

Our ref
Your ref

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Dear Madam

ICL Public Inquiry

We were invited by Lord Gill some time ago to comment on the factual assertions made in certain Statements of Case. Those Statements were those lodged by Prospect, IOSH, Mr Connelly and Ms McKechin. We have had the opportunity to consider those with our clients and are instructed to make some brief comment.

Dealing firstly with the Statements of Case for Mr Connelly and Ms McKechin, which largely cover the same matters, those Statements do not appear to relate to the Inquiry's terms of reference and therefore we have no comment to make at this time. The content of both of those documents relate largely to health issues and neither of those parties gave evidence at Phase 1. If the Inquiry does deem these submissions to be relevant to the terms of reference then we would welcome the opportunity to comment further.

IOSH made a written statement which does appear to touch on the regulatory framework but it is stated within that submission that "We are not familiar with HSE involvement with ICL prior to the explosion." (para. 2.5) It goes on to state what IOSH take from the Strathclyde University Hazards Report with regard to factual matters. We do not propose to comment on this submission at this time given it was written without knowledge of the background, but of course if the Inquiry considers it relevant or wishes further views from HSE on specific parts of the Statements then of course we will comment further. It is relevant to note that some areas will be covered by the areas the Inquiry Team have asked our clients for papers on (e.g. LPG guidance).

Prospect also lodged a Statement of Case which contains a good deal of comment on HSE's working practices and resource. We are proposing to offer the Inquiry contextual evidence as part of a Phase 2 submission in areas relating to resourcing, the effectiveness of HSE, and the revitalising programme. All of that can be spoken to by senior HSE managers if that is helpful to the Inquiry and we hope that will be the most efficient way to deal. Should you wish specific comment on any particular area now then please do let us know and we will arrange to do so immediately.

We look forward to hearing from you.

Yours faithfully

Dundas & Wilson CS LLP

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