

## **ICL Inquiry – 14 July 2008**

### **Response to Statements of Case**

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In response to a request from Lord Gill, herewith comment from ICL Plastics Ltd and ICL Tech Ltd in respect of the factual assertions contained in the Statements of Case from the following parties:

#### **1. General**

The companies do not seek to evade proper criticism where it is fair and just, however, broadly speaking, the Statements of Case which we have been asked to comment on, present a skewed picture of the company, its operations, culture and damaging insinuations as to the character of its officers.

The companies' desire has always been to participate in and assist the Inquiry in any way so that it can help to fulfil its Terms of Reference. To this end, we consider that the contents of the Statements of Case we were asked to comment on are irrelevant and fall outwith the remit of at least Phase One of the Inquiry.

In addition, we would make the following comments on the individual Statements of Case:

#### **2. IOSH**

The statement largely concentrates on what kind of advice was available to ICL and what should be available as a recommendation for the future, and this seems professional and appropriate given the circumstances.

However, the IOSH's statement does come into question in that they make reference to the report titled "The ICL/Stockline Disaster: An Independent Report on Working Conditions Prior to the Explosion – 31 Aug 2007" (independent researchers based at Universities of Strathclyde & Stirling).

The IOSH statement appears to treat the report as a factually reliable source of information by referring to it in the statement's footnotes. The report assumes the allegations are correct and places them in an academic context, which lends gravitas to them. It is therefore imperative that the "ICL/Stockline Disaster..." report is treated with an appropriate level of caution.

We believe with the exception of the IOSH's reliance on the assertions contained within the "ICL/Stockline Disaster" report, the statement is otherwise fair and what might be expected of a professional body concerned with health and safety issues.

### **3. Laurence Connelly Snr.**

Mr Laurence Connelly's (Snr) statement is an edited version of the information presented in the "ICL/Stockline Disaster..." report (independent researchers based at Universities of Strathclyde & Stirling Aug 2007).

The Connellys' unsubstantiated claims throw no objective insight into the cause of the disaster. This matter was fully investigated by the H&SE and the outcome of this is contained within the Inquiry Bundle. Furthermore, the subject matter is not relevant to the Terms of Reference.

### **4. Ann McKechin MP**

Ms Ann McKechin MP has played a significant role in support of Laurence Connelly Snr's (and Jnr's) allegations concerning the health and safety matters they raised with the Health & Safety Executive. We do not consider the matters set out in her Statement of Case to be relevant to the Terms of Reference.

### **5. Submission from Strathclyde/Stirling Universities**

It is worthwhile mentioning that the "ICL/Stockline Disaster..." report relies heavily upon anecdotal evidence and cannot be considered reliable or accurate in its assertions in this respect.

The report's authors make observations and draw conclusions which are suggestive and misleading, frequently not explained in context, and rely in large part upon supposition. The report's seven participants (former or existing company employees) cannot be taken to represent the views and experiences of the wider workforce.

As far as we know, none of the reports' authors had first hand knowledge of the company, its building premises or operations.