

ICL INQUIRY STATEMENT
JAMES WILLIAM SMITH

Start of Employment

1. On 22 April 1991 I commenced my employment for ICL Plastics.

Title and Duties

2. My duties as maintenance man was to deal with any breakdown on the machines they had such as table saws, band saws, ovens, routing machines, CNC machines and grit blaster. I also repaired ABS pipes for airlines, PVC hoses, hand drills and riveter machines. I basically repaired or lubricated these machines.
3. My manager, Bill Masterton would compile routine maintenance sheets detailing the maintenance and lubrication to be carried out. These maintenance sheets would detail a period of time when the machines were to be cleaned, lubricated or maintained.
4. I completed a maintenance book which had each machine in it. In this maintenance book I noted when it was cleaned, lubricated or parts replaced. I kept a personal log of what parts I replaced each day in case there was any dispute about any invoice coming in for parts that had not been accounted for.
5. I only carried out maintenance checks on the two ovens that were in operation, this might be where the confusion has arisen. One of the ovens was operated by mains gas and one was operated by LPG. One of the ovens was called the 'bin lorry' because it was made out of the shell of a dustbin lorry. The other was referred to as 'Gordon's oven' as Gordon Bell had his spray booth beside it. I was never sure which oven was run on LPG and which on mains gas.
6. The type of maintenance I carried out on the ovens was changing the burners when they burnt out and also the thermocouples when

required. It would depend on how the ovens were as to how often I had to do this.

7. When I was doing any maintenance work on the ovens that required turning the gas supply off, there were shut off valves at the ovens themselves that I used to cut off the supply.
8. I know the LPG tank was located at the main gate at the front, as you came into the premises, but I did not carry out any maintenance work to the LPG tank or any pipework relating to the tank.
9. I never saw anyone working at the tank or on any of its pipework. The only person I would see at it, was when the guy came to fill it, which was about once a month.

Where Worked

10. I worked in the maintenance room on the first floor where there were lathes, milling machines and drills.

Ovens

11. I would maintain the ovens in the coating shop.
12. I would only carry out maintenance on Gordon's oven on a break down basis other than lubricating pulleys and cables. It was a gas oven. A solenoid valve would go every now and again. A solenoid is a small electrical device attached to a diaphragm, the diaphragm is in a valve which allows the gas to come on and off and is controlled by a temperature control. When the temperature control gives a signal to the solenoid valve, the solenoid valve gets excited and the core is either raised or closed. An example being if the oven drops to 150°C it sends a signal to the diaphragm which opens the valve allowing the gas to burn and raise the temperature. That solenoid had been on the oven for years and it was breaking down.

13. Bill had stripped it and cleaned the diaphragm. The solenoid was burnt out and he replaced the solenoid. I wasn't involved. It was Gordon who told me that they had replaced the solenoid. I wasn't involved, which was annoying. The ethos of the company was that Bill Masterton would sort it himself or get an electrician. Sometimes Bill Masterton would bypass me and get an electrician. There was an unease in the company in the last few years when Stewart McColl took over. He wanted everyone, including myself, to take on more responsibility but not pay any extra money. I had not had a payrise in 3 years and Stewart couldn't see a reason to give me a rise. My job had changed in that I was doing more routine checking such as fire guards, ensuring that people were wearing safety clothing, goggles and gloves.
14. The whole valve and solenoid needed replaced. Prior to the disaster Bill had received quotes to replace the whole valve and solenoid and also to replace the pipework which had become rusted. Gordon was complaining that he smelt gas now and again. It was steel pipework. I am not sure what the pipe was connected to.
15. There were two sources of gas. Calor gas from outside the building, which was stored at the front gate in a tank. I am not sure which oven that gas tank was connected to. I think the man who filled the tank at the front door, did this at least fortnightly.
16. The burners needed cleaned out every now and again. In the gas oven there is a tube which is connected to the small gas pipe, and there is a sleeve on top of this which has a series of holes and when the gas is ignited the air flows through it giving a certain flame. I would clean out the burners to ensure that there would be a good mix of air and gas to ensure the oven would get to a high temperature quicker. I would clean the holes to ensure that they weren't clogged. I only ever did this once or twice.

17. At one point, I put in tubing to take the fumes from the oven and thus out of the building.
18. There was a gas hose from Gordon's oven which would be used to burn off plastic valves that had not been applied properly.
19. Only Bill and I maintained Gordon's oven. Ian Mavers knew more about temperature control.
20. I think Jim McGoldrick switched the ovens on because he opened up in the mornings.
21. I never switched them on or off.
22. I have illustrated where my areas of responsibility were in a drawing labelled Production number 1 x Drawing. **[The Inquiry have been unable to locate this drawing]**
23. On the drawing I have shown the position of the various ovens and machines within the ground floor. I was responsible for the general maintenances of the machines on which I carried out a weekly check, thinks like lubrication, wear and tear, drawing off air lines. Ordering stores, saw blades etc. Checking the fire alarm once a week, a Friday. I would sound the alarm, a different one each week.
24. In respect of Health and Safety, Bill Masterton was the person I would go to if I had any concerns about Health and Safety. I wouldn't say that I had any real concerns although in my opinion the fans weren't really up to the job. I don't think that they were strong enough. Over the years I think I must have mentioned this on a number of occasions to Bill Masterton.
25. In regard to the ovens I felt that over the years the ovens performed pretty well. There was general maintenance carried out ie.

Replacement of springs and hinges and wires and couplings. They worked well and required minimal maintenance.

26. Recently Gordon's oven which was LPG I think, required to have solenoids replaced.

Date of Tragedy

27. I wasn't there on the date of the tragedy.

Smells

28. In the fabrication department Jim Aitken was complaining that he could smell gas on the mezzanine floor of the fabrication department. Jim had complained two or three times in the couple of weeks prior to the tragedy. Ian Mavers and I couldn't smell anything unusual.

Basement

29. The blasting machine was on the coating shop floor but the base of the machine went down into the basement through a metal floor. A blasting machine is a box with a door. Parts are put into it and placed on a rotating table. A feeder bowl which contains shot blasts is inserted and this is fed with a volume of air which causes the blast to come out under pressure and removes rust or surface coating on metal or plastic. I used to go to the basement about once a month, or sometimes more, to remove the inspection hatch to empty the chamber of shot blast. Also, sometimes small parts from the blasting machine such as washers would fall down and I would go down to the basement to retrieve them.

30. I didn't like going to the basement because it was damp and smelly. I can't remember when I was last down there prior to the tragedy. I would estimate that I was down there within a few weeks prior to the tragedy. The only smell I could smell down there was the smell of shot blast. It was not nice. I used to put my t shirt over my nose to avoid the smell.

31. The builders, Andy Galloway and Kenny Murray had a workshop and store in the basement. I think Jimmy McGoldrick went in there to switch the gas on. The door to the basement was locked. I think the key was kept at the front door.

Health and Safety

32. Up until recent years health and safety had been pretty poor. It had only been a front to make it look to people that we knew what we were doing. They had been trying to improve it but I presume this had been due to pressure from their insurance company.

33. Stewart McColl was a stickler for signs such as 'Safety is your Responsibility' and 'Wear Safety Goggles'. He did install metal cabinets to store chemicals etc. He also ensured that hard hats, and clothing was worn. Stewart was wanting me to become involved in health and safety. Stewart and I had been discussing that prior to the tragedy. I said that I wouldn't take on the responsibility without receiving more money. Stewart McColl wanted me to do risk assessments and identify where improvements could be made within the plant. I still have the discussion plans at home. Stewart McColl was attempting to do things.

34. There was a health and safety book for risk assessment which Bill Masterton took to do with. This contained everything to do with risk assessment for the paints and chemicals that they had bought. An example being, it would contain what reaction there would be when the chemicals were sprayed. I wasn't involved in that book.

35. It contained data sheets detailing what temperature the machines had to be run at in order for the paints/powder to work properly.

36. Most of the machinery was second hand and old. I think they got machinery from auctions. A lot of the machinery was still in a reasonable condition and was well maintained. The machinery in terms of health and safety was satisfactory.

37. Every Friday I checked the fire alarm. On the main it worked. If it wasn't working then it would be repaired by an electrician. One day, whilst I was checking the alarm and setting it off, Stewart McColl came to me shouting and swearing and said that he was on an international telephone call. I complained about this to Bill Masterton and Peter Ferguson and I then stopped doing it. No one then tested the fire alarm for a long time. The insurance company then insisted that the testing be placed back on the agenda. Lorna Downie asked me to start doing it again. I then started testing it again. I kept a log of when I done it and what sound that was used. I also checked the fire extinguisher each month and cleaned them to make sure that they worked.

38. Where they let themselves down was the fumes in the coating and fabrication shop. On sunny days you could see the dust and fumes and you could feel it burning up your nose.

Directors' Involvement

39. Stewart McColl's attitude towards people was not good. He was a dictator. What he said went. If you disagreed with him then he would dig his heels in. He wouldn't listen to people. It was his way or no way, an example being if he wanted stuff to be moved then it was moved.

I confirm that the contents of this statement are true.

Witness signature _____

Date _____

James Smith

1. Paragraph 14 Can you expand on the comments you make in this paragraph? In particular, can you expand on any difficulties that you were aware of in the LPG system at that time?

I was not aware of any difficulties in the LPG system. The valve, solenoid and pipework servicing Gordon's oven needed replaced. I did not know what gas system the pipework was connected to, mains gas or LPG.

2. Paragraph 28 – You mention complaints made by Jim Aitken on the mezzanine floor – could you please confirm who Jim Aitken is and his role or job title?

James Aitken – Plastic Fabricator.

3. Paragraph 32 Can you expand on the comments you make in this paragraph? In particular, could you provide more detail as to why you thought “up until recent years health and safety had been pretty poor”?

There was no one to ensure good working procedures. There was no one to enforce the use of personal protective equipment. Operators would remove guards from router machines and table saws.

Chemicals were used without proper ventilation. Chemicals would be left on work benches. Chemicals were not stored properly.

4. Paragraph 37 – In this paragraph you mention that “the insurance company then insisted that testing be placed back on the agenda”. Are you aware of any formal or informal communications between ICL Tech Ltd and their Insurers, about Health and Safety in general, and the testing of the fire alarm in particular?

This is the reason I was given either by Lorna Downie or Stewart McColl prior to me testing the fire alarms again. Whether this was formal or informal communication between ICL Tech Ltd and their insurers I do not know.

5(a). Paragraph 32- What involvement, if any, did you have in Health and Safety matters?

(b) Were you aware of any Risk Assessments that were carried out from 1997 onward?

(c) Did you have any direct correspondence or involvement with ICL Tech's insurance company?

5(a) **The only involvement I had with Health and Safety was to ensure that people wore protective clothing (goggles etc.) and ensuring that guards were in place.**

(b) I was not aware of any of the Risk Assessments that were carried out from 1997 onwards.

(c) I did not have any direct correspondence or involvement with ICL Tech Ltd's insurance company.

6(a) Were you involved in any way with any Fire Service Inspections or did you ever see any Fire Certificates issued by the Fire Service?

(b) When were you asked by Lorna Downie to re-commence fire alarm testing?

(c) When you began testing the alarm again, was the keeping of a log a new procedure or had this always been done?

6(a) I was not involved in any way with Fire Service Inspections. There were Fire Service Certificates kept in the Fire Service Logbook.

(b) I do not remember when I was asked to re-commence fire alarm testing.

(c) The procedure for testing the fire alarm did not change. I always kept a log of the fire alarm tests.

7. To whom did Mr Jim Aitken make the complaints that he could smell gas?

I don't think he made any formal complaints to anyone; it was more just a complaint in passing.