

Right Honourable Lord Gill
Chairman ICL Inquiry

Inquiry Secretariat
The ICL Inquiry
3rd Floor
Lothian Chambers
59-63 George IV Bridge
Edinburgh
EH1 1RN

12 November 2008

Dear Lord Gill,

As the Second Phase of the ICL Inquiry draws to a close, we are writing to you to express our surprise and indeed our concern that 'interested persons' have not been given the opportunity to provide oral testimony to the Inquiry.

We recall that the initial stated terms of reference for the Inquiry included the determination '*To inquire into the circumstances leading up to the incident*', '*To consider the safety and related issues arising from such an inquiry, including the regulation of the activities at Grovepark Mills*' and '*To make recommendations in the light of the lessons identified from the causation and circumstances leading up to the incident*'.

We note also the protocols for the Inquiry indicated that there would be two distinct phases as indicated in the Procedures document. The first would address '*the factual circumstances leading to the explosion*' and the second would '*address the regulation of the activities at Grovepark Mills in the light of the safety and related issues arising from those circumstances and the lessons to be learnt from the causation and the circumstances that led up to the disaster and consideration as to the recommendations that might be made to Ministers*'.

Consequently, in the light of the original terms and the remit for the second phase of the inquiry, which both underscore the importance of considering the wider *circumstances* of the disaster and not merely its immediate causation, we believe that our report '*The ICL/Stockline Disaster – An Independent Report on Working Conditions Prior to the Explosion*' (<http://www.hazards.org/icldisaster/fullreport.htm>) provided important relevant material and posed significant questions that the Inquiry would need to address.

As we indicated in a letter to you dated 15 May 2008 and in an accompanying document 'Key Issues and Questions for the ICL Inquiry', which are posted on the Inquiry website, we detail issues in relation to the management of health and safety at ICL, regulation particularly the role of the Health and Safety Executive, (but also in relation to the built environment) and the wider Scottish contexts which we believe are germane to the Inquiry. We received no acknowledgement from you following this submission. We also submitted to you copies of our report which has not been

listed on your website as a relevant document. We would request that our report is now posted as a relevant document.

As members of a multi-disciplinary research team with specific areas of expertise, we offered our willingness to attend the inquiry and to contribute to illuminating the circumstances surrounding the disaster based upon our researches. Once again, we proffer our willingness to participate in person even at this late stage of the Inquiry.

Perhaps our greatest concern though relates to the fact that Mr. Connelly has not been called to give testimony to the Inquiry. As you recall Mr. Connelly raised profound concerns regarding health and safety at Grovemark Mills with the HSE two years before the disaster. This is a matter of established record and is documented in correspondence between Mr. Connelly and his constituency M.P. and in our report. Mr. Connelly must surely be regarded as a key witness who can provide vital information on issues of workplace governance and regulation in the period preceding the disaster. We find it very surprising that Laurence has not been called to provide additional testimony that could expand upon his brief written submission as an interested party.

Kind regards,

Professor Christine Cooper, University of Strathclyde (Accounting)

Dr. Andrea Coulson, University of Strathclyde (Accounting)

Thomas Gorman, University of Stirling (Health and Safety and Welfare Rights)

Dr. Stirling Howieson, University of Strathclyde (Architecture and the Built Environment)

Jim McCourt (Employment Rights and Health and Safety)

Professor Phil Taylor, University of Strathclyde (Employment Relations)

Professor Andrew Watterson, University of Stirling (Health and Safety)

Dr. David Whyte, University of Liverpool (Corporate Crime)

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