

THE ICL INQUIRY
APPLICATION ON BEHALF
OF
CALOR GAS LIMITED "the
Applicant")

For

Permissions to Examine
Witnesses
Under Rule 9 of the Inquiries
(Scotland) Rules 2007 and
Paragraph
34 of the ICL Inquiry
Procedures
Document
Witness

The Applicant has been designated a core participant in the Inquiry.

The Applicant seeks permission to ask questions of the witnesses hereinafter specified in Part 2 of the Inquiry in respect of matters hereinafter specified.

Alistair McNab

The Applicant would like to explore the following lines of questions with this witness:

- 1 In paragraph 75 of his original statement, he makes reference to guidance dated 2004 ICL/00947 paragraph 26, does he accept that under this recent guidance it is not good practice to excavate a live pipe?
- 2 Does it follow that recommendation number 11 in Mr Ives' letter ICL/011445 would not now be considered good practice as excavation of a live pipe involves a risk of damage being caused to the pipe?
- 3 In paragraph 20 of the witness' Inquiry statement dated 17 September 2008 he says that "*...following...incidents in 2000 in petrochemical and chemical plants, HSE recognised that pipework integrity is an increasingly important process safety issue.*". The Applicant would like to explore with the witness the reasons why, if that was indeed the case, the HSE did not consult industry stakeholders about the issue until after the ICL explosion in May 2004.
- 4 In paragraph 42 of the witness' Inquiry statement dated 17 September the witness refers to paragraph 87 of his previous statement and a publication by Professor Trevor Kletz entitled "Lessons from Disaster – How Organisations Have No Memory and Accidents Recur". The witness says in this paragraph: "*The point I would make in relation to this is that it is for the industry to look for precursors to major incidents and be aware of the lessons of past major incidents.....It is not possible for the HSE*

to know about all the leaks in pipework infrastructure which exist at a given time."

The Applicant would like the witness to explain why LPG suppliers, employers and CORGI registered engineers are required to report safety-related incidents, including gas safety-related incidents, to the HSE under Regulation 6 of RIDDOR. Is it not the case that the purpose of the reporting is to keep the HSE, as the statutory regulator, informed of incidents to enable it to investigate and determine whether the industry needed to change its practices in order to avoid similar incidents and, if so, to inform and consult with the industry?

- 5 In paragraph 41 of his Inquiry statement dated 17 September 2008, the witness says: *"The LPG suppliers are companies who run COMAH sites and have an understanding of major accident principles."* The Applicant would like to explore with the witness whether he is aware of how many LPG suppliers there are in the United Kingdom who currently do not operate sites which fall within the COMAH legislation, and given that not all of the LPG suppliers do currently operated such sites, the Applicant would like to explore with the witness his views on the proposal that any approach in relation to a new regulatory framework cannot assume that all LPG suppliers have the detailed knowledge to which the witness refers.

- 6 In paragraph 46 of the statement given by him in connection with the Inquiry on 17 September 2008, the witness states: *"My personal opinion is that the gas industry should agree a national pipework replacement strategy with HSE as happened with the natural gas network, and look at clarifying the customer communications (however carried out) so that the legal duties on user and supplier are clearly reflected."* The Applicant would like to explore with the witness whether he is aware of the research work carried out, and the risk-based model developed, by the Applicant to prioritise underground metallic pipework replacement? Is the witness aware that this work has been shared not only with the rest of the industry through UKLPG but also with the HSE? The Applicant would like to explore with the witness whether he attended a meeting which HSE held with Calor on this issue on 8 January 2007.