Witness Statement: Paul Kevin Evans

I Paul Kevin Evans will say as follows:-

1 I am a former employee of Celotex, a Core Participant in the Grenfell Tower Inquiry (the “Inquiry”).

2 Before I set out the evidence of my involvement with the development and launch of Celotex RS5000 and the supply of this material to Grenfell Tower I would like to express my sincere sympathy to all those who have been affected by the fire on 14 June 2017, who remain in my thoughts. I fully welcome the opportunity to provide my evidence to assist the Inquiry.

3 I was employed by Celotex between 2 July 2007 and 15 March 2018 (when I left the Company by mutual consent), most recently holding the position of Head of Marketing from May 2013 (my title changed to Marketing Director in October 2015, although I was never a statutory Director of or indeed a shareholder in the company). The manufacturing business that produced Celotex insulation was transferred from Celotex Limited to Saint-Gobain Construction Products UK Limited (“SGCPUK”), with effect from 31 December 2015 however, whilst my employer entity changed to SGCPUK on that date, I continued to work for Celotex as a business. Where I refer in this proof of evidence to Celotex, I use the term interchangeably to refer to both Celotex Limited and SGCPUK, trading as Celotex.

4 This proof of evidence is divided into the following sections:

4.1 Introduction;

4.2 Section A: my professional background and experience at Celotex;

4.3 Section B: the development and testing of RS5000 prior to its marketing launch in August 2014;

4.4 Section C: the marketing launch of RS5000;

4.5 Section D: events following the marketing launch of RS5000;

4.6 Section E: the supply of Celotex products to Grenfell Tower;

4.7 Section F: events following the fire; and

4.8 Section G: The Inquiry’s List of Issues.
In providing this evidence, I have relied on my own knowledge. Where I am relying on information provided by others, I have stated that this is the case below and I believe that information to be true. I have also referred to documents disclosed by Celotex to the Inquiry and the reference numbers used in this statement correspond with the Bates reference numbers already applied to those disclosed documents.

I hope the following short glossary will be of assistance to those considering my statement-

"BBA": The British Board of Agrément.

"BCA Guidance Note": The BCA Technical Guidance Note 18.

"BRE": The Building Research Establishment.

"BR135": "Fire performance of external thermal insulation for walls of multi storey buildings: Third Edition" published by the BRE.

"BS8414": A 2002 British Standard describing test methods to assess the fire safety of cladding applied to the external face of a building.

"CTC": Celotex’s Technical Centre.

"NHBC": The National House-Building Council.

"K15": Kingspan’s Kooltherm K15 phenolic insulation board for rainscreen cladding applications.

"Lambda": The value of the insulating capacity of a product.

"MAG": The Management Action Group which was the senior management team within Celotex.

"PLCP": Product Life Cycle and Planning Committee.

"PDI": Product Development and Innovation Committee.

"PIR": Polyisocyanurate, an efficient insulation material.

"SAP": A software programme for managing business operations.

"SFS": Steel frame system.

"SPINN": The Service and Product Innovation Committee.
In saying what I do, I do not intend to waive and do not waive any entitlement to legal privilege held by Celotex Limited, SGCPUK or me. This applies particularly, but not exclusively, if I refer to the fact of advice being sought but not to the substance of that advice. This may mean, however, that in particular I am unable to comment on certain matters of which I have some recollection because legal privilege is asserted by Celotex.

INTRODUCTION

In preparing this statement I have had to consider events spanning over five years extending from 2011 until mid-2017 and in the course of doing so review several thousands of pages of documents. I have done my very best to express my factual recollection of events accurately and without it being influenced by the fire or subsequent events. Allowing for the fact that the development, testing, launching and marketing of RS5000 was just one of many projects that I was involved with in my role as Head of Marketing/Marketing Director where I have no recollection of a point or issue I say so for I do not believe it will assist the Inquiry for me to engage in speculation as to the facts. On occasion, however, where I believe it is appropriate I have offered my opinion on a number of key points.

A. MY PROFESSIONAL BACKGROUND AND EXPERIENCE AT CELOTEX

I. Period prior to Saint-Gobain’s acquisition of Celotex

I joined Celotex as its only Product Manager on 2 July 2007. Before this, I had held marketing roles at three different companies since leaving university. I hold a degree in business management and marketing from the University of [Redacted].

The job at Celotex was my first role in Product Management and my first role in the construction industry. Being a Product Manager at Celotex at that time was a junior role that was commercial, rather than technical. By this I mean that my role was focused upon the market, competition, products, product ranges and thickness of products within ranges, certifications, prices and margins as opposed to pure technical issues such as the intricacies of manufacturing processes, the precise formulation of products, installation guidelines, Building Regulations and the impact of our product on any wider building performance. Naturally to be able to
market products I had of necessity to gain some technical knowledge but the gaining of such knowledge was a gradual process over time which was not supported by any formal training programme, peer to peer review or appraisal by a Statutory Director. Further, not all of the technical information supplied meant a great deal to me so although I was aware of it I did not necessarily have an awareness or understanding of its significance.

During this time I worked on new product launches as well as finding new opportunities for established products. By way of example, I recall working on the launch of Celotex’s accessories, the relaunch of its flat roofing, the launch of plasterboard laminated insulation boards and the launch of improved lambda (i.e. better thermal) solutions for both the 4000 and 5000 ranges. Part of the role involved looking at what our competitors were doing, and identifying where we might be able to launch equivalent or similar products. It also involved being a close point of contact with the Sales team, who would look to me for advice on, for example, what was a distinguishing feature of one of our products as compared to a competitor’s. The role also involved seeking and maintaining product approvals and certifications provided by the BBA, the BRE and others.

As Product Manager, I reported to Chris King, who was then Celotex’s Marketing and Business Development Director. During the period from when I joined in 2007 through to around mid-2012, Celotex’s Product Management and Marketing team beneath Mr King consisted of a Marketing Communications Executive, myself as Product Manager and a Marketing Communications Administrator (who also worked as a PA to Mr King). Rob Warren, in his role of Technical Manager, also reported to Mr King.

In 2012, the role of Marketing Communications Executive was held by Rebecca Lee (now Hartlebury) and the Marketing Communications Administrator role was held by Tina Smith. Whilst Ms Smith remained a member of the Marketing team I do not recall all of the specifics around her reporting line from this point as it varied over time between Mr King, Ms Hartlebury, Lizzie Seaton and me.

As we were a relatively small team, we would often work on the same projects, particularly in relation to a product launch. Where more technical input was required, for example in relation to application queries, regulation compliance,
specific product detail and installation this would usually come from Mr Warren, in his role as Technical Manager, or someone within his team.

During this time, the Celotex business was smaller than it is today. It was smaller in all respects in terms of people, resources and turnover but growth year on year up to 2012 was noticeable. It became apparent to me that I was working for a business which was looking to be sold not least because I and other employees were told on a variety of occasions by senior management that the business would one day be sold. Budgets, and the business generally, were incredibly lean. The focus at that time was on the short, rather than longer term strategy and as a consequence Celotex grew at a very fast pace over a short period of time. "Fast Paced" was in fact one of five core Celotex behaviours which were launched as part of a company-wide Internal Communications campaign in 2014. It was readily accepted and acknowledged by Celotex employees that the company did work in this manner. Including this information is not intended to be a criticism of the behaviours or how the business was managed, but is purely an indication of how the business operated culturally.

II. June 2012 onwards

Jonathan Roper joined Celotex's marketing team as Assistant Product Manager in late May or early June 2012. I recall that the sale of Celotex to Saint-Gobain was announced in the week or so after he joined. At this time it was apparent that more people were being recruited into the business generally, and the business was looking to promote some of those already within it into roles in middle management. I believe that this was being done in recognition of the likelihood that some of those in senior management would leave the business at some point following Saint-Gobain's acquisition.

I believe that the role of Assistant Product Manager was Mr Roper’s first job as a graduate, fresh out of university. He reported to me, and this was in turn my first experience of line management. My role as Product Manager did not really change following Mr Roper joining the team. Of course, he took some of my workload, although for the first six months to a year he was really learning about the products and the business.
Mr King left Celotex at the end of January 2013. Both I and Mr Warren independently applied for his role. In fact the business decided to split his job to create a Head of Marketing role and a Head of Technical role. I was given the Head of Marketing role, and Mr Warren became Head of Technical. Although my job title did not formally change until 1 May 2013 between Mr King’s departure and that date I did take on some additional responsibilities whilst continuing in my role as Product Manager but did not take on additional line management responsibilities.

As Head of Marketing, I was responsible both for the Product Management and Marketing Communications teams. As I have indicated in describing my own role as Product Manager above, the Product Management team looked after new and existing products, taking new products to launch and finding new ways to market existing products. The Marketing Communications team was responsible for Celotex’s communications across all marketing platforms. Once appointed to the role of Head of Marketing I became involved with matters such as strategic planning, brand development activities, the planning of product development and recruitment. I became a member of the MAG. I also became more directly involved with Saint-Gobain. To a degree my role became more forward thinking and less day to day.

After I became Head of Marketing, Karen Moore was recruited into the business as a further Product Manager in approximately August 2013. She was given the title Senior Product Manager.

I recall a couple of conversations around this time with Mr Roper about him moving from the role of Assistant Product Manager to Product Manager. Celotex was not at this stage prepared to offer him more money though. Mr Roper decided in the end that it was better for him to be called Product Manager even without a salary rise.

From this time onwards therefore, I had three people directly reporting to me – Ms Moore and Mr Roper on the Product Management side and Ms Hartlebury on the Marketing Communications side. At the same time I was promoted to Head of Marketing, Ms Hartlebury was promoted to Marketing Communications Manager.
and Ms Seaton (now Wignall), who joined in or around July 2013, took on the role of Marketing Communications Executive (reporting to Ms Hartlebury).

Ms Hartlebury then left in August 2014, and Ms Seaton was promoted to the role of Marketing Communications Manager at which point she reported directly to me. At that point the role of Marketing Communications Executive was taken in September 2014 by Daniel Steed, who was later joined in that role in or around November 2015 by Lisa O'Sullivan. Ms Moore was replaced by Jim Oliver in September 2014 and Debbie Berger took over from Mr Roper also in September 2014. Ernest Boateng joined as an Interim Product Manager in June 2015. Mr Boateng was an interim appointment as we were trying to recruit a more senior individual for Product Management. Due to a lack of available resources we employed Mr Boateng for 6 months initially through an agency and then he was placed on the Celotex payroll for a further 12 months. In addition Joe Hall joined the Product Management Team as a Product Marketing Executive in January 2016. This was an internal promotion as Mr Hall previously worked in the manufacturing team.

In October 2015, I was given the title of Marketing Director and, other than an increase in salary, my role remained the same. I would reiterate that I was not, and never became a statutory Director. I continued in the Marketing Director role for the remainder of my time at Celotex. In about August 2016, Mr Warren’s reporting line was moved from Dean O’Sullivan to me. It was Mr O’Sullivan’s view that Mr Warren’s role should sit in Marketing rather than in its current standalone position reporting directly to him as Managing Director. I got the impression at the time that if I was unwilling to line manage Mr Warren as part of the Marketing team, Mr O’Sullivan would likely make him and possibly his role redundant. I did not want this to happen for not only did I like Mr Warren but I also felt that Celotex required his technical knowledge.

As Head of Marketing and later as the Marketing Director, I reported directly to Celotex’s Managing Director, which was Craig Chambers until May 2016, and then it was Mr O’Sullivan. In both roles I was part of the MAG which I discuss further at paragraphs 27 to 38 below.
26 Under Mr Chambers’ management, I and my team moved into the same building as those within the Technical and Customer Service teams. I had my own office, and the Marketing team was located along the corridor from it. The Product Management team shared one office and the Marketing Communications team another office. Initially Mr Warren was based downstairs in a small office next to where the CTC was during their office refurbishment and extension. He eventually moved upstairs to an office opposite mine.

III Management Action Group

27 During my time at Celotex, the MAG was the senior management team of the business and the heads of the various departments were members of it and attended its meetings. It was the senior day to day decision taking body within Celotex.

28 Upon becoming Head of Marketing in May 2013 (and later as Marketing Director), I attended the MAG meetings to represent the Product Management and Marketing functions. During my time, the MAG generally met monthly and drove the business for both the short and the longer term.

29 To the best of my recollection before I joined the MAG its membership consisted of Richard Pemberton (Chief Executive), Mark Goddard (Finance), Mr King (Marketing and Business Development), Richard Crisp (Sales) and John Arnold (Operations), all of whom were statutory Directors, and Alison Pena (HR Manager).

30 At the time of the sale to Saint-Gobain the membership had altered to consist of Mr Pemberton, Mr Goddard, Mr King, Paul Reid (who had replaced Mr Crisp after he had sadly died) and Paul O’Brart (who had replaced Mr Arnold), all of whom were statutory directors, and Ms Pena.

31 Post sale Mr Pemberton, Mr Goddard and Mr King, left Celotex over a period of several months in late 2012/early 2013. Mr Pemberton and Mr Goddard’s places on the MAG were taken by Mr Chambers (although he had the title of Managing Director rather than Chief Executive) and Adam Gilson. Both Mr Chambers and Mr Gilson were statutory Directors. Although they resigned as Directors in 2012 Mr O’Brart and Mr Reid remained as MAG members until they were replaced by Andy Bumham (Operations Director) and Chris Nicholls (Sales Director).
respectively. I do not believe Mr Bumham and Mr Nicholls were statutory Directors. Mr King's MAG role was split between me and Mr Warren, although neither of us was a statutory Director. Ms Pena remained a member.

32 From May 2013 until I left Celotex earlier this year other members of the MAG from time to time in addition to me were Mr Chambers (and later Mr O'Sullivan who although he had the title of Managing Director does not appear from a recent company search I have made to have been a statutory Director), Mr Gilson (and later Liz Cramp who also despite the title of Finance Director was not a statutory Director), Mr Reid, Mr Nicholls, Mr O'Brart, Mr Burnham, Simon Alengrin as Head of Supply Chain & Customer Experience, Mr Warren as Head of Technical, Ms Pena as HR Manager (and later Andrea Hucket as HR Director) and David Marsh as Project Engineering Director. At some point Joe Mahoney joined the MAG as Head of R & D and the PIR Competency Centre although I cannot recall when.

33 I never understood the relationship between the MAG and the Board of Directors of Celotex nor the extent to which the Board was monitoring or overseeing the day to day actions of the MAG. Certainly before the acquisition by Saint-Gobain I was aware of Mr King attending some Board meetings to make presentations, because he told me in very general terms where he was going and what he was doing. Post-acquisition I was less aware of Board meetings taking place although on occasions I was asked by Mr Chambers and Mr O'Sullivan to provide them with input for a Managing Director's report. I never knew who any report was circulated to or discussed with. I certainly don't recall any feedback in respect of any information I had provided.

34 In 2014, Mr Chambers introduced the practice of a monthly report, which covered every business function and to which all heads of department, including myself, would contribute. I prepared the "Communications and Product Management aspect of the Marketing / Technical Review" section of the monthly MAG report, with Mr Warren and others providing the technical content of that section as appropriate. Until Mr Warren began reporting to me in 2016, our notes were prepared and issued separately to the compilers of the MAG report. When Mr Warren began reporting to me, he still drafted the technical notes, as only having
an overview I did not have the requisite technical expertise or knowledge. The MAG report was circulated prior to each MAG meeting and everyone was expected to have read it beforehand. As I understood it, the purpose of this monthly report was to address the more day to day aspects of the business, so that more time could be spent in the meeting discussing key projects.

35 All members of the MAG had the opportunity to input on the agenda for meetings, although in practice action points identified in the previous MAG meeting would often drive the agenda of the next one. It was never difficult to fill the agenda and sometimes you might be asked to take a particular discussion offline, and/or to convene a later spin off meeting involving a smaller group to continue the discussion. Not everyone present at the MAG would necessarily fully engage with every topic in the same way because they each had different areas of focus and expertise. To the best of my knowledge other than the lists of action points that MAG meetings produced no formal Minutes were ever prepared.

36 From time to time, Mr Chambers invited others within the business to the MAG meetings to present on certain topics - I think in part to give more junior people good experience and exposure. A lot of presentations to the MAG would be accompanied by a Powerpoint slide deck.

37 Who took the decisions at MAG meetings would vary depending upon what was being discussed. I recall members of the MAG discussing and vetting proposals, and providing input from the perspective of particular departments, such as Operations or Finance. Particularly important decisions would generally be made by the Managing Director, although ultimate sign off on matters such as the budget for the next year would be escalated for approval by Mike Chaldecott, in his dual role of Regional Managing Director of UK Construction Products and General Delegate for Saint-Gobain in the UK and Ireland.

38 When Mr O'Sullivan took over the role of Managing Director from Mr Chambers, he instituted a two stage MAG meeting: in the morning, every member of the MAG would give a 15-20 minute update on their part of the business, and Ms Cramp would get perhaps 45 minutes to cover the finance; then in the afternoon, the discussion would be more project specific. Examples of business wide projects that were discussed included a new manufacturing facility and a new SAP system.
IV Other Committees

39 I was also a member of the product innovation committee in its various forms throughout my time at Celotex. This committee was initially known as the PLCP committee and later renamed as the PDI committee before being renamed again as SPINN following the company acquisition by Saint-Gobain. This committee was the main forum for developing new products or services and, like the MAG, met monthly. It was an opportunity to bring the Product Management side of marketing together with the Sales, Operations, R&D, Purchasing and Technical teams.

40 From mid to late 2012 I began to chair PLCP/PDI at the request of Mr King. I did not generally need to set an agenda, as a lot of agenda items were standing items and attendees tended to add to the agenda as required. Most members of the MAG were also members of SPINN including the Managing Director, the Sales Director, the Operations Director and the Heads of R & D, Supply Chain and Marketing, so to the extent that decisions needed to be made, the relevant people were meant to be in the room. That said, attendance at SPINN was not as good as it could have been. It sometimes felt like a meeting of the Product Management team, together with Mr Mahoney (who was a Development Chemist at Celotex from at least the time I started with the Company before at some point becoming a Development Manager and latterly Head of R & D from 2015). Whilst he was Head of R & D Mr Mahoney was also the Head of the PIR Competency Centre, which was a Saint-Gobain initiative. Mr Roper was a regular attendee at SPINN too.

41 After the Saint-Gobain acquisition PDI was renamed SPINN and had a bit more purpose behind it. This was because the business now needed to start thinking about its innovation pipeline in terms of the next five years, as opposed to just the next 12 months.

42 Beneath the SPINN committee there were project teams allocated to particular projects. These teams would meet as needed in between SPINN meetings. Generally the project manager of each project team would also sit on SPINN.
V  Management of my own team

43  As Head of Marketing (and later as Marketing Director), I used to hold my own monthly meetings with my team. I liked the discipline of sitting down once a month and I adopted Mr O’Sullivan’s approach of allowing every person an equal time to speak. Previously these meetings had been more function led focusing on Product Management and Marketing Communications. Over a period of time I became aware that the same people were doing most of the presenting and as I wanted to spread ownership of the content I encouraged everyone to participate actively and equally in each meeting. In addition to these team meetings, I tried to hold monthly one-to-ones with each directly reporting member of my team – typically for about an hour. Aside from these more structured meetings, I tried to ensure my door was always open, to encourage people to drop in as needed.

B  DEVELOPMENT AND TESTING OF RS5000

44  Before I provide my evidence associated with the development and testing of RS5000, I feel it is important for the Inquiry to understand that RS5000 was just one of many projects the Marketing Department was involved with during 2013 and 2014 from both a Product Management and Marketing Communication perspective. Slides 138-143, 150-152 and 158-170 of the 2014 Budget Presentation\(^1\) outline the number of projects our small team was working on but as a summary these covered product launches along with other product and service development activities. The scope of these also extended to market programmes including new building regulations as well as brand evolution initiatives especially digital strategies, a new website and a new customer relationship management system.

I  Genesis of the “Above 18m” Project

Pre-acquisition by Saint-Gobain

45  I do not recall the development of a product for the over 18m market being a priority for Celotex before the end of 2012. Given the company’s approach to investment before its acquisition by Saint-Gobain, I believe the cost of the associated testing and the fact that this sort of product might take a while to gain

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Paul Kevin Evans  12
traction in the market meant that it would not have appealed to Celotex as much as other product innovation opportunities at this time.

46 I note there are a couple of emails in 2011 which refer to the Sales team needing to report to me to "build a case for the next Celotex investment of the Fire test for use of FR5000 in rain screen cladding applications" and a plan to maintain a spreadsheet of above 18m enquiries received (and thus opportunities lost) but I do not recall it being taken any further than that in 2011 – at least so far as I was aware.

Post-acquisition by Saint-Gobain

47 After the acquisition, it appears from the documents that I agreed in mid-August 2012 to maintain a spreadsheet listing what were believed to be "lost opportunities" in the above 18m market. I do recall doing so, and in a version of that spreadsheet dated 30 January 2013, I see that at that time we had estimated that the volume of "lost opportunities" exceeded 70,000m².

48 I can also see that a PDI action list dated 17 October 2012 notes at point 11 "Spec requirements for above 18m fire test" and my initials are listed next to it as the responsible person. I was responsible for maintaining the PDI Action Lists at this time. I do not recollect this particular meeting, nor being given the role, but looking at the Action List, it appears I was tasked with getting a more detailed understanding of the testing requirements for the over 18m market. At this point in time, Mr Roper would only have been in the business a short time, and Mr Warren does not appear to have been present at the meeting, which may be why the task was allocated to me.

49 I have seen a note in my handwriting which appears to record points discussed in a conversation with Tony Baker of the BRE on 15 December 2012. I do not recall this discussion and so I do not know whether it was a meeting or a telephone call or whether anyone else on either side was present. Mr Baker was someone whom I
recall Celotex had dealt with previously in connection with other fire testing. It appears from my notes that we discussed that there were two parts to the BS8414 test, the requirements in order to meet that test, the potential cost of the test and availability of the burn hall where BRE conducted the tests. Reference is also made to keeping “a watch on any potential partners” which was likely a reference to Celotex’s potential interest in partnering with someone to share the costs of the test.

50 I believe I arranged to speak with Mr Baker to complete the action given to me on the 17 October 2012 PDI Action List.

Start of the project and the project team

51 It appears from the documents I have seen that a decision had been taken by early January 2013 to pursue the possibilities for testing for the above 18m market and that Mr Roper had been tasked with pursuing that, as it was noted in his Key Performance Indicators\(^7\) for 2013 which I prepared in January 2013. Initially, there had been a plan to develop a new product with a lower lambda of 20 (the lower the value, the better the insulating capacity), and that would be the product tested for the over 18m market. This planned product was referred to in some internal documents as FR6000. However, I believe Celotex encountered difficulties in achieving that lower lambda and so the project evolved into a plan to test FR5000 for use in the over 18m market.

52 FR5000 was an existing product within Celotex’s range, which was considered to be the highest fire performing product in the Celotex range on the basis that it had Class 0 fire performance.

53 I don’t recall the creation of a specific project team as such but Mr Roper certainly headed the initiative drawing support from members of other teams such as Jamie Hayes (who was then a CTC member). I have also seen a reference on an early document to Tony Dooley (who was then an experienced Area Sales Manager) being involved although this is something I do not recollect. I was the sponsor for the initiative probably because I was Mr Roper’s line manager.

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As the effective Manager of the Project, it was Mr Roper's role to lead it and do the day to day work on it. Mr Hayes' role was to provide some technical expertise when needed. Mr Dooley's role, if he was involved, would have been to provide a sales perspective. As Sponsor of the project, my role was to ensure that it was progressing and to be a point of contact if there were significant challenges. Mr Roper tended to copy me in on key information (although in common with others he did have a tendency to copy me into some e-mails that I didn’t necessarily need to see) and would periodically update me. I tried to ensure that I had a sufficient understanding of the project's key milestones so that I could speak to them if asked at the MAG. In due course, I believe I was involved in discussions on whether to proceed with testing, and what cladding panel to test. I was not, however, otherwise involved in discussions concerning the technical detail of the project as it progressed.

Mr Warren was also involved on the technical side providing, amongst other things, assistance with an understanding of BR135 and BS8414.

II Fact-finding period: contact with third parties

It was appreciated early on that some external advice and/or input would need to be sought on the testing, because of the lack of expertise within Celotex. Partnering with a third party was also considered as a potential way forward - as a way to benefit from their expertise and to share the costs of testing.

Knauf

There were some early discussions around the possibility of partnering with Knauf Facades for the purposes of the test. It appears from an email exchange I had with Mr Roper on 10 June 2013 that he had spoken with Knauf Facades earlier that day on the possibility of partnering with them. His email notes that Knauf “Seemed keen” but “Seems as if they focus heavily on the SFS element” which the BRE provides. His email notes “Unless they have contacts or themselves manufacture the outer cladding element, not sure they can be of that much use... as much as Knauf will be able to design a system and no doubt provide elements such as the
two layers of plasterboard, cp [cement particle] board etc it may be more use using a rainscreen cladding manufacturer."  

58 I replied "[if] it doesn't fit into our plans then no problem with progressing without them and idea was just to let them know of our scoping and that it's an important market. If they could assist us with test costs then great but not at the delay of bringing our solution to market." I added "As discussed, we would need to make the system as generic as possible and certainly would not want to badge the test as a Knauf system."

Sotech

59 Discussions were also held with Sotech-Optima ("Sotech") at around this time, and again later, to explore potential partnering opportunities and to understand their prior experience. An email from Mr Roper to me dated 11 June 2013 refers to him having spoken to someone from Sotech at an RIBA (Royal Institute of British Architects) event who seemed "to have a huge amount of experience testing to part 1 and part 2. Interestingly, they've only tested using Rockwool Duo Slab as when originally using K15 in their system, the test failed twice! They then reverted to Rockwool and passed but warned that PIR isn't the easiest of materials to fire test". He proposed meeting with them, which he did later that month.

60 I developed an awareness over the course of 2013 that not all systems would pass either of the BS8414 tests using PIR. At the same time, I was aware that Kingspan had successfully tested K15 to BS8414:1 and its product was being specified in a variety of cladding systems - apparently with no negative feedback within the market - at least none that I had heard or that I was aware of others having heard. Kingspan's experience therefore indicated strongly to me that there were systems that were capable of passing the test incorporating phenolic insulation, and I expected the same to be true of PIR. K15 was very strong in the market and to my mind presented a benchmark for what our product needed to be. In the opinion of many within Celotex K15 was no different to the FR5000 product that we already had within our range.

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8 C_01856

Paul Kevin Evans
I did not join Mr Roper for his meeting with Sotech but he shared with me a summary of his meeting on 24 June 2013.  

Mr Roper’s note described the purpose of the meeting as an “Initial meeting to discuss partnering opportunity for testing to BR 135. To understand previous experience and methods for testing to BS 8414 using both Rockwool and Phenolic insulation behind a Sotech cladding system.”

Mr Roper’s note referred to Sotech’s previous experience of testing to Part 2 using K15 noting: “Part 2 testing provisionally used K15 as the insulation...15 minutes testing, BRE extinguished the chamber due to fire being at the 9 metre level using K15. Sotech reverted to Rockwool and passed. Aluminium railing system and cladding panels found to melt and allow fire to enter cavity. Outer face resistance to fire and tolerance of fire barriers proven to be crucial.” The fact that a test involving K15 had failed was obviously of interest to us.

The note also recorded “Astonished as to how K15 is used so widely based on testing involving a cement particle board as the outer face to represent a typical cladding panel. Identified that K'span used Promaseal fire barriers fixed to a galvanised steel sheet. Sotech convinced that the system quoted using a standard cladding panel would fail as the post flashover that occurs would penetrate and melt the panel and allow the flame to enter the cavity. Cleverly designed and worded i.e. non combustible substrate wording used in literature could be interpreted as applicable for part 1 and part 2 (cp board & masonry face). Outer face using CP board classified as 6mm non combustible cladding in product literature.” I do not recall what my thoughts were on reading this at the time. I assume now that the astonishment was on the part of Sotech individuals, rather than Mr Roper. I do recall a developing belief emerging around this time that what Kingspan had tested was not necessarily representative of what was actually being used in the market, and also that Kingspan had not been particularly clear in its literature about the system it had tested for BS8414:1. I recall the K15 specification literature, which from memory did not make prominent the system details which Kingspan had tested to.

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9 C_01868

Paul Kevin Evans

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Mr Roper’s note included a section headed “Potential Systems Using Celotex” under which the following were listed:

1. Sotech TFC system with intumescent fire barriers as per K15’s test.
2. Alucobond A2 panel with fire barriers*
3. Cement particle board and fire barriers
4. Steel railing system instead of aluminium

*Alucobond A2- the only non combustible cladding panel on the market. Graham at Sotech (ex Alucobond) to investigate feasibility of using this product for testing.”

I replied to Mr Roper later that same day: “Fantastic note. Lets keep the pace on this. As discussed I’m far more comfortable having a recognised cladding panel and making the system work inside in line with guidance provided by a fire expert then [sic] just copying the cement particle route.”

Around this time an independent fire safety engineering company, International Fire Consultants (“IFC”), was instructed to assist us with the design of any test rig and I think a field of application report. I believe I was at the first meeting with IFC when I met their representative Peter Jackman. I do not recall attending any other meetings with IFC, although I note from my review of the documents that I was copied into, or forwarded, certain e-mail exchanges between Mr Roper and them.

It appears from some of those exchanges that IFC was initially asked for a view on the suitability of FR5000 for use in any BS8414 test we might commission. On 10 September 2013, Mr Roper forwarded me an e-mail he had received from Dr Parina Patel of IFC on 4 September 2013. Dr Patel’s 4 September e-mail (which appears to have been sent on behalf of Peter Jackman of IFC) stated:

“Parina and I have now had a chance to review the BS476: Part 6 and 7 test evidence for your FR5000 material which is far superior to the 4000 product information that you forwarded earlier. The ‘5000’ material is definitely superior to the material that I reviewed a few weeks ago, not only
in respect of its performance but also in its variability which is very low. We note that the specimens were tested under the nomenclature; Line 1 and Line 2. Are we to assume that these designations represent the two manufacturing lines that the product can be made on? If so they show excellent comparability.

In looking at the Class ‘0’ indices for both specimens, they do exhibit low heat release rates and, more encouragingly the heat release does not peak. In fact, the initial heat release rate is low in all specimens and seems to degrade constantly throughout the rest of the heating period.

This is not directly confirmed by the BS476: Part 7 tests where the maximum flame spread was reached early i.e. in the first 15 minutes, but I think it indicates that any heat release after the first 90 seconds did not manifest itself as flaming. This must be a good characteristic in respect of generating a satisfactory BS8414 result.

After performing this analysis, I believe we can understand your confidence in respect of achieving a good result under the ‘8414’ method. We are of the opinion that the rates of flame spread and heat release indicated by the Parts 6 and 7 results indeed form the basis for optimism. Taken in conjunction with our ad-hoc burning tests comparing Phenolic foam with your ‘FR5000’ material further enhances our own feeling of optimism and we do not believe anything more can be done to reassure ourselves that going for a full test to BS8414 will not be a waste of time. We certainly did not have the same level of optimism based upon the responses of the ‘FR4000’ material.’

In Mr Roper’s accompanying 10 September 2013 e-mail to me (under cover of which he had forwarded this e-mail), he commented: “Some positive news regarding above 18m below. Would suggest that we have done as much as we can in terms of investigative work at the front end. I’ll get the ball rolling again with

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"the BRE for a test date end of Oct/Early Nov and endorse IFC to start designing the specimen alongside Sotech."\textsuperscript{12}

**Meeting with Sotech and IFC**

I vaguely recall, prompted by the e-mail and note referred to in the next sentence that there was another meeting with Sotech later in the year. An e-mail Mr Hayes sent to me and Mr Warren on 7 October 2013\textsuperscript{13} (attaching a note of the meeting\textsuperscript{14}) indicates that the meeting took place on 3 October 2013. The attendees this time were Mr Roper and Mr Hayes from Celotex, a David Cooper from IFC and John Egginton from Sotech. The purpose of this meeting was to discuss views on the system to be tested by Celotex to BS8414. The note of the meeting included the following comments:

"Fire test"

- Very problematic to pass – Kingspan failed twice with standard cavity barriers.
- John at Sotech sceptical about pass with decorative cladding.
- Still no idea how Kingspan support the use of decorative cladding as their fire test uses a non combustible cladding.
- Very unlikely to pass on the basis that Celotex FR5000 is slightly better than Phenolic (according to IFC testing).
- Possible idea to design "double cavity fire barrier":
  - This will consist of a steel grill with an intumescent strip as well as a traditional mineral wool cavity barrier
  - Additional fire barriers may be required around openings or even vertically.
  - Possibility to use heavier gauge aluminium with larger panel size.

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\textsuperscript{13}C_01200
\textsuperscript{14}C_01201
the fire test is going to be a close call (if we can even pass it)...".

I do not now recall reading this note or my reaction to it at the time, and I do not know which of the attendees at this meeting would have made each of the comments noted above (save where the comment makes it clear). As I noted at paragraph 60 above, I believe I appreciated at that time and indeed before receiving this note, that not all systems incorporating FR5000 were likely to pass BS8414. At this stage we were still trying to gather as much information as possible so that a decision could be taken by the business on whether to proceed with a test, and if so, with what system. I also think the fact that a system incorporating K15 had passed this test and was being regularly specified apparently without negative feedback within the market encouraged me that our goal was achievable. By this I mean nothing negative was being fed to us by our customers or members of our sales teams. As K15 was our benchmark and so far as I was concerned there was very little product to product difference this gave me confidence PIR could be a viable market solution.

I note there were a number of other comments in the meeting note concerning breathable membranes. I did not know very much about breathable membranes but my understanding was that they are sometimes placed over insulation to allow the application to breathe. Celotex generally advised customers to use one in rainscreen applications whether above or below 18m whereas I believe Kingspan did not, which may be why the use of this membrane appears from the note to have been a focus of discussion at this meeting.

The end of the note recorded:

- "David at IFC to work on fire design.
- Estimated timescale from approved fire design to testing is 3-4 weeks."

III Securing the budget for Above 18m project

So far as I recall, there was no specific budget set aside for the above 18m project. The funding for new product development and testing generally came out of Celotex’s Research & Development budget, which Mr Mahoney was responsible for, from an administrative perspective.
On 11 September 2013, Mr Roper e-mailed Mr Mahoney and me setting out a “rough estimate of costs and timescales for this project” as follows:

“September 13 - £300 Primary Investigation IFC
October 13 - £2,500 Design Of Specimen
November 13 - £20,000 Test Fees, Materials and Labour
December 13 - £3,000 - £5,000 (Assuming That The Test Is Successful) Field Of Application Report IFC”.

I responded to Mr Roper’s e-mail the next day asking Mr Mahoney to “confirm all of this can be paid for from the UK testing budget. We should look for all of these costs to be paid for from 2013 budget and not eat into 2014 product development budgets.” Mr Mahoney responded “Yes we can afford from this year”.

IV Decision on testing to BS 8414-2

A decision was taken, I think in late 2013, to proceed with BS 8414 testing and on the system to test. Looking at my e-mails during this time, I believe this decision was taken at a meeting held on 4 November 2013 involving myself, Mr Roper, Mr Hayes, Mr Warren and Mr Chambers although I have no independent recollection of it.

Before that meeting, and at a time when I was on holiday, (the e-mail chain I have seen indicates that I am on holiday) Mr Roper had e-mailed me on 31 October 2013 noting: “P.s need a catch up on above 18m when back, will send an invite to you, RW, CC & JH for an update on project. In a position where decisions need to be made.” RW was Mr Warren, CC was Mr Chambers and JH was Mr Hayes. To the best of my recollection, this was the first time that Mr Chambers had been invited to a meeting concerning this project, although I would obviously have discussed the project with him in general terms at MAG meetings and the like. The project would have been presented as part of our innovation pipeline.

A short time later, and whilst I was still on holiday, Mr Roper sent a calendar invite to the five of us proposing a meeting on Monday 4 November 2013 with the
subject “Above 18m Update”\textsuperscript{19}. I replied to Mr Roper’s e-mail stating “Seen the invite for Monday so good to get that discussion going and agree way forward. Is it good news?!”\textsuperscript{19}.

80 Mr Roper replied on 1 November 2013 as follows:

“Well... I think we have two possible solutions for testing in which both David @ IFC and I have confidence in. Will explain more on Monday but essentially since the beginning of the project, we have been looking at testing worst case scenario with an improved fire barrier to be then supported by an assessment report which broadens the scope of potential systems that we are applicable for.

After much research, I don’t think this is possible and I don’t believe K’span have a similar report. We cannot seem to find or design a suitable barrier in which we have enough confidence that it can be used behind a standard ACM panel which we know will melt and allow fire into the cavity. Speaking to SIMCO on Wednesday in B’ham with IL, he confirmed that architects will specify K15 with a standard fire barrier and panel. When the work is contracted and then sub-contracted to cladding contractors such as Simco, HA Marks, Stanmore etc, they value engineer that system to be competitive at tender. This means changing fire barriers, changing panels. The architect’s only guarantee is that K15 will be used because there is no other alternative available.

An architect will be told that K15 is applicable for above 18m in accordance with ADB and that suffices from their perspective. Kingspan have done a great job at the spec end and according to Simco are specified much more than Rockwool Duo Slab for thermal performance. As discussed above, contractors opt for more cost effective solutions and although they are liable for what goes into that building, they do not know enough about the fire test to challenge. The only figure who might possibly challenge a product’s eligibility for use in buildings above 18m is the building control officer Kingspan I would suggest do not have a piece of paper that states they can

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Paul Kevin Evans

23
specifically be used behind any cladding panel. What they have done is got BBA certification stating the fire test method and taken that to LABC to get a registered document detail which states that K15 can be used in a variety of cladding systems and complies with ADB through passing BR 135. A building control officer is unlikely to challenge a document that is approved from the head of building control.

What does all of this mean for us? System approval limits us hugely as the market is so fragmented and its extremely difficult to grasp who is being most commonly used. The likes of Marley, Alucobond & Trespa are spec'd a lot but value engineered out for standard aluminium panels. Trying to do the right thing requires a complete re-education of the mkt and this would require a huge campaign and probably a lawsuit. Two options proposed below:

1. Test a standard A2 limited combustible panel of which there are a few (Alucobond A2, Marley Eternit) with a standard fire barrier system. If challenged on what system to use, we can happily state that our test used an A2 panel with a particular commonly used fire barrier. Still not 100% confident in passing as A2 is a euroclass classification derived from test data on reaction to fire testing.

2. Opt for the K'span route and put a cement particle board as the cladding. Use a standard fire barrier. Good chance of passing knowing they have and cp board is good in terms of resistance to fire.

However, what we do need to consider is if we have two potential systems that could pass, how do these dictate route to market. What does an ASM/CTC state to somebody who enquires? If we simply have the test report, we don’t want to have to provide this as evidence. Do we in fact need to spend £25k/£30k for a BBA to be able to gain this document from LABC which in my mind gives us very little chance of being challenged from building control. Do we partner with a few fire barrier manufacturers who have tested with K15 currently to gain confidence in the mkt that way? Or do we take
the view that our product realistically shouldn't be used behind most cladding panels because in the event of a fire it would burn?

What K'span have done extremely well is say very little but build confidence if challenged by having fire barrier manufacturers showing tests with K15, achieve BBA validation and subsequently gain LABC approval. There is always the chance they do have the piece of paper in the top drawer from somebody that states for use with any system but I doubt it.  

I do not recall receiving this e-mail. Having seen the e-mail exchanges, I can see I was still on holiday when I received it. As I was on holiday I replied only very briefly to Mr Roper's e-mail the same day:

“Great summary and shows the real merit of good research and talking to the market. We are trying not to create a "me too" here but if we do it will be for the right reasons.

I'd suggest you put the whole 18m story into some slides and spend 15mins at the start bringing everyone up to speed on your work to date ...

We can then discuss how we go forward. For me, for every amount of confidence we lose in the other system passing needs to be offset with the same amount or more competitive advantage that doing it this way delivers.

I'm not sure that we will have that but let's discuss and also get the views of others.

Please also invite Joe or speak to him when he's back on Monday. It's his budget and he should also have a say on whether this happens.

Well done for your hard work on this.”

In noting “We are trying not to create a 'me too' here but if we do it will be for the right reasons” I meant that, in my mind Celotex should not go down the same testing route as Kingspan – i.e. we should test a system that was more representative of what was actually being used in the market – and also that we should be clearer in our marketing literature about what we had tested.

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Paul Kevin Evans

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I have considered very carefully what I meant by the remark “I am not sure that we will have that” but I genuinely don’t know what I meant. It is clear to me that my e-mail was written in some haste reflecting the fact that I was on holiday following an equally swift read of Mr Roper’s e-mail.

The reference to “Joe” was to Mr Mahoney.

I do not recall the detail of the meeting which it appears subsequently took place on 4 November 2013. I note that I suggested in my 1 November 2013 e-mail to Mr Roper that he put together some slides and I have seen a set of slides entitled “Over 18m Update” which are dated 4 November 2013. I believe Mr Roper presented them at the 4 November meeting although I have no way of confirming this with certainty.

The slides appear to summarise how the BS8414 test is conducted, an estimate of the potential ventilated façade market size, different cladding materials, Kingspan’s approach, Xtratherm’s approach, Sotech’s experience, IFC’s involvement and aspects of some of the points contained in Mr Roper’s e-mail of 1 November 2013. There is then a slide headed “Celotex’s Options” which reads as follows:

“Celotex Options:

• Worst Case Scenario With Field Of Application Report
• System Route (Limits Scope – Requires Re-Education)
• Test & Launch Without BBA & LABC
• Test & Launch With BBA & LABC
• Opt Out Of Above 18m”.

“Worst Case Scenario” is, on reflection, a poor choice of wording but referred to the desire at the outset to test a system from which a wide field of application report could then be prepared. It may also have referred to testing to BS8414:2 as opposed to BS8414:1, on the basis we understood BS8414:2 to be the more demanding of the two tests because it related to the performance of external

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Paul Kevin Evans

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cladding systems applied to a steel frame whereas BS8414:1 related to systems applied to the masonry face of a building.

88 I am not sure whether the reference to “System Route (Limits Scope – Requires Re-education)” referred to the fact that the BS8414 test is a test of a rainscreen cladding system (rather than an individual component such as insulation) or to the potential partnering that had been considered with Knauf and Sotech. I have reflected carefully on this but cannot recall what I meant by the reference nor what I meant by “Requires re-education”.

89 The references to launching with or without the BBA and the LABC referred to whether or not we would seek their accreditation before launching.

90 Opting out of the over 18m market was still an option being considered at this stage.

91 The next slide was entitled “Celotex & BR 135” and read as follows:

“ACM Panel With Improved Barrier System (<50%)
A2 Panel With Standard Barrier (80%)
Cement Particle With Standard Barrier (90%)”

92 This slide set out the options for the different systems which Celotex might test, together with a percentage estimate as to how likely it was that each system would pass. I do not know whose assessment these percentages reflected.

93 Around this time a decision was taken to proceed with testing to BS8414:2 with an A2 panel. As I do not recall the 4 November meeting, I am not entirely confident that the decision was reached at this meeting, although the slides would suggest so, and the attendees at the meeting would have been the right people to have been involved in the decision making process.

V The February 2014 test

94 I do not recall being involved in the preparations for the first BS8414-2 test under the supervision of the BRE, which took place in February 2014. Mr Roper led on that work. It is difficult now to be clear on what I would have known at the time about the set-up of this first test rig, but I am certain I was told at some stage prior to the test that we were testing a system incorporating a Marley Etemit cladding
I do not recall other aspects of the test rig, beyond that we were testing to BS8414:2 and therefore on a steel frame system.

Mr Roper sent a calendar invite for the test to Mr Warren, Mr Hayes and me on 7 February 2014. This invite shows the test as having been booked for Friday 14 February 2014. I did not attend the test – I cannot remember why I did not go.

I do not recall how I learned that the system had failed the test but I do recollect that it failed because the flames extended past the top of the test rig during the test.

I was disappointed when I heard that the system had failed the test. We had invested time and money and had not got the result we were hoping for. The fact that the test had failed was therefore a setback, of course, but it was not in my view a particularly significant one for Celotex. This was because the plan to develop RS5000 was only one of a number of projects that Celotex was pursuing at that time.

In terms of other projects at this time we were also planning a three month roadshow around the UK involving a “pop up” office on a branded double-decker bus in preparation for the next edition of Part L of the Building Regulations. Part L, relating to the conservation of fuel and power in new and existing buildings, was published on 1 March 2014 and came into effect in, I believe, April 2014. The detail was known prior to this which was why we were working on the project at this stage. The tour launched at the EcoBuild exhibition at the Excel Centre in London at the beginning of March 2014. As I explained earlier the range of projects the Marketing and Product Management team was working on at this time was quite vast.

I do not recall whether any report was issued by the BRE for the February 2014 test.

VI. The decision to retest and changes made to the proposed test system

I do not recall what discussions took place internally within Celotex and/or externally following the February 2014 test around whether to retest and if so how.

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Paul Kevin Evans

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101 I see from the documents that Mr Roper sent me a calendar invite on Monday 17 February 2014 for a 30 minute meeting with him in my office on Tuesday 18 February 2014, for which the subject was “BR135”. I do not recall this meeting.

102 Although I would have been consulted the decision on what to retest would not have been mine because I did not have the technical knowledge or expertise to make that decision. The decision making process would have involved Mr Roper and Mr Warren. As for the overall decision to retest, in addition to me Mr Chambers would have been involved. This was to be the first major product launch since Saint-Gobain’s acquisition of Celotex in 2012 so not only was he interested in being kept apprised of progress but the cost of the retest was such that it would have required consultation with and approval by him.

103 Sometime after the failed February test, a decision was made that we would retest, and that a thicker Marley Eternit cladding panel would be used. I do not recall other changes being discussed with me or drawn to my attention.

104 It appears that the decision to retest had been taken by the end of February 2014 because on Monday 3 March 2014, Mr Roper forwarded to me an e-mail he had sent to Mr Mahoney earlier that day setting out a breakdown of costs envisaged for retesting to BR 135. Mr Roper’s e-mail to Mr Mahoney noted:

"As discussed on Friday find attached a breakdown of costs envisaged for re-testing to BR 135.

We’ve had confirmation from BRE that we can look to retest early to mid-April. This is dependent on whether or not our installers can spare the labour as they are extremely busy currently and turning down work.

Test fees - £12,500 + £2,500 (This is not fast track testing and is the cost of altering one of their test rigs so we do not have to wait till July to test)

Simco Labour & Materials - £5,700

Cladding - £800

Sheathing - £500"
I think that Mr Roper sent this e-mail to Mr Mahoney because it was planned that the costs of the retest would come from the R&D budget. The purpose of sharing this information with Mr Mahoney would have been to enable him to plan around it. Whilst Mr Mahoney was responsible for the R&D budget, that was a more administrative than supervisory role and it would not have been Mr Mahoney’s role formally to authorise this expenditure. Authorisation would have come from Mr Chambers.

VII The May 2014 test and the meetings of 14 May 2014

As with the first test, I do not recall being involved at all with the preparations for the second test and Mr Roper again led on this. It does not appear that I was sent a calendar invite for the second test but I know that it occurred on 2 May 2014. Again, I did not attend.

I was informed that the system had met the performance criteria for the test on the day by Mr Roper. I was pleased for the business and those that had been working on the project.

Around the time of the second test in May 2014, and in addition to many other projects, I remained actively involved with the “Part L” roadshow that Celotex was running and to which I have referred in paragraph 93.

On 8 May 2014, Mr Roper sent me a calendar invite for a one-hour meeting for 12 May 2014 with the subject “Above 18m Discussion” and location “CC office”.25 I do not recall this meeting, and so I do not know whether it took place. The reference to “CC office” would have been to Mr Chambers’ office.

A MAG meeting took place on 13 and 14 May 2014 which I attended. The agenda for the second day of that meeting included at item 3 “Above 18M – review and discussion”. My initials were listed next to it under the column headed “Responsible”.26 Mr Roper e-mailed a Powerpoint presentation entitled “Above 18m” to me at 10.46am on 14 May 201427, when I would already have been in the meeting. Mr Roper once attended and presented at a MAG meeting and I believe

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26 C_09610
27 C_00932
that it was at this meeting that he did so. I do not believe that I presented these slides to the MAG.

111 I do not recall the detail of what was discussed about the over 18m project at this MAG meeting, although I note that Mr Roper’s slides referred to both the first and second tests, and included a brief description of the system tested each time. His slides described the first system tested as:

"8mm Eternit Cladding
Lamatherm Fire Barriers
100mm FR5000
Sheathing Board
Metssec Frame"

112 His slides described the second system tested as:

"12mm Eternit Cladding
Lamatherm Fire Barriers With 6mm Magnesium Oxide
100mm FR5000
Sheathing Board
Metssec Frame"

113 I draw attention to these two slides, because I am aware that it is now believed that there were differences between the system tested in May 2014 and the system described in the BRE report dated 1 August 2014 (the “BRE Test Report”), in particular involving the use of a magnesium oxide board at certain levels behind the Marley Etemit cladding.

114 I would like to make it clear that I was not aware of any differences between the system described in the BRE Test Report and the system tested in May 2014 at any time until the possibility of it was drawn to my attention in the course of Celotex’s post fire investigation into this issue.

115 It was at the 14 May 2014 MAG meeting at which the decision to proceed with the
launch of RS5000 was formally taken. The Action List from the 13/14 May 2014 MAG meeting records an action point in respect of the over 18m project as “Launch programme and date to be agreed with target in Q4”30. As will be noted my initials and Mr Chambers’ initials are recorded next to it. I believe that in my absence on paternity leave Mr Chambers had a meeting on Friday 30 May 2014 which was also attended by Mr Roper.

In the course of preparing this statement for the Inquiry, I have been shown two other Powerpoint presentations entitled “Above 18m”:

116.1 One is dated 14 May 2014 on its face, and is much shorter than the presentation that Mr Roper gave to the MAG on 14 May 201431. Its file name “SPINN.14-05-14” suggests that it was prepared for a SPINN group meeting on 14 May 2014. I do not recall whether such a meeting occurred on this date, but it would not be unusual for a SPINN meeting to be scheduled on the same day as a MAG meeting, as a number of the attendees for both meetings were the same.

116.2 The other has the file name “MAG Presentation V2” and appears to be a shortened version of the presentation that Mr Roper gave to the MAG on 14 May 201432. This version of the presentation has fewer slides than the presentation given to the MAG. It does not refer to the first failed test, and in the description of the system tested in May 2014, there is no reference to “6mm Magnesium Oxide”. I do not know why this version of the presentation was produced or why the reference to the 6mm magnesium oxide board does not appear in the description of the system tested.

As mentioned above in paragraph 115 on 30 May 2014, I began two weeks of paternity leave. In my absence, the meeting involving Mr Chambers
and Mr Roper occurred. I have no reason to believe that this meeting did not take place.

VIII Pre-launch dealings with the NHBC

The NHBC does not to my knowledge formally approve or accredit products for use in their building projects. I understood, although I cannot recall how, that K15 was regularly being specified and used in over 18m building projects with which the NHBC had some involvement. Celotex hoped therefore to achieve something similar with RS5000, and for that reason, one of the pre-launch tasks was to speak to the NHBC to understand their position and stance in this market.

I believe that Mr Roper had already had some exchanges with the NHBC prior to the test that was carried out in May 2014. Following the decision to proceed with the launch of RS5000, a meeting was organised with them at Celotex’s premises in Hadleigh on 19 June 2014. I did not join this meeting but Mr Roper did, together with Mr Reid (Celotex’s then Sales Director).

At some point after the meeting with the NHBC finished, Mr Roper came to see me in my office. The reason that I recall something of this meeting is because I have a photograph of the whiteboard in my office, which I took on my mobile telephone at 15:34 that day and which records some points which Mr Roper must have raised in that meeting. It was not uncommon for me to take photographs of whiteboards recording points of discussion just in case I might need to refer to them again at a later date. It saved time and meant that there was no need to prepare a separate written note.

I came across this photograph, which I had completely forgotten about, in November 2017 when I was looking on my mobile telephone for a video of an innovation idea. As I immediately recognised its importance as it related to RS5000 I shared a copy of it with Andrea Huckett, Celotex’s HR Director, so that she in turn could share it with the team that was reviewing documents relating to RS5000 following the fire.

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Paul Kevin Evans

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The photograph of the whiteboard shows a table (written in my handwriting, save for the last row, which I believe is in Mr Roper's handwriting. The table records a number of matters which are listed in a column headed "NHBC Concern / Challenge". I do not now recall if I was told by Mr Roper whether these were points which the NHBC had raised in the meeting that day with him and Mr Reid, or whether they were points that he anticipated they might raise, or a combination of the two. I do not recall being told that the NHBC had raised particular concerns about the BS8414:2 test commissioned by Celotex prior to the launch of RS5000.

I also do not recall whether the column headed "Cc Response" referred to responses which Mr Roper said he had given at the meeting, or suggestions of possible responses which might be given in the future.

I think that the column headed "Risk" may have referred to the risk that the launch of RS5000 would be delayed because, for example, the NHBC required something additional, such as further testing, but I am not sure.

Looking at the photograph now, I do not understand much of what is written on the whiteboard and I do not believe that I would have understood much of it at the time, given that a number of the rows appear to refer to technical details of what was tested and why it was tested in that way, which would not have been familiar to me. I believe that the content of what was written on the board would have come from Mr Roper as he was talking to me, and that I would have written it up on the board as he was speaking, not in all cases appreciating or fully understanding the points he was raising. That said clearly nothing that Mr Roper raised with me, during what was a relatively short meeting, gave me specific cause for concern. Had it done so or had Mr Roper been at all concerned I would have sought to deal with those concerns seeking external advice if necessary for there was no one within Celotex with a greater degree of relevant technical knowledge than Mr Roper. I certainly would not have been able to offer advice on how Celotex might respond to these challenges or concerns, given the technical nature of them.

Although at the time I regarded the meeting as no more than one which was updating me given that I was Mr Roper's line manager and "Sponsor" of the RS5000 Project it is clear to me now with the post fire knowledge that I have...
acquired that there were issues that could, and indeed should, have been explored further. As I mentioned towards the beginning of this statement looking back with the benefit of hindsight it seems that I was unaware of what I was aware of. As we were heavily reliant upon the technical knowledge that Mr Roper had acquired, but which could not be subjected to critical analysis within Celotex as there was no one else with the equivalent or indeed superior technical knowledge, greater external support should have been sought. At the time this simply did not occur to me nor indeed, so I believe, to any of the Directors above me who had knowledge of or some degree of oversight of the Project such as Mr Chambers. I certainly did not appreciate that what were or might be issues for the NHBC might have wider implications in terms of the BRE test and the approval of the system tested.

IX LABC and BBA Certification

127 In addition to seeking NHBC approval of RS5000 prior to launch, Celotex also wanted Local Authority Building Control accreditation. Mr Roper led on seeking that accreditation for RS5000 and I do not recall having any involvement in it.

128 Some consideration was also given to whether Celotex should seek BBA accreditation for RS5000 prior to launch. I believe we decided against it on a cost/benefit analysis. The cost was significant (around £40,000 in total, as I recall) and my own view was the benefit was limited. Following launch, from time to time we received inquiries about why we did not have BBA certification for RS5000, but I do not recall that Celotex ever seriously considered pursuing it.

X Finalising the BRE reports

129 On 1 July 2014, Mr Roper e-mailed Mr Clark at the BRE and copied Mr Hayes and me. The subject was “Test Report Comments”, and the email attached an electronically annotated copy of the draft BRE Test Report, along with three photographs. Mr Roper’s e-mail stated:

“As discussed, please find attached our first draft comments for our BR 135 test report. Annotations are highlighted throughout the document and we
will send through the revised drawings to replace figures 4, 5 & 6 once we receive updated details from Simco this week.

As previously discussed, could you also replace figure 18 with the attached photographs as we want to show a close up of the condition of our insulation below and above fire break with the intumescent fired off. If you feel you also have a suitable photograph, then please include.

We expect to receive the updated drawings from Simco this week which will be checked in my absence by my colleagues Paul & Jamie who will then forward these onto you for inclusion in the final report. As previously mentioned, it’s imperative that we progress the report in anticipation for our planned launch at the beginning of Aug so if you could update the report and pass onto Steve Howard before you go away I’d be obliged.\(^5\)

I do not recall this e-mail, nor do I recall any discussion relating to the request in Mr Roper’s e-mail to replace Figure 18 in the draft test report. I relied on Mr Roper in relation to matters such as the detail on finalising the test report.

Mr Roper forwarded his e-mail to Mr Clark to me, copied to Mr Hayes, shortly afterwards noting:

"We'll discuss in more depth later on when we do the official handover but I've spoken to Luke @ Simco this morning and he expects to have the updated drawings of the rig complete by tomorrow if not end of week. I've asked him to send these through to you in my absence. Can you please run these by Jamie to check all the details and send through to Phil @ BRE the relevant drawings to replace figures 4, 5 & 6 of the test report. Phil will then implement these into the report with the other amends and put forward to Steve Howard (his boss) to complete and sign off. Phil is due to go on annual leave himself on the 10\(^{th}\) July so have urged him to complete the amends and put through for final production before he goes away.

Jamie is aware of what needs amending on the drawings so he will be able to identify that the correct changes have been made.\(^5\)"
I replied, suggesting that “What might help is a checklist of all things that need doing in your absence.” I do not recall any internal discussions around these e-mails, save that I recall that Mr Roper was about to go on annual leave for one or two weeks and had left some tasks with me to complete in his absence. It was not an uncommon practice for me to assist with the tasks of my team members when they were on holiday.

At about the same time, Mr Roper e-mailed Mr Hayes, copying me:

“As discussed, Luke will update the attached PDFs to show correct rig orientation.

File 1311 - CB - 04 is the one that will need to go to Phil @ BRE once updated.

Main changes to this file will be:

- 60mm ventilated cavity shown on all drawings
- 8mm marley eternity and 10mm sheathing to change to 12mm
- 100mm Celotex RS5000 shown in all drawings

The only document I expect him to update is 1311 - CB - 01.

Main changes will be:

- A 10mm ventilated horizontal joint between marley eternit panels on both the main face and return wing
- He may also implement a 10mm vertical joint on the corner where the main face meets the return wing.”

I received updated drawings from Simco by e-mail on 4 July 2014. I replied to Mr Cresswell at Simco later that day. My e-mail stated:

“Can I please request a couple of minor changes:

1. On all three drawings the sheathing board is referenced as ‘12mm CP Board’. Can this please be changed to ‘12mm Magnesium Oxide Board’

C_09695
C_00974
C_03193

Paul Kevin Evans

37
2. On the vertical detail drawing (bottom left), the CP board is stated as 10mm. Can this please be changed to ‘12mm Magnesium Oxide Board’

3. On the Internal Corner Detail with chamber (top right), the values of the Marley Board, Cavity, Insulation all need to change to reflect the annotations. These should read 12, 54 and 100 not the 8, 68 and 90 currently shown.”

Mr Hayes would have assisted me with the review of the Simco drawing and the preparation of this e-mail as I was not familiar with this level of detail in relation to the testing.

Mr Cresswell returned the updated drawings later the same day. I then e-mailed the updated drawing to Mr Clark at the BRE:

“Hi Phil,

Just tried to call but you were away from your phone.

Jon Roper has asked me in his absence to forward you a revised drawing (please see attached) in place of Figures 4, 5 & 6 of our test report.

Could you please update the test report and pass to Steve Howard for approval. I understand that you are away from 10th July so could I please ask you to confirm back to me once this has been passed to Steve as this forms an important part of our pre-launch activities for us to meet a launch date of early August.”

On 8 July 2014, Mr Clark replied:

“Paul / Jon, just to let you know I have made your suggested changes and included the photo requested and updated the drawings. I report is now on its way to Steve who will hopefully get it issued while I am away”

On 30 July 2014 I received an e-mail from Mr Roper, who had by then returned from holiday, forwarding a copy of the final test report that he had received from

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38 C_03194
40 C_03211

Paul Kevin Evans 38
the BRE:

"Can we discuss this please.

Thanks."

I do not now recall why Mr Roper requested a discussion, nor whether any such discussion took place.

XI Production of marketing materials

Following the test in May 2014, work got underway to prepare the marketing materials for the launch of RS5000. Mr Roper led on this work, under my supervision which involved a combination of Product Management providing content with Marketing Communications being responsible for matters such as visuals and branding.

The Marketing Action Plan for RS5000 described the proposition for the project as "The first PIR insulation board testing approved to BR 135 and therefore acceptable for use in buildings above 18m in height." Under the heading "Positioning", the Plan included:

- "Class O fire performance & tested on a typical rainscreen cladding system to BS 8414"
- Direct equivalent to Phenolic solutions
- LABC approved
- Accepted for use on NHBC projects
- Up to 50% thinner solutions than Rockwool"

Some of these points - such as the one relating to the NHBC - were aspirational at the point when the Marketing Action Plan was drafted. Marketing Action Plans were primarily internal documents prepared for use by the Marketing Team but they were from time to time made available outside of marketing to the MAG and to other teams if relevant. They were not customer documents. I expect that Mr Roper prepared the one for RS5000.

The marketing proposition for RS5000 was quite simple. We saw K15 as the benchmark and were moving into the rainscreen cladding market for both below and above 18m applications in competition to Kingspan. Importantly and

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[^41]: C_03230
[^42]: C_01220
recognising that the testing of RS5000 to BR135 and to BS8414-2 had involved the product being tested as part of an overall system we were keen to make it absolutely clear in the marketing literature that the product approval to the two standards had occurred as part of a system so the product was not approved in isolation for use in any application or system. It was for our suppliers to discuss with their customers and for those customers and those representing them such as Architects to satisfy themselves as to the appropriateness of any application if the system envisaged was to differ from the system that had been tested by the BRE in May 2014.

142 A number of different marketing documents were produced for RS5000 products. They included:

142.1 Product data sheet (the “Product Data Sheet”).\textsuperscript{43} This provided a high-level overview of the product’s features (i.e. what the product was, thickness, weight, thermal performance and physical properties);

142.2 Rainscreen cladding application data sheet (the “Application Data Sheet”).\textsuperscript{44} This outlined the U-value calculations for different thicknesses of the product, as well as installation guidelines;

142.3 The rainscreen cladding specification guide (the “Specification Guide”).\textsuperscript{45} This was prepared specifically for ‘specifiers’ (i.e. architects, contractors and building control) who would usually be responsible for selecting the type and thickness of insulation going onto a building; and

142.4 The rainscreen cladding compliance guide (the “Compliance Guide”).\textsuperscript{46} This was a standalone document intended to draw attention to the regulatory requirements of BR135, which included a description of the system tested, (together, the “Marketing Materials”).

143 Every Celotex product had its own product data sheet containing basic information about the product. Application data sheets contained information specific to a particular application for a product, so, for some products, there would be multiple

\textsuperscript{43} C_00411
\textsuperscript{44} C_00409
\textsuperscript{45} C_00417
\textsuperscript{46} C_00415
application data sheets, although for RS5000 there was only one. The Compliance Guide was a document prepared specifically for RS5000 – so far as I am aware, Celotex does not produce compliance guides for its other products. This is all part of a segmentation approach which was intended to channel specific information to specific customers. We had Product Data Sheets and Application Data Sheets for other major applications (pitched roofs, cavities, floors, timber frames etc).

The drafting of the Marketing Materials

I recall some discussion internally about the language around "suitable to use in buildings above 18 metres" and how prominent this should be in the marketing materials.\(^{47}\) I tried to ensure that, wherever we used this sort of language, it was either in the context of marketing materials where we also included details of the system tested and noted the need to check changes with the building designer or readers were referred to the website or told to contact the CTC for full specification details. I also recall that on Celotex’s online U-value calculator; a warning box would pop up if a rainscreen cladding application calculation was selected to make people aware of the need to consider further information if their project was above 18 metres. This warning box was not previously required as we did not market a solution for buildings at this height.

During my review, I have considered documents that relate to my involvement with the Marketing Materials. The technical content for the literature would have been provided by Product Management and perhaps Mr Warren with the Marketing Communications team’s role being to make them visually consistent and in line with Celotex brand guidelines. My role was to provide an overview of the different materials and to assist with any specific questions that arose. I have seen some e-mails relating to my opinions and direction being sought from me upon the trade advertisement we produced. This is, I believe, because the advert only had limited space to accommodate technical content and I wanted to make sure that if that content was restricted the advert had to make it clear where further information

\(^{47}\) C_09720 / C_09728 / C_09730 / C_09737
could be obtained. Similarly, the Specification Guide allowed for more technical content.

I was not involved in drafting the technical detail on the requirements of BR135 or the description of the system tested. Mr Roper and Mr Hayes were responsible for drafting that material. I do not know whether Mr Warren also assisted them. I was more focused on the aesthetics and graphics of the documents, ensuring that they were “on brand” although I was quite clear about ensuring that references to the system testing that had been undertaken were clear and unambiguous.

Although the Marketing Materials would have been shared with and commented upon by Mr Chambers their signing off was not in fact the role of one specific individual rather it was a process that required approval from all interested stakeholders within Celotex and Saint-Gobain.

Whilst RS5000 was the same as FR5000, we created a different product code for it. The main purpose of this was to enable us to track orders accurately and gauge whether the product was selling successfully (as opposed to how FR5000 was selling). Having a different product code enabled us to ensure that distributors were not supplying FR5000 rather than RS5000 as well as enabling Celotex to sell the product at a slightly higher price than FR5000, to reflect the increased investment Celotex had incurred in commissioning the BS8414-2 testing undertaken.

C. MARKETING LAUNCH OF RS5000

RS5000 was launched on 5 August 2014, and the Marketing Materials were published on Celotex’s website from around this date.

An internal launch meeting was held for the Sales team on the morning of 5 August 2014, which I also attended. Other attendees according to the agenda included Mr Roper, Ms Seaton, Mr Reid, Mr Nicholls, and the Northern and Southern Sales Teams. A PowerPoint presentation entitled “Celotex RS5000 Launch 05.08.14”
was delivered to the Sales team in the course of that meeting. Whilst I do recall the meeting, I do not recall every aspect of it. I suspect that Mr Roper would have given the sections of the presentation entitled “Above 18m” and “Celotex RS5000”, and that Ms Seaton would have presented the sections entitled “Marketing Communications” and “Marketing Support”. I believe the “Value Matrix” was a group based exercise involving the Sales Team which was an idea initially seen at a Saint-Gobain marketing event and one we felt was good to include at the launch event.

151 On the slide headed “Presentations”, reference is made to a “Sub-contractor presentation” and to a “Distributor presentation”. If these presentations were delivered then they would have been the responsibility of Sales. Again this was all part of the segmentation strategy.

152 On or around that day (and as noted on the slide headed “E-shots”), e-mails were also sent by the Marketing team to architects and other specifiers, cladding contractors and distributors, notifying them of the launch of RS5000 and attaching some of the marketing materials.

153 I believe some training would also have been given to the CTC on RS5000 upon its launch, but I do not recall it or whether I was involved in it. The CTC was usually provided with training in respect of new product launches.

154 I would not expect training to have been given either to Sales or to the CTC on the suitability of RS5000 for use in different build-ups because Celotex did not have that expertise and would not have expected those teams to express views on that matter. As far as Celotex was concerned, compliance with BR135 was a matter for the end user, and I believe that the Specification and Compliance Guides made that clear. That said the CTC was briefed as to the “approved system” content of the marketing materials.
EVENTS FOLLOWING THE MARKETING LAUNCH OF RS5000

I NHBC dealings following launch

A few weeks after the marketing launch of RS5000 in early August 2014, I recall that we started to receive feedback indicating that the NHBC was raising concerns about the use of RS5000 in its over 18m projects.

On 29 September 2014, the NHBC wrote to Celotex on the subject of RS5000 and the over 18m market noting:

“In terms of NHBC acceptance our technical view is that the fire performance of Celotex insulation shows limitations in the actual fire resistance relying heavily on a specific and unusual façade construction type including thickness and layout of key parts of the cladding system to provide partial fire resistance. It should be considered whether a qualified Fire Engineer will assess the external envelope design for buildings with wall elevations over 18metres. This is particularly relevant wherever the use of rigid foam board insulation products, such as the one manufactured by Celotex, are being considered for building envelopes. We would be interested in your views and experience on fire engineered facades in relation to the use of Celotex insulation.

There is a need for better understanding on how insulated building envelopes actually behave during fires and how the combination of materials will influence fire performance within the whole building envelope system. The product information sheets and literature provided by manufacturers are not always sufficiently clear on this aspect of design.

We will continue our efforts towards reaching an agreed view on what the performance reported from these fire tests truly represent in terms of Building Regulations Approved Doc. B2 – Sect. 12. This is likely to involve further discussion within NHBC and may possibly include further discussion within the Building Control Alliance within which NHBC also participate.”

50 C_01022
51 C_01030

Paul Kevin Evans
The MAG Report for the September 2014 MAG meeting noted at point 5.2 as follows: “NHBC remains an obstacle with the most likely route to now engage with a fire expert/engineer on a project by project basis. This route currently being taken by Keepmoat for an 11,000m² job”. Despite this, my recollection is that Celotex did not pursue any desk top studies or similar reports until some months later (see further paragraph 170 below).

The September 2014 MAG Report also noted at point 5.5 that: “Kingspan also rumoured to have passed the Part 2 test but appear to be underwriting projects themselves to secure orders”. I think Jonathan Roome suggested that Kingspan was for a period writing letters confirming the suitability of their K15 product for use in projects, although I do not believe I ever saw such a letter. Underwriting projects is not something that Celotex ever did, to my knowledge.

II Possibility of further testing

Towards the back end of 2014, from time to time I believe there were some discussions around the possibility of Celotex pursuing further testing of RS5000, and if so, what external input should be sought before doing so. I think they were prompted by the fact that post launch we started to work on live projects involving different cladding types. For example, in a 21 October 2014 e-mail from Mr Roome, he referred to Ms Berger and him meeting with the BRE to “discuss how we can better tailor our RS5000 approach in this market. As we have nearly all found out the whole issue around BS8414 is far more complex than we first thought” and in an e-mail dated 28 November 2014, Mr Roome proposed engaging a company called Total Façade Solutions to give Celotex “guidance as how to move forward with RS5000 (Testing etc.)”. I do not recall that we ever formally instructed anyone externally in relation to this.

During this period, Mr Warren continued to keep in touch with the NHBC, in an effort to understand any developments or further clarification of their position in this market. On 9 December 2014, Mr Warren emailed Mr Perrior, Mr White and Nigel Shapland (all of the NHBC) following a meeting he had attended with them.

52 C_03355
53 C_01036
54 C_03379

Paul Kevin Evans

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to discuss "issues around Above 18m and also the current and possible future requirements of testing around fill solutions for cavity walls". Mr Warren’s e-mail noted: “You mentioned that you were all off to see the BRE and others to discuss the next steps on this issue. As indicated, if you are able to feed back any of the points raised during that meeting that would help clarify the system requirements going forward we are more than happy to have that discussion.” Mr Perrior replied: “I can confirm comments made during the discussion in that we are speaking with manufacturers and experts to establish the current risk and will advise of our position shortly.”

On 14 January 2015, Mr Roome forwarded an e-mail chain to me, copying others at Celotex, stating:

“Team,

It seems from the email trail below involving Kingspan and their K15 product that our honeymoon period with RS5000 is over

We have been sent an email (inadvertently) with an email trail between Durkan (Developer), Kingspan and Squire & Partners (Architect).

Kingspan are purporting to have passed PS8414:2 and most interestingly they used a Cement Particle board of 12mm thick in the process…”

“[O]ur honeymoon period” referred to the period of time that had passed since the launch of RS5000, prior to Kingspan passing BS8414:2 (as opposed to BS8414:1).

Mr Hayes replied on 16 January 2015, commenting that “Despite Kingspan now having an BS8414-2 NHBC are still wary of compliance.” He drew attention to Kingspan’s comments in the chain concerning the fitness for purpose of their product and remarked: “Specifically stating the product is fit for purpose in a specific build is a bold step on their part, and you can see that when later pushed it starts to unravel a bit on them.”
On 20 January 2015, Ms Berger e-mailed Richard Milward, Mr Roome, Mr Hayes and me, setting out her “short term and long term ideas for RS5000”:

"Short term"

- RS5000 is selling and we know it is gaining momentum on smaller commercial projects where approvals not so critical. Mostly a swap for K15 at point of sale. Recent projects include Premier Inn. Plus recently in the latter part of last year we secured the first call off for a large project for BAM in Kings Cross thanks to Jonathan Roome. Project size is 4000m²

- When presenting RS we stick to our script which talks around the legislative requirements of compliance and the benefits of the product. There is supporting Literature in the form of compliance guide, specification literature and LABC approval.

- A condensed version of BR135 expanding on the build-up and actual test details is available if required.

One of the challenges RS5000 has is its field of application. The market is changing as is more knowledgeable about the technical requirements of insulation in ventilated facades above 18m. The build-up tested or its current field of application doesn’t represent what is commonly specified in the field and limits specification and sales opportunities.

Long Term – To develop a system with a wider field of application in ventilated facades above 18m and review each stage at SPINN.


- Understand value of widening the field of application. What opportunities does a wider field of application (that is more representative of common designs) have? (K15 Estimated value to Kingspan £5-10M, so well worth looking into.)
• Understand fire performance of different facades used in ventilated façade systems above 18m by working more closely with Façade engineer and BRE.

• Establish a partner and develop a system and share testing costs. (Hadley SFS)"59

164 From my own perspective, I am not quite sure at what point I gained an understanding that more testing might be necessary. I suspect it was post launch prompted by a combination of factors including some system related enquiries from end customers that began to filter back to us and the contact we had had from the NHBC and the discovery of the BCA Guidance Note. Pre-launch it hadn’t seemed necessary to undertake further testing but again, looking back with the benefit of hindsight, perhaps further testing ought to have been undertaken.

165 On 3 February 2015, Mr Roome forwarded to me and others an e-mail chain concerning an NHBC project in which Nigel Edson of the NHBC had noted that a fire engineering colleague had told him they were happy to accept use of RS5000 “in the same format as tested”, or, for any different configuration, “the same BR135 classification either by means of a fire test or a desktop study by the test-house”. His e-mail also relayed comments about the system tested by Celotex noting “...as you can see, the tested construction was very robust and the gaps between the Marley external panels were limited to 10mm in a horizontal plane and nothing in a vertical plane. This is a key issue – the more air that circulates in the cavity, the faster the rate of burn.”60

166 Mr Roper replied to Mr Roome’s e-mail noting “Would be interesting to know what the build up is for this project?...to my knowledge K15 has only got a classification for a cement particle board acting as the cladding panel and more recently a terracotta system. My inclination is that this project will incorporate neither of the above, therefore K15 should equally not be accepted by NHBC.”61

167 I replied commenting: “Could I please ask that we do find out on this project and any further projects where NHBC are not allowing the use of RS5000, the full...

59 C_01279
60 C_03535
61 C_03535
It was around this time that we received a letter from Ardmore Construction Limited in connection with the NHBC’s apparent objection to the use of RS5000 on a new-build of theirs at Octavia Street. There was some back and forth internally over how to respond to them but the NHBC ultimately changed their view and accepted the use of RS5000 on this project, because of some aspect of the building design, which I think had to do with the balconies. This experience underlined for me that it was not possible for Celotex to try to determine compliance, given it could turn on information not available to the company.

III Exova desk top study

I believe it was in March 2015 that I was first sent a copy of the BCA Guidance Note. The BCA Guidance Note outlined three potential routes to compliance with BR135, being (i) the use of materials of limited combustibility; (ii) conducting a full scale fire test; or (ii) submitting a desktop study. Whilst I am now aware that the BCA Guidance Note was first issued in June 2014, I do not believe that I was aware of it at the time of RS5000’s launch. I do not know whether Mr Roper was aware of the BCA Guidance Note before it came to my attention but the fact that I haven’t identified any reference to it within the documents suggests that he was not. Had I been aware of it sooner, I believe that the contents of the Guidance Note would not only have been reflected in the marketing materials but would have focused attention much earlier on the possibility of desk top studies being a route to achieve a wider field of application.

We began exploring the possibility of conducting a desk top study with Exova Warringtonfire (“Exova”) at around the same time. On 16 March 2015, Ms Berger e-mailed Mr Chambers and me noting:

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62 C_01079
63 C_01419

Paul Kevin Evans
"We have agreed to send over [to Exova] 4-5 build up examples. After consideration and a discussion with the NHBC, the following have been recommended: ..." 64

171 Ms Berger’s e-mail then listed four build-ups, one incorporating a 103mm brickwork façade, one incorporating 8mm terracotta cladding, one incorporating Al cladding laminates and one incorporating class 0 aluminium cladding. I do not recall the discussion with the NHBC to which Ms Berger’s e-mail refers, and I may not have been a party to it.

172 I replied: “Fine with me. As discussed this afternoon I think key to this is the brick outer system which could then be the quick win and open up some new project opportunities for us.” 664 Brickwork facades were specified relatively commonly and from the knowledge I gained about BS8414 it was my understanding that systems involving masonry were much more likely to pass a test for the purposes of BS8414 for the simple reason that brickwork/masonry was involved.

173 As I have sought to explain during the progression of the RS5000 Project I gradually gained knowledge about BR135 and BS8414 primarily, but not exclusively, from my discussions with Mr Roper. I would describe the knowledge that I had acquired as no more than an “overview”. That knowledge has expanded rapidly since the fire due in part to my involvement with the post fire investigations undertaken by Celotex but also in part through the extensive work that the preparation of this statement has involved. The knowledge that I and others such as Mr Chambers had during the planning, testing and launch phases of the RS5000 Project was heavily reliant upon the information we were provided with by Mr Roper and I can see that the accuracy of that knowledge ought to have been subjected to greater scrutiny by the MAG, the Directors of Celotex, by me and others at the senior management level with the assistance of external expert support. As I have mentioned earlier in this statement I have done my very best to set out what I knew and when from a technical perspective but it is very hard to be precise because of the significant additional knowledge acquired post fire.

174 On 5 May 2015, Ms Berger forward to me and to Mr Warren a first draft of Exova’s desk top study report on these four build-ups. In her covering e-mail she

64 C_03583

Paul Kevin Evans
commented: "It looks positive from first quick reading. Just as a reminder, the proposed build-ups are as discussed with Dave White. We discussed the most common build ups that best represent NHBC projects."  

175 The draft report concluded that the first three build-ups listed in paragraph 171 above would meet the performance requirements of BR135. In respect of the class 0 aluminium cladding build up, the report concluded that it could not be assumed that this construction would meet the requirements. 

176 I thought at the time that the report was a positive development. I do not know to what extent the information that the class 0 aluminium cladding build-up had been judged not to meet the requirements would have been circulated more widely within Celotex. I do not recall discussions regarding it.

IV NHBC and Exova desktop study

177 On 23 April 2015, Mr Warren received a letter from the NHBC dated 21 April 2015, which he forwarded to me later that day. The stated purpose of the letter was to "outline the applicable Building Regulations and NHBC Standards...to help builders provide us with appropriate evidence of compliance for both building control and Buildmark warranty purposes". The letter noted that the NHBC was "aware that some builders are specifying combustible components within the external wall construction of buildings with a floor level 18m or more above ground level. The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety." In addition to setting out the Building Regulation and the NHBC Standard requirements, the letter set out the three possible methods of demonstrating compliance with the regulations (as set out in the BCA Technical Note).

178 At this time, I was relieved that more clarity was emerging on the routes to compliance. I replied to Mr Warren’s email on 23 April 2015 noting that it was "Useful to get official confirmation from them though given the intel from Ardmore today it makes it very difficult with the NHBC to be able to say a definitive yes or no given there could be specific detail changes in the design that we are not aware of."

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65 C_01099
66 C_01100
67 C_01087 and C_01088
of. Either way I believe this gives us the chance to start a conversation with NHBC as they have asked for a response from us. Suggest we offer a meeting at Hadleigh (factory tour etc etc) or we all travel to Milton Keynes to meet with them".68

Mr Warren arranged this meeting, which took place on 19 May 2015. An agenda for the meeting lists attendees as Mr Perrior, Mr White, John Lewis and Steve Evans on the NHBC’s side and Ms Berger, Mr Warren and me on Celotex’s side. Items on the agenda included “Review of Celotex RS5000, NHBC Compliance Requirements, Celotex Progress Since Launch and Field of Application Review”.69

Mr White was at one point quite rude at this meeting, interrupting me whilst I was speaking and suggesting that some aspect of Celotex’s position on RS5000 was stupid, although I do not recall specifically what it was that he did not like. I felt quite taken aback by his reaction; my perception was that Celotex generally had had a good relationship with the NHBC - for example, we had worked closely with them in relation to full fill cavity applications.

The May 2015 MAG report provided an update on this meeting at point 5.4, which Mr Warren would have prepared:

“Celotex meeting with NHBC was quite heated (every pun intended) with Dave White of NHBC being very vocal and in our view unprofessional in the manner in which he dealt with the points discussed. On the positive side, the NHBC will look at the desk top study work that we have carried out with Exova to see if they accept the findings. It is possible that they may allow a brick outer to be used with RS5000. The NHBC’s issue is that in their view our fire test was not sufficiently representative of a typical Rainscreen system. At some point we will have to consider another test to broaden the scope of RS5000. Until that time we will continue to maximise the potential of RS5000 in non-NHBC jobs and the occasional NHBC job where the specific design of the building (due to balconies acting as fire breaks for example) allows RSS000 to be included.”70

68 C_03636
69 C_03678
70 C_03706

Paul Kevin Evans 52
On 20 May 2015, I sent Mr Perrior a copy of the draft Exova desktop study, along with a copy of the BRE Test Report. I noted:

"We will speak with Exova with regards to their assumptions made on the full report to generate their recommendations on other systems. In the meantime, based on the desktop study, if you could please confirm to us the NHBC position on RS5000 in use with a brick outer build up (as highlighted in the desktop report), it would be much appreciated." 

There was some pressure at the time (both from within the Sales and Specification teams and from customers) to commission a desktop study on a system incorporating a brick outer build up. There was confidence even before we had received the Exova desktop study that it would pass, and it did not make sense not to have a positive stance in relation to a system that we knew would pass, so it was an obvious next step.

Mr Perrior replied, noting: "We look forward to receiving further details from the desktop study as discussed yesterday, with specific reference to the one fire test completed thus far."

I followed up on 25 May with Mr Perrior, asking: "Could you please confirm approximate timescales for feedback to us on the brick outer system as detailed in the report. We have commenced follow up discussions with Exova and will feed back comments from them once completed."

On 26 May 2015, Exova formally issued their desktop study report (the "Exova Desktop Study"). The findings did not differ from those in the draft report.

On 8 June 2015, Mr Perrior responded as follows:

"This remains work in progress, but I can provide you with a few observations.

We have previously commented in careful detail on BRE fire test report 295369 which appears to be the only fire test report released? Please advise if there are others. Furthermore, we have previously explained that this BRE

71 C_01110
72 C_02241
73 C_01127/C_01128
test was not fully representative of a typical rainscreen façade. However, we are still seeking to review exactly what has been recently assessed by Exova in their desk study.

We are looking to provide a critical breakdown of each wall type evaluated by Exova, although from an early read of their report it appears that the only performance benchmark is the temperature measurement data as provided in BRE fire test report 295369. Perhaps you could advise if this is incorrect?

Again from an early read, it appears that Exova have not considered that the Marley Eternit 'rainscreen' was only marginally ventilated due to the large size of boards and the fact they were all butt-jointed together in most locations. This effectively starved the cavity of airflow and delayed the fire development so that the time/temperature measurements looked more favourable.

Therefore it appears that the basis for Exova's analysis does not reflect either a true model of a ventilated rainscreen façade or take fully into account the fact that a large part of the Marley 'rainscreen' caught fire.

On a related issue, we have been in discussion with Ardmore Construction Ltd about a project known as Octavia Street, Deptford, where it appears that a cladding system fire engineering report has been carried out by BWC. Anecdotally I have been advised that Celotex will not provide a full copy of the test report, preferring to provide a summary only which as I'm sure you will appreciate causes a few issues. Perhaps you could advise if this incorrect?

188 On 9 June 2015 I replied as follows:

"With regard to your email below, we have discussed the detail of this today and will forward your specific questions to Exova for their comment. As requested, I can confirm that at present we only have one fire test carried out for RS5000."
With regard to Ardmore Construction and BWC, I can confirm until your email yesterday, we were unaware of this work being carried out. Our approach for sending out test data and the report remains that in its full format the report offers competitive advantage to our competitors if this was to be sent to them via a third party. We did have a summary report from the BRE which outlines the system and other important details of the test. A copy of this was supplied to Ardmore but not the full test. This protocol is not exclusive to RS5000 and is one we adopt for all third-party reports on product performance. As you can appreciate, these contain details which are proprietary and confidential to Celotex.\(^\text{75}\)

189 I was unaware of any fire analysis being undertaken by BWC and I believe that the first I knew about Ardmore Construction was when that Company complained.

190 On 12 June 2015, I relayed to Mr Perring Exova’s response to the points in his 8 June 2015 e-mail (copied and pasted from an e-mail sent by Frans Paap at Exova on 10 June 2015).\(^\text{76}\) The response was as follows:

"I think we have clearly broken down the different aspects of the fire behaviour, and how this is expected to be influenced by the change in construction.

The requirements listed in the BR 135, external fire spread, internal fire spread and mechanical behaviour are all covered.

We have compared the probable changes in behaviour of the construction in comparison to the in the test construction applied fibre cement boards. As you will clearly remember, we have explained that additional requirements are defined for "Al claddings" to reflect this behaviour.

We have not used any "model" of a ventilated rainscreen façade fire, but the detailed description in the test report, which describes a fire spread through the insulation layer, as well as clear cracking of the cladding boards from about 15 minutes onward.

\(^\text{75}\) C_02241
\(^\text{76}\) C_01124
Based on this description, and our experience in fire tests, and our knowledge about the alternative construction materials, we have presented arguments and conclusions why it can be reasonably expected which alternative constructions can be expected to meet the performance requirements from the BR135."

A few hours later on the same day, Ms Berger e-mailed Mr Perrier adding the following comments from Mr Paap at Exova:

"Hi Debbie

Our general assumptions are that the construction stays the same as tested, except for the changes discussed.

This relates in your case to details as the steel frame, fixing methods of the insulation and internal linings, etc.

Further assumptions will be listed in the section "Assumptions" (very often containing remarks about supporting construction, etc).

We haven't addressed the joints configuration in the test set-up. For practical considerations (dimensions of the boards and the steel framework) I can understand why only horizontal were included.

Considering the behaviour of your construction in the test, I don't think the lack of vertical joints will have influenced the results significantly. There was a vertical joint in the corner, which was exposed to the fire, and fire spread within was mainly influenced by cracking of the boards and heat transfer, not by failure of joints."

V Further desktop studies

Before receiving the Exova Desktop Study, I was aware that we had received some requests to assist with or commission desktop studies in connection with particular build projects, which we had turned down. I felt that the right thing for Celotex to do was to obtain Exova's views on the four build-ups proposed before deciding where to go next.

77 C_01125
Once the Exova Desktop Study had been received, Celotex began to work with	hird parties to obtain desktop studies relating to the use of RS5000 on their own
over 18m projects — where asked to do so. Sometimes this took the form of
Celotex commissioning the desktop study, and sometimes the third party
commissioning it — in which case Celotex’s role would usually be limited to
permitting Exova to use (but not usually share externally) the BRE Test Report data
for the purposes of performing that desktop study.

Ms Berger became the point of contact in the business for these desktop studies,
rather than anyone in the Sales or Specification teams, to enable us to maintain
some control and visibility over the studies being commissioned. Each study cost
around £2,000 to £3,000. Celotex did not necessarily pay for all of them; this
would be a point of negotiation depending on the project. In general, the larger the
project, the more willing Celotex was to contribute. As Marketing Director, I was
the budget-holder for the marketing spend (which covered desktop studies).

Before commissioning a study, Ms Berger would sometimes speak to Exova and
ask their view on whether a particular proposed system would be likely to pass.
Clearly neither Celotex nor any third party wanted to pay for a report which was
going to fail a proposed system, so it was better for everyone to get a steer upfront.
See for example, an e-mail from Ms Berger sent on 21 April 2016, in which she
notes: “Frans [of Exova] has given a verbal indication that Terracotta will have a
positive result but 3mm Aluminium he isn’t so confident. If the panel was an
Aluminium composite panel A2 Euroclass then we may be able to do something”.

Ms Berger maintained a document which I believe was intended to record
outstanding enquiries received for desktop studies and points of action relating to
them. By way of example, she sent a copy of it to me on 10 March 2016, noting
that there were “four live enquiries... for RS5000 above 18m”. She also noted that
she had “two main actions with Exova”, one of which was to “Explore Alucobond
cassette for Bishopsgate” and the other was “Explore alternative Aluminium
cladding types which are fire rated to offer as an alternative to Deptford Wharf”. I
do not recall how either of these were ultimately resolved.

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78 C_03864
79 C_08795 and C_08796
Despite being named as a ‘Cladding compliance project tracker’, the document was not a record of how over 18m projects for which Celotex was supplying RS5000 would comply with BR135. So far as I recall, Celotex only assisted with obtaining desktop studies relating to the use of RS5000 where asked to do so. In addition, for some, particularly smaller projects, Celotex would not necessarily have known the end user of the project.

From recollection, there were about a dozen successful desktop studies received by Celotex from the period May 2015 through until the Grenfell Tower fire. These studies considered a variety of cladding panels. Of them, I note from reviewing my own documents that a draft one related to a build-up involving an alucobond aluminium rainscreen panel system. This was a report issued by Exova in respect of a project called Middlewood Locks. The report was issued in draft in May 2017 but not formally issued prior to the fire. Following the fire, Exova declined to issue the report, citing the results of the testing carried out by the then Department of Communities and Local Government.

VI NHBC Guidance Note in July 2016

In July 2016, the NHBC issued a technical guidance note entitled “Acceptability of common wall constructions containing combustible materials in high rise buildings”. The note outlined the then four options for demonstrating compliance with BR135 according to the BCA Guidance Note, and then identified four “common wall and façade constructions” which the note said were “acceptable to NHBC without the need to provide a [desktop study] provided that the design specification and installation meets the minimum specifications set out”. The outer layer of the three build-ups listed in the appendices to the note were a brickwork façade, timber panelling, and aluminium composite panels. Celotex’s RS5000 (of up to 140mm thick) was one of three insulation types which was listed as acceptable to be included in each of these build-ups (along with Kingspan’s K15 and Xtratherm’s SR/RS).

From my e-mails, it appears that I learned of this development in July 2016. I do not know what led to the NHBC issuing this note. I do not recall any particular discussions between the NHBC and Celotex having preceded it.
I regarded this note as a positive development for Celotex, albeit not that surprising, given RS5000 was being used in the market, and to Celotex’s knowledge being approved via desktop studies for use in a variety of build-ups.

I understand that this note was withdrawn by the NHBC following the Grenfell Tower fire.

E SUPPLY OF CELOTEX’S PRODUCTS TO GRENFELL TOWER

When I learned of the Grenfell Tower fire on the morning of 14 June 2017, I was not aware that any Celotex insulation product had been used in its refurbishment. During the review of Celotex’s documents following the fire, two e-mail exchanges involving me were identified as relating to it.

The first was an e-mail I received on 16 March 2015 from Claire Terry (Customer Service Team Leader, Celotex) entitled “FW: Grenfell Tower – Celotex”. In Ms Terry’s e-mail, she asked that I price a non-standard thickness order for RS5000. Beneath Ms Terry’s e-mail to me was an email to her from Jonathan Roome (Major Projects and Specification Manager, Celotex) in which Mr Roome asked:

“Please can you let me know if we can do the following for Harley;

- Manufacture of 160mm Special RS5000 (1,900m²)
- List Price for the Distributor
- Lead Time

I will then get the order through the distributor and confirm.”

160mm for RS5000 was not a thickness that Celotex manufactured as standard. At this time I was the main point of contact within Celotex for pricing bespoke thicknesses of products and had been the main point of contact for special pricing for many years. In order to price 160mm for RS5000, I would have divided the RS5150 list price by 150, and then multiplied that sum by 160, and then added 5% (which was charged to cover the additional costs associated with running a one-off manufacturing run) to reach a price per square metre. For all bespoke orders, there was also a minimum order size.
I replied to Ms Terry’s email noting: “List price of £45.90/m² less standard terms, minimum order of 600m² and 10-15 working day lead time.”

“Less standard terms” referred to any standard percentage discounts offered to the distributor.

I do not recall my e-mail exchange with Ms Terry. I note that the e-mail chain when read to the bottom includes exchanges between Mr Roome and Ben Bailey of Harley Curtain Wall. I do not believe I would have read further down the e-mail chain than Mr Roome’s e-mail to Ms Terry of 16 March 2015, as that e-mail contained all the information I would have needed to respond to Ms Terry’s request. The pricing of a special request such as this would take no longer than a couple of minutes.

Whilst Grenfell Tower featured in the title of these e-mail exchanges, I do not believe that name would have meant anything to me at this point in time. Typically I received a few requests a week to price bespoke orders, and there is nothing unusual in this exchange which would have caused it to stick in my memory.

The second of these exchanges relating to Grenfell began with an e-mail that Mr Roome sent to Richard John (Business Development Manager, Celotex) and me on 20 May 2015 in which Mr Roome noted:

“I have been contacted by Harley Curtain Wall who are using RS5000 on a council hi-rise residential tower upgrade for Rydons and ultimately the client Kensington & Chelsea Council.

Kensington & Chelsea Council are able to tap into a “Green Fund” if they are able to prove that Harley are an “approved” installer of Celotex. I am only aware of SWAGA and suggested that we could provide them with details of A+ credentials of RS only.

Do you both have any experience of council / government based “Green Funds” and how the local councils can prove that they qualify?

Would we be able to provide a letter of confirmation that Harley are an approved installer of Celotex?”

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82_C_00463

Paul Kevin Evans

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Harley and Rydons are not looking to gain anything from this process. It is more for the council to gain part funding. “83

211 I replied to Mr Roome on 26 May 2015:

“Like you my only experience of approved installers is for SWIGA for IWI projects where we have an approved installer course. My understanding is that funding is made available via the energy companies for different applications and they are the decision maker on whether funding is available for upgrading buildings.

It is possible that the route for demonstrating approved contractor status for this application is different to that of IWI. PAS 2030 generally sets out the routes for compliance but we would need to know whether this application fell within this.

Clearly we would need to understand the system build/design and link to the testing we have done on RS5000. Only at this point could we really then decide what process would need to be in place to provide ‘approved contractor’ status as generally this is done for IWI prior to buildings being upgraded.

Perhaps one for us to catch up on at the regional meeting next Tuesday as you are on holiday this week”. 83

212 Whilst the e-mail exchange does not refer expressly to Grenfell Tower, I assume, given the parties involved and the reference to the tower, that it did relate to it.

213 I do not recall the e-mail exchange. I am aware that there are some government initiatives which enable funding to be drawn down from the main energy suppliers where those carrying out the installation are approved to do so. As far as I am aware, Celotex only granted approved installer status in connection with its internal wall insulation products known as IW4000 and IW5000. IW4000 came after IW5000 and they are not the same product.

83 C_00464

Paul Kevin Evans

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I do not recall any follow up on this request after this email exchange – whether at any later regional meeting or otherwise.

**EVENTS FOLLOWING THE GRENFELL TOWER FIRE**

I first heard about the fire on the morning of 14 June 2017 on my way to work. At that point, it did not occur to me that there was a connection to Celotex or any of its products.

It was on arrival at work that I first learned from Ms Cramp that Celotex insulation may have been used in the refurbishment at Grenfell Tower. A lot of work was done that day and in subsequent days to confirm that RS5000 had been supplied for use at Grenfell Tower and to consider Celotex’s appropriate response.

Importantly during one discussion with Ms Cramp in her office she showed me correspondence between Mr Roome and SIG, the distributor that had been involved with the supply of product for the Grenfell Tower Project, which dated back to the time of supply. I cannot remember now whether Ms Cramp showed me the correspondence either on screen or in hard copy but in any event that correspondence specifically identified the importance of understanding that RS5000 had been approved as part of a specific system and that there was a need to ensure that the planned system was comparable. I believe copies of the Marketing Materials were also attached to the e-mail but as I haven’t seen copies of that correspondence subsequently I cannot set out the contents with any greater degree of accuracy in this statement.

I can also add that large distributors like SIG have their own technical teams working on projects and specifications. They are of course in competition with other distributors to supply construction products such as insulation to building projects.

I did not learn until a number of months later that the Inquiry had informed Celotex that Celotex’s TB4000 product had also been located in places on the Tower.

Paul Kevin Evans

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Class 0 testing

Prior to the fire, Mr Warren and I decided to send some samples of RS5000 to be tested by the BRE for Class 0 testing. We did this because from time to time Celotex received requests from customers for the underlying test reports relating to RS5000's Class 0 classification and the actual test reports that Celotex had at this time referred to FR5000 on their face which had the potential to cause confusion. We never thought that the product would not pass.

Following the fire, I learned in mid-August 2017 that these samples had failed to achieve Class 0 classification. I recall that I was attending a colleague's wedding that day with others from Celotex, and spoke only briefly with Mr O'Sullivan to check whether he needed anything from me in light of the news. I recall being surprised and concerned by these results and I believe that feeling was shared by others at Celotex.

II  

2012 change in formulation on Hipchen line

In reviewing my documents in order to prepare this witness statement, I note that I was one of a number of recipients of a change note dated 29 August 2012 which appears to refer to a change in formulation for Hipchen produced FR5000. The change note records "As agreed at PLCP/PDI, no external testing will be carried out." I was also copied into an e-mail exchange involving Mr Parker and Ms Hammond dated 10 September 2012 in which Mr Parker noted:

"Will we need to give the BBA notification of the change of Polyol for FR5000. We will be requiring a report (external) which demonstrates the change has no detrimental effect to either the thermal or stability performance of the product. Can you provide me which the product name / supplier and raw material spec number so this can be included in to our own Quality plan."

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85C_09920  
86C_09560
Ms Hammond responded:

“We are not intending to do any external testing as I am sure the BBA would require and this was discussed and agreed at the PLCP/PDI meeting. You can ask Joe to confirm but my understanding is that we haven’t intended to make the change to the quality plan.”

Mr Parker replied:

“Joe did discuss this with me – I was unaware of the PLCP decision.

You just need to be aware that there is a possibility the BBA could pick this up when they audit incoming chemical receipts, and they did specifically inform us that any new chemicals should be highlighted to them following prior audits when they found we had made a number of chemical changes and not told them about it.”

I would have been an attendee at PLCP/PDI meetings at this time although I do not recall the specific meeting referred to or the decision in question. The recommendation would have been one for R & D and/or Operations to reach as they would be the ones to determine whether or not a change or was not material. The ultimate decision would have rested with the MAG for no change was note could be approved without a minimum of two MAG members’ approval. As I recollect the guidance given to the MAG was that the change was not material so further testing was not required. In approving the change note I was approving the change not the decision not to test.

I accept that viewed objectively there is an argument that there was a lack of attention to detail within Celotex. Looking back with the benefit of hindsight I can see that this view has some merit for there were too few people undertaking too many tasks with insufficient experience and resources and neither overall oversight from the Board of Directors or adequate external support. Amongst other things this led to a disjointed approach in relation to testing and it is clear to me that nobody had a firm grasp of the inter-relationship between testing for the purposes of Class 0, testing for the purposes of BR135 and testing for the purposes of BS8414, whether part 1 or part 2. Too much reliance was placed upon Mr Roper’s
understanding of the regulatory background but this is not a criticism of him for he should have been subjected to a greater degree of critical questioning, not only by me, although my technical knowledge base was limited, but also by members of the MAG, the Board of Directors and Saint-Gobain and he should also have been provided with a greater degree of external expert support.

G THE INQUIRY’S LIST OF ISSUES

227 With reference to the Inquiry’s letter to me of 9 August 2018 which contained the request for this Witness Statement I am unable to comment upon modifications to the interior of Grenfell Tower between 2012 and 2016.

228 I am however able to comment at least to some extent upon some of the following questions relating to modifications to the exterior of the building between 2012 and 2016 (including cladding and insulation) and where necessary will cross refer to preceding paragraphs of this statement:-

228.1 What was the purpose of the cladding/insulation to the exterior of the building?

Like all other products in its range, Celotex PIR was supplied to provide thermal performance benefits to the building.

228.2 What was its design, manufacture, composition and method of fixing to the building?

I don’t know

228.3 To what extent did the design and construction of the modifications to the exterior of the building take account of the design and construction of the interior of the building? If it did not, in what respects did it not and why not?

I don’t know

228.4 Was the exterior of the building (including the cladding, insulation, fixings and windows) compliant with the relevant building regulations, fire regulations, other legislation, British Standards (including testing requirements), guidance and industry practice?
The insulation was tested as part of a system to BS 8414-2 but the system tested was not reflected in the refurbishment at Grenfell Tower.

228.5 To the extent that it was compliant with such regulations, legislation, British Standard, guidance etc., were any of those inadequate and if so in what respects, so far as relevant to the nature and immediate causes of the fire and its spread?

I do not feel this is something for me to comment upon.

228.6 If not compliant in any respect, what elements or aspects of the exterior of the building at the time of the fire failed to comply with what elements or aspects of what regulations, legislation, British Standards, guidance, industry practice, and in each case to what extent?

I don’t know

228.7 Who was responsible for such failures?

I don’t know

228.8 What advice or information was available, and what assessments were made, about the components that comprised the exterior of the building, their fire safety, fire-resistance and compliance with safety standards (including information or advice from manufacturers of relevant components)?

Copies of all relevant Marketing Materials would have been available from Celotex.

228.9 Was specific consideration given to the combination of the exterior components (e.g. cladding, insulation, windows, and methods of fixing) and the fire safety, fire-retardancy and compliance with safety standards of the same?

I don’t know

228.10 How commonly used are:-

(i) These particular cladding panels;

I don’t know
(ii) This type of insulation;  
PIR is a popular and common insulation material in the UK but is a relatively new entrant in the above 18m market.

(iii) Any other relevant parts of the exterior e.g. fixings/windows.  
I don’t know.

In the UK and elsewhere and are there relevant lessons to be learned from the use/regulation of such matters elsewhere?  
I do not feel this is a question that I am qualified to answer.

228.11 What decisions about the exterior of the building (i.e. cladding, insulation, fixings and windows) were made, by whom and when?  
I don’t know

228.12 What was the chain of decision-making, communication and responsibility about the cladding, insulation, windows and fixings?  
I don’t know

228.13 What factors or motives influenced the decisions about the exterior of the building?  
I don’t know

228.14 What if any assessments were carried out to balance such factors or motives with the safety of the residents?  
I don’t know

227.15 If such assessments were carried out, who carried them out, when and what did they conclude?  
I don’t know

229 I have also been asked to address the following:-

229.1 Describe the nature of Celotex’s involvement in the refurbishment of the Tower including all contacts it had with professionals or other representatives in relation to the project.
Celotex supplied the RS5000 for use at Grenfell Tower through its distribution partners. As well as distribution partners, the evidence provided to me also suggests there was involvement with the cladding contractor.

229.2 Identify the parties with whom Celotex entered into relationships in order to carry out its role, describing the purpose of those relationships?

I don’t know.

229.3 On what basis did Celotex market its RS5000 product as suitable for use in cladding systems in buildings over 18m in height?

On a system approach in line with testing to BS8414-2 and the requirements of BR135.

229.4 At the time of the refurbishment of Grenfell Tower, had the RS5000 product been tested as part of a cladding system using ACM panels? If so, please provide full details.

Not by Celotex and I am unaware of any other testing with ACM panels during this time period.

229.5 To what extent, if at all, was Celotex involved in the selection of materials for use in the refurbishment of Grenfell Tower?

I don’t know

229.6 At the outset and throughout the refurbishment works:

(a) What information did Celotex provide about its products and their suitability for use to those involved in the refurbishment of Grenfell Tower?

To the best of my recollection Marketing Materials were supplied to the distributor and possibly the cladding contractor though beyond the event described in paragraph 217 I have not seen the documents again to recall the position with absolute certainty.

(b) On what basis was any such information provided – please give full details of e.g. any relevant testing of such Celotex products.

BS8414-2 tested as a system test.
(c) What information, if any, did Celotex have about the proposed refurbishment of Grenfell Tower and the other materials to be used in the façade?

I am unsure, although from my involvement with the post-fire investigations in the immediate days following the fire, I recall some technical drawings of Grenfell Tower were found and had been received by Mr Roome and the CTC.

(d) What consideration was given to whether the use of Celotex RS5000 as part of the façade of Grenfell Tower would comply with the relevant Building Regulations and associated guidance?

I don't know.

(e) Did anyone at Celotex form a view as to whether the design of the façade of the Tower complied with the relevant Building Regulations and associated guidance, in particular the parts of the Building Regulations relevant to fire safety?

I don't know.

(f) If not, why not?

I don't know.

(g) If so, what was that view?

I don't know.

(h) Did Celotex rely on any advice from third parties about the compliance of the design of the façade of the Tower with the relevant Building Regulations and associated guidance, in particular the parts of the Building Regulations relevant to fire safety? If so, what was the nature of that advice?

I don't know.

229.7 Are you aware of any further testing of RS5000 that has been carried out since the refurbishment work (including after the fire) by or on behalf of Celotex? If so, what has that further testing shown?
I am only aware of the DCLG tests carried out in the summer of 2017 following the fire which included PIR (Celotex) in three tests with three different types of ACM cladding. Two tests failed and one passed.

Celotex also announced at some point that the retested system in May 2018 had also passed.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

I am willing for this witness statement to form part of the evidence before the Inquiry and be published on the Inquiry’s website.

PAUL KEVIN EVANS

Date: 30th October 2018