

ICL INQUIRY STATEMENT
NICHOLAS DOWNIE

1. I am presently the General Manger at ICL Tech Limited.

Start of Employment

2. When I was 18 years old I started with ICL Plastics Ltd as a trainee.

ICL Plastics Ltd

3. ICL Plastics Limited is the holding company. The companies within the Group are:

- Stockline Plastics, which is a distribution company.
- ICL Tech, which deals with the manufacturing of plastics parts.
- Brisbay, which deals with the manufacturing of plastics parts.
- Norplast, which is a distribution company and is based in Newcastle.
- PWG, which is a manufacturing company and is based in Dundee and
- Easter Road Plastics, which is a distribution company and is based in Edinburgh.

4. My father, Campbell Downie, was non-Executive Chairman of ICL Plastics Ltd up until the time of the tragedy. He formed ICL Plastics Ltd about 45 years ago with the aforementioned autonomous subsidiaries being formed from the early 1970's. About 1995 he went into semi-retirement. The day-to-day financial and business affairs were run by Margaret Brownlie and Mr McColl. My father would only come in a couple of nights a week to get updates on financial data from Margaret Brownlie.

5. Stewart McColl was a Director of Group. He was a shareholder of Stockline Plastics but I am not sure if he was a shareholder of the ICL Group.

6. Margaret Brownlie was the Finance Director. At the time of the incident, Stewart McColl and Margaret Brownlie were the executive Directors of ICL PLastics Ltd and my father had a non executive role in his position as Chairman.
7. ICL Group had one outside shareholder. He is Ronald Ferguson and I believe he has a shareholding of 20-25%. He did not visit the company at all. He was not involved in the running of the company and was not a director at the time of the incident of May 2004.
8. I believe at the time of the tragedy my mother, Lorna Downie, was Company Secretary of the ICL Plastics. She was also Personnel Director. She would work a couple of days a week. I do not know if she is a shareholder.

Positions Held Within Companies Prior To The Tragedy

9. When I was about 22 years old I joined Stockline Plastics at Grovepark Mills.
10. At that time I was employed as a sales co-ordinator. My job involved tele-sales, in which I dealt with incoming calls and made calls out for orders.
11. When I was aged about 24 years I went to work for ICL Tech performing similar functions. This was in order to obtain general experience of all the different companies.
12. When I was aged 27 years I joined Brisbay in Newcastle. This is a general plastics fabrication company and is part of the ICL Group. I was employed as General Manager there for 10 years until returning to ICL Tech around 2002.

Title and Duties At Time of Tragedy

13. When I was about 37 years of age I returned to ICL Tech. This was a career development move. I was employed as General Production Manager, which is the position I held at the time of the tragedy.

Where Worked

14. I was based on the second floor.

Smells

15. I had last been in the fabrication department about 8 o'clock that morning. I had not noticed any unusual smells. It seemed like a normal day.

Basement

16. I have not visited the basement for approximately 4 years.

Health and Safety

17. I wasn't involved in health and safety. Stewart McColl, as a Group Director, was responsible for health and safety for all subsidiaries except PWG

18. Stewart McColl was the Managing Director of ICL Tech and took health and safety very seriously. Indeed the last words I ever heard Stewart McColl speak were when he was disciplining ICL Tech employee by means of a verbal warning for operating a fork lift truck without wearing a helmet.

19. I remember that minutes before the tragedy I could hear Stewart McColl giving this warning to Danny Fraser of ICL Tech. Stewart McColl was completely pro-active with regards to all existing and new HSE regulations and indeed our company was a member of the Health and Safety Council because we sought to exceed health and safety

standards. Mr McColl attended seminars to stay abreast of current legislation and protect the workforce.

20. Mr McColl had a maintenance schedule kept for machinery by Jim Smith the company engineer of ICL Tech. Jim Smith also did a daily Guard check of machinery with results logged and actioned. Ian Mavers would look after general health and safety for the fabrication shop floor and Bill Masterton would do this for the coating shop. However out right responsibility was Stewart McColl's.

21. Smoking was forbidden on the workshop floor. We were allowed to smoke in the offices. Linda, Stewart McColl and I smoked. That was about to change because Mr McColl was having a shelter built outside.

Risk Assessments

22. I note that in this letter Mr Bowie from Health and Safety [ICL/12610-12611] mentions that he visited our new Lochburn Rd premises on 21 July and 5 August 2004. I recall I was present during his visit on 5 August 2004 [ICL/ 012849].

23. I recall that prior to Mr Bowie's visit on 5 August 2004 he telephoned me and made the arrangement to meet to offer general Health and Safety assistance after us moving from temporary accomodation to 26 Lochburn Road the new address.

24. I remember Mr Bowie attending that day. He was friendly and helpful. He walked round the premises and then made general recommendations such as erecting barriers, signs, advising us to avoid trailing cable and to paint lines for forklifts as we were in the process of upgrading 26 Lochburn Road for our purposes after the previous tenant had vacated.

25. I observe that in the above-mentioned letter he states that in 21 July 2004 he returned copies of our original Risk Assessment, which had been submitted by Stewart McColl, as these might be a useful starting point for us [ICL/ 12253- 12292].

26. HSE sent us a single copy of the old risk assessments for reference only. We have put in place entirely new risk assessments in accordance with our new business model and current HSE regulations.

New Premises

27. The new premises are situated in a single story at 26 Lochburn Road and consist of 10,000 square feet. The business now involves plastics fabrication work; the coating department no longer exists. We therefore have no need to use LPG in our manufacturing processes. We have one forklift that is run on LPG. This is a standard 12 Kilo container stored in accordance with Health & Safety regulations.

I confirm that the contents of this statement are true.

Witness signature _____

Date _____