

Health and Safety Critique of Proposed Oil Rig Decommissioning at Hunterston Marine Services Centre

1. Opening Statement

This document has been produced on behalf of Friends of the Firth of Clyde (FOFOC)* in response to the submission of Clydeport Operations Ltd to SEPA for a Waste Management Licence.

We ask that the Health and Safety Executive and SEPA take note of this during their vetting of the application.

*FOFOC are group of over 1,400 residents with a long history of neighbouring Clydeport Operations Ltd.

FOFOC are extremely alarmed by the application for a simple Waste Management Licence. We firmly believe that the project is part of a wider salami sliced planning approach to avoid full scrutiny of the complexities and risks of bringing unprecedented amounts of highly toxic waste to the Firth of Clyde. The group firmly believe that the scale and nature of the toxic materials involved in the project should have required approval under the Pollution Prevention and Control Licensing process. Indeed, all previous planning documentation references a PPC licence and the opportunity for consideration of the complexity and risk during this process.

Although formally the Waste Management Licence approval process is not open to public scrutiny, we feel so strongly about the risks that it is our public duty as a group of concerned residents, to put forward our concerns and to highlight the perceived lack of due diligence and openness from certain regulators and government bodies.

2. Health and Safety 'Reporters'

This analysis has been carried out by two former Health and Safety Managers/ Engineers/ Practitioners/ Auditors with a collective experience of 30 years at senior level. Both have worked in large quality organisations and have been involved in health and safety auditing and consultation.

3. Examination of Clydeport Operations Ltd. Statements Regarding Management of Health and Safety

Background:

We have taken a view of the likely hazards presented by the proposed oil and gas decommissioning facility and the enormous quantities of organic and inorganic waste material which is to be handled. This information has been obtained from the documentation provided by Clydeport Operations Ltd. as part of their application for a Waste Management Licence.

In our view this is an operation presenting significant risk to the Health and Safety of those involved in the activity, those visiting the site, those involved in transport and handling of materials, those responsible for re-cycling and disposal of the resulting materials and for local people in the vicinity of the site.

Given this level of risk we conclude that a robust, high quality Safety Management System is essential to control the proposed activity and we would expect this to be provided to the relevant licensing authorities as part of the application process.

Assessment:

- 3.1. The only document which makes any mention of the possible existence of a Safety Management System is in the **Working Plan** written and submitted by **Enviro Centre** on behalf of Clydeport Operations Ltd as part of the SEPA Waste Management Licence.

- 3.2. They refer to the existence of a Safety and Environmental Management System used by Clydeport in their role as Port Authority. The documentation relating to this was not displayed or referenced in the **Working Plan**.
- 3.3. Examination of documentation accessed from internet searches, identified the **Peel Ports Group Ltd. Marine Safety Management System**. Whether this is the document alluded to by Enviro Centre in the introductory section of their Working Plan is not clear. In section 1.3.1 this Peel Ports MSMS document states “This document describes the Peel Ports Group Limited Marine Safety Management System (MSMS) for **marine operations** in the Ports of Clydeport, Ardrossan, Great Yarmouth, Heysham, Liverpool, Manchester and London Medway. It has been compiled in line with the PMSC and the Guide to Good Practice on Port Marine Operations.” In our view it is essentially for marine related port activities and as such **does not cover the on-site Decommissioning activities defined in the licence application**.
- 3.4. **No evidence could be found for the existence of a policy document covering these land-based decommissioning and related activities.**
- 3.5. The Working Plan produced by Enviro Centre includes the **Port Emergency Plan** as Appendix C. This document is concerned solely with the procedures and processes which should be followed in the event of an emergency within the port area involving marine activities. **In our view this Port Emergency Plan does not address the likely emergencies which might arise as a result of the Decommissioning activities at the Hunterston Marine Services Centre.**
- 3.6. The whole documented submission to SEPA for the Waste Management licence fails to identify any clear lines of responsibility for the management and control of the intended activities. The licence form section 2.10 regarding Site Operator states “Decom operator to be confirmed”. The Working Plan produced by Enviro Centre states in its introduction that the Plan details who is responsible and the lines of communication between Clydeport and the operators of the site. **In our view there is a complete absence of any line of responsibility for the Health and Safety aspects of the operation:**
- **There is no named operating company.**
 - **There is no organisation chart showing responsibilities.**
 - **There is no clear interface control system between marine and land-based activity.**
 - **There is no clear interface for emergency control between the decommissioning activity and general port activity.**
 - **There is no evidence for the existence of a Safety Management System in the decommissioning company.**
- 3.7. **In conclusion, The Reporters are dismayed that the whole plan demonstrates no ownership and appears to be a desktop exercise to satisfy the information requirements of the WML.** The Working Plan was written and submitted on behalf of Clydeport Operations Ltd. by Enviro Centre, an office based environmental consultancy. Further, we express great concern over who will control this site and hold the appropriate licences to operate.

4. Waste Management Licences

- 4.1. It is considered that the works outlined should include compliance with Pollution Prevention and Control (Scotland) Regulations 2000. **Our clear opinion is that a separate licence is required.**
- 4.2. Some waste management activities described fall outwith the Waste Management Licensing Regulations (e.g. landfilling, incineration and disposal of hazardous waste) and require to be considered under the Pollution Prevention & Control (PPC) regime. The Pollution Prevention & Control (Scotland) Regulations 2000 enact the IPPC Directive.

5. Planning Approval Implications

- 5.1. In view of the above concerns and given that health and safety regulations constantly change due to experience and epidemiological studies, **it is considered that an Environmental Impact Assessment is required.**
- 5.2. A catastrophic release of toxic waste or the rise of an epidemiological cluster would lead to an inquiry of the Regulating Authorities' "due diligence" if this aspect had been overlooked because of a flawed planning process. Generation of base line data for the health status of employees is required for ongoing monitoring and for determination of any causal effects. This is particularly critical given the quantities of asbestos which are to be handled and it is also required for the health monitoring of workers exposed to the high quantities of heavy metals described in the licence application.

6. Competence of Applicants and Unknown Decommissioning Operators

This is a dangerous scenario, where the applicants perhaps do not fully understand the ramifications of the effects of the hazardous products and the quantities of such products that they are proposing to handle at this site.

Clydeport Operations Ltd. and its un-named contractor/s are proposing to handle extremely toxic waste in enormous quantities. This is a high-risk activity. No clear evidence of the competence of either party has been provided other than the inclusion of two named individuals employed by Clydeport Operations Ltd at a different location.

7. Absence of Evidence of Adequate Safety Management Systems

- 7.1. **We firmly believe that there is fundamental failure within Clydeport Operations Ltd. to adequately oversee safety management systems. Examination the safety culture of the parent Peel Ports Group and as evidenced by the poor attention given to Health and Safety in the Annual Strategic or Directors reports which form part of the Annual Financial Return of the Group. We also offer a higher-level reasoning for consideration.**
- 7.2. The Reporters of this document have worked in organisations that have striven to be best in class and were, and are, amongst the best Health and Safety operators in the UK. Their organisations have received numerous high level ROSPA awards and won the internationally recognised premier performance award for occupational health and safety the 'Sir George Earle Trophy'.
- 7.3. In our view Clydeport Operations Ltd. should aspire to reach these highest values but given their current performance level we would expect this improvement process to take of the order of five or more years to achieve. This improvement process of course assumes total commitment from the very top of the organisation and the provision of the resources, both in terms of manpower and finances, needed to effect the change.
- 7.4. It is well established that Good Health and Safety equates to good quality and high productivity. This leads to profit, highly effective organisations and reputational enhancement. Whether Peel Group has this level of commitment remains to be seen.
- 7.5. In our opinion the ownership and structure of the Peel Group does not lend itself best placed to achieve the highest Health and Safety performance.
- 7.6. This vast company of around 400 subsidiary and holding companies is in private ownership. This is an extremely unusual circumstance for a company of this size. The individual private shareholder

has 75% of the equity of the business, the remaining 25% being foreign (Saudi) owned. The organisation is effectively a fiefdom. This is a very critical observation when considering the culture of the company and its attitude to Health and Safety. There are effectively no shareholders to hold the organisation to account. This places higher demands upon external regulators for maintenance of standards.

7.7. We believe, like most seasoned Health and Safety practitioners, that:

- **Safety starts at the top**
- **The culture comes from the top**

From observation of the activities of the Group we believe that the business culture is ruthless and as a result successful. Generally, the Group is very adept at studying the rules within which it wishes to operate and then exploits these rules to gain maximum competitive and business advantage. In addition, the Group appears to actively constantly seek means to navigate around the rules, while staying within the legal framework. These cultures may be seen by some as admirable and part of the competitive business sphere. The Group has also been very successful at gaining approval of people at the highest level within the UK. Again, this may be regarded as extremely astute in a business or influencing sense. However, this approach when present alongside efforts to develop a good Health and Safety Culture may be seen to present an almost impossible obstacle to achieving success in the latter.

The Safety Message from the top must be clear. The aim should be to do better than the legislative targets. Safety rules should not be circumvented in any circumstances.

7.8. In order to provide some insight to the above observations on where Health and Safety lies in cultural importance in Peel Ports Group, we have examined the Annual Financial Returns for the company over the past ten years and extracted the following information:

Report for the year ended March 2008

Directors Report Principle Risks and Uncertainties **No Health and Safety Report**

This was the Directors Report for the financial year in which three people were drowned as a result of the sinking of the tug "Flying Phantom" in the Clyde and for which accident Clydeport Operations Ltd. were later prosecuted, found guilty and fined £650k. It might have been expected that although the Annual Report had **no Health and Safety section, an amazing omission in its own right, a special section would have been added to at least acknowledge this tragic loss of life.** None was provided.

Report for year ended 31 March 2011

Directors' Report Principle Risks and Uncertainties **No Health and Safety Report**

Only a set of standard words which tacitly accepts that accidents will occur.
In addition, the nature of the ports industry is such that the work undertaken requires employees and contractors to be totally aware of their working environment as there is always the possibility of accidents occurring. Some of the cargoes which are handled are dangerous and need to be handled in accordance with specific procedures. The Group has emergency plans in place which are reviewed and updated where necessary. In addition, training and safety guidance is provided to all employees and contractors working in the ports.

Report for year ended 31 March 2012

Directors' Report Principle Risks and Uncertainties **No Health and Safety Report**
Same wording as 2011 except **removed the word "totally"**.

Report for year ended 31 March 2013

Directors Report Principle Risks and Uncertainties **No Health and Safety Report**

A changed set of words but not a report
Health and safety

The nature of the ports industry is such that the work undertaken requires employees and contractors to be aware of their working environment as there is always the possibility of accidents occurring. Some of the cargos which are handled are dangerous and need to be handled in accordance with specific procedures.

The Group enforces rigorous policies and procedures and has emergency plans in place which are reviewed and updated where necessary. In addition, training and safety guidance is provided to all employees and contractors working in the ports. The Board of Directors is committed to ensuring that the Group complies with all appropriate health and safety requirements and to achieving continuous improvement.

Report for year ended March 2014

Strategic Report Principle Risks and Uncertainties **No Health and Safety Report**
Same wording of standard statement given in 2013 but relevant section of report now called Strategic Report in place of Directors Report

Report for year ended March 2015

Strategic Report Principle Risks and Uncertainties **No Health and Safety Report**
A bald statement of the fatality and immediately a repetition of the tacit acceptance of accidents happening.

Health and safety

In February 2015, there was a fatality at Clydeport's Hunterston facility. The Group is working closely with the authorities, primarily the Health & Safety Executive, to investigate the circumstances surrounding the incident and to ensure that we take appropriate steps to ensure, so far as is reasonably practicable, that our employees and others are not thereby exposed to risks to their health or safety. The nature of the Group's operations is such that there is always a possibility of accidents occurring. Some of the cargos which are handled are dangerous and need to be handled in accordance with specific procedures. The Board of Directors are committed to ensuring that the Group complies with all appropriate health and safety requirements and to achieving continuous improvement. The safety of our workforce, and anyone who enters our working environment, is an essential part of the Group's overall strategy.

Report for year ended March 2016

Strategic Report Principle Risks and Uncertainties **No Health and Safety Report**
A statement which seems more concerned with the monetary aspects of the fatality than explanations of the causes and specific measures being taken to prevent recurrence.

Health and safety

In February 2015, there was a fatality at the Group's Hunterston facility. Following the incident, the Group worked closely with the authorities, primarily the Health & Safety Executive (the HSE), to investigate the circumstances surrounding the incident and to ensure that we take appropriate steps to ensure, so far as is reasonably practicable, that our employees and others are not thereby exposed to risks to their health or safety. Clydeport Operations Limited was prosecuted for breaches of health and safety and fined £0.3m. An associated civil claim has also been settled by the Group's insurers. The nature of the Group's operations is such that there is always a possibility of accidents occurring. Some of the cargos are dangerous and need to be handled in accordance with specific procedures. The Board of Directors is committed to ensuring that the Group complies with all appropriate health and safety requirements and to achieving continuous improvement to the effectiveness of the Group's health and safety management. The safety of its workforce, and anyone who enters the working environment, is an essential part of the Group's overall strategy.

Report for year ended March 2017

Strategic Report Principle Risks and Uncertainties **No Health and Safety Report**
During this Annual Financial Report there is a more substantive section covering Health and Safety and the stated intentions of the Group.

4.1 Operational

Health and safety

The nature of the Group's operations is such that there is always a possibility of accidents occurring. Some of the cargos are dangerous and need to be handled in accordance with specific procedures. The Board of Directors is committed to ensuring that the Group complies with all appropriate health and safety requirements and to achieving continuous improvement to the effectiveness of the Group's health and safety management. The safety of its workforce, and anyone who enters the working environment, is an essential part of the Group's overall strategy.

It is Peel Ports' policy that health and safety should be placed well to the fore in the conduct of our operations.

During the year ended 31 March 2017, the Group appointed a new Group Health and Safety Director and launched a new group-wide initiative, Safety365, to further embed best practices into the way the Group conducts its operations. Alongside this, a behavioural safety programme has been introduced and a new Health and Safety Governance Committee, chaired by the Group Chief Executive Officer.

Looking ahead, the Group has put in place a number of principal objectives with further initiatives planned to support the progress made so far in raising the profile of this critical area. It is expected that the 2017/18 plan will make a significant contribution to:

- Reducing the risk of injury to employees and others who enter the Group's working environment;
- Protecting the health of employees;
- Building a strong and effective safety culture among employees at every level; and
- Demonstrating full compliance with all statutory requirements in this area.

This is intended to maintain Peel Ports' reputation as a 'responsible operator' among all stakeholders, including the communities in which the Group operates.

This at last is a first recognition of what might be wrong with the Health and Safety approach which has been adopted to date. This should be the start of a journey for the Group, a journey which will take several, approximately 5, years to deliver the required Health and Safety performance.

It is worrying to note that the Report for the year ended March 2018 is not yet visible on the Companies House Site and therefore no information is available to form an opinion on the progress or otherwise of the Health and Safety improvement process described in the March 2017 Annual Financial and Strategic Report.

7.9. In all of the Directors or Strategic Reports studied, Health and Safety was very poorly reported. No data on performance was provided. The topic, where considered at all, was well down the priority list in the order of reporting with financial and other business aspects taking precedence. Health and Safety did not even merit the first position in the Operational section of the report. This is typical of organisations which have a poor Safety Culture. This analysis indicates that the current Peel Ports organisation, of which Clydeport Operations Ltd. is a part, is not, in our view, a fit and proper entity to adequately control the hazards and risks presented by the decommissioning proposals.

7.10. In our view the following features are what should be present in a high performing company with the correct attitude to Health and Safety.

High performing companies build these items into their Safety Management System

1	Executive safety site visits
2	Safety Advisor safety inspections
3	Risk analysis (Generic and Local)
4	Analysis of accidents. Their number, type and root causes
5	Effective and quality H&S communications
6	Safety Targets Company- wide and Local
7	Aspiration to gain safety awards
8	Health and Safety being a primary standing agenda item at all business meetings
9	Executive annual appraisal and bonuses tied to Health and Safety Performance
10	Annual audits and reviews
11	Promotion of Safety Representatives and H&S Committees
12	A quality Safety Management System annotating Policy statements and Duty holders

- 7.11 This list is not exhaustive but demonstrates the difference between what Clydeport Operations Ltd. has presented and the approach of high-performance companies. It also demonstrates that high quality companies see compliance with Health and Safety Regulations merely as the base line. High performing companies seek to reduce risks and incidents further to achieve levels which are “**As Low as Reasonably Practicable**” (ALARP).
- 7.12 **The Clydeport Hunterston Marine Services Proposal involves the handling and storage of immense quantities of special waste and requires the carrying out of numerous hazardous activities. Given the analysis of the readiness of the organisation to carry this out in a safe manner leads us to the conclusion that the likelihood of a catastrophic release is high.**

8. Working Plan submitted by Enviro Centre

- 8.1 Although some effective work has been done in compiling this document, the Reporters feel that it is just a desk top exercise with no discernible long-term links to the licence applicant, Clydeport Operations Ltd. The Working Plan appears to be merely a document produced to meet the regulatory requirements of the Waste Management Licence.
- 8.2 One of its major weaknesses is the absence of an “Organisation and Operations” chart. There are no named implementers of the activities listed or of the relevant Duty Holders.

8.3 Working Plan Weaknesses and Omissions

1	Organisation chart and duty holders
2	Policy statement and commitments
3	Record keeping and control
4	Communications
5	In house Safety Rules
6	Safety Inductions
7	Risk assessment process
8	HAZOP studies
9	Appointment of competent safety advisors
10	Accident investigation near miss reporting
11	Statutory work equipment inspection
12	Compliance with CDM
13	Inspection, training and lifespan of PPE
14	Site specific Safety Rules
15	Compliance with COMAH Regulations

9. Hazard Identification and Procedural Deficiencies in the Working Plan

- 9.1 **Concrete pad strength** - The project requires hard standing for storage of large assets, sections of assets and other waste materials. The proposal may be fatally flawed by a failure to carry out geological and hydrological assessments. From the Waste Management Licence application, it is indicative that a constant waste of the order 150,000 tonnes will be stored at any one time. The storage of this material is shown as taking place on the surface of the site surrounding the existing dry dock. This comprises land reclaimed forty years ago from the Hunterston and Southannan Sands. The base soil type is known to be poor and there is an amalgam of soft clay and sand.

In the absence of geological and hydrological survey data it is not possible to confirm that the structural strength of the concrete pad, which will require to be constructed to accommodate the high loadings required for storage, will be adequately supported by the existing substructure.

- 9.2. **Fire** - Although there is an emergency plan, the nature of the “Business Organisation” does not show training requirements, equipment and the likely risks to first responder staff and “Others” from contact with special wastes engulfed in the flames/explosions. This needs to be re-visited urgently.
- 9.3. **Asbestos** - **The quantity of Asbestos (no types specified) is very concerning. The request in the Waste Management Licence for 1,000 tonnes to be held at any one time, combined with a weak Safety Plan, has the potential for an event resulting in the catastrophic release of airborne friable fibres, and exposing employees, contractors and others to serious risk.** A Generic and a Local Risk Assessment should be carried out. Links to a laboratory for identification of samples are not provided. Knowledge, experience and strict compliance with the Asbestos regulations of 2012 are required and no evidence of these aspects is presented in the Working Plan.
- 9.4. **Demolition Waste Creation** - The hot cutting of steel from the assets to be decommissioned will create a residue that may be hazardous and/or toxic with steel swarf, paint finishes and organo-tin antifouling being present. The likelihood of this fine waste entering the marine environment is high due to the location of this activity. Clydeport Operations Ltd.’s reputation and past performance on environmental controls is poor. Photographic evidence can be supplied to show a total lack of compliance when undertaking coal operations. Although there is a plan showing a dual pump and filtration unit, there are no budgetary notes or completion dates for the provision of these facilities.
- 9.5. **Marine Growth** - With a declared storage of 2500 tonnes of marine growth at any one time there is a high probability of obnoxious smells, and the potential for self-heating and ignition if the material is stored in bulk. The safety plan calls for the use of sprinklers to control the odour problem, but past similar control measures to prevent coal stockyard fires were not satisfactorily managed by Clydeport Operations Ltd. There may also be a problem with scavenging seabirds which has not been addressed in the Working Plan.
- 9.6. **Polychlorinated Bi-Phenyls** - These carcinogenic compounds are to be stored in quantities up to 25 tonnes at any one time. The risk to humans and other creatures in the environment is quite destructive. PCB’s have extremely long lives, are difficult to neutralise, and are easily absorbed into the food cycle and into living organisms. The Working Plan indicates that all PCB’s will be stored in bunded areas but provides no further indication of the measures required to control these persistent materials and the procedure to be followed in the event of a release of the material from its container or failure of the bunding arrangement.
- 9.7. **Accidental Contaminant Release** - The Working Plan to control effects of Accidental Contaminant Release, are, in our view, lamentable. This is a major risk of the highest order, and the plan essentially calls for employees to run around with sacks of sand to control any spillage. This section will have to be revisited by trained and experienced practitioners who can give effective advice. **Full bunding of all identified risk areas is recommended.**
- 9.8. **Heavy Metals** - These may, in certain cases, be special waste with severe health implications for humans, flora and fauna. Heavy metals will be extracted from “Battery Shacks” and this is stored to a maximum of 1,000 tonnes per year. The movements of the batteries will need to be closely monitored. The Working Plan makes no reference to the need for occupational health screening of operators who are exposed to heavy metals. This is required in order to establish a baseline and to provide continuous monitoring of blood levels of metals to ensure containment methods and PPE used are preventing bio-accumulation of metals.
- 9.9. **Unregulated Activity** - Issues round site security, arson, theft, vandalism and unregulated employee behaviour are not well explained and examples of documentation to control these events is not visible in the Working Plan.
- 9.10. **Management Controls** - Management Controls are not tabled alongside “Responsibility Charts”. This requires to be rectified and defined in an “Organisation and Arrangements” format. **There is no clarity on which ‘party’ holds the responsibility for site safety. In our view this is fundamentally appalling and cannot be accepted for such a hazardous site.**

- 9.11. **Synergies of Pollutants** - The Working Plan has not addressed the issue of synergies of pollutants and this could be catastrophic on such a site. Containment statements are not convincing or reassuring. Examples of synergies of pollutants exist with such materials as Diesel Fuel, Unspecified Flammables, Ethylene glycol, etc.
- 9.12. **Inventories** - There is no description of how inventory will be accurately controlled. Losses due to theft or other unregulated activity are practical realities. Descriptions are given of likely incoming material, but this is likely to deviate from actual quantities removed. In stock waste material inventories require control and measurement. Weigh bridges are to be provided but these only control quantities of waste leaving the site. In addition, controls over the number of waste movements must be regulated and this has not been adequately defined.
- 9.13. **Communications** - This is not addressed. If workers from out with the UK are present arrangements must be put in place to ensure that all communications are clearly understood, particularly relating to Health and Safety critical activities. Safety notices, obligatory statutory forms and effective managerial instructions have not been provided in the Working Plan.
- 9.14. **Waste movements** - Significant quantities of large-scale mechanical handling plant and lifting equipment is required in this type of waste handling activity. All plant and equipment should be fit for purpose, in good condition, used in a controlled manner and operated as designed. The Working Plan makes no reference to these issues or the types of regulations to be followed. The LOLER and PUWER applications are not quoted.

The Working Plan fails to describe the need for Authorisation of Employees who will operate the required plant.

Outside contractors involved in waste movements, whether by road, rail or sea should be "Safety Passported". Access, egress, parking and heavy lifting areas should all be clearly marked, and appropriately trained and authorised staff used to control all such activities.

The Working Plan fails to address these issues.

- 9.15. **Health and Environmental Monitoring** - Well controlled sampling, data gathering, and analysis of Occupational Health and Environmental factors is essential on a high hazard site such as this. It is required to control the potential dangers, to alert management to trends which require corrective action and to provide reassurance for employees, contractors and others.

Given the quantities of asbestos which will be present the hazards presented by airborne pollutants are very high. Clydeport Operations Ltd's demonstrated record on this is poor and known to the Regulatory Authorities.

Health screening of operators at engagement should be carried out and a programme of routine testing agreed with the appropriate health professionals and then implemented.

Noise control is described in the Working Plan but there is no reference to the total noise levels expected. A baseline background noise survey should be used to set limits for the additional permitted noise levels.

The Working Plan makes no specific reference to the use of the correct Personal Protective Equipment by operators or visitors to reduce noise exposure.

- 9.16. **Working at Height** - This is not described in the Working Plan, but this is a problem for employees, as in the early stages of the decommissioning activity, Mobile Elevating Work Platforms won't be effective so scaffolding and appropriate PPE will be required. These operations require specific training which again is not discussed in the Working Plan.

Clydeport Operations Ltd. have a very poor safety record in this area and have had fatalities and severe injuries associated with working at height on the Hunterston site. They have been prosecuted and found guilty for such deaths and injuries.

Examination of the RIDDOR statistics and legal case records will reveal these findings.

- 9.17. **Demolition** - Demolition of any existing structures on the site will require registration with the Health and Safety Executive and the application of the appropriate CDM regulations. This is not explained or discussed in the Working Plan.
- 9.18. **In House Safety Rules** - Safety rules by the organising company are not known and it is uncertain if there is a "Permit to Work" system or restricted work activity documentation. Hot Work permitting is mentioned in the Working Plan but detailed authorisation for plant and work activity is unknown.
- 9.19. **Naturally Occurring Radioactive Materials** - Applications for the shipment of NORM waste must be supported by an assessment of all practicable waste management options. This has not been described in the Working Plan. 500 tonnes of this material is to be held on site at any one time.

For NORM wastes, applicable radioactive waste policy is set out in the UK Low Level Waste (LLW) Policy⁹

In our view, given the large quantities to be handled, and which have been applied for in the Licence application, there is need for special examination and clearance procedures.

- 9.20. **Safety Representatives and Safety Committees** - Since it is projected that there may be up to 500 employees, under HASWA there should be safety representatives appointed and a safety committee commissioned. This is seen in the Courts as normal 'Good Practice'.

No mention is made of this in the Working Plan.

- 9.21. **Sale of Recovered Components** - This is a well-known practice within the rig dismantling world. Items such as generators, fuel tanks, engines, gearboxes, propellers, sea valves, control rooms, instrumentation, cranes and hydraulic lifting devices etc. may be offered for sale as operational items.

These sales and movements of the items will involve third party purchasers operating in a myriad of transport means, which will cause problems to the transport infrastructure surrounding the site. This will potentially create an overload of the adjacent major road system which the Scottish Government already know is over desirable levels particularly through the adjacent village of Fairlie, where the road dimensions are below acceptable standards for heavy goods vehicles. No ready solution is available at this point in time to reduce the usage of the road system.

10. Clydeport Operations Ltd. Organisation and Observed Health and Safety Indicators

- 10.1. **Sadly, the historic incident record shows that the Health and Safety performance has been very poor.**
- 10.2. In our view, Safety inspections, visits by Safety advisors and the inspection of the worksite by the executive team have not been visible nor do they appear to be rostered.
- 10.3. As discussed, earlier Peel Ports' Annual Reports have very brief safety sections, which do not contain any metrics, nor do they describe any meaningful Health and Safety commitments. The lack of such things as budgets for Safety initiatives, the seeking to achieve Safety Awards, and executive bonuses and advancement linked to defined Safety performance measures, demonstrate a lack of ambition in

Health and Safety attainment and indicate the inadequate Safety Culture of the Peel Ports organisation of which Clydeport Operations Ltd. has probably the worst Safety performance of all.

10.4. In the event of a catastrophic incident at the proposed Decommissioning site, an inquiry about the legal obligations and duties of Clydeport Operations Ltd. "Responsible Persons" and the Regulating Authorities would be severely tested about their 'Due Diligence' in sanctioning this activity. **We believe that the approving authorities should seriously consider whether Clydeport Operations Ltd. is a 'fit and proper organisation to carry out these operations. The injury accident and fatality rate demonstrated by Clydeport Operations Ltd. combined with the known problem of the national fatality rate of the waste handling industry in the UK, combine to produce a heady mix of potential disaster that is hard to swallow!**

10.5. Fatal Accidents - There have been five fatal accidents associated with Clydeport Operations Ltd in the last ten years. This is in an organisation of only approximately 160 people. HSE figures show that in the UK as a whole the fatal injury rate per 100,000 workers has been flat at around 0.5. The rates for Clydeport in three of the last ten years have been as follows:

- In year 2007 a rate of 1875, in 2013 a rate of 625, in 2015 a rate of 625.

The legal statements issued by the Courts when handing down the financial penalties to Clydeport also highlight the poor Health and Safety attitudes of the company. All of these fatalities were preceded by similar incidents where only through good fortune no serious or fatal event occurred. However, the company ignored them and went on to have the fatal events in very similar circumstances.

10.7 Known Injury Accidents - The following are injury accidents known to us. There are likely to be many more of which we have no knowledge:

- In 2001 a young operator fell around 90 feet.
- In 2013, the week before a fatal accident, an operator fell into the coal hopper.

We have been unable to access the RIDDOR information for Clydeport Operations Ltd. and as a result cannot provide a comprehensive assessment of the incident and injury performance of the company.

10.8. Other Indicators of lack of management control:

- Major fire at coal on-loader
- Numerous fires in coal stockyard
- Off-loader crane 72 metres high and weighing several thousand tonnes not secured and blown along jetty, colliding with on-loader.
- Operators observed bulldozing waste coal into Clyde instead of transferring it back to stockyard. Activity reported to management by local resident. Activity then stopped by management. Why was this overt activity not observed by management from the site control tower?
- Coal dust dumped on Fairlie on several occasions due to poor operational control of off-loading activities at jetty. e.g. Crane operating at excessive speed. Unloading taking place during excessive wind speed conditions. Sections of dust containment shielding missing at hopper due to poor maintenance.

- Fumes, including oxides of nitrogen, affecting the residential area of Fairlie due to uncontrolled spontaneous combustion of coal stored in stockyard. Response: it's the type of coal from Russia! Real reasons apart from source are: Inadequate use of sampling prior to discharge from vessel, inadequate monitoring, and inadequate spray drenching of coal stacks.
- Coal slurry escaping onto SSSI. Problem identified by local residents not management. Mitigation for slurry escape implemented by management inadequate and allowed to fall into disrepair.
- Asbestos cement debris in SSSI and on rock armour site boundary accessible by public. Problem identified by local residents. No action taken by management.
- Excessive noise from poorly maintained equipment during coal handling operations.
- Poor standard of communication with local community.
- No lifejackets worn by operators on jetty.
- No safety boat at jetty during current site demolition operations and which have included over-side working. See Notice to Mariners 67/18 which implies safety boat presence.
- Pressure on Demolition Contractor during current demolition activity due to completely unrealistic time scales for the operation. Cesscon Decom the originally nominated Oil Rig Decommissioning Operator stated in publicity materials that their facility would be operational by quarter 4, 2018. This was then revised to quarter 1, 2019. Their publicity video shows the jetty in use so is dependent on removal of current equipment. Clydeport Operations Ltd. Notice to Mariners 67/18 suggests that activities required to remove assets at the jetty would last approximately 15 weeks commencing July 24, 2018. To date one of the large off-loader cranes has been partially demolished, a further complete crane and the on-loader remain to be tackled. Again, the timescale for the activity is completely unrealistic and can only result in unacceptable pressure on the demolition contractor.
- Filthy coal lorries running on A78. No effective washing stations. Danger to the public from increased heavy goods traffic through Fairlie. Fatality to resident sitting in her own home due to truck crashing through house wall. Whole operation not what was laid out in formal documentation which indicated coal would be transported by rail at this site.
- No notification to emergency services, local authority or local residents of large explosions during demolition of heavy plant in coal stockyard demolition activity. Large concerns raised given proximity to Hunterston Nuclear Stations.
- Navigation Lights out on the deep-water jetty which is deemed to be of 'Strategic National Importance.' Failure reported to Estuary Control by local resident. Eventually a Notice to Mariners issued advising problem. Lights never fixed. Clydeport Operations Ltd. Is the Port Authority.
- Hundreds of tonnes of coal present under the jetty at the terminal from spillages and poor work practices.
- Acidified water in suds ponds on the coal stockyard site is leaking into the SSSI.
- Current demolition activity at site and jetty should have been considered through an EIA process. Not clear that CDM notification took place to cover Health and Safety aspects. Screening process took place retrospectively, months after start of work.
- Enforcement action taken by HSE during current demolition activities as a result of external concerns being expressed regarding unsafe practices.

This is a list compiled by independent locals observing the behaviours of Clydeport Operations Ltd. from

the outside. Imagine the list which could be created by trained safety observers on the inside who had a good rapport with the operators doing the work!

11. Summary of Conclusions

- 1) This is an extreme high-risk site.
- 2) The proposed quantities of toxic waste in are extraordinarily high.
- 3) No risk assessment is available.
- 4) Clydeport Operations Ltd. Working Plan is deficient
- 5) The Hunterston site operators are not known nor are the duty-holders.
- 6) The Clydeport Operations Ltd. managerial control structure is not clear.
- 7) The competence of the named companies and their representatives is challenged.
- 8) No documentation is visible about the movements and monitoring/control of special waste from the site to re-processors.
- 9) The local residents have a just cause to be concerned about this proposed operation and its operators.
- 10) Political aspirations for job creation should not interfere with the legalities of planning, licensing and health and safety law. This principle is enshrined in our democracy and in the separation of the executive from the judiciary.

Statutes and Regulations considered in this examination	
REACH Regulations 2008	Health and Safety at Work Act 1974
CLP Regulations 2016	Asbestos Regulations 2012
LOLER Regulations 2018	Construction, Design and Management Regulations 2015
PUWER Regulations 1998	Management of Safety Regulations 1999
Lone working Regulations (Scotland)2012	Control of Substances Hazardous to Health 2002
Confined Spaces Working Regulations 2014	Fire Prevention act 2005 Fire prevention regulations 2006
	COMAH Regulations 2015

FOFOC 15th Nov 2018