentioned estimate detailing the

cost to service the radiant tubes would be £120 per unit plus any parts required and VAT. I did not receive any reply from them.

### **Pipes for LPG Oven**

35. I was asked if I recall the condition of the LPG pipe work. I only observed that these pipes looked to be going underground. This was not a concern as long as these pipes were welded, which avoids deterioration such as from the weather or vibrations.

### **Codes of Practice**

36. Most of the companies that I worked with were associated with associations such as Corgi. By law you have to be regulated by such a company. Corgi carries out checks on jobs to ensure that we have done the job properly. I have no knowledge of any codes of practice issued by industry.

### **Warning notices in relation to Gas Appliances**

37. When I issued a warning notice on 25 June 1999 it would have been placed on the main inlet gas valve (emergency stop shut off valve). In order for a consumer to start re-using the gas, they would have been issued with a gas safety certificate. This can only be issued by a registered engineer who completes the certificate and provides that consumer with a copy.

38. I have provided the Police with a blank copy of a safety certificate. I would like to clarify that a warning notice is only tied to the meter. There is no device to stop the consumer turning the gas on when the engineer has left the building. The engineer, on completing and issuing a gas safety certificate would send a copy to the Health and Safety Executive.

I confirm the contents of this statement are true.

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

Date \_\_\_\_\_