

The ICL Inquiry

Statement of Case

by

Health and Safety Executive

1. The issues which the Health and Safety Executive, (hereinafter referred to as 'HSE') would wish the Inquiry to address are as follows:

1. What happened at the premises at Grovepark Mills, Maryhill, Glasgow (hereinafter referred to as 'the site') operated by the ICL group of companies, (hereinafter referred to as 'ICL') on 11 May 2004?
2. What happened prior to 11 May 2004 which caused or contributed to the cause of the explosion and building collapse?
3. Could the explosion and building collapse have been prevented?
4. How could it have been prevented?
5. Why was it not prevented?
6. What recommendations should be made for the future?

2. The aspects of the circumstances leading to the explosion which HSE would wish the Inquiry to explore are as follows:

1. A factual description of the LPG installation and its history.

2. A factual description of the explosion and its effects.
3. The causes of the explosion and building collapse.
4. The role, duties and actions of ICL in the management of safety on the site in particular with regards to the risks from LPG.
5. The role, duties and actions of LPG suppliers to the site.
6. The role of HSE in connection with the site prior to the explosion, in particular with regards to the LPG installation.
7. The role of other regulatory agencies with responsibilities for safety of activities, premises and people at the site or affected by it.

3. The topics in which HSE would wish to participate are as follows:

1. All of the topics set out in each sub paragraph of paragraphs 1 and 2 above.
2. Any discussion of the role and functions of HSE, its purpose as a GB wide regulator and its arrangements for discharging its functions.

4. HSE would seek to establish the following:

1. The explosion was caused by a leakage of LPG from a corroded underground metal pipe which accumulated in an unventilated basement. It formed a flammable atmosphere which was ignited and then exploded, causing the collapse of the building, resulting in the deaths of 9 people, injuries to 33 others and exposing 12 other persons to the risk of injury and death. The pipe was part of the LPG installation on the site. The site was owned and operated by ICL as was the pipe. The LPG tank and associated fittings at the time of the explosion were owned and installed by Johnston Oils. The HSE took part in the investigation of the explosion

working with Strathclyde Police and the Crown Office and Procurator Fiscal Service.

2. The LPG installation was installed in 1969. The tank and associated fittings were supplied and installed by Calor. An underground pipe, which was not adequately protected against corrosion, conveyed LPG from the tank to the factory. The pipe was not sealed at the point where it entered the building. The underground pipe was installed for ICL in 1969. The pipe was covered in backfill which included soil, rubble and other debris. This was subsequently found to be corrosive. When the yard was raised the connecting joint (the 'elbow') that failed became buried and a concrete slab placed on top of it. The elbow, and four of the other five pipe work joints were not of a suitable type, in that they were not galvanised. The buried pipe and joints were not wrapped to protect them from corrosion. Raising of the yard surface increased the loading on the underground pipe work and concealed the point where the pipe work entered the building. The pipe entered into a part of the building in which a mezzanine floor was later installed, creating an unventilated basement. The leak occurred outside of the factory building and LPG travelled through the ground into the basement. The leak was caused by corrosion, aggravated by the presence of the concrete slab.
3. Modifications and major changes were made over time to the LPG tank and fittings, and to the yard. Proposals for further modifications were made but not implemented. HSE would wish the Inquiry to establish a clear and accurate record of these changes and proposals.
4. Under the Health and Safety at Work etc Act 1974 and associated regulations, ICL had legal responsibilities in respect of the safety at work of its employees and the safety of people not in its employment who may have been affected by its undertaking and exposed to risks as a result of the LPG installation and its use. It is anticipated that the Inquiry may wish to examine the actions of ICL in this regard.

5. Under the Health and Safety at Work etc Act 1974 and associated regulations, the LPG suppliers had legal responsibilities in respect of the safety at work of its employees, and the safety of people not in its employment, including ICL as the person supplied with LPG and its employees, who may have been affected by its undertaking and exposed to risks as a result of the LPG installation and its use. It is anticipated that the Inquiry may wish to examine the actions of the LPG suppliers in this regard.
 6. The relevant HSE regulatory interactions at the ICL site prior to the incident in the context of the relevant legislation, policies, practice and guidance documents which were in force at the time of each interaction.
 7. The role purpose and remit of HSE as a GB wide regulatory authority, together with HSL, leading up to and at the time of the explosion, and currently. This will include the regulatory environment in which HSE operates and the development of its approach to regulatory interventions.
 8. The role and purpose of other regulators for the site, including those whose remits cover building matters and general fire precautions including the local authority and the fire authority.
5. **Each proposed topic would assist the Chairman in fulfilling his terms of reference in the following ways:**
1. Exploration of the topics set out in paragraph 2, sub paragraphs 1, 2 and 3 will establish the facts of the explosion and its effects and will enable discussion of the theories of causation of the explosion. The physical layout of the LPG installation will be established. It is necessary to establish the facts of the explosion, and causation of it, to enable consideration of the safety and related issues arising.

2. The regulation of the activities at the site can be understood by exploration of the topics set out in paragraph 2 sub paragraphs 4, 5, 6, and 7. The application of health and safety legislation at the site will be explored and the duties incumbent on the occupiers of the site and the suppliers of LPG, together with the role of HSE as regulator, will be set out. Examination of regulation of the site by authorities other than HSE will enable matters falling outside of HSE's remit to be considered in the context of safety and related issues arising and how they are regulated.

3. Exploration of the role of HSE and its purpose as national regulator, as set out in paragraph 3 sub paragraph 2, will establish the practice of HSE and will describe the nature of its powers and its purpose in regulation. Exploration of the topic of HSE's current practice and its strategy will assist in the making of recommendations in the light of lessons identified from causation and circumstances leading up to the explosion.

Signed by Counsel:



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