



Grenfell Tower Inquiry

Day 109

March 18, 2021

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Thursday, 18 March 2021

1  
2 (10.00 am)  
3 MR CHRIS HUNT (continued)  
4 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to  
5 today's hearing. Today we're going to continue hearing  
6 evidence from Mr Hunt, who at the time with which we're  
7 concerned was employed by the BBA.  
8 So, before we go any further, I'm going to check  
9 that we have got Mr Hunt here with us.  
10 Mr Hunt, good morning, can you see me and hear me?  
11 THE WITNESS: Good morning, sir, yes, I can.  
12 SIR MARTIN MOORE—BICK: Very good. Thank you very much.  
13 You and others will like to know that I'm joined as  
14 usual by the other panel members, Ms Thouria Istephan  
15 and Mr Ali Akbor.  
16 MS ISTEPHAN: Good morning.  
17 MR AKBOR: Good morning.  
18 THE WITNESS: Good morning.  
19 SIR MARTIN MOORE—BICK: Good.  
20 Now, before we continue your evidence, Mr Hunt,  
21 I think we'd better just go through the usual  
22 housekeeping arrangements.  
23 Can you confirm, please, that you're on your own in  
24 the room from which you're giving evidence?  
25 THE WITNESS: I am.

1

1 SIR MARTIN MOORE—BICK: Thank you.  
2 Can you confirm that you don't have any documents or  
3 other materials with you?  
4 THE WITNESS: I don't.  
5 SIR MARTIN MOORE—BICK: And, finally, can you confirm that  
6 your mobile phone is in another room and that you don't  
7 have any other electronic device with you which is  
8 capable of receiving messages?  
9 THE WITNESS: Yes. No, I don't have any device.  
10 SIR MARTIN MOORE—BICK: Good, thank you very much.  
11 Well, the procedure today will be the same as it was  
12 yesterday. We will be looking to have a break sometime  
13 during the morning, probably around about 11.15, but we  
14 will see how your evidence is going for the precise  
15 timing.  
16 Unless there is anything you would like to raise —  
17 is there?  
18 THE WITNESS: No, thank you, sir, I think that's fine.  
19 I think my screen is just — I'm on a slightly small  
20 screen, so —  
21 SIR MARTIN MOORE—BICK: Right. If you rest your cursor in  
22 the top right-hand corner of the picture, you should  
23 have a button that says "View".  
24 THE WITNESS: Yes.  
25 SIR MARTIN MOORE—BICK: If you press that, you should be

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1 offered "Full screen".  
2 THE WITNESS: Yes.  
3 SIR MARTIN MOORE—BICK: If you click on that, you should get  
4 full screen.  
5 THE WITNESS: That's right, thank you. Yes, I'm back on  
6 full screen, thank you.  
7 SIR MARTIN MOORE—BICK: You're back in the picture, good.  
8 All right. Well, now, I think if there is nothing  
9 you want to raise, I will invite Ms Troup to put some  
10 more questions to you.  
11 Yes, when you're ready, Ms Troup.  
12 Questions from COUNSEL TO THE INQUIRY (continued)  
13 MS TROUP: Thank you.  
14 Mr Hunt, can you see and hear me clearly?  
15 A. Yes, I can.  
16 Q. Good.  
17 We were talking yesterday afternoon about the  
18 particular wording which appears on page 1 of issue 1 of  
19 the BBA certificate for K15; do you remember that?  
20 A. Yes, I do.  
21 Q. The particular wording was, "The boards will not  
22 contribute to the development stages of a fire".  
23 So, keeping that wording in mind, can we go, please,  
24 to {BBA00011287}. This is a letter from the Loss  
25 Prevention Council to the BBA, and we can see from the

3

1 top section that it's dated 13 July 1994. Do you see  
2 that?  
3 A. Yes, I do.  
4 Q. We can also see that the subject of the letter is  
5 "Kooltherm K8 Cavity Boards"; yes?  
6 A. Yes.  
7 Q. Mr Hunt, this letter was exhibited to the second witness  
8 statement of Brian Moore of the BBA, and he told us that  
9 it was one of the documents on which he thought the  
10 assessment of K15 by the BBA in 2008 was based.  
11 All right?  
12 A. Yes.  
13 Q. It was on the K15 file, Mr Moore told us.  
14 A. Okay.  
15 Q. So if we go down, please, just scroll down on page 1, we  
16 can see at the heading "1. Objective" that the objective  
17 is to evaluate test data relating to K8 cavity boards.  
18 Do you see that?  
19 A. Yes, I do.  
20 Q. If we go over, please, to page 3 {BBA00011287/3}, the  
21 section I want you to look at with me is at  
22 "4. Examination of draft certificate", so at the top of  
23 the page. I'm just going to read the first part of that  
24 with you. It reads:  
25 "Based on the examination of the context of use

4

1 specified in your draft certificate, we do not believe  
 2 that the product will make a significant contribution to  
 3 a developing fire."

4 Then it goes on with some other details.  
 5 My first question is this: have you seen this letter  
 6 previously?

7 A. I think I might have done at the time. I don't have  
 8 a very clear memory of it.

9 Q. No.

10 A. But I think I may well have seen it at the time.

11 Q. At what time? At the time of reviewing the certificate  
 12 for approval?

13 A. Yes. So I think that is very likely. I can't  
 14 absolutely confirm that --

15 Q. That's all right.

16 A. -- based on memory, but it is very likely, yeah.

17 Q. I see.

18 Given that answer, that it's very likely that you  
 19 did see it, although I appreciate that you're saying you  
 20 can't remember for certain, why would you have been  
 21 looking at this letter in the context of approving  
 22 a certificate for Kingspan's K15? What would be the  
 23 relevance of this letter from 1994 about K8 boards, do  
 24 you know?

25 A. Well, I think -- I mean, it may have been because it was

5

1 related to other Kooltherm -- the family of Kooltherm  
 2 phenolic insulation boards.

3 Q. I see.

4 A. And I think the document you showed me yesterday, from  
 5 the early time of -- when the project was first sort of  
 6 kicked off, there seemed to be some mention there of,  
 7 you know, relationship between other Kooltherm products.

8 Q. There did, but obviously when you came to approve the  
 9 certificate, that was four years later, yes, in 2008 or  
 10 thereabouts?

11 A. Yes, it was, yes.

12 Q. All right.

13 Just looking at the first three lines of section 4  
 14 of this document which I've just read to you, do you  
 15 agree with me that the wording there bears some  
 16 similarity to the wording we were looking at yesterday  
 17 afternoon which appears under "Key factors assessed" on  
 18 page 1 of the certificate for K15?

19 A. Yes, it does.

20 Q. Do you think it is possible or do you know whether it  
 21 could be this wording which was used for drafting the  
 22 wording that we were looking at yesterday on page 1 of  
 23 the K15 certificate?

24 A. Yes, it could have been. I don't recollect that clearly  
 25 and sort of unequivocally, but I think -- I mean, it

6

1 could well have been, yes.

2 Q. I see, all right.

3 Let's go back to issue 1 of the certificate now,  
 4 please, that's {BBA00000038/5}, and I want to turn with  
 5 you now, Mr Hunt, to section 7, which is the section  
 6 about behaviour in relation to fire.

7 So there is the section "Behaviour in relation to  
 8 fire", and I want to look with you first at what is said  
 9 about the first test listed there, a test to  
 10 BS 8414-1:2002.

11 I'm not going to go through it all, it's quite dense  
 12 and there is a lot of detail in it, but do you see that  
 13 essentially what is set out are some details of the  
 14 system tested?

15 A. Yes, I do.

16 Q. Can we go, please, to the very last section of that  
 17 fairly big paragraph about the 8414 test. So if you  
 18 look three lines from the bottom of that paragraph, at  
 19 the very end of the third line up from the bottom,  
 20 starting "Within", do you see that?

21 A. Yes, I do.

22 Q. So we will read that:

23 "Within the stated test time the temperature at the  
 24 level 2 thermocouples did not exceed 600°C, therefore  
 25 displaying limited fire spread away from the fire source

7

1 and that the product meets the criteria stated within  
 2 BRE 135."

3 Yes?

4 A. Yes.

5 Q. That assertion, that the product meets the criteria in  
 6 BR 135, is inaccurate, is it not?

7 A. Ah, I don't know.

8 Q. Well, you told us yesterday -- and we can go to it in  
 9 the transcript if we need to -- that your knowledge of  
 10 BS 8414 as a test series in 2008 did extend to  
 11 an understanding that 8414 was a system test. You were  
 12 quite clear yesterday. You said that it wasn't a test  
 13 of a component but of a whole external wall arrangement.  
 14 Do you remember?

15 A. Yes, yes, I do.

16 Q. That being the case, do you accept that it is inaccurate  
 17 to state that a product meets the criteria in BR 135?

18 (Pause)

19 A. Yes, I think so. Yes.

20 Q. Well, what is the doubt in your mind about that?

21 A. I just have -- you know, I'm not so familiar with the  
 22 standard and the --

23 Q. No.

24 A. -- here at this time to be able to -- without going back  
 25 through the standards in detail, but --

8

1 Q. You don't need to do that, Mr Hunt. What I'm asking you  
 2 is about your understanding at the time and, unless I'm  
 3 mistaken, you told us very clearly yesterday that your  
 4 knowledge did encompass an understanding that 8414 was  
 5 a system test.  
 6 A. Yes.  
 7 Q. If that is true — this is not really a matter of fire  
 8 expertise, it's a matter of reading — it cannot be  
 9 correct to state that a product meets the criteria in  
 10 BR 135, can it?  
 11 A. No.  
 12 Q. No. So can you accept that that assertion is  
 13 inaccurate?  
 14 A. Yes.  
 15 Q. It's a fundamental error, carrying an obvious risk of  
 16 misleading the reader, isn't it?  
 17 A. It could be, yes, it could be misread.  
 18 Q. Well, forgive me, what do you mean it could be misread?  
 19 Reading it as it is written, it tells us that a product  
 20 has met the criteria in BR 135, and we know, and you  
 21 knew at the time, that a product cannot do that. How  
 22 else could it be read?  
 23 A. I think — I mean, it could be read that it's the  
 24 product — that — you know, this insulation product  
 25 within that system.

9

1 Q. I see.  
 2 A. I accept it's a system test, but obviously this  
 3 certificate relates to the insulation board as  
 4 a product —  
 5 Q. It does.  
 6 A. — so therefore the product within the system met the  
 7 criteria on that particular test assembly.  
 8 Q. Yes. So you're saying that you think readers might have  
 9 looked at that and thought, "Ah, I had better add in the  
 10 words 'the product within a system meets the criteria  
 11 within BR 135'", are you?  
 12 A. I think so, yes. I mean, I think, without knowing  
 13 exactly how I would have read it at the time, I think  
 14 that's how I would have read it prior to —  
 15 Q. Why doesn't it simply say that then?  
 16 A. I don't know. That would have been a useful  
 17 clarification.  
 18 Q. Well, it would have been an accurate clarification; do  
 19 you accept that?  
 20 A. Yes.  
 21 Q. Yes.  
 22 How did you miss that, Mr Hunt?  
 23 A. I don't know. I can't account for that. It's something  
 24 I should have spotted.  
 25 Q. Yes. All right.

10

1 Let's move on, please. I want to go back with you  
 2 to your witness statement, so {BBA00011087/14}.  
 3 Do you see b, which is the third paragraph down?  
 4 You have been asked:  
 5 " ... was a Br 135 Classification Report sought by  
 6 the BBA from Kingspan in respect of the test to  
 7 BS 8414—1:2002 referred to at Section 7.1?"  
 8 Your answer is:  
 9 "I don't know and I have not seen any evidence on  
 10 file."  
 11 Yes?  
 12 A. Yes.  
 13 Q. All right. Well, to save us some time, I can tell you  
 14 that no such report existed in 2008.  
 15 A. Okay.  
 16 Q. Are you able, therefore, to tell me: how did the BBA  
 17 establish from the BS 8414 test data it had that that  
 18 system had met the criteria in BR 135?  
 19 A. I think — I can't, again, be absolutely sure of this,  
 20 but I think at the time George Lee would have gone  
 21 through the test report and the criterion in BR 135 and  
 22 looked at the — whether those criteria were met or not.  
 23 Q. I see. Do you consider that he was qualified to do that  
 24 in 2008?  
 25 A. I think, as we — I think we might have touched on this

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1 yesterday, I don't think he had any formal competences  
 2 in fire.  
 3 Q. Yes, I remember that. My question is: do you think he  
 4 was qualified in 2008 to assess BS 8414 test data  
 5 against the criteria in BR 135?  
 6 A. Only in respect of being a technical person who would  
 7 have read through the reports and the standards and come  
 8 to a conclusion on that, but not if there was any  
 9 competencies needed in judgements that were not clear  
 10 from those reports.  
 11 Q. I see.  
 12 Did you also go through that exercise when you came  
 13 to review what Mr Lee had done? Did you go through the  
 14 8414 test data and carry out some sort of exercise to  
 15 assess whether or not you considered that it met the  
 16 criteria in BR 135?  
 17 A. I don't remember doing that specifically. I don't have  
 18 a clear memory of doing that.  
 19 Q. All right.  
 20 A. I think I would have run — George would have run  
 21 through it with me, you know, the criteria, but I cannot  
 22 recall that specifically. I can't put my finger on  
 23 a particular —  
 24 Q. Yes.  
 25 A. — instance of that.

12

1 Q. All right.  
 2 Do you consider that you would have been qualified  
 3 to carry out that assessment against the criteria in  
 4 BR 135 in October 2008?  
 5 A. Again, if it was a question of just reading the standard  
 6 and the test and it was a fairly straightforward  
 7 conclusion, I think then obviously any relatively  
 8 technical person could do that. Again, if some  
 9 judgement was needed, probably not.  
 10 Q. I see. All right.  
 11 As far as you were aware — let's explore this —  
 12 was the assessment of BS 8414 test data in general  
 13 against the criteria in BR 135 a normal or regular  
 14 occurrence for the BBA in October 2008? Was it  
 15 something that was done regularly?  
 16 A. I don't recall ... I think in my experience, which  
 17 I think as we established yesterday was limited on  
 18 insulation products at that time —  
 19 Q. Yes.  
 20 A. — I don't — I can't think of another instance of it.  
 21 Whether that was done on other products prior to my  
 22 involvement —  
 23 Q. Don't worry too much about what was done prior to your  
 24 involvement. Let me put it in this way: do you remember  
 25 ever yourself carrying out an exercise in which you

13

1 looked at BS 8414 test data and assessed that data  
 2 against the criteria in BR 135, at any time for any  
 3 product?  
 4 A. I can't recall. I can't recall another product — such  
 5 product, no.  
 6 Q. All right.  
 7 Let's take a look at what Mr Lee has to say about  
 8 this in his witness statement. If we can go, please, to  
 9 {BBA00010794/6}.  
 10 Right, this is a little bit tricky, because  
 11 the Inquiry's questions are not included in the  
 12 statement so I will need to explain to you what the  
 13 question was.  
 14 If we look at paragraph 44(a), please, I can tell  
 15 you — and hopefully we don't need to go to it — that  
 16 the question he had been asked and is answering at 44(a)  
 17 was this:  
 18 "Has the BBA at any stage been an organisation  
 19 accredited by UKAS or any other accrediting body to  
 20 classify BS 8414 test data to BR 135?"  
 21 All right? So that was the question he was being  
 22 asked.  
 23 His answer comes at paragraph 44(a), and he says  
 24 this:  
 25 "Not to my knowledge. At the time of my employment,

14

1 this would be the reason to obtain a fire opinion, as  
 2 the BBA were not accredited to interpret fire data."  
 3 Do you agree with that, Mr Hunt?  
 4 A. I think so, yes. Yeah. Yes, I think so. I don't  
 5 remember George saying that at the time, but —  
 6 Q. Don't worry about whether or not he said that to you at  
 7 the time.  
 8 A. Okay.  
 9 Q. I think my question is as basic as this: you were the  
 10 head of approvals between 2007 and 2010; was the BBA,  
 11 during that period, accredited to interpret 8414 test  
 12 data against BR 135 or not?  
 13 A. Okay. I don't believe the BBA was accredited, you know,  
 14 in terms of UKAS accreditation to make that judgement.  
 15 Q. I see.  
 16 A. However, you know, UKAS accreditation is not, at that  
 17 time and I think probably now at BBA, necessarily  
 18 required for every judgement and activity that the BBA  
 19 would undertake, I don't think. Certainly at that time.  
 20 So whether accredited is necessary is one part of  
 21 the —  
 22 Q. Yes.  
 23 A. — issue, I think. If — the other part of it, should  
 24 a fire opinion — I think at least it should have gone  
 25 internally to —

15

1 Q. No, well, we will come on to that.  
 2 A. — by Brian Haynes and then, if necessary, out to  
 3 an external body.  
 4 Q. Let's deal with that now.  
 5 Forgive me, did you say that you think if necessary  
 6 it should have gone to Brian Haynes and then to  
 7 an external body?  
 8 A. No, I think it probably should have been referred to  
 9 Brian Haynes.  
 10 Q. What should have been referred —  
 11 A. Whether it was at the time, I can't remember.  
 12 Q. No, Mr Hunt, I'm so sorry, just so that I don't become  
 13 confused, what do you think should have been referred to  
 14 Brian Haynes?  
 15 A. Oh, okay, the judgement against BR 135.  
 16 Q. I see, all right.  
 17 A. The interpretation of the test data —  
 18 Q. I —  
 19 A. — I think would — it would have been the practice,  
 20 shall we say, at the time to have done that. He —  
 21 Q. We'll come on to that now.  
 22 A. Oh, okay.  
 23 Q. Right. Let's go to {BBA00000255}, please. We can see  
 24 an email at the top from George Lee to Brian Haynes,  
 25 with you copied in, dated 9 June 2008. Do you see that?

16

1 A. Yes, I do.  
 2 Q. The subject is, "Kooltherm K15 BS 8414 test report", and  
 3 we can see that the test report is attached. Do you see  
 4 that?  
 5 A. Yes, I do.  
 6 Q. I can tell you that 220876 is the test reference number  
 7 for that test.  
 8 Mr Lee says there:  
 9 "Hi Brian,  
 10 "Please find attached product description and '8104  
 11 fire report, for which I require a Fire Opinion.  
 12 "Let me know if you require any further info."  
 13 Yes?  
 14 A. Yes.  
 15 Q. Mr Hunt, we cannot find any response to that email. Can  
 16 you remember whether or not there was one?  
 17 A. Sorry, I can't. I think that that email, which I don't  
 18 recall precisely from the time, but that, if you like,  
 19 is the sort of --  
 20 Q. Yes.  
 21 A. -- email I'd expect to see, you know, that: here's the  
 22 test report, you know, it may require a fire opinion.  
 23 So that I think is -- would have been normal, yes.  
 24 Q. Yes, so here it is, and what we can't work out is  
 25 whether or not a fire opinion was provided. Can you

17

1 help us with that?  
 2 A. I'm sorry, I can't. I think that's one thing that I've  
 3 been trying to rack my brains about as to --  
 4 Q. I see.  
 5 A. -- you know, whether that happened and, if so, what the  
 6 outcome was, but I cannot recall anything from the time,  
 7 I'm afraid.  
 8 Q. Yes, I see.  
 9 If a fire opinion had been provided, would it have  
 10 been in writing?  
 11 A. It may have been, or it may have been done via phone  
 12 call, but --  
 13 Q. All right.  
 14 A. -- generally speaking you'd expect something in writing,  
 15 but I think it depends on ... I mean, I'm speculating  
 16 here, which I know perhaps is not right, but I'm  
 17 suspecting there may have been conversations, you know,  
 18 with Mr Haynes from George, and --  
 19 Q. Right.  
 20 A. -- what happened after that, I cannot remember.  
 21 Q. All right, thank you.  
 22 Let's move back to the certificate, please, and move  
 23 on with section 7. If we can go back to issue 1 at  
 24 {BBA00000038/5}, please, I want to look with you,  
 25 please, at section 7.2, which is at the very end of the

18

1 page. If we read that:  
 2 "The product is classified as Class 0 or 'low risk'  
 3 as defined in the documents supporting the national  
 4 Building Regulations. The product, therefore, may be  
 5 used in accordance with the provisions of ..."  
 6 If we go over, please, to page 6 {BBA00000038/6}:  
 7 "England and Wales -- Approved Document B,  
 8 paragraph 8.4, Volume 1 and paragraphs 12.5 and 12.6,  
 9 Volume 2 (see also Diagram 40)."  
 10 Just stopping there, can you help us with this: what  
 11 fire test data was provided by Kingspan prior to your  
 12 approval of this certificate to evidence the assertion  
 13 that K15 was classified as class 0?  
 14 A. Based on memory, I don't remember clearly from the time.  
 15 I think, based on what has been seen on the files more  
 16 recently as part of -- for the Inquiry, is that there's  
 17 no test reports that are specific to K15 --  
 18 Q. Right.  
 19 A. -- that were found on the file.  
 20 Q. All right, yes.  
 21 For a BBA certificate to state that a product is  
 22 classified as class 0, as this one does, would you  
 23 expect there to have been supplied to the BBA test data  
 24 evidencing that assertion?  
 25 A. Yes, either directly on that product or possibly

19

1 a related product.  
 2 Q. All right.  
 3 Could you help me with how test data on a related  
 4 product could assist with a classification on  
 5 a different one?  
 6 A. I think if it was a part of the same product family, and  
 7 depending on the materials and the surface. I know  
 8 these insulation boards have a core and then have  
 9 facings.  
 10 Q. Yes. So depending on whether it was in the same  
 11 family -- I'm not sure I follow.  
 12 Let me put it in a different way: can you explain to  
 13 me the process of looking at test data from a different  
 14 product, let's say K8, how from that could the BBA come  
 15 to a conclusion that a wholly different product called  
 16 K15 has a classification to class 0? Just help me with  
 17 what the steps are that take you from the beginning to  
 18 the end of that.  
 19 A. So I can't remember in detail what those would be.  
 20 I think probably -- based on time, it's a long time ago,  
 21 and --  
 22 Q. Yes.  
 23 A. -- I can't -- I don't know -- I certainly don't know the  
 24 standards well enough now. Quite what my knowledge of  
 25 the standards was at the time, I'm not obviously --

20

1 Q. No, that's fine, I'm just asking —  
 2 A. I would imagine, and this is me talking now, and  
 3 therefore, you know, is just based on perhaps my — what  
 4 I would imagine would happen, is it would be looking at  
 5 the facing material and the core of the board, and if  
 6 those were essentially — now, you might want to define  
 7 what "essentially" is, but they were either identical or  
 8 similar enough to say that the same classification might  
 9 be appropriate.  
 10 Q. It's a bit tricky, isn't it, because you're talking  
 11 about something that you say you imagine might have  
 12 happened. Let's go back to the beginning of this: did  
 13 you ever, during the period that you were head of  
 14 approvals, carry out an exercise in which you looked at  
 15 test data for one product, establishing a classification  
 16 to class 0, and somehow concluded from that that another  
 17 product had that classification too? Did you ever carry  
 18 out that exercise?  
 19 A. I don't remember carrying out that exercise personally,  
 20 no.  
 21 Q. Who do you say would have done that, if that occurred?  
 22 A. I think — I mean, generally, I think at that time it  
 23 would have been George Lee initially as the project  
 24 manager and possibly with the involvement of  
 25 Brian Haynes.

21

1 Q. I see, all right. I think we'll come back to that.  
 2 Can we go, please, to your witness statement,  
 3 {BBA00011087/11}. You have been asked there, if we  
 4 look, please, at paragraph 46, and the question above it  
 5 at f:  
 6 "What evidence did the BBA possess or see prior to  
 7 27 October 2008 which would or could lead to  
 8 an assertion that K15 was a product which could be  
 9 described as Class 0?"  
 10 And your answer was:  
 11 "I don't remember; however, I have inspected  
 12 technical literature dated May 2007 ... provided to me  
 13 by the BBA and note on the front page that it describes  
 14 it as Class 0 and this is also mentioned at page 6 of  
 15 the same document."  
 16 Yes?  
 17 A. Yes.  
 18 Q. You're talking here in fact, I think, about Kingspan's  
 19 marketing literature for K15, are you?  
 20 A. Yes, that was —  
 21 Q. Yes.  
 22 A. — on the file that I saw more recently —  
 23 Q. Yes.  
 24 A. — when doing the witness statement.  
 25 Q. All right. Let's take a look at that. It's

22

1 {KIN00002580}, please.  
 2 So this is the seventh issue, if you look to the top  
 3 right-hand corner of the document, of Kingspan's product  
 4 literature for K15. It's dated May 2007. Do you see  
 5 that?  
 6 A. Yes, I do.  
 7 Q. I think this is the document you're referring to?  
 8 A. I believe so, yes.  
 9 Q. All right.  
 10 If we look on the right-hand side at the second red  
 11 bullet point down, we can see there the words,  
 12 "Class 0/Low Risk fire rating"; yes?  
 13 A. Yes.  
 14 Q. Then if we go on in this document, please, to page 6  
 15 {KIN00002580/6}, and look at the left-hand side, under  
 16 the heading "Fire Performance", about halfway down the  
 17 page, we see that claim repeated:  
 18 "Kingspan Kooltherm K15 Rainscreen Board will  
 19 achieve the results given below, which enable it to be  
 20 classified by the Building Regulations as being Class 0  
 21 and as Low Risk ..."  
 22 Yes?  
 23 A. Yes.  
 24 Q. While we're on it, if we go a little further down that  
 25 section, do you see that under the sort of shaded blue

23

1 box there are a list of tests on the left-hand side?  
 2 A. Yes.  
 3 Q. And the very last one is BS 8414:2002. Do you see that?  
 4 A. Yes, I do, yes.  
 5 Q. The test method is set out on the left-hand side, and  
 6 then on the right-hand side, opposite that, we see the  
 7 following words:  
 8 "Successfully tested — Kingspan Kooltherm K15  
 9 Rainscreen Board does not contribute to fire  
 10 propagation/spread within a cladding system."  
 11 Yes?  
 12 A. Yes.  
 13 Q. And under that:  
 14 "... K15 ... meets the criteria within BR 135 ..."  
 15 And it gives us the standard:  
 16 "... and is therefore acceptable for use above  
 17 18 metres in accordance with the  
 18 Building Regulations ..."  
 19 Do you see that?  
 20 A. Yes, I do.  
 21 Q. Just so that I'm clear, I understand that you tell me  
 22 that this document was on the K15 file and that you saw  
 23 it in the course of preparing your witness statement;  
 24 did you see it at the time you were reviewing this  
 25 certificate for approval, do you know?

24

1 A. I don't remember —  
 2 Q. All right.  
 3 A. I don't remember specifically, no. Probably, but  
 4 I can't say for sure.  
 5 Q. All right.  
 6 Well, looking at the wording that we've just been  
 7 through, do you think in fact that this document might  
 8 be the source of some of the wording we have been  
 9 discussing about, "The boards will not contribute to the  
 10 development stages of a fire" from page 1, and about the  
 11 product meeting the criteria in BR 135? Could this be  
 12 the source of the wording we end up seeing in issue 1 of  
 13 the BBA certificate?  
 14 A. It's possible, but, you know, we would not — at that  
 15 time, we'd not normally have just taken that wording  
 16 directly without checking it and seeing if it was right.  
 17 Q. What do you mean you would not normally have done that?  
 18 Are there circumstances in which you would have simply  
 19 lifted assertions from within a manufacturer's marketing  
 20 material and placed them into the technical sections of  
 21 the BBA certificate?  
 22 A. I think what I mean by that is that, in a way, you know,  
 23 a BBA certificate was a way, perhaps, of taking  
 24 manufacturers' — I think that was one, if you like, use  
 25 of it or application of a BBA certificate, was looking

25

1 at manufacturers' claims and then, you know, assessing  
 2 whether those were — those could be included in the  
 3 certificate or not. But generally, I don't think  
 4 we'd — you know, we didn't take the wording directly  
 5 from the manufacturer's literature.  
 6 Q. Yes, I understand that, and that's the answer you had  
 7 given me just now. My question is this: when you say  
 8 you wouldn't generally do that, or you wouldn't normally  
 9 do that, which is what you've just told us, are you  
 10 saying that there are circumstances in which the BBA  
 11 would have simply lifted claims from within the  
 12 manufacturer's marketing material and placed those as  
 13 assertions into a BBA certificate without carrying out  
 14 any checks?  
 15 A. Oh, okay. No, we — that wouldn't be normal.  
 16 Q. I know that it wouldn't be normal; I'm asking if it ever  
 17 occurred?  
 18 A. Oh, okay. Not that I can recall, no.  
 19 Q. All right.  
 20 Do you think it is one possibility that what  
 21 George Lee did in the case of issue 1 of K15 is just  
 22 that: take the manufacturer's assertions and put them  
 23 into a BBA certificate?  
 24 A. It's possible. I don't — I couldn't say whether that's  
 25 what he did in this case.

26

1 Q. Well, why couldn't you say that, given you were  
 2 responsible for the technical sign-off of the content of  
 3 the certificate?  
 4 A. Only that I don't recall that being the case.  
 5 Q. I see, all right.  
 6 Let's go, please, to the second witness statement of  
 7 Brian Moore, which is {BBA00011097/4}, and this is going  
 8 to bring us back to discuss a couple of the answers you  
 9 gave a few minutes ago.  
 10 If we look at paragraph 3(m), we can see that  
 11 Mr Moore has been asked about the initial technical  
 12 assessment by the BBA of K15 in 2008, and in particular  
 13 he has been asked about the assertion that K15 had  
 14 achieved a classification to class 0. He says, starting  
 15 at paragraph 15:  
 16 "Certificate 08/4582 and the First issue of  
 17 Certificate 14/5134 stated that the product was  
 18 a Class 0/'Low Risk' material. In order to demonstrate  
 19 this, test reports are required to BS 476-6 and BS 476-7  
 20 and no such reports are contained on any of the K15 file  
 21 folders."  
 22 He then goes on at paragraph 16:  
 23 "Instead, the classification for K15 was  
 24 extrapolated from a series of fire reports on similar  
 25 Kingspan phenolic products, including those of similar

27

1 density and facing type."  
 2 Do you see that?  
 3 A. Yes, I do.  
 4 Q. Mr Moore was asked about this in his evidence a couple  
 5 of days ago, and for the record, this was at the  
 6 transcript {Day107/167:7-15}. I won't take you to it,  
 7 Mr Hunt, unless we need to.  
 8 He made clear that he arrived at a conclusion that  
 9 an extrapolation of the type he has described here had  
 10 been carried out later and on the basis of a deduction  
 11 that it was more likely than not that that is what would  
 12 have been done. I'm obviously paraphrasing, but he  
 13 essentially said: because there is no test data  
 14 establishing class 0 for K15 on the file, he and  
 15 Mr Albon, in discussion together, deduced that it was  
 16 more likely than not that an extrapolation had been  
 17 carried out from similar products. All right?  
 18 A. Yes.  
 19 Q. If we go, please, to your witness statement now, which  
 20 is {BBA00011087/11}, we can see here, without reading  
 21 through all of them, that you have been asked, if we  
 22 look at paragraph (g):  
 23 "Is it correct that the product was stated in the  
 24 certificate to have achieved Class 0 on the basis of  
 25 an extrapolation ...?"

28



1 Your answer is at 47:  
 2 "I don't know.  
 3 "h. On what basis did you or [anyone else] consider  
 4 [that] appropriate ...?"  
 5 Your answer at 48:  
 6 "I don't know."  
 7 Scrolling down, please:  
 8 "i. On what basis did you consider that the BBA was  
 9 entitled to describe as class 0 a product which had not,  
 10 to the BBA's knowledge, achieved that classification?  
 11 "49. I don't know."  
 12 Then you're asked at j:  
 13 "Please explain, with reference to the documents,  
 14 how the extrapolation [was carried out] ..."  
 15 Essentially that's what you're being asked here:  
 16 "Who carried out this exercise? On what basis?  
 17 Please also explain who was responsible for authorising  
 18 this decision."  
 19 Your answer at 50 again:  
 20 "I don't know."  
 21 So, to be clear, the evidence you gave to us a few  
 22 minutes ago, that you imagined that it might have been  
 23 that test data from similar products was looked at and  
 24 somehow possibly Mr Lee carried out some sort of  
 25 assessment exercise from different test data on

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1 different products to arrive at a conclusion that K15  
 2 has class 0, is that something you actually remember  
 3 from the time or has that come to you since the Inquiry  
 4 has been asking about these matters?  
 5 A. I think, if I could just — I don't know if this is  
 6 helpful, but a bit of explanation, perhaps, of preparing  
 7 the witness statement.  
 8 I received notification to do the witness statement  
 9 fairly late on, and with a — and just before Christmas,  
 10 with a fairly tight timescale on, so —  
 11 Q. Mr Hunt —  
 12 A. — I did most of this from memory and then had the  
 13 chance just to have a quick look at the BBA files. But  
 14 I — so I think — I can't remember if this was exactly  
 15 your question, but I think because I've obviously heard  
 16 and seen the other evidence as it's been going through  
 17 the Inquiry, so —  
 18 Q. Yes.  
 19 A. I think it's — I'm ever so sorry, I can't remember what  
 20 your actual question was.  
 21 Q. That's quite all right, it was a very long question.  
 22 My question is this, let's put it differently: do  
 23 you have any recollection of any technical assessment or  
 24 extrapolation being carried out at the time to arrive at  
 25 a conclusion that K15 was classified to class 0?

30

1 A. Oh, okay. So I don't have a clear recollection of that  
 2 from memory —  
 3 Q. Do you have any recollection of that?  
 4 A. I think it ... it seems very likely to me that that was  
 5 the case. Now — and the evidence that I've seen and  
 6 has been building up I think does tend to indicate that.  
 7 Q. Forgive me —  
 8 A. Do I have a clear memory of it? No, I don't.  
 9 Q. All right. You say you don't have a clear memory of it.  
 10 I'm sorry, but so that I'm clear: do you have any memory  
 11 of that taking place?  
 12 A. I think seeing the ... this relationship or possible  
 13 relationship between some of the other Kooltherm boards  
 14 which has appeared, you know, in some of the documents,  
 15 it seems highly likely. So —  
 16 Q. I understand that your evidence —  
 17 A. — I don't have a clear memory of it, no.  
 18 Q. No, I understand that.  
 19 Let's break this down. I'm so sorry, but it is  
 20 quite important.  
 21 I understand that you're saying you think it's  
 22 likely that that is what occurred. I'll come to that.  
 23 I also understand that you're saying you don't have  
 24 a clear recollection of that actually occurring.  
 25 My question now is: when you say you don't have

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1 a clear memory of it occurring, do you have any memory  
 2 at all of that type of extrapolation being carried out?  
 3 A. Oh, okay. I think — more recently, yes, I think I do  
 4 have a vague memory, if you like, of that happening.  
 5 Q. I see. What is that vague memory?  
 6 A. I just can't remember the details of it, but I —  
 7 you know, some of the evidence, if you like, has  
 8 triggered a vague memory that that was how it was done.  
 9 Q. I see.  
 10 A. So, yes.  
 11 Q. Forgive me, go ahead.  
 12 A. I said, you know, yes, a sort of a vague memory, but no  
 13 detailed recollection.  
 14 Q. Fine. What is the vague memory?  
 15 A. That the ... it's difficult to, in a way, disentangle  
 16 what my mind is perhaps filling in from what's been  
 17 heard more recently —  
 18 Q. Indeed.  
 19 A. — from what actually would have been the case at the  
 20 time, and there may be no definitive way of doing that,  
 21 perhaps, but —  
 22 Q. Let's try —  
 23 A. — given the relationship between — or possible  
 24 relationship, I guess this is one of the issues,  
 25 between, you know, Kooltherm K8 and some of the other

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1 Kooltherm boards, yes, that would have been what was  
2 done.  
3 Q. Right. Forgive me —  
4 A. Sorry.  
5 Q. I need to address that. What do you mean, "given the  
6 relationship between Kooltherm K8 and some of the other  
7 Kooltherm boards"? What do you actually know about  
8 that? What is the relation, Mr Hunt, between  
9 Kooltherm K8 and Kooltherm K15?  
10 A. That I don't recall in detail. They were part of  
11 obviously the same Kooltherm family of phenolic boards.  
12 Q. Right.  
13 A. Exactly how they related, I can't remember in detail.  
14 Q. All right.  
15 Can you remember seeing any documents at the time  
16 relating to any extrapolation exercise?  
17 A. I can't, no.  
18 Q. All right.  
19 I want to ask you about something Brian Moore told  
20 us in his evidence, talking about what he came to  
21 understand from Mr Albon, and that's at the transcript  
22 at {Day107/170:17–23}. Let's go to that, please.  
23 Mr Moore was being asked there about this  
24 extrapolation we have been discussing from one set of  
25 Kooltherm products to another, and if we look, please,

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1 at his answer at line 17, he said this:  
2 "I understood that it was not — it wasn't common,  
3 but it was not unusual, if there were products of  
4 a similar — of a very similar kind to each other, and  
5 if the performance was adjudged to be so similar to one  
6 that we'd already assessed, it was not unusual for the  
7 BBA to extrapolate its opinion from one product to  
8 a similar one. That was the core of the conversation."  
9 So, just in very basic terms, do you agree with  
10 that? Is that something the BBA did or was not unusual  
11 for the BBA to do in 2008, to your knowledge?  
12 A. Can I just check the — so where it says, "That was the  
13 core of the conversation", that was a conversation with  
14 John Albon?  
15 Q. That's correct.  
16 A. Sorry, can you just repeat the actual question again?  
17 Q. Yes, the question was whether you agree with Mr Moore or  
18 with what he appears to have been discussing with  
19 Mr Albon. Mr Moore tells us in that section that I've  
20 just read to you that he was given to understand that it  
21 was not common but was not unusual for this practice to  
22 take place, that the BBA would extrapolate a class 0  
23 test result from one product to another. What I'm  
24 asking is: do you think that is right, that it wasn't  
25 necessarily common practice but it was not unusual?

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1 A. Yes, I think I would agree with that.  
2 Q. I see.  
3 Can you ever remember yourself carrying out any such  
4 extrapolation exercise?  
5 A. I don't recall any specific incidences, but —  
6 Q. Right.  
7 A. — I think — I mean, I may — it's quite likely that it  
8 did happen at that time and before that time, but  
9 I couldn't name you a particular product.  
10 Q. No, you don't need to do that.  
11 Do you remember ever overseeing an extrapolation of  
12 that type carried out by someone else, one of your  
13 project managers? Can you actually remember ever doing  
14 that?  
15 A. I remember — I think I do — you know, I do remember  
16 cases where — not necessarily on an insulation product,  
17 I'm trying to think now, but on products where surface  
18 spread of flame, you know, the class 1 or class 0 might  
19 have been relevant, where that was done. Yeah.  
20 Certainly I don't think it was unusual —  
21 Q. I see.  
22 A. — to do that.  
23 Q. Do you know at the time whether any external qualified  
24 fire engineer was ever asked by the BBA whether it was  
25 appropriate to extrapolate in this manner from one

35

1 product to another?  
2 A. Erm ...  
3 Q. Are you aware of advice having been sought on that  
4 matter or that practice?  
5 A. I think it did, yes, I think — again, my memory from  
6 the time on, you know, products was that if that was  
7 going to be done — you know, if that was the — if that  
8 was something which was being considered, that it  
9 would — generally the project manager or the  
10 section head or the approvals manager, as they became,  
11 would have discussed it with Brian Haynes generally in  
12 the first instance, seen what his opinion was, and then  
13 sought an external opinion if it was considered  
14 necessary.  
15 Q. I see.  
16 Are you aware, Mr Hunt, that during the period you  
17 were head of approvals and signing off issue 1 of that  
18 certificate for K15, that in fact Kingspan continually  
19 struggled to achieve class 0 for that product?  
20 A. I don't recall that, no.  
21 Q. No.  
22 Are you aware now that, during the life of that  
23 BBA certificate which you approved, Kingspan had  
24 obtained test results which showed that they were not  
25 able to achieve class 0 for that product?

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1 A. No, I don't recall that.  
 2 Q. No.  
 3 Do you agree that, had the BBA actually insisted on  
 4 seeing some test data relevant to K15 and class 0, the  
 5 BBA would have discovered that fact?  
 6 A. Potentially, yes.  
 7 Q. What do you mean potentially? If you had seen test data  
 8 which showed that the product could not achieve class 0,  
 9 you would have discovered that it could not be  
 10 classified to class 0, would you not?  
 11 A. Yes, if we'd seen the data, yes.  
 12 Q. Why did you, as head of approvals, allow a technical  
 13 assertion of that kind to be printed in a certificate  
 14 without checking whether or not it was correct?  
 15 A. I think at the time I must have considered that what we  
 16 had was close enough to other products.  
 17 Q. On what basis?  
 18 A. I think just on — based on the extrapolation that seems  
 19 likely to have occurred, but other than that, I can't  
 20 account for it.  
 21 Q. No.  
 22 Do you agree, thinking about it now, that the BBA  
 23 should have requested test data to parts 6 and 7 of  
 24 BS 476 for the product it was certifying, K15?  
 25 A. Yes, given what I know now, yes.

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1 Q. Yes. It's a very basic failure of due diligence on the  
 2 part of the BBA; do you accept that?  
 3 A. Given the facts that we know now, yes. Would I have  
 4 considered that at the time? Obviously not.  
 5 Q. Forgive me, Mr Hunt, but that's the point, isn't it?  
 6 When you say, "Given the facts that we know now", you  
 7 would have known them at the time had someone asked. Do  
 8 you see?  
 9 A. Sorry, had someone asked —  
 10 Q. You would have known at the time that there were  
 11 problems achieving class 0 for K15 had those test  
 12 results actually been sought from Kingspan.  
 13 A. Oh, okay. Yes, I think — is there no evidence that  
 14 they were sought?  
 15 Q. I'm not sure we need to go through Kingspan's struggles  
 16 with 476 testing at this stage.  
 17 A. Oh, okay.  
 18 Q. On this topic, my last question for you is this: do you  
 19 accept now that this was in fact a very basic failure of  
 20 due diligence on your part as head of approvals?  
 21 A. Yes.  
 22 Q. All right.  
 23 Let's go on to a different topic, please, and I want  
 24 to talk with you about the initial assessment of K15 as  
 25 a product to be newly certified.

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1 So if we go to your witness statement, please,  
 2 {BBA00011087/11}. Can we go to the very bottom of this  
 3 page, please. Here you have been asked, on the basis of  
 4 information given to this Inquiry by the BBA, the  
 5 following question:  
 6 "The Inquiry also understands, from the BBA's letter  
 7 of 18 April 2019, that no initial assessment of the  
 8 manufacture of the product took place and that this  
 9 appears to have been on the basis that Kingspan's  
 10 quality standards were, in the view of the BBA, well  
 11 established."  
 12 You are then asked in your witness statement whether  
 13 that is correct in your view, and your answer at  
 14 paragraph 51 is:  
 15 "I note that there was no initial factory inspection  
 16 but this in isolation would not have concerned me."  
 17 Just so that I am clear, is that something you noted  
 18 at the time, before you reviewed the certificate for  
 19 approval, or are you noting it now?  
 20 A. Oh, okay. So I was noting it now, having obviously seen  
 21 the file, for doing — preparing the evidence. But  
 22 I would — I think I also would have been aware of it at  
 23 the time.  
 24 Q. Fine.  
 25 A. Because — yeah, because I think I would have known that

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1 the factory was under surveillance already.  
 2 Q. I see.  
 3 Can we go on to page 12 of your witness statement  
 4 {BBA00011087/12}, please, and to Inquiry question c  
 5 there. Yes. There you're asked about this decision not  
 6 to carry out any initial assessment of the manufacture  
 7 of the product:  
 8 "Is this normal practice? If not, why not?"  
 9 You say at paragraph 53:  
 10 "I believe so. At the time the manufacturer was  
 11 already subject to BBA surveillance for related  
 12 products."  
 13 You then confirm actually at paragraph 54 that you  
 14 were personally aware that no initial assessment of the  
 15 product had taken place. Do you see that?  
 16 A. Yes.  
 17 Q. If we go on down the page, please, you're asked whether  
 18 you consider that to represent good practice, and you  
 19 say "Yes". This is paragraph 55:  
 20 "... if satisfactory surveillance was considered to  
 21 be established for similar products at that location."  
 22 Do you see that?  
 23 A. Yes, I do.  
 24 Q. I think my basic question is this: how could anyone have  
 25 known that K15 would be manufactured in an identical way

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1 to the products under surveillance if nobody had been  
 2 out to assess that?  
 3 A. This is — this was fairly normal practice at the time.  
 4 Q. I understand that, and my question is: given that you're  
 5 saying not only that it was normal practice but that you  
 6 consider it to represent good practice, how could anyone  
 7 have established, other than taking a manufacturer's  
 8 word for it, that the product which was about to be  
 9 newly certificated was manufactured in the same way as  
 10 and subject to the same standards as other products if  
 11 no one had checked that?  
 12 A. Usually where a new product was being added to a range  
 13 that was being produced in the same factory, the new  
 14 product would get added to the — I think at the time  
 15 BBA called them quality plans.  
 16 Q. Yes.  
 17 A. And it would fall under the surveillance for that  
 18 factory site and would be assessed by the auditor as  
 19 part of that, and they'd want to see the records of that  
 20 and the production controls that were carried out.  
 21 Q. Yes, all right.  
 22 I want to take you back to a different section,  
 23 please, of the certificate, {BBA00000038/6}. We are  
 24 going to continue on, Mr Hunt, in section 7.  
 25 If we look, please, at section 7.3, do you see that?

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1 A. Yes.  
 2 Q. "In buildings with a floor more than 18 m above ground  
 3 level, advice should be sought from the Certificate  
 4 holder."  
 5 That's the manufacturer, Kingspan; yes?  
 6 A. Yes.  
 7 Q. Do you remember seeing that when you approved this  
 8 certificate?  
 9 A. Yes, I believe so.  
 10 Q. Why does the certificate refer or direct readers back to  
 11 the manufacturer in this way?  
 12 A. From memory, that was not an unusual statement in  
 13 a BBA certificate.  
 14 Q. Whether or not it was unusual, why was it done?  
 15 A. Oh, okay. I think, trying to remember, you know, the —  
 16 what would have been the thinking at the time, I think  
 17 it would have been because the buildings over — or  
 18 higher buildings, buildings over 18 metres particularly,  
 19 would — the design of the system, the design of the  
 20 cladding, the interaction between the cladding system  
 21 and insulation, and the building itself, the building  
 22 elements, was — became more complex, the considerations  
 23 were more complex, and therefore there — maybe  
 24 Kingspan, you know, in this case the certificate holder,  
 25 may have been able to provide some guidance on the use

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1 of the product or the type of system it would work with  
 2 at that — in that situation.  
 3 Q. I see.  
 4 Did you understand at the time of approving this  
 5 certificate that the use of K15 on buildings over  
 6 18 metres was in fact limited to the one specific  
 7 configuration that had been tested to BS 8414—1 which is  
 8 set out in section 7.1 of the certificate? Did that  
 9 form part of your understanding?  
 10 A. I can't remember precisely at the time. I would have  
 11 thought so. Or at least that it could have been —  
 12 that, you know, the design team on a particular project  
 13 would have been able to have an assessment of that — of  
 14 those results done in terms of whether it was — whether  
 15 that test data was — could be assessed and used on  
 16 a particular build-up, particular system.  
 17 Q. Mr Hunt, the BBA was, in October 2008, an independent  
 18 certification organisation; yes?  
 19 A. Yes.  
 20 Q. Did you consider at the time of approving this  
 21 certificate that the organisation best placed to make  
 22 clear to readers and construction professionals what the  
 23 limitations of use for K15 over 18 metres was, was the  
 24 manufacturer rather than an independent certification  
 25 body?

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1 A. I'm not sure how to answer that really. It was not —  
 2 as I say, this was the sort of statement which would  
 3 appear in a number of BBA certificates.  
 4 Q. Yes, I see, but you're not sure why; is that right?  
 5 A. Well, I think because — perhaps this is — you know,  
 6 I don't know, perhaps this is taking a step back, but  
 7 because this is a certificate for a product,  
 8 a component, insulation board is a component in this  
 9 case, that you can never really know all the  
 10 circumstances of the finished project, you know.  
 11 Q. No.  
 12 A. A certificate is for a product, it wasn't in this case  
 13 for a system, and even a certificate for a system needs  
 14 the context of use on that particular project  
 15 establishing, because I think at the end of the day, the  
 16 building regs requirements relate to a building, not any  
 17 one component. You could only go so far in giving data  
 18 on a product. It's not sufficient in its own.  
 19 Q. Yes, I understand that. What I was really trying to get  
 20 at was why, as an independent certification  
 21 organisation, the BBA did not make clear in this  
 22 certificate that K15 could only be used over 18 metres  
 23 in one specific configuration. That assertion or that  
 24 statement is not anywhere in this certificate, is it?  
 25 A. No, I don't think it is, no.

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1 Q. And instead, the BBA's readers are directed back to the  
2 manufacturer of the product for advice on that subject;  
3 yes?  
4 A. Yes.  
5 Q. All right.  
6 Let's go on to something else now, please. We know  
7 obviously that this certificate, issue 1, bears the date  
8 27 October 2008. I want you please to look at an email  
9 now, if we can go to that, at {KIN00002093/2}.

10 Do you see an email there from George Lee dated  
11 24 December 2008?  
12 A. Yes.  
13 Q. That is sent to Gareth Mills at Kingspan, and you are  
14 copied in. Do you see that?  
15 A. Yes.  
16 Q. Mr Lee says there:  
17 "Hi Gareth,  
18 "We have recently received a number of comments on  
19 the K15 certificate in relation to the clarity of  
20 wording used as part of this certificates fire section.  
21 "In response to this we have a suggested amendment  
22 to the text which we wish to make. This amendment we  
23 will make at no cost to yourselves and as an improvement  
24 to the certificate, which I hope you will agree will  
25 improve how this certificate will read in the future."

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1 Do you see that?  
2 A. Yes.  
3 Q. George Lee in late 2008 was still reporting to you,  
4 wasn't he?  
5 A. Yeah, I think so, yes, yes.  
6 Q. Yes. What comments had the BBA received between the  
7 publication of issue 1 on 27 October 2008 and this email  
8 on Christmas Eve 2008?  
9 A. I don't recall. We must have received some comments.  
10 Q. But you can't recall what those were?  
11 A. No, I'm sorry, I can't.  
12 Q. No.  
13 Having approved the certificate, would you have  
14 expected, as head of approvals, to have been made aware  
15 of what those comments were?  
16 A. Yes, generally, yes.  
17 Q. All right.  
18 He's copied you in to this email, Mr Lee. Would you  
19 expect him to have sent this email to Gareth Mills in  
20 which he proposes a number of amendments to improve the  
21 clarity of the wording on the fire section — was there  
22 some discussion with you before he did that, can you  
23 remember?  
24 A. Yeah, probably, yes. I can't recall exactly what it  
25 was.

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1 Q. All right.  
2 Do you remember being at all concerned at the time  
3 that only two months after publication, in the BBA's  
4 view at least, amendments were required to the fire  
5 section?  
6 A. Yes, possibly. I mean, amendments were — you know,  
7 certificates were amended from time to time —  
8 Q. Yes.  
9 A. — after issue because something had been — you know,  
10 a reader had seen something, or either internally or  
11 externally something had been raised —  
12 Q. Yes, I understand —  
13 A. — and then we would — as here, you know, it would —  
14 if it was sort of a correction or an amendment, we then  
15 would try and do that without — you know, and not  
16 charge the certificate holder for it.  
17 Q. Yes, all right.  
18 Let's look at what Mr Lee was proposing. If we look  
19 at the third paragraph of his email, please, which  
20 should still be on your screen, he says this:  
21 "The changes I propose are as follows:  
22 "■ Product scope and summary of certificate — remove  
23 the word 'external'.  
24 "■ Key factors assessed ..."  
25 Now, that is the section we spent some time looking

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1 at from page 1 of the certificate, do you remember?  
2 A. Yes.  
3 Q. His proposal is:  
4 "Key factors assessed — Behaviour in relation to  
5 fire — the boards are classified as Class '0'. The  
6 boards will not contribute to the development stages of  
7 a fire. The product has been tested to BS 8414-1 for  
8 a specific construction on masonry walls."  
9 So we can look at it again if that would make it  
10 easier, but do you see that the change proposed to that  
11 section of the key factors assessed is the final  
12 sentence there:  
13 "The product has been tested to BS 8414-1 for  
14 a specific construction on masonry walls."  
15 That is the proposed addition, do you see?  
16 A. Yes, yes, which ties in with what we were just talking  
17 about, yeah.  
18 Q. It does, doesn't it? Because that is the specific  
19 assertion that was missing from the 27 October 2008  
20 issue of the certificate for K15; do you see?  
21 A. Yes.  
22 Q. Yes. All right. And it's a fundamentally important  
23 piece of information; would you agree?  
24 A. Yes, it clearly has been — it has been raised by — it  
25 has been raised —

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1 Q. Yes. Do you agree that — sorry, I overspoke.  
 2 A. Sorry, no, I think, yes, it was something which,  
 3 you know, should have been in the certificate, yeah.  
 4 Q. Yes. And presumably that's why the amendment's being  
 5 proposed.  
 6 If that had been set out on the front page of the  
 7 certificate, under "Key factors assessed", do you agree  
 8 that that wording would make absolutely clear to  
 9 a reader that the use of the product at height was  
 10 limited to one specific configuration on masonry walls?  
 11 A. Yes, that does clarify that point, yes.  
 12 MS TROUP: All right.  
 13 Let's go up to the bottom of page 1 of this email  
 14 chain, please {KIN00002093/1}.  
 15 SIR MARTIN MOORE—BICK: I'm sorry is to interrupt you  
 16 Ms Troup.  
 17 Mr Hunt, in the light of your earlier evidence,  
 18 would you also agree that a statement that the product  
 19 has been tested in accordance with BS 8414 is itself  
 20 erroneous?  
 21 A. Yes, I think so. The product was tested as part of  
 22 a system.  
 23 SIR MARTIN MOORE—BICK: Exactly, yes. Thank you.  
 24 Sorry, on you go, Ms Troup.  
 25 MS TROUP: No, in fact I wonder, given the progress that I'm

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1 making this morning, whether, looking at the time, this  
 2 might be a good time for us to take a short break.  
 3 SIR MARTIN MOORE—BICK: Well, tell me how you're getting on.  
 4 MS TROUP: I'm afraid my progress has been suboptimal, and  
 5 I think it is unlikely, if we continue now, that I will  
 6 be finished by 11.30.  
 7 SIR MARTIN MOORE—BICK: Well, 11.30 might not be an absolute  
 8 deadline. I know it's always extremely difficult to  
 9 know quite how much time is going to be required, but do  
 10 you think you're going to be another 15 minutes,  
 11 30 minutes, 45 minutes?  
 12 MS TROUP: I think 30 is a very safe estimate, and I would  
 13 hope to be done within 30 minutes, but I think 15 is too  
 14 short.  
 15 SIR MARTIN MOORE—BICK: Well, I'm quite anxious to avoid too  
 16 many breaks in the day.  
 17 MS TROUP: I understand.  
 18 SIR MARTIN MOORE—BICK: I'm sorry we're talking across you,  
 19 Mr Hunt.  
 20 We will have a break this morning, but if we could  
 21 combine it with the usual break we have for considering  
 22 further questions, that would obviously be convenient to  
 23 everyone.  
 24 Sorry, would you be happy, Mr Hunt, to go on for  
 25 another between 15 and 30 minutes or do you need a break

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1 now?  
 2 THE WITNESS: No, that is fine for me, sir.  
 3 SIR MARTIN MOORE—BICK: All right. Well, that's good of  
 4 you. Thank you.  
 5 Ms Troup, I think we will carry on.  
 6 MS TROUP: Yes.  
 7 SIR MARTIN MOORE—BICK: But I think that we need to have  
 8 a break somewhere around 11.40.  
 9 MS TROUP: I understand.  
 10 SIR MARTIN MOORE—BICK: If you can manage it. I'm not  
 11 trying to put you under pressure, I'm just trying to  
 12 give you an indication of how far I think we can afford  
 13 to go.  
 14 MS TROUP: I understand. I'll do my best, and if we come —  
 15 SIR MARTIN MOORE—BICK: Just take your course, but if at  
 16 11.40 you haven't finished, I think we might have to  
 17 have a break.  
 18 MS TROUP: I understand, thank you.  
 19 SIR MARTIN MOORE—BICK: All right.  
 20 MS TROUP: Right.  
 21 Mr Hunt, let's go back, please, to the email we were  
 22 looking at between Mr Lee and Kingspan from  
 23 December 2008 {KIN00002093/1}. There is Kingspan's  
 24 response, and that appears to come on 5 March 2009, so  
 25 a good number of months after Mr Lee's email to Kingspan

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1 on this matter. Do you see?  
 2 A. Yes. I can't remember the date of George Lee's email.  
 3 Q. It's 24 December 2008, and here is Philip Heath's  
 4 response on 5 March 2009.  
 5 A. Okay. Yes.  
 6 Q. Do you remember being aware of that delay in a response  
 7 from Kingspan at the time?  
 8 A. I don't remember specifically that — what the delay  
 9 was.  
 10 Q. No, do you remember being aware of the delay?  
 11 A. I — possibly, yes. I don't recall it in detail, but  
 12 seeing that email, then clearly, yes.  
 13 Q. Yes, all right. Let's look at the response:  
 14 "Good afternoon George,  
 15 "Gareth Mills has brought to my attention your  
 16 recent emails in relation to our BBA certificate for  
 17 K15. Firstly, may we register our concern at the  
 18 proposal to re-issue this certificate so soon after  
 19 publication, when we have waited some considerable time  
 20 for its issue."  
 21 Going over the page {KIN00002093/2}, please:  
 22 "Secondly, your request is receiving our attention,  
 23 however, we are determining the implications to Kingspan  
 24 of this speedy re-issue, as documentation has been  
 25 published that refers to the current certificate and the

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1 wording therein. Therefore, there could be cost  
 2 implications to Kingspan that we would have no option  
 3 but to pass on the BBA, if we are in agreement to your  
 4 request. Once we have completed our audit to determine  
 5 the implications for Kingspan Insulation, we will be  
 6 back to you."

7 Now, I see that that response from Philip Heath to  
 8 George Lee does not appear to have copied you in. Do  
 9 you remember seeing it at the time?

10 A. I don't remember seeing that response in detail.  
 11 I think I do remember Kingspan being a bit resistant to  
 12 the amendment.

13 Q. Do you? Did you consider why that might be?

14 A. Probably only in terms — I don't remember this in  
 15 detail, but only probably in the terms that are in  
 16 Mr Heath's response, that — you know, this business of  
 17 the literature and the cost of that.

18 Q. Yes.

19 A. That may well have been what I understood to be their  
 20 resistance at that time.

21 Q. Yes, all right.

22 Given the BBA's obvious awareness that there was  
 23 some lack of clarity in the fire section, and given that  
 24 comments had obviously been received by the BBA to that  
 25 effect, why was this not followed up? Why has it been

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1 allowed to run on until March 2009?

2 A. I can't recall for sure.

3 Q. Fine.

4 A. It should have been followed up before then.

5 Q. All right.

6 What about thereafter? Having received that email  
 7 from Mr Heath informing the BBA that Kingspan were  
 8 carrying out an audit to determine the implications for  
 9 Kingspan, do you remember what activity took place  
 10 thereafter? When did a response come in from Kingspan?

11 A. Following that email?

12 Q. Following that email.

13 A. Yes, I don't recall.

14 Q. No, all right.

15 Can we go, please, to the third witness statement of  
 16 John Albon, which is {BBA00010751/30}, please. Yes, if  
 17 we look, please, at paragraph 111, Mr Albon is talking  
 18 here, Mr Hunt, about amended issue 1, the certificate we  
 19 looked at yesterday, which bears a date of 6 April 2010.  
 20 Do you remember?

21 A. Yes.

22 Q. He says there:

23 "Although the date of the Amendment is given on the  
 24 Certificate as 6 April 2010, in fact it was not  
 25 published until 12 July 2013 and was superseded by the

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1 Second Issue dated 17 December 2013."

2 My simple question is this: is that right, as far as  
 3 you can remember? Is it correct that amended issue 1  
 4 was not published until July 2013?

5 A. I can't remember. I can't remember. If the records at  
 6 the BBA show that, then that seems the ... what would  
 7 have happened. But I don't remember that.

8 Q. Right. All right.

9 Let's go now, please, to amended issue 1 of the  
 10 certificate, so that's {BBA00000037/5}. I want to ask  
 11 you straightaway, please, about section 7, and if we  
 12 look at section 7, "Behaviour in relation to fire", it's  
 13 a bit difficult to spot, but we can see that there has  
 14 been a change to section 7.1.

15 If we look at that together, it tells us in the  
 16 first two lines that the product is classified as  
 17 class 0 or low risk, as it did before; yes?

18 A. Yes.

19 Q. And then where we see the words in bold "England and  
 20 Wales", just as before, we see:

21 "... Approved Document B, paragraph 8.4, Volume 1  
 22 and paragraphs 12.5, 12.6 [and then we see] and 12.7,  
 23 Volume 2 ..."

24 So we can put them up side by side if we need to,  
 25 but what has changed between issue 1 and amended issue 1

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1 is that in this issue, amended issue 1, the words "and  
 2 12.7" have been added. Do you see?

3 A. Yes.

4 Q. So this certificate now tells us that the product, K15,  
 5 may be used in accordance with the provisions of 12.7 of  
 6 Approved Document B, amongst other provisions; do you  
 7 see?

8 A. Yes, I do.

9 Q. What was the reason for that addition?

10 A. I don't have a clear recollection from the time.  
 11 I think it may have been related to masonry cavity  
 12 walls.

13 Q. What do you mean, it may have been related to masonry  
 14 cavity walls? Can you explain?

15 A. Well, having thought about it more recently again,  
 16 obviously, with the — you know, looking at the  
 17 certificates and the available files and ... I think  
 18 that that reference was probably related to masonry  
 19 cavity construction, because that reference appears in  
 20 Approved Document B, there is that reference to masonry  
 21 cavity walls and masonry external walls are mentioned in  
 22 this certificate.

23 Q. Yes. That is something that you have considered fairly  
 24 recently may have been the reason for the inclusion of  
 25 that wording; is that right?

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1 A. Yes, but it seems to me now that that was also likely —  
 2 the likely situation at the time.  
 3 Q. I see.  
 4 Were you familiar with the content of Approved  
 5 Document B 12.7 at the time?  
 6 A. I believe so. Certainly with the — that — the fact  
 7 that that clause appears in Approved Document B at the  
 8 time and related to these — this situation, you know.  
 9 Q. All right. Let's take a look at it. Can we go to  
 10 {CLG10000007}, please. Mr Hunt, this is the 2006  
 11 edition of Approved Document B.  
 12 A. Okay.  
 13 Q. If we can go, please, to page 96 {CLG10000007/96}, there  
 14 we can see 12.7, under the heading "Insulation  
 15 Materials/Products", and it reads:  
 16 "In a building with a storey 18m or more above  
 17 ground level any insulation product, filler material  
 18 (not including gaskets, sealants and similar) etc. used  
 19 in the external wall construction should be of limited  
 20 combustibility (see Appendix A). This restriction does  
 21 not apply to masonry cavity wall construction which  
 22 complies with Diagram 34 in Section 9."  
 23 Yes?  
 24 A. Yes.  
 25 Q. So having looked at that section, can you assist me any

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1 further with how K15 could be used in accordance with  
 2 the provisions of that section?  
 3 A. I think, you know, in a situation where it was  
 4 insulation within a masonry cavity wall construction.  
 5 Q. I see.  
 6 Do you agree that insulation within a masonry cavity  
 7 wall construction is the exception in 12.7? In other  
 8 words, such materials should be of limited  
 9 combustibility other than where they're being used in  
 10 masonry cavity wall construction?  
 11 A. Yes, I believe so, although there's also the provision  
 12 further up that if the system's been tested and meets  
 13 the criteria of BR 135, then that is the other  
 14 exception, I think, isn't it?  
 15 Q. I see. Let's just try and stick with this. I want to  
 16 make sure that I understand your evidence.  
 17 A. Oh, okay.  
 18 Q. Are you saying that you think now, having looked at it,  
 19 that probably that wording, "and 12.7", was included  
 20 because the BBA intended to indicate that within the  
 21 exception in 12.7, K15 could be used? Is that your  
 22 reasoning?  
 23 A. Yes, I believe so, yes.  
 24 Q. I see. Why does the certificate not simply say that?  
 25 A. That I don't know.

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1 Q. Do you think it would have been helpful for it to do so  
 2 if that was truly the intention of that wording?  
 3 A. Yes, I think it would.  
 4 Q. Have you spoken at any stage to John Albon about what  
 5 the reasoning for the inclusion of 12.7 is in amended  
 6 issue 1?  
 7 A. No, I don't think so, no.  
 8 Q. All right.  
 9 Let's go back, please, to amended issue 1 and to  
 10 page 5, so the reference is {BBA00000037/5}.  
 11 SIR MARTIN MOORE-BICK: Before we do that, Ms Troup — I'm  
 12 sorry to interrupt again — but just help me with this,  
 13 if you would, Mr Hunt: would it not be fair to say that  
 14 the thrust of paragraph 12.7 is to tell the reader that  
 15 in relation to certain sorts of buildings, those above  
 16 18 metres, the insulation should be of limited  
 17 combustibility? Is that right?  
 18 A. Yes, I — yes. Yes, although there is obviously that —  
 19 SIR MARTIN MOORE-BICK: There is an exception, but the  
 20 primary thrust of the paragraph is to tell you that.  
 21 A. Yeah.  
 22 SIR MARTIN MOORE-BICK: Now, if the certificate includes  
 23 a statement that a material may be used in accordance  
 24 with paragraph 12.7, does that not risk at least giving  
 25 the impression that it can be used in buildings over

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1 18 metres because it is of limited combustibility?  
 2 A. There is the risk that it could be read that way.  
 3 Erm ... yes. Erm ... yes.  
 4 SIR MARTIN MOORE-BICK: All right, thank you very much.  
 5 On you go, Ms Troup.  
 6 MS TROUP: Thank you.  
 7 That risk you have just referred to, Mr Hunt, could  
 8 have been entirely stamped out by the inclusion of  
 9 wording indicating that it was a reference only to the  
 10 exception in 12.7, couldn't it?  
 11 A. Yes, it could.  
 12 Q. Yes.  
 13 Do you accept that this is potentially quite  
 14 dangerously misleading, this inclusion of the idea that  
 15 K15 can be used in accordance with the provisions at  
 16 12.7?  
 17 A. Yes, I think it should have been clarified.  
 18 Q. Yes. All right.  
 19 Let's go back, please, to amended issue 1,  
 20 {BBA00000037/5}. If we look towards the bottom of that  
 21 page, at section 7.5, we can see that the description of  
 22 the BS 8414 test has moved to that section. Do you see  
 23 that? At the very bottom of the page, there are  
 24 six lines there detailing the system that was tested.  
 25 A. Yes.

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1 Q. If we go over the page, please, to page 6  
 2 {BBA0000037/6}, we can see that the wording we were  
 3 discussing earlier at the very end of that paragraph,  
 4 which stated that the product meets the criteria within  
 5 BR 135, has been removed; do you see that?  
 6 A. Yes, I do.  
 7 Q. Why was that?  
 8 A. I don't recall. I don't recall from the time. I'm not  
 9 sure why it was removed.  
 10 Q. Had there been, as far as you can remember, any comments  
 11 or complaints about the accuracy of that previous  
 12 assertion that the product met the criteria in BR 135?  
 13 A. It's possible. I don't remember it, but it is possible.  
 14 Whether it was internal or external, I can't remember.  
 15 Q. I see. All right.  
 16 Were you made aware, Mr Hunt, as far as you can  
 17 remember, of any complaints or concerns about any aspect  
 18 of any certificate for K15?  
 19 A. In the entire — over the course of the various issues  
 20 of —  
 21 Q. Over the course of all the various issues.  
 22 A. Oh, okay. I am — became aware that there was a —  
 23 you know, and I think it came up in the witness  
 24 statement, there was an email from DCLG later on.  
 25 Q. Fine, let's go to that. Shall we take a look at that.

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1 It's {BBA00000178/3}, please. There we see an email  
 2 from Brian Martin of DCLG to John Albon, copying in  
 3 Guy Bampton and Nick Price, on 11 July 2014. Do you see  
 4 that?  
 5 A. Yes, I do.  
 6 Q. Let's look at it together. Mr Martin writes as follows:  
 7 "Dear John  
 8 "I'm not sure we have met. I am currently the  
 9 official at DCLG responsible for Part B of the Building  
 10 Regulations.  
 11 "[It] has come to my attention that BBA cert 08452  
 12 2008 included advice that the product in question  
 13 satisfied paragraph 12.7 of volume 2 of Approved  
 14 Document B. Para 12.7 provides that insulation  
 15 materials used in external walls should be materials of  
 16 limited combustibility. It would appear however, that  
 17 the product in question is not a material of limited  
 18 combustibility.  
 19 "I am also aware that cert 08452 has recently been  
 20 revised and that this reference has been removed.  
 21 "I am concerned that the original certificate may  
 22 have been issued in error. As this is a serious safety  
 23 matter, I would appreciate it if you could investigate  
 24 and advise me of the outcome of your investigation as  
 25 soon as possible. Could you please also acknowledge

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1 receipt of this email."  
 2 All right?  
 3 A. Yes.  
 4 Q. Have you seen that email previously?  
 5 A. Yes, I think I've seen the chain of emails.  
 6 Q. When?  
 7 A. It was — I think it was shown me at the time when  
 8 John Albon was — when he replied to it.  
 9 Q. So do you mean in person, you and he had a discussion,  
 10 or are you talking about emails?  
 11 A. Oh, I think in person, I think he told me that he'd had  
 12 it and that he'd replied to it, and I think he showed me  
 13 the reply. I don't think he emailed it to me, I think  
 14 it was just a hard copy.  
 15 Q. I see. So just so that I'm clear, the first that you  
 16 became aware of this intervention from DCLG was through  
 17 a face-to-face discussion with John Albon, by which time  
 18 he had already replied to Brian Martin; is that correct?  
 19 A. I think so, yes. I can't be absolutely sure of the  
 20 precise sequence, but it was at this time of the reply.  
 21 Whether he showed it to me before he sent it or after,  
 22 I can't remember.  
 23 Q. I see. But did he ask you in a more investigative  
 24 manner, "What happened here? Why is 12.7 included in  
 25 this certificate?"

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1 A. I don't recall that in the way you've described, I don't  
 2 remember it in an investigative capacity, no.  
 3 Q. That might have been an unhelpful word on my part. Let  
 4 me put it differently: as far as you can recollect, did  
 5 Mr Albon come and ask you questions about the inclusion  
 6 of reference to 12.7 in amended issue 1?  
 7 A. I don't remember that specifically, no.  
 8 Q. Did anyone else come and ask you questions about why  
 9 that reference had been included in amended issue 1?  
 10 A. Not that I can recall.  
 11 Q. Let's look at Mr Albon's response, please, if we go up  
 12 to page 2 {BBA00000178/2}. It's the email there on  
 13 16 July at 12.14. Do you see it?  
 14 A. Yes, I do.  
 15 Q. We see that his response says this:  
 16 "Thank you for your mail regarding the above  
 17 Certificate."  
 18 If we look, actually, please, at the third paragraph  
 19 starting, "The reference" — do you see that?  
 20 A. Yes, I do.  
 21 Q. "The reference to paragraph 12.7 seems to have been  
 22 an unfortunate, and rare, oversight that would not  
 23 escape the internal checks and measures that BBA  
 24 currently operate. A review of other Certificates has  
 25 confirmed that this has not been reproduced elsewhere."

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1 Do you see that?

2 A. Yes, I do.

3 Q. Do you agree with what Brian Martin is being told there,

4 that this inclusion of 12.7 was an unfortunate and rare

5 oversight?

6 A. I think so, in general, yes. Yeah. It ... he doesn't

7 go into detail there, but I think it was ... either,

8 you know, the reference was entirely — you know,

9 shouldn't have been there or it should have been

10 qualified.

11 Q. Yes, but did Mr Albon not ask you any questions about

12 that?

13 A. I don't — he may have done. I don't remember him doing

14 so, no.

15 Q. I see, all right.

16 Did you see this response that John Albon sent to

17 Brian Martin?

18 A. I have seen it and I think I was shown it at the time.

19 Q. All right.

20 A. I can't remember if I saw this email separate from the

21 complete string.

22 Q. Fine.

23 Let's go up a little further, please. If we scroll

24 up, please, but still on page 2, we can see that the

25 next day there is a follow-up email from Mr Martin on

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1 17 July, who says:

2 "John

3 "Many thanks for your prompt response.

4 "For completeness, I wonder if you could confirm

5 a couple of things for me.

6 "■ What has BBA put in place since the original

7 certificate was issued to make you so confident this

8 won't happen again? (a summary would be fine)."

9 Holding that in your mind, please, if we could go up

10 the page again {BBA00000178/1} to look at John Albon's

11 response to that question, that comes on 23 July, and he

12 says there:

13 "Brian

14 "The mistake was basically caused by human error.

15 The Project Manager involved and their line manager no

16 longer work in the BBA's operations department."

17 He then goes on to set out a number of other

18 measures which he says have been taken.

19 We don't need to go to it, Mr Hunt, but Mr Albon has

20 been asked by this Inquiry in his witness statements who

21 the two individuals he's referring to in his opening

22 paragraphs there are, and he names those individuals as

23 you and Mr Lee, all right?

24 A. Yes.

25 Q. What I'd quite like to understand from you is whether

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1 there was anything other than — I realise it's

2 difficult for you to recall, but I have the impression

3 that you had some sort of discussion with John Albon

4 where he simply said, "We've had an email from

5 Brian Martin, here it is, and here's how I've

6 responded". Did anyone ever say to you, "Hang on

7 a moment, Mr Hunt, you were the head of approvals at the

8 time, how did this happen? How did this potentially

9 extremely misleading statement make its way into

10 a certificate?"

11 A. I don't recall a conversation in those terms, no.

12 Q. No. And was the first you ever heard of any issue with

13 that certificate, amended issue 1, at this time in

14 July 2014?

15 A. I can't think of any others. I'd obviously, from having

16 changed roles in 2010 —

17 Q. Yes.

18 A. — I only ... you know, after that point, my involvement

19 obviously had stopped with that certificate until —

20 Q. Yes, I understand that.

21 A. And, you know, this email is — so this is the only one

22 I can recall.

23 MS TROUP: All right. Thank you.

24 Mr Hunt, I've come to the end of my prepared

25 questions for you, just slightly over time, but I'll

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1 hand back to the Chairman now, because we need to take

2 another short pause at this stage.

3 SIR MARTIN MOORE—BICK: Right. Well, thank you, Ms Troup.

4 Well, Mr Hunt, I did say we'd have a break during

5 the morning, and we are going to get one and take it

6 now.

7 So we'll come back at 12 o'clock, please, noon. At

8 that stage, we will know whether there are any further

9 sweep-up questions that Ms Troup wants to ask and

10 whether any other questions have been suggested for you

11 by other people. So we'll know then whether there is

12 more to put to you.

13 In the meantime, please, I must ask you again, as

14 I have before, not to talk to anyone about your evidence

15 or anything to do with it over the break. All right?

16 THE WITNESS: Okay, yes.

17 SIR MARTIN MOORE—BICK: Thank you very much. We will see

18 you at 12 o'clock.

19 THE WITNESS: Okay.

20 SIR MARTIN MOORE—BICK: Thanks so much.

21 (11.41 am)

22 (A short break)

23 (12.00 pm)

24 SIR MARTIN MOORE—BICK: Welcome back, everybody. We are now

25 going to go back to Mr Hunt to see whether there are any

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1 further questions. First, I had better check that  
 2 Mr Hunt is there.  
 3 Can you see me and hear me, Mr Hunt?  
 4 THE WITNESS: Yes, I can, sir.  
 5 SIR MARTIN MOORE-BICK: Very good, thank you very much.  
 6 Well, we'll now find out from Ms Troup whether she  
 7 has any more questions for you.  
 8 Ms Troup?  
 9 MS TROUP: There are not. We have no further questions for  
 10 you, Mr Hunt.  
 11 SIR MARTIN MOORE-BICK: Right, well, thank you very much.  
 12 Well, Mr Hunt, I'm sorry we kept you waiting to tell  
 13 you that, but perhaps you're relieved in any event.  
 14 Anyway, there it is, we've put to you all the questions  
 15 we needed to put to you. We are very grateful to you  
 16 for making yourself available to give evidence to us.  
 17 It's been very helpful to hear what you have to tell us,  
 18 and now you're free to go. So thank you very much.  
 19 THE WITNESS: Thank you very much, sir.  
 20 (The witness withdrew)  
 21 SIR MARTIN MOORE-BICK: Now, we have another witness waiting  
 22 to be called, but we need to have a short break just to  
 23 make the necessary arrangements for that.  
 24 So we will stop now for a few minutes and return  
 25 I hope in about ten minutes, or even less if we can

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1 manage it.  
 2 (12.01 pm)  
 3 (A short break)  
 4 (12.12 pm)  
 5 MR JOHN ALBON (called)  
 6 SIR MARTIN MOORE-BICK: Welcome back, everyone. Our next  
 7 witness is Mr John Albon of the British Board of  
 8 Agrément. So my first task is to check that Mr Albon  
 9 can see me and hear me clearly.  
 10 Are you there, Mr Albon?  
 11 THE WITNESS: Yes, Mr Chairman, I can hear you.  
 12 SIR MARTIN MOORE-BICK: Thank you very much indeed.  
 13 I understand you are going to make the affirmation,  
 14 is that right?  
 15 THE WITNESS: Yes, please.  
 16 SIR MARTIN MOORE-BICK: I think you should have the words on  
 17 the screen in front of you.  
 18 THE WITNESS: Yes.  
 19 SIR MARTIN MOORE-BICK: Then could I ask you to make the  
 20 affirmation by reading out the words. Thank you.  
 21 (Witness affirmed)  
 22 SIR MARTIN MOORE-BICK: Good, thank you very much.  
 23 Now, there are one or two things we just need to  
 24 clarify before we get to your evidence.  
 25 Can you confirm that you're alone in the room from

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1 which you're giving evidence?  
 2 THE WITNESS: Yes, I am.  
 3 SIR MARTIN MOORE-BICK: Thank you.  
 4 Can you confirm that you have no documents or other  
 5 materials with you?  
 6 THE WITNESS: I don't.  
 7 SIR MARTIN MOORE-BICK: Right.  
 8 Finally, can I ask you to confirm that your mobile  
 9 phone is in another room and that you don't have any  
 10 other electronic device with you which is capable of  
 11 receiving messages?  
 12 THE WITNESS: No, I have no electronic devices.  
 13 SIR MARTIN MOORE-BICK: Lovely, thank you very much indeed.  
 14 I hope that we shan't have problems with sound or  
 15 vision, we haven't had very many, but if we do have one,  
 16 we will probably take a short break while the technical  
 17 support team solve it for us.  
 18 There will be a short break part-way through the  
 19 afternoon, probably about 3.15, and since I think we're  
 20 going to go over the weekend, during the course of the  
 21 mornings next week. But if you need any additional  
 22 breaks, will you indicate and we'll do our best to  
 23 accommodate you. All right?  
 24 THE WITNESS: Thank you.  
 25 SIR MARTIN MOORE-BICK: Is there anything you would like to

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1 ask me or raise before you begin giving evidence?  
 2 THE WITNESS: No, thank you.  
 3 SIR MARTIN MOORE-BICK: Right, thank you.  
 4 Well, in that case, I'm going to invite Ms Grange to  
 5 put some questions to you.  
 6 Yes, Ms Grange.  
 7 Questions from COUNSEL TO THE INQUIRY  
 8 MS GRANGE: Yes, thank you, Mr Chairman, and good afternoon,  
 9 Mr Albon.  
 10 Thank you very much for attending this  
 11 public inquiry to give your evidence, it is very much  
 12 appreciated.  
 13 If you have any difficulties in understanding any of  
 14 my questions, please just ask me to repeat the question  
 15 or put the point in a different way.  
 16 Can you also keep your voice up for the transcriber,  
 17 who is taking a live transcription of your evidence, and  
 18 can you try and avoid nodding or shaking your head, so  
 19 that we do have clear answers for the transcript.  
 20 Now, you have made three statements to the Inquiry.  
 21 If we can bring up the first of your statements, that's  
 22 at {BBA00000158}. There we can see your first  
 23 statement. It's dated 13 November 2018. It's 17 pages  
 24 long and it also has a two-page appendix.  
 25 If we go to page 17, is that your signature at the

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1 bottom there?  
2 A. Yes, it is.  
3 Q. Yes, thank you.  
4 Your second statement is to be found at  
5 {BBA00010723}. There is your second statement, we can  
6 see it's dated 20 June 2019.  
7 If we go to page 40, again, is that your signature  
8 there?  
9 A. Yes, it is.  
10 Q. If we bring up your third statement now, that's to be  
11 found at {BBA00010751}. This is dated 5 September 2019  
12 and it's 53 pages long, so if we go to page 53, again,  
13 is that your signature there at the bottom?  
14 A. Yes.  
15 Q. Now, have you read those three statements recently?  
16 A. Yes.  
17 Q. Can you confirm that the contents of them are true and  
18 accurate?  
19 A. Yes, they are.  
20 Q. Have you discussed those statements or your evidence  
21 that you're going to give with anybody before coming  
22 here today?  
23 A. Only with the BBA's lawyer.  
24 Q. Okay, thank you.  
25 In your statements you address two products which

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1 were used as part of the cladding system at  
2 Grenfell Tower: first, the Reynobond 55 ACM panels and,  
3 second, the Kingspan K15 phenolic insulation.  
4 Now, in terms of how my questions will be ordered,  
5 I'm going to start by asking you some general questions  
6 about the BBA and its practices and procedures, and then  
7 I'm going to ask you first about the BBA's involvement  
8 with the Reynobond ACM panels and the certification of  
9 that, before turning to consider its involvement with  
10 the K15, the Kingspan phenolic product, in the latter  
11 part of my questioning. So that's how it's going to be  
12 structured.  
13 Just beginning, then, with some general questions  
14 about the BBA as an organisation, if we can bring up  
15 paragraph 12 of your first statement on {BBA00000158/3}.  
16 You tell us there, in the first few lines of  
17 paragraph 12, that the Agrément Board was established by  
18 the Government in 1966 following building failures that  
19 were attributed to the inappropriate use of innovative  
20 construction materials; yes?  
21 A. Yes.  
22 Q. You go on to explain that:  
23 "The intention was to provide an independent,  
24 authoritative source of data on the performance of such  
25 products and their suitability for use in clearly

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1 defined applications."  
2 Do you see that?  
3 A. Yes.  
4 Q. You go on to explain in the fifth line that the original  
5 status of the organisation was a semi-autonomous,  
6 non-departmental body. But just to be clear, it was  
7 originally funded by Government; yes?  
8 A. As I understand it, there was some Government funding,  
9 I'm not sure if it was entirely Government funded, it  
10 was before my time.  
11 Q. I see, yes, thank you.  
12 What you go on to explain, at the very bottom of  
13 that page, in that paragraph, is that over time its  
14 links to Government have eroded, and that you now  
15 operate as a self-funding non-profit distributing  
16 company limited by guarantee with no formal Government  
17 associations; is that correct?  
18 A. Yes.  
19 Q. You tell us on page 4 {BBA00000158/4}, in the same  
20 paragraph, that in 1982, the organisation became known  
21 as the British Board of Agrément and that coincided with  
22 that change of status; is that correct?  
23 A. Yes.  
24 Q. Yes.  
25 Now, just in terms of your background and your

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1 education, you summarise this in your second witness  
2 statement, but I'm just going to go through the key  
3 points.  
4 It's right, isn't it, that you have an honours  
5 degree in chemistry from the University of Bath?  
6 A. Yes.  
7 Q. And prior to joining the BBA, you worked as  
8 a development chemist for Johnson Matthey Chemicals; is  
9 that right?  
10 A. Yes.  
11 Q. And you also worked as a technical service  
12 representative for Albright and Wilson Ltd; is that  
13 right?  
14 A. Yes.  
15 Q. Did you work as a chemist in that role for Albright and  
16 Wilson?  
17 A. It was a customer services representative, it was  
18 a field-based position.  
19 Q. Right, yes.  
20 You joined the BBA in 1989; is that correct?  
21 A. Yes.  
22 Q. Can you confirm that you have worked continuously at the  
23 BBA, so by now you've worked there for just over  
24 30 years?  
25 A. Yes.

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1 Q. And you are still employed by them; yes?  
 2 A. Yes.  
 3 Q. Now, in your second statement, if we could bring that  
 4 up, page 2 {BBA00010723/2}, you begin explaining from  
 5 paragraph 8 onwards the different positions that you  
 6 held at the BBA, and I just want to run through those  
 7 with you now.  
 8 So between 1989 and 1998, you were a project manager  
 9 managing product assessments; is that right?  
 10 A. Yes.  
 11 Q. So that was a job like that carried out by Mr Gregorian  
 12 and Ms Amoroso; is that correct?  
 13 A. Yes, dealing with different product areas, but the  
 14 principles were the same.  
 15 Q. Yes.  
 16 Then if we move down that page to the next  
 17 paragraph, paragraph 9, you then tell us that between  
 18 1998 and 2002, you were a senior inspector responsible  
 19 for carrying out audits of client manufacturing  
 20 facilities based on the BBA quality plan and producing  
 21 reports on the same for consideration by project  
 22 managers at the BBA's head office; is that correct?  
 23 A. Yes.  
 24 Q. So that was a surveillance role; is that right? You  
 25 conducted audits of production; yes?

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1 A. Yes.  
 2 Q. Then right at the bottom of that page and then on to the  
 3 next page, you explain between 2002 and 2003 you were  
 4 a project manager but for a different department to the  
 5 one above. Can you just explain, what department were  
 6 you a project manager in during that short period?  
 7 A. At that time the BBA had a number of small assessment  
 8 organisations or sections, specifically the materials  
 9 department had two different teams. I began working for  
 10 the first of those teams, and when I returned to the  
 11 office, I worked for the second of the two materials  
 12 teams.  
 13 Q. Yes. So was the first team the engineering department  
 14 and then you moved to the materials department?  
 15 A. No, at this time the structure of the organisation was  
 16 different. There were six different teams, two were  
 17 described as materials, two as physics and two as  
 18 engineering.  
 19 Q. I see.  
 20 A. So I worked entirely in the materials team.  
 21 Q. I see, yes.  
 22 Just to be clear, Mr Gregorian, he was in one of the  
 23 engineering teams; that's right, isn't it?  
 24 A. Yes.  
 25 Q. So you weren't in the same team as him?

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1 A. No.  
 2 Q. Between 2004 and 2009, if we go over the page to page 3  
 3 {BBA00010723/3}, you were what's called a section head,  
 4 and you tell us in paragraph 11 that you were  
 5 responsible and you had overall technical and  
 6 operational control over a department, and that was the  
 7 materials department; is that correct?  
 8 A. It was one of two materials departments, yes.  
 9 Q. I see.  
 10 What did work in that materials department cover,  
 11 what did it relate to?  
 12 A. There were a variety of materials, primarily coatings,  
 13 damp proofing materials and, broadly speaking, something  
 14 that didn't conveniently fit in another department  
 15 within the organisation.  
 16 Q. Right. Yes.  
 17 Had you specialised at that point in the materials  
 18 department because of your background as a chemist?  
 19 A. Yes.  
 20 Q. Did the materials department have anything to do with  
 21 the certificates for the K15 product, the Kingspan  
 22 product?  
 23 A. No.  
 24 Q. Just to be clear, that was not the department that  
 25 issued the 2008 BBA certificate for the Reynobond

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1 panels, was it?  
 2 A. No.  
 3 Q. No.  
 4 Then you go on in paragraph 12 and tell us that  
 5 between 2009 and 2013, your role was as a technical  
 6 manager. Is it right that in that role you were  
 7 responsible for the technical content and correctness of  
 8 all BBA policies and publications, including  
 9 certificates? Is that correct?  
 10 A. I was responsible for the policies, procedures and  
 11 principles. The contents of individual certificates  
 12 were the responsibilities of the heads of approval.  
 13 Q. I see. And who were the heads of approval at that time,  
 14 between 2009 and 2013?  
 15 A. From memory, I think Chris Hunt and Brian Chamberlain.  
 16 Q. Yes. Thank you.  
 17 Then between 2013 and 2019, you tell us at  
 18 paragraph 13 that you became head of approvals for  
 19 construction products; is that correct?  
 20 A. Yes.  
 21 Q. Was this construction products a new department of the  
 22 BBA at that time?  
 23 A. I'm trying to remember ...  
 24 It was an established department, I believe. I took  
 25 on responsibility for that team because the previous

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1 head of approval had left the BBA.  
 2 Q. I see.  
 3 Now, is it right that in that role you were  
 4 responsible for the technical content of all the  
 5 certificates that the department issued; yes?  
 6 A. Yes.  
 7 Q. Would that department, the construction products  
 8 department, at that time have been responsible for the  
 9 second review of the Reynobond certificate that was  
 10 carried out between 2013 and 2015?  
 11 A. No, the Reynobond certificate belonged in the  
 12 engineering department.  
 13 Q. I see. So the construction products department was  
 14 separate by this time from the engineering department;  
 15 yes?  
 16 A. Yes, at this point there were two teams: construction  
 17 products that I led and an engineering department that  
 18 Brian Chamberlain led.  
 19 Q. I see.  
 20 Then finally in terms of your role, you have told us  
 21 in your statement that since 2019 you have been the  
 22 BBA's chief scientific officer; is that correct?  
 23 A. Yes.  
 24 Q. And you have continued to maintain responsibility for  
 25 the technical content of all certificates issued by the

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1 construction products department; is that right?  
 2 A. Yes.  
 3 Q. Now, in any of your roles, were you required to have any  
 4 technical knowledge on the subject of fire performance  
 5 and the testing and classification regimes which applied  
 6 for fire?  
 7 A. Yes.  
 8 Q. If so, did you have a good working knowledge of, let's  
 9 start with, say, reaction to fire testing under the  
 10 BS 476 regime?  
 11 A. The BBA is not a fire laboratory. We do not carry out  
 12 fire testing. We take the results of UKAS accredited  
 13 fire tests produced by other organisations and assess  
 14 them against the requirements of the documents  
 15 supporting the national Building Regulations. So we  
 16 have a narrow field of expertise.  
 17 Q. I see. So in terms of my question, if I could ask it  
 18 again, did you have a good working knowledge of reaction  
 19 to fire testing under the BS 476 regime? I appreciate  
 20 you're not doing the testing yourself, but did you  
 21 understand those test standards under that 476 regime?  
 22 A. I understood that those tests would produce  
 23 classifications and could interpret those  
 24 classifications in the context of the approved document,  
 25 yes.

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1 Q. Right, thank you, yes.  
 2 What about reaction to fire testing under the  
 3 European classification regime, the EN 13501 regime?  
 4 Again, could you understand those tests and understand  
 5 the classifications that were produced pursuant to that  
 6 regime?  
 7 A. Yes.  
 8 Q. What about large-scale testing to BS 8414-1 and 2? In  
 9 the roles that you have performed, have you been  
 10 familiar with that testing regime?  
 11 A. With the constraints previously expressed, yes.  
 12 Q. Would you say that your knowledge had evolved over time?  
 13 Was there a time when you were less familiar with fire  
 14 performance issues and then a time when you became more  
 15 familiar with them? How has your knowledge evolved?  
 16 A. I was involved in the interpretation of fire test data  
 17 from almost my first employment at the BBA. Clearly  
 18 over time that knowledge has broadened, I hope, and  
 19 deepened as I have dealt with many test reports over  
 20 that period.  
 21 Q. Yes, I see. So I think it follows it would be right,  
 22 wouldn't it, that from the very first role you were  
 23 carrying out as project manager, you were required to  
 24 interpret fire test data as an active project manager;  
 25 yes?

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1 A. Initially under very close supervision, but yes.  
 2 Q. Yes.  
 3 I think you have confirmed already, but for the  
 4 avoidance of doubt, were you familiar with the  
 5 applicable Building Regulations in relation to fire  
 6 performance and the associated practical guidance in  
 7 Approved Document B?  
 8 A. Yes.  
 9 Q. Now, if we can go to your third witness statement at  
 10 this point, {BBA00010751/3} and look at paragraph 11,  
 11 here you're dealing with the training of new staff and  
 12 training hours per year. Beneath that you have set out  
 13 helpfully for us in a table training that employees of  
 14 the BBA have undertaken over different years.  
 15 Now, we can see that your name is in the very first  
 16 row, and we can see that for 2008 you say you undertook  
 17 124 hours, is that correct, of training?  
 18 A. Yes.  
 19 Q. Then after that, we see just "N/A", the acronym "N/A",  
 20 and you explain on page 4 {BBA00010751/4}, underneath  
 21 the table:  
 22 "N/A indicates that the staff member was not  
 23 required to complete timesheets."  
 24 So if we can just go back to your line  
 25 {BBA00010751/3}, we can see that from 2009 onwards you

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1 weren't required to keep a record. Is that right?  
 2 A. Yes. Staff in senior management's position were not  
 3 required to complete timesheets. That was the period at  
 4 which I became technical manager.  
 5 Q. When you say, "That was the period at which I became  
 6 technical manager", I'm not quite clear what you mean by  
 7 that.  
 8 A. I think in 2009 I was appointed technical manager.  
 9 Q. Yes.  
 10 A. That was considered a sufficiently senior role that it  
 11 did not require weekly timesheets to be completed. In  
 12 the absence of a weekly timesheet, I don't know how many  
 13 hours I would have worked in terms of training for the  
 14 remaining period of my employment.  
 15 Q. I see. Did you in fact undergo training during that  
 16 period 2009 through to 2017?  
 17 A. Yes.  
 18 Q. But is this right: you weren't required to keep any  
 19 record or log of that training because of the seniority  
 20 of the position you held; yes?  
 21 A. It is not specific to the training, it's across all  
 22 activities carried out during the working day.  
 23 Q. Yes, but I think it follows that, because of the  
 24 seniority of the role that you had, you weren't required  
 25 to keep a log of, for example, training records; yes?

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1 A. I keep CPD records as part of my fellowship of the  
 2 Institute of Materials, Minerals and Mining, but that  
 3 does not translate into BBA records.  
 4 Q. Yes. So the BBA as an organisation did not require you  
 5 to keep a training log of the training that you had  
 6 undertaken; yes?  
 7 A. Not in terms of timesheets completion. There would be  
 8 records of training in terms of courses attended,  
 9 certificates of attendance, that type of thing. This is  
 10 purely based on timesheet bookings.  
 11 Q. Right, I see.  
 12 During that period, can you help us, 2009 to 2017,  
 13 did you yourself undertake training on fire testing or  
 14 fire classifications and performance?  
 15 A. Yes.  
 16 Q. What about Building Regulation relevant to fire, did you  
 17 undertake training during that time on that topic?  
 18 A. There would be self-training and discussions with  
 19 colleagues. No formal training courses that I'm aware  
 20 of.  
 21 Q. So when you say there would be self-training and  
 22 discussions with colleagues, is that on-the-job training  
 23 about Building Regulation relevant to fire?  
 24 A. Yes.  
 25 Q. Yes.

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1 Now, if we could look at your third witness  
 2 statement, page 2 {BBA00010751/2} now and look at  
 3 paragraph 7, you say this:  
 4 "In addition, the BBA provides formal training by  
 5 way of presentations by experienced staff on relevant  
 6 technical subjects. A senior BBA Project Manager also  
 7 fulfils the role of 'Technical Co-ordinator - Fire' and  
 8 she and the BBA's Senior Scientist have made a number of  
 9 presentations to Project Managers on fire related issues  
 10 with respect to product certification. I exhibit copies  
 11 of these presentations and associated papers as JA28."  
 12 I want to take this in stages.  
 13 You say there in the third line that there is a  
 14 "Technical Co-ordinator - Fire", and that she gave  
 15 presentations on fire-related issues with respect to  
 16 product certification. Who was that technical  
 17 co-ordinator for fire?  
 18 A. Nisha Sharma.  
 19 Q. Did you attend the presentations that she gave?  
 20 A. I would have helped her to prepare them. I would have  
 21 attended as well, I believe.  
 22 Q. When was that role created? When did Nisha Sharma begin  
 23 that role of technical co-ordinator, fire?  
 24 A. I would guess perhaps eight or ten years ago. That is  
 25 a guess.

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1 Q. I see. So as early as 2011 you think she might have  
 2 been in position?  
 3 A. On reflection, probably slightly later than that,  
 4 perhaps 2014. Of that order.  
 5 Q. Mr Gregorian gave oral evidence last week, that was at  
 6 Day 105, and he explained that during the time that he  
 7 was employed at the BBA as a project manager, there was  
 8 no internal fire expert within the BBA. That's at  
 9 {Day105/11:5-6}.  
 10 Now, is he right about that, that at the time he was  
 11 employed -- so 2004 to 2010 -- there was no internal  
 12 fire expert within the BBA?  
 13 A. I would say that the technical manager at that time,  
 14 Brian Haynes, had a very good knowledge of fire in the  
 15 context of what the BBA does. I don't think he would  
 16 regard himself as an expert in the context of the type  
 17 of experts who have presented evidence to this Inquiry,  
 18 but he was expert within the boundaries of the BBA's  
 19 activities.  
 20 Q. Yes, thank you. I'm going to ask you some questions  
 21 about Mr Haynes in just a moment, but just in terms of  
 22 the bigger point, I think it follows from your answer  
 23 that it's right that between 2004 and 2010 there was no  
 24 appointed in-house fire expert within the BBA; is that  
 25 correct?

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1 A. There was no formal job description of that type, no.  
 2 Q. In terms of later, is it your evidence that Ms Sharma is  
 3 the in-house fire expert for the BBA?  
 4 A. We still have no defined in-house fire expert. I and  
 5 colleagues have a good understanding of the principles  
 6 that the BBA works to with respect to fire. We have  
 7 external contacts to whom we can go if the knowledge we  
 8 require is outside of our experience.  
 9 Q. Yes, thank you. I'm going to come on to those external  
 10 contacts in a moment, but I'm focused at this time on  
 11 the BBA's in-house expertise.  
 12 Mr Nkomo said during his oral evidence that during  
 13 the last few years there had been a technical excellence  
 14 team consisting of Jon Denyer and yourself who he could  
 15 go to for fire guidance, that's how he described it. He  
 16 said it wasn't expertise, it was guidance.  
 17 Is he right about that? Has there been a technical  
 18 excellence team consisting of yourself and Mr Denyer who  
 19 were there for the giving of fire advice?  
 20 A. The technical excellence team extends beyond Jon Denyer  
 21 and me, but it is correct that Jon and I give guidance  
 22 on fire matters.  
 23 Q. Over what time period have you been doing that?  
 24 Mr Nkomo said during his evidence that it was just  
 25 during the last few years that that had happened. Can

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1 you help us, how long has that technical excellence team  
 2 been available to give fire guidance?  
 3 A. Jon Denyer has provided scientific consultancy within  
 4 the BBA from, I believe, around 2002 onwards. He is  
 5 a building physicist, not a fire expert.  
 6 We all — it's a small organisation. The technical  
 7 staff will discuss with each other any aspects that  
 8 require input from other people.  
 9 I have been working with fire since 1989. Clearly  
 10 I have built up my knowledge and expertise over that  
 11 period of time. There was no one point at which  
 12 I became, as you put it, an expert. It's  
 13 an evolutionary process.  
 14 Q. Yes, thank you.  
 15 Mr Nkomo said that the two of you, including  
 16 Mr Denyer, could be consulted for fire advice before  
 17 that time, although he made clear that that was not  
 18 routine. Is that right?  
 19 A. Yes.  
 20 Q. He said that between 2010 and 2015, project managers  
 21 would normally ask one another for fire advice, or  
 22 possibly Brian Chamberlain, I think he was the head of  
 23 approvals before you. Again, is he right about that,  
 24 that between 2010 and 2015 project managers would  
 25 normally ask one another for fire advice or possibly

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1 Brian Chamberlain?  
 2 A. These individuals worked in a different department. I'm  
 3 not sure what the normal activities would be on  
 4 a day-to-day basis. Within my team, my project managers  
 5 would ask me about fire.  
 6 Q. Right.  
 7 When the role of technical co-ordinator for fire was  
 8 created, you think your best guess is around 2014,  
 9 that's Ms Nisha Sharma, can you explain, why did that  
 10 change occur? Was there a particular trigger for the  
 11 role of technical co-ordinator, fire being appointed in  
 12 the BBA?  
 13 A. Yes, Mrs Sharma does not normally give detailed fire  
 14 advice. She is a co-ordinator, as the title suggests.  
 15 It was put in place, I think, around the time that  
 16 we established a formal consultancy arrangement with  
 17 Exova Warringtonfire. Her role was to field any  
 18 enquiries and to pass them to the experts at Exova, and  
 19 to distribute, as she felt appropriate, the responses we  
 20 received within the whole organisation.  
 21 Q. I see, thank you. So is her role largely  
 22 administrative, to co-ordinate between you and Exova in  
 23 terms of the obtaining of any specialist fire advice?  
 24 A. It's partly administrative. She also has a good  
 25 background knowledge of fire and she is aware of the

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1 answers we have previously received.  
 2 Q. What are her training and qualifications? Are they in  
 3 fire engineering? What's her background?  
 4 A. She has a background as a scientist. She started work,  
 5 I believe, like me, in 1989 at the BBA as a project  
 6 manager and so has built up experience in the same way  
 7 that I have.  
 8 Q. So does it follow from that that she doesn't have any  
 9 formal fire qualifications?  
 10 A. No, she doesn't, as far as I know.  
 11 Q. Was it any part of her role to actually answer  
 12 fire-related queries, or was her role, as you have just  
 13 described, just liaising with Exova Warrington?  
 14 A. If they were straightforward enquiries within her area  
 15 of competence, she could answer them herself. Normally  
 16 it would be a co-ordination role.  
 17 Q. Right.  
 18 Now, prior to that — and we'll come to the formal  
 19 arrangement with Exova Warrington in a moment — could  
 20 it have been the case that requests for technical fire  
 21 advice were referred to organisations like the BRE on  
 22 an ad hoc basis?  
 23 A. Yes, sometimes.  
 24 Q. Mr Gregorian, for example, described in his oral  
 25 evidence witnessing a telephone conversation between

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1 Brian Haynes and Sarah Colwell when he obtained oral  
 2 advice on fire performance issues for the 2008 Reynobond  
 3 certificate. Now, was that the way that such fire  
 4 advice was obtained at the time?  
 5 A. It's difficult for me to know how Brian Haynes obtained  
 6 external fire advice. I would expect any advice to be  
 7 documented.  
 8 Q. Yes. That's helpful. So you would expect that any  
 9 advice that was obtained from an external body to the  
 10 BBA would be documented; yes?  
 11 A. We should have objective evidence of any conclusions we  
 12 draw.  
 13 Q. Yes.  
 14 Now, we haven't found any documents showing that  
 15 anyone at the BRE read the Reynobond certificate in full  
 16 or approved the statements made in it about the  
 17 product's fire performance; rather, the arrangement  
 18 appears to have been that Mr Gregorian, if he had  
 19 something which needed to be clarified or a problem,  
 20 then he would be able to refer it to the BRE for advice  
 21 if necessary.  
 22 Now, as far as you were aware, was that  
 23 a sanctioned, approved process in, say, late 2007 when  
 24 he was operating?  
 25 A. I believe the normal approach would be to seek advice

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1 in-house within the BBA if possible. If the information  
 2 or the knowledge was not available to BBA staff, then we  
 3 would seek external expert assistance.  
 4 Q. Yes, I see, thank you.  
 5 Now, Mr Gregorian said that he was not an expert on  
 6 fire and that he had very little knowledge of fire  
 7 issues at all, and he said that he would have consulted  
 8 with Brian Haynes, who you have already mentioned, on  
 9 the fire performance of — the content of the  
 10 certificate 08/4510, which we're going to come to,  
 11 that's the Reynobond certificate.  
 12 Now, just focusing on Mr Haynes now for a moment, to  
 13 your knowledge, did Mr Haynes have any formal expertise  
 14 in fire?  
 15 A. I'm not sure what you mean by formal expertise. I don't  
 16 know if he had formal qualifications. He certainly had  
 17 long professional experience of fire.  
 18 Q. Based on his witness statement — for the transcript  
 19 this is {BBA00010784} — he appears to have been  
 20 a physicist by training, with particular expertise in  
 21 engineering and building physics. Is that right?  
 22 A. I believe so, yes.  
 23 Q. Was he ever nevertheless recognised by the BBA as a fire  
 24 expert, an authority on fire-related matters?  
 25 A. There was no formal role of fire expert within the BBA,

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1 there never has been. He was recognised as having good  
 2 knowledge of the areas of reaction to fire in which the  
 3 BBA had an interest.  
 4 Q. Would you have expected Mr Haynes to have checked all of  
 5 the statements about fire performance on the  
 6 BBA certificate?  
 7 A. Mr Haynes had authority for the entire content of that  
 8 certificate, so, yes, fire would be part of that  
 9 certificate. So, yes.  
 10 Q. Yes, just to be clear, my question was: would you have  
 11 expected Mr Haynes to have checked all of the statements  
 12 about fire performance on the BBA certificate? Your  
 13 answer is yes; is that right?  
 14 A. Sorry, I interrupted. Yes.  
 15 Q. Great, thank you.  
 16 If we can look at the oral evidence of Mr Hunt at  
 17 this point, I would actually like to take you to this.  
 18 This is from yesterday, {Day108/131:9}. Looking at  
 19 line 9 he is asked:  
 20 "Question: Going back to what you said a few  
 21 moments ago about Mr Haynes and his perhaps technical  
 22 expertise, in 2007, when you began in your role as head  
 23 of approvals, was Brian Haynes a qualified  
 24 fire engineer, do you know?  
 25 "Answer: I don't believe — I'm almost certain he

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1 wasn't, and he — I'd worked with Brian for many, many  
 2 years, really from the start of my career at BBA.  
 3 I don't think he would ever have described himself as  
 4 a — he certainly wouldn't have described himself as  
 5 a fire engineer, and I don't think he ever would have  
 6 really described himself as an expert, as a fire expert,  
 7 I don't think.  
 8 "Question: Is it fair for me to say, then, that he  
 9 had fallen into that role, in a way, of being consulted  
 10 on fire at the BBA, despite perhaps not having the  
 11 qualifications to call himself an expert in that area?  
 12 "Answer: Yes, I believe so. I suppose as a bit of  
 13 background, perhaps, I think that that was something  
 14 that tended to happen at the BBA at that time. You  
 15 know, a lot of the work at BBA of project managers,  
 16 you know, product assessors is a fairly generalist  
 17 sort of role, because you're looking at a wide range of  
 18 performance aspects. That is the nature of BBA  
 19 certificates. So you — but you would build up  
 20 expertise, you know, perhaps not formal qualifications,  
 21 but certain individuals — and it wasn't a huge  
 22 organisation at that time — would probably be, either  
 23 willingly or unwillingly, given the mantle of the BBA  
 24 authority, if you like, on that particular aspect of  
 25 performance. I think Brian, whether he wanted —

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1 I don't know whether that was his choice, but I think he  
 2 ended up occupying that space."  
 3 So that's what Mr Hunt has told us about Mr Haynes  
 4 and also how it tended to work at the BBA in terms of  
 5 falling into these roles as fire expert.  
 6 Is he right about what he says there? Do you agree  
 7 with that? Is he right about the general point he makes  
 8 about how individuals at the BBA might end up building  
 9 expertise in certain areas but without formal  
 10 qualifications in that role?  
 11 A. I think he's correct in that Brian was not  
 12 a fire engineer. BBA individuals have defined  
 13 competencies with our quality system, so it is  
 14 controlled, the areas in which we are competent to work,  
 15 and defined, the areas that we're competent to work in.  
 16 I think Brian Haynes was more experienced than  
 17 Chris Hunt suggests in that sentence or that series of  
 18 sentences. I know, for example, he sat on various  
 19 European committees dealing with reaction to fire. So  
 20 I think he had a deeper knowledge than Chris  
 21 acknowledges in his statements.  
 22 Q. Yes.  
 23 Can you explain how someone with no formal expertise  
 24 or experience in fire was checking statements on fire  
 25 performance in BBA certificates at this time?

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1 A. The statements related to clearly defined requirements  
 2 given in the guidance to the national  
 3 Building Regulations. I am very confident that Brian  
 4 would be thoroughly familiar with those requirements.  
 5 Q. I see. So are you saying that the work that the BBA had  
 6 to do in interpreting fire-related data was  
 7 a straightforward one? Is that what you're saying?  
 8 A. I wouldn't like to imply that it was a casual exercise,  
 9 it certainly isn't, it's very carefully controlled, but  
 10 the level of interpretation made is limited, given that  
 11 the requirements are clearly defined in the approved  
 12 documents.  
 13 Q. I see. So, yes, you have told us the level of  
 14 interpretation made is limited; does it follow that that  
 15 job of interpreting fire-related data was perceived by  
 16 the BBA as a straightforward one?  
 17 A. Absolutely not. The limits placed on the BBA are the  
 18 limits of our competence. If there are assessments or  
 19 judgements to be made that go outside that competence,  
 20 we are required to go outside the BBA and consult  
 21 external technical experts.  
 22 Q. Yes.  
 23 Just touching on a related point to this,  
 24 Mr Gregorian told us that it was only if he had  
 25 something which needed to be clarified or a problem that

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1 he would consult a fire expert like the BRE. That was  
 2 {Day105/25} to {Day105/26}. Mr Nkomo said something  
 3 very similar, that it was only on difficult questions or  
 4 things that were not clear about fire that he would  
 5 consider asking an external fire expert.  
 6 Now, if a project manager like Mr Gregorian didn't  
 7 know much about fire performance, can you explain: how  
 8 did the BBA expect him to be able to identify what the  
 9 relevant questions might be on which he would need to  
 10 take external fire advice?  
 11 A. I think Mr Gregorian was not competent to make  
 12 judgements on fire, and I think he would have gone to  
 13 a competent authority, such as Brian Haynes, to make  
 14 those judgements for him. If Mr Haynes was incapable of  
 15 answering the queries, then he would seek external  
 16 expert advice, such as the BRE.  
 17 Q. Right. But, you see, Mr Gregorian, who told us he was  
 18 responsible for certainly doing the initial drafting of  
 19 the certificate, including the fire performance section,  
 20 he doesn't know what he doesn't know, does he? I know  
 21 that is an informal way of putting it. So on fire  
 22 issues, how would he be able to identify the questions  
 23 that he needed help with if he had no expertise in fire  
 24 at all?  
 25 A. Mr Gregorian was the project manager. Very often,

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1 carrying out a BBA exercise is a collaborative exercise  
 2 within different teams. We would talk to each other.  
 3 I wouldn't expect that Mr Gregorian drafted the fire  
 4 section; I would imagine that was done for him, perhaps  
 5 by Mr Haynes.  
 6 I don't know, sorry, it was a different department,  
 7 I wasn't involved.  
 8 Q. I see.  
 9 Mr Gregorian explained that if he didn't think there  
 10 was a problem, he would proceed to include a statement  
 11 about fire performance in the certificate based on what  
 12 test data the BBA had. That was at {Day105/26:2-8}.  
 13 Does it follow from that that a project manager was  
 14 able to draft the fire contents for certificates which  
 15 could then be issued without any fire expert checking  
 16 those at all?  
 17 A. All of the certificates would be checked internally and  
 18 possibly externally for content.  
 19 Q. Ms Amoroso explained in her oral evidence that when she  
 20 began working as a project manager, she had no formal  
 21 fire training and was left to learn about fire  
 22 performance on the job herself and by attending fire  
 23 conferences and some large-scale fire tests. That was  
 24 {Day106/10:9-11}. She also said that if she needed help  
 25 with fire issues, she would either speak to you as

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1 technical lead, or later she would speak to  
 2 Stephen Howard at the BRE.  
 3 Now, was it considered acceptable for project  
 4 managers at the BBA not to have a detailed knowledge of  
 5 issues like fire performance?  
 6 A. No one coming into the BBA will have had previous  
 7 experience of product approvals. We are almost a unique  
 8 organisation, and we recognise that in the training we  
 9 provide to our staff. It's not the case that a project  
 10 manager comes in and immediately starts drafting  
 11 certificates. We have a formalised training programme,  
 12 we appoint a mentor to each new project manager who sits  
 13 with and on a day-to-day basis discusses the content of  
 14 the assessments being carried out, and builds up that  
 15 member of staff's knowledge. People are not allowed to  
 16 draft certificates until they are competent to do so.  
 17 Q. Can you explain why Ms Amoroso's experience was that she  
 18 was left to learn about fire performance on the job  
 19 herself?  
 20 A. The approved documents are huge documents. There are  
 21 many of them. We would not sit somebody down and talk  
 22 them through the content of the approved documents when  
 23 they first started. There would be an on-the-job type  
 24 of training whereby where an issue came up that involved  
 25 assessing the requirements of the approved documents,

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1 the mentor would then take the new project manager  
 2 through those requirements and, as part of that process,  
 3 we would expect the project manager to familiarise  
 4 themselves with that aspect of the approved document.  
 5 It's an evolutionary process. As you go through the  
 6 job, you build up the knowledge required to carry out  
 7 that assessment.  
 8 MS GRANGE: Right, thank you.  
 9 Mr Chairman, I'm looking at the time now, and  
 10 I think, even though I'm mid-topic, we ought to break at  
 11 this point.  
 12 SIR MARTIN MOORE-BICK: Yes. That probably would be  
 13 sensible.  
 14 Mr Albon, we're going to stop now so we can all get  
 15 some lunch. We will resume, please, at 2 o'clock.  
 16 I have to ask you on this and other occasions when  
 17 we have a break: please don't talk to anyone about your  
 18 evidence or anything relating to it during the break.  
 19 All right?  
 20 THE WITNESS: Thank you.  
 21 SIR MARTIN MOORE-BICK: Thank you very much. We will see  
 22 you at 2 o'clock, then, please.  
 23 Thank you.  
 24 (1.01 pm)  
 25 (The short adjournment)

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1 (2.00 pm)  
 2 SIR MARTIN MOORE-BICK: Good afternoon, everyone. Welcome  
 3 to this afternoon's hearing. We are going to continue  
 4 hearing the evidence of Mr Albon. So my first task as  
 5 always is to check that Mr Albon is there and can see me  
 6 and hear me clearly.  
 7 Mr Albon, are you there?  
 8 THE WITNESS: Yes.  
 9 SIR MARTIN MOORE-BICK: Good. Thank you very much. Is  
 10 there anything you would like to raise with me before we  
 11 carry on?  
 12 THE WITNESS: No, thank you.  
 13 SIR MARTIN MOORE-BICK: No, so you're ready to go on, and  
 14 I'll invite Ms Grange to carry on putting questions to  
 15 you, if I may.  
 16 Yes, Ms Grange.  
 17 MS GRANGE: Yes, thank you, Mr Chairman.  
 18 Yes, good afternoon, Mr Albon.  
 19 If we go back to your third witness statement at  
 20 this point, {BBA00010751/2}, I want to look at  
 21 paragraph 7 again. We looked at this paragraph earlier,  
 22 and I've asked you some questions about Ms Sharma, who  
 23 you are describing in the second sentence.  
 24 If I can look at what you say from the third line up  
 25 from the bottom, you say:

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1 "... and she and the BBA's Senior Scientist have  
 2 made a number of presentations to Project Managers on  
 3 fire related issues with respect to product  
 4 certification."  
 5 And you exhibit copies of these presentations.  
 6 Can you help us, exactly when were those  
 7 presentations delivered? Do you know that?  
 8 A. I can't give you specific dates. It is a rolling  
 9 programme, in that when we have an intake of new project  
 10 managers, we will give these presentations on a fairly  
 11 regular basis so that the new staff are given the same  
 12 training as the existing staff. But it's as and when  
 13 required as opposed to on a six-monthly basis or  
 14 whatever.  
 15 Q. Right, I see. So these are presentations primarily  
 16 targeted at new staff; is that correct?  
 17 A. When first introduced it was for existing staff, but  
 18 obviously on a rolling basis they are repeated so that  
 19 everyone has the same information.  
 20 Q. Yes, I see.  
 21 Upon checking your exhibit JA28 that you refer to  
 22 there, there appear to be only two presentations with  
 23 any fire-related content, and they appear to be dated  
 24 2011/2012 and April 2016.  
 25 Let's just bring those up. This is {BBA00010762/5}.

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1 This is the first of the presentations. If we can zoom  
 2 in on the top left —hand corner, we can see it says:  
 3 "Fire presentation — 2011 — updated December 2012."  
 4 So we have that one.  
 5 Then there is an April 2016 one at page 7  
 6 {BBA00010762/7}. We can see the date of this one at  
 7 page 7 of your exhibit, in the top left —hand triangle:  
 8 "Jon Denyer.  
 9 "Principle[sic] Scientist.  
 10 "Nisha Sharma.  
 11 "Project Manager and Technical Co—ordinator — Fire.  
 12 "26th April 2016."  
 13 Can you help us with this: were there any such  
 14 presentations before 2012?  
 15 A. Not that I'm aware of. I don't remember.  
 16 Q. Right. So it's possible, is it, that the one we saw  
 17 before, the 2011/2012, that's the first such fire  
 18 presentation that was delivered within the BBA; yes?  
 19 A. Possibly.  
 20 Q. Yes. Okay.  
 21 If we look at your third witness statement at this  
 22 point, this is {BBA00010751/4}, and I want to look at  
 23 paragraph 12. You say this:  
 24 "Over the period under consideration the BBA had in  
 25 place a consultancy agreement with Exova Warrington Fire

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1 (this organisation was known by several names over this  
 2 period). This allowed the BBA to seek expert  
 3 consultancy on particular fire issues where it was  
 4 considered that these fell outside of the BBA's  
 5 competence to address internally."  
 6 Now, if we go back to your exhibit JA28, that's at  
 7 {BBA00010762/1}, this is the fire presentation, and we  
 8 looked just a moment ago at page 5, which was the date  
 9 of this presentation.  
 10 So I think it's right, can you help us, that these  
 11 notes appear to go with that slideshow; is that correct?  
 12 They appear to match.  
 13 A. I don't know. I would need to look at them in detail.  
 14 Q. I see.  
 15 A. If you say so, I'm sure you're right.  
 16 Q. Yes.  
 17 If we go to page 4 {BBA00010762/4}, back into the  
 18 slides, and we look at the bottom left—hand side of  
 19 these slides, there it tells us at item (1) at the  
 20 bottom:  
 21 "The BBA has a consultancy agreement with Warrington  
 22 whereby, under a monthly fee arrangement, advice is  
 23 available free of individual charge. As a result,  
 24 Warrington should always be consulted before BRE,  
 25 although BRE can carry out certain tests that Warrington

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1 do not offer."  
 2 So that appears to be what you're telling staff, we  
 3 think, in 2011/2012. Does that sound right to you?  
 4 A. It's a little earlier than I think I said earlier. Yes,  
 5 it's reasonable.  
 6 Q. Right. When did you think that that arrangement with  
 7 Warrington came into being?  
 8 A. I thought it was slightly later, but clearly not.  
 9 Q. Yes. So it's right, is it, that the BBA entered into  
 10 a consultancy agreement with Warrington or Exova  
 11 Warringtonfire, but not the BRE? That's correct, yes?  
 12 A. Yes.  
 13 Q. Was there ever a written agreement between the BBA and  
 14 Warrington?  
 15 A. Yes.  
 16 Q. It says that the agreement was for a monthly fee  
 17 arrangement and advice was available free of charge.  
 18 Does that mean that the consultancy agreement was a kind  
 19 of retainer, the BBA would pay a flat fee and Warrington  
 20 would provide advice at any time; is that how it worked?  
 21 A. Yes.  
 22 Q. What about if advice was sought from the BRE? Would the  
 23 BBA at that time have been paying for advice from the  
 24 BRE?  
 25 A. We did still have conversations with BRE on an informal

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1 basis. If there had been a substantial piece of work  
 2 that we asked the BRE to carry out, I would expect us to  
 3 have been charged for it.  
 4 Q. I see.  
 5 So, to take an example that we'll come back to, when  
 6 Mr Haynes speaks to Sarah Colwell — that was  
 7 Mr Gregorian's evidence, he picked up the phone and  
 8 asked her some questions about the first Reynobond  
 9 certificate — would that be just free of charge advice  
 10 that the BRE were providing in good faith?  
 11 A. I don't know, I wasn't involved. The BBA and BRE share  
 12 a site. We have long established working relationships.  
 13 In some cases — I believe Brian Haynes knew  
 14 Sarah Colwell through committee work. It may be they  
 15 had an informal basis, but I really don't know.  
 16 Q. Right, yes. You've just confirmed there that it's  
 17 right, isn't it, that the BRE and the BBA are located on  
 18 the same site in Watford; is that correct?  
 19 A. Yes.  
 20 Q. Yes. How far apart are your offices?  
 21 A. It's a large site. Certainly walking distance.  
 22 Q. Right, yes.  
 23 Was the arrangement, can you help us, with  
 24 Warrington in place in 2007, when Mr Gregorian was  
 25 working on the first Reynobond certificate assessment?

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1 A. I'm not sure, but I don't think so.  
 2 Q. Right.  
 3 Ms Amoroso, when she gave oral evidence, said that  
 4 she was unaware of any formal consultancy arrangement  
 5 with Warrington or Warringtonfire or Exova. That was  
 6 {Day106/19} and {Day106/20}. She started at the BBA in  
 7 November 2014 and she worked through to July 2018. Can  
 8 you help us understand why Ms Amoroso, as project  
 9 manager, was unaware of that formal consultancy  
 10 arrangement with Warringtonfire?  
 11 A. No, I would be very surprised that she wasn't aware.  
 12 Q. Why would you be very surprised that she wasn't aware?  
 13 A. Because I thought we had communicated this to all  
 14 project managers, but clearly not.  
 15 Q. Right.  
 16 We have not found any evidence of contact with  
 17 Warringtonfire or Exova regarding the initial assessment  
 18 of Reynobond 55 panels, nor have we found any evidence  
 19 of contact during any of the subsequent reviews of that  
 20 product.  
 21 Are you aware, can you help us, whether  
 22 Warringtonfire or Exova ever assessed any aspects of the  
 23 statements about fire performance made in  
 24 certificate 08/4510 for the Reynobond panels?  
 25 A. I have seen nothing on the retained files to suggest

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1 there was any such correspondence.  
 2 Q. As I was just mentioning, we did see some evidence —  
 3 and we'll come to these emails specifically — of emails  
 4 being sent to Sarah Colwell of the BRE on fire  
 5 performance relating specifically to the fire  
 6 performance of the back face of the panels.  
 7 Can you help us: would you have expected the BRE or  
 8 indeed Exova to have reviewed all of the statements made  
 9 on certificate 08/4510 about fire performance before  
 10 that certificate was issued?  
 11 A. No, that would not be normal practice.  
 12 Q. Can you explain why that wasn't normal practice?  
 13 A. It would be normal practice if we felt it was outside of  
 14 the expertise available to us within the BBA, to ask for  
 15 external advice. In this case, apparently we did not  
 16 feel that was necessary.  
 17 Q. Can you help us, would that not have been normal because  
 18 statements about fire performance were considered to be  
 19 within the capabilities of the BBA staff who were  
 20 drafting and reviewing the certificate?  
 21 A. That would be reviewed on a case-by-case basis. In this  
 22 case, the technical manager would decide whether or not  
 23 the draft should be circulated externally. If he felt  
 24 that we had the internal competence, clearly that  
 25 wouldn't be necessary.

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1 Q. In your experience, how common would it be for a draft  
 2 certificate to be circulated to external fire experts by  
 3 the BBA?  
 4 A. Most product types would have been assessed before, they  
 5 would be circulated on the first certificate of a given  
 6 type. Thereafter, if the wording, product and use are  
 7 very similar, we wouldn't see the need to circulate it  
 8 again. So relatively uncommon.  
 9 Q. Right. Where you say "Most product types would have  
 10 been assessed before they would be circulated on the  
 11 first certificate", who would it have been assessed by?  
 12 A. I didn't explain that very well, sorry.  
 13 We try to maintain, if you like, a level playing  
 14 field for any given type of certificate. So if we have  
 15 a similar product being used for the same use, we have  
 16 a certificate template which sets out the wording to be  
 17 used. It's not a cut and paste exercise, but it's  
 18 a template, and that is established by circulation on  
 19 the first certification of that product type.  
 20 Once the wording has been agreed and established,  
 21 there seems no point in just circulating it a second  
 22 time, provided that the wording is appropriate.  
 23 Q. I see.  
 24 Can you help us — you may not be able to — as to  
 25 whether such a template existed to assist with the

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1 drafting of the first Reynobond certificate that came  
 2 out in 2008?  
 3 A. I don't know (inaudible) find on the certificate  
 4 traveller log, which would be on the file.  
 5 Q. Going back to the presentations you exhibited at  
 6 {BBA00010762/7}, we've seen that there is a second  
 7 presentation dated April 2016. We can see that the  
 8 title of this presentation is "Fire Safety — Part B and  
 9 Fire Presentation". Do you see that in the little red  
 10 rhombus at the top of that page?  
 11 A. Yes.  
 12 Q. So this appears to be directed at part B of the  
 13 Building Regulations, and you can see that on the  
 14 right-hand side of the page, if we come back out again,  
 15 there is a heading:  
 16 "Building Regulations.  
 17 "— Current regulations.  
 18 "— Sources of Approved documents.  
 19 "Part B: Fire Safety.  
 20 "— Principal aims.  
 21 "— Statutory Instruments.  
 22 "— Fire Safety Requirements."  
 23 So we saw this is training from April 2016.  
 24 If we go to page 15 {BBA00010762/15}, we can see at  
 25 the very top of that page it explains:

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1 "Fire safety part B and fire presentation ...  
 2 "This presentation is part of Fundamentals Training  
 3 Programme which commenced in February 2016. All PAC  
 4 staff with less than three years' experience at the BBA  
 5 are required to attend, in addition to staff working in  
 6 the area under consideration."  
 7 Now, can you help us, what was it that prompted the  
 8 BBA to institute this particular training programme in  
 9 February 2016?  
 10 A. I'm not aware of any particular catalyst, if you like,  
 11 that started it. We try to operate a process of  
 12 continuous improvement within the BBA. We have the  
 13 technical excellence team or the technical team at the  
 14 time, one of whose roles is training of staff, technical  
 15 training of staff. So I imagine that we decided it  
 16 would be an idea to formalise the training and improve  
 17 the training that we had in place at that time.  
 18 Q. Can you help us, what is meant by PAC staff? It says  
 19 that all PAC staff with less than three years'  
 20 experience are required to attend. What's meant by PAC  
 21 staff?  
 22 A. It's an abbreviation for product approval and  
 23 certification.  
 24 Q. Right.  
 25 A. These are the staff that — the technical staff that

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1 work on producing certificates.  
 2 Q. Can you help us as to why we don't see a training  
 3 package like this on the Building Regulations relevant  
 4 to fire and fire safety before this time?  
 5 A. As I say, we have a process of continuous improvement.  
 6 There was training for staff before this time, it was  
 7 less formalised, and we decided to introduce, if you  
 8 like, a better process through this series of  
 9 presentations.  
 10 Q. The training for staff before this time, was that the  
 11 on—the—job training you were referring to earlier?  
 12 A. Yes.  
 13 Q. Yes.  
 14 Now, just finally on this topic, if we can go to  
 15 a later document than this, this is {BBA00010486}. This  
 16 is a memo. It seems to be a kind of position paper. It  
 17 was drafted, we believe, for the BBA board. It's dated  
 18 20 June 2017, and we can see the authors, if we go to  
 19 page 5 of this document {BBA00010486/5}. You are there,  
 20 together with Jorden Adams and Brian Moore.  
 21 Who was Jorden Adams?  
 22 A. She was an administrator — a manager of the  
 23 administrators in our audit and inspection team.  
 24 Q. Right.  
 25 We will come back to look at this memo later in your

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1 evidence, but just for now I want to look at page 1  
 2 {BBA00010486/1}, paragraph 3. At the beginning of that  
 3 paragraph 3 it says there:  
 4 "The BBA does not have in house fire experts on  
 5 a national scale and relies on external consultancy for  
 6 research issues, but we do have significant experience  
 7 of interpreting the requirements of the Building  
 8 Regulations and can make judgements on such compliance  
 9 with some confidence."  
 10 Can you just help us, what did you mean in the first  
 11 line — sorry, I ought to clarify: did you actually  
 12 draft this document?  
 13 A. Yes.  
 14 Q. Yes.  
 15 A. Well, I say yes; yes, in consultation with Brian Moore.  
 16 Q. Yes, thank you.  
 17 Where you say in the first line that the BBA does  
 18 not have in—house fire experts on a national scale, can  
 19 you help us as to what you meant by that?  
 20 A. As I tried to explain earlier, we have a very narrow  
 21 focus on the interpretation of fire and the application  
 22 of fire within the BBA, relating to the requirements of  
 23 the approved documents and equivalent documents for the  
 24 rest of the UK. We are not fire experts in any other  
 25 sense.

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1 Q. I see. But you are certifying products in relation to  
 2 their fire performance; yes?  
 3 A. Yes.  
 4 Q. Yes. And where you say in that paragraph 3 that it  
 5 relies on external consultancy for research issues, what  
 6 does that mean?  
 7 A. We would be competent to take a UKAS accredited fire  
 8 laboratory test report and assess that classification in  
 9 relation to the requirements of the national  
 10 Building Regulations. If there were wider judgements to  
 11 be made, perhaps if the scope of that document did not  
 12 cover the scope of the products that we were actually  
 13 assessing, we would not be competent to expand the scope  
 14 of that classification and, in that situation, we would  
 15 seek external advice.  
 16 Q. I see.  
 17 What about being competent to notice if there was  
 18 fire performance information missing? Would you  
 19 consider that the BBA was competent in that regard?  
 20 A. Could you be more specific?  
 21 Q. Well, I think it would be better — we'll come to it  
 22 when we get to the Reynobond certificate in a moment,  
 23 and I'll ask you some specific questions on that.  
 24 Can you, just with reference to paragraph 3 here,  
 25 explain how the BBA was able to make authoritative

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1 assessments about the fire performance of construction  
 2 products and materials without having in-house fire  
 3 expertise?  
 4 A. I would argue that we do have in-house fire expertise  
 5 that is appropriate to the role that we perform. We  
 6 know the limits of our competency and, if we are  
 7 required to go beyond those limits, we will seek  
 8 external advice.  
 9 Q. I see.  
 10 The way that's written there, you say, "We rely on  
 11 external consultancy for research issues", that doesn't  
 12 sound like you rely on those external consultancy for  
 13 routine queries that crop up as part of your  
 14 certification assessments. Is that fair?  
 15 A. We have a very good understanding of the depths of our  
 16 competency. We will make judgements within that  
 17 competency. We will not go outside what we understand.  
 18 In those circumstances, we will seek advice.  
 19 Q. Did you ever question whether you needed to bolster your  
 20 expertise in fire performance and fire safety matters?  
 21 A. We are always looking to bolster the experience and  
 22 competency of individuals within the BBA. We are not  
 23 a fire test house. We do not intend to carry out  
 24 fire testing. So we staff the organisation on the basis  
 25 of the knowledge that we need to carry out the work that

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1 we undertake.  
 2 Q. Yes, let me put it a different way: did there ever come  
 3 a time when you became aware that the BBA was lacking in  
 4 terms of its ability to interpret fire test information?  
 5 A. There are limits, yes, and this is the reason we put the  
 6 consultancy arrangement in place with Exova Warrington,  
 7 so that we could obtain specialist advice when we needed  
 8 it.  
 9 Q. But what about after that time? For example — and  
 10 we'll come to it in detail later — when Mr Martin of  
 11 the DCLG intervenes in July 2014 pointing out serious  
 12 errors with the Kingspan K15 certificate; at that point,  
 13 did anybody within the BBA ask itself the question: are  
 14 we competent to be certifying on fire performance  
 15 issues?  
 16 A. We are continually reviewing the competence of the  
 17 organisation, this forms part of our annual appraisal  
 18 process, and yes, we were aware of the limits of our  
 19 knowledge. We had put in place a mechanism whereby we  
 20 could obtain additional knowledge as and when we  
 21 required it because we are in full recognition of the  
 22 limits of our competency. There would be little point  
 23 in our employing a number of highly-qualified fire  
 24 engineers when our routine day-to-day business does not  
 25 require that expertise.

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1 Q. Yes, I don't think that's quite an answer to my  
 2 question. Can I go back to it: at that point, so this  
 3 is July 2014, did anybody within the BBA ask itself the  
 4 question: are we competent to be certifying on fire  
 5 performance issues?  
 6 A. Why would we ask that question? What specific question  
 7 should we be asking ourselves? Sorry, I don't  
 8 understand the line of questioning.  
 9 Q. I see.  
 10 What I'm getting at is when you became aware in  
 11 July 2014, and we'll come to it — do you remember when  
 12 Mr Martin got in touch with you about K15, yes? I think  
 13 you said yes there?  
 14 A. Yes.  
 15 Q. What I'm getting at is: at that time, did you seriously  
 16 question the competency of the BBA on certifying fire  
 17 performance of products?  
 18 A. We carried out an in-house investigation, we established  
 19 what had happened, the reason it had happened, and the  
 20 likelihood of it recurring, and I or we were satisfied  
 21 that we had the necessary experience and that that would  
 22 not happen again. So to answer your question,  
 23 I suppose, yes, we did.  
 24 Q. I see, okay.  
 25 Let's move on now, and I'm going to ask you some

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1 more specific questions now about the Reynobond  
 2 certificate, certificate 08/4510.  
 3 Now, in 2007/2008, when the Reynobond product was  
 4 first assessed and certificated, you were in a different  
 5 department; is that right?  
 6 A. Yes.  
 7 Q. You were section head of the materials department at  
 8 that point; is that correct?  
 9 A. Yes.  
 10 Q. And you tell us in your witness statement — we don't  
 11 need to go to it, this is paragraph 16 of your second  
 12 witness statement {BBA00010723/3} — that you were not  
 13 responsible for the technical content of that  
 14 certificate as this fell within the scope of another  
 15 technical department; yes?  
 16 A. I supplied some specialist internal consultancy relating  
 17 to the durability of the coating. I also, I think, sent  
 18 an email relating to the possible contribution of colour  
 19 to the fire classification. Other than that, no.  
 20 Q. Yes, thank you.  
 21 But is it right that responsibility for this  
 22 certificate did subsequently come under your remit, in  
 23 particular that — well, to this extent: that the  
 24 processes and procedures relating to this certificate  
 25 would have come under your remit from 2009, after you

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1 became technical manager; is that correct?

2 A. Not for that specific certificate in the context I think

3 you're implying. I was responsible for the processes,

4 policies and procedures of the organisation as a whole.

5 I did not have responsibility for that individual

6 certificate.

7 Q. No, I understand that, but in terms of, say, the

8 procedure of reviewing the certificate, you had overall

9 responsibility within the BBA for that procedure; yes?

10 A. Yes.

11 Q. And for any policies or practices surrounding the review

12 of BBA certificates; yes?

13 A. Yes.

14 Q. Yes, thank you.

15 Now, you do tell us in your first witness statement,

16 if we can go to that, page 1 {BBA00000158/1},

17 paragraph 1, that you are a senior technical manager at

18 the BBA, that's in the top line, and then three lines

19 down you say:

20 "I am therefore well placed to comment on the BBA

21 Certificate issued for the Reynobond PE and FR products,

22 to explain the technical assessment processes leading to

23 their issue and the subsequent surveillance procedures

24 operated in order to maintain their validity."

25 It's right, isn't it, that you did have, as you have

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1 already just explained, some limited involvement in the

2 original certification process; yes?

3 A. Yes.

4 Q. And you were also involved, were you not, directly in

5 review processes related to that certificate in 2017; is

6 that right?

7 A. I don't think so. I was responsible for the principles.

8 Q. Right.

9 A. I'm not sure I was involved in the specifics of that

10 particular review.

11 Q. Okay, we'll come on to that.

12 A. Okay.

13 Q. Can we just go to that BBA certificate, {BBA00000047}.

14 This is the first issue of the certificate. It's dated,

15 right at the bottom of the page, 14 January 2008. It's

16 a certificate that we are familiar with now.

17 Can I take it that you are also familiar with that

18 certificate, that you have looked at that prior to

19 giving evidence to us today?

20 A. Yes.

21 Q. Yes, in which case I'm not going to go through it just

22 in general now.

23 Can you remember when you first read this

24 certificate?

25 A. I think it was immediately in the aftermath of the

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1 Grenfell fire.

2 Q. Right. So that was the first time you actually came to

3 look at this particular certificate; is that correct?

4 A. I can't honestly say I wasn't aware of it previously.

5 I can't remember having read it previously. There is

6 little reason why I would have done.

7 Q. Right. So you didn't ever have reason to check the

8 technical content of this certificate prior to that

9 time?

10 A. No, this would have been in a different department.

11 Q. Yes.

12 Now, we know that Arconic's interactions with the

13 BBA regarding the certificate began in 2004. I want to

14 pick up the story with you in 2006.

15 Now, in June 2006, Mr Wehrle sent some documents to

16 you. If we can go within Mr Wehrle's exhibits to

17 {MET00053158\_P14/35}. So we can see this is an email to

18 you from Mr Wehrle. It's dated 7 June 2006 — the date

19 reads with the month first and then the day — and he

20 says:

21 "Dear Mr Albon,

22 "Please find enclosed the French Avis Technique

23 Systeme Riveté."

24 Do you see that there?

25 A. Yes.

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1 Q. Attached is a document, if we go to page 36 in this same

2 exhibit {MET00053158\_P14/36}, the next page, and

3 attached was the avis technique report from the CSTB, we

4 can see it's the CSTB in the bottom left, and we can see

5 it's for the rivet system. Do you see that?

6 A. Yes.

7 Q. We know that means the riveted Reynobond fabrication

8 method.

9 If we can go to page 98 of this exhibit

10 {MET00053158\_P14/98}, this is your email in response.

11 So this is on 8 June 2006. You reply and you say:

12 "Thank you for sending the information. I hope to

13 examine the two sets of data in the next few days and

14 will send you a fuller response then."

15 Then if we go to page 99 of this exhibit

16 {MET00053158\_P14/99}, there is a further email from you

17 in response at the top of that page. This is on

18 13 June 2006, and you say:

19 "Sorry for the delay in replying to you on this.

20 "It would appear that the documents supplied would

21 be useful to us in any future BBA assessments of the

22 type that we discussed during my visit. Unfortunately,

23 we would need to have English translations before we

24 could be sure how much of the information is relevant.

25 "Should you decide to proceed with any of the

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1 proposed BBA assessments, could you please supply us  
 2 with translations , so that we can ensure that we take  
 3 full account of the existing data."  
 4 We can see that you sign off as section head in that  
 5 email; yes?  
 6 A. Yes.  
 7 Q. Now, we know that there were two avis technique reports  
 8 for Reynobond at the time: one was for the rivet—fix  
 9 system and one was for the cassettes, the cassette  
 10 method of fabrication.  
 11 You refer in your email, we just saw it, of  
 12 8 June 2006 — just looking back at that, page 98  
 13 {MET00053158\_P14/98} — to two sets of data. You say in  
 14 that second sentence:  
 15 "I hope to examine the two sets of data in the next  
 16 few days ..."  
 17 Can you help us — and we appreciate it is a long  
 18 time ago — are you referring there to the two separate  
 19 avis technique reports?  
 20 A. I'm sorry, I don't know. It was 15 years ago.  
 21 Q. Yes.  
 22 There is reference as well to a visit . We saw that  
 23 on page 99 {MET00053158\_P14/99}, if we just go back to  
 24 that, in your slightly fuller response. You say in that  
 25 second paragraph:

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1 "... the documents ... would be useful ... in any  
 2 future BBA assessments of the type that we discussed  
 3 during my visit."  
 4 Can you remember anything about that visit?  
 5 A. Yes. We discussed my career progression briefly  
 6 earlier . At one time I was a BBA inspector carrying out  
 7 factory inspections. We had a slight issue with  
 8 resourcing. Although I had moved to — back to the  
 9 technical assessment team, I retained the ability to  
 10 carry out factory inspections in exceptional  
 11 circumstances where, for whatever reason, the normal BBA  
 12 inspection staff were not available. This was a routine  
 13 factory visit that I carried out for an existing Arconic  
 14 certificate , and it was purely a factory audit.  
 15 Q. Right, I see. Can you remember which existing Arconic  
 16 product you were auditing at that time?  
 17 A. It was an aluminium coil coated product.  
 18 Q. Aluminium coil coated. Can you explain exactly what  
 19 an aluminium coil coated product is?  
 20 A. Yes, it's as it sounds. It's a coil of aluminium,  
 21 a very large coil of aluminium, that is painted on both  
 22 sides and supplied to site as a coil , which is  
 23 subsequently fabricated by specialist fabricators as  
 24 roofing or cladding.  
 25 Q. Right, thank you.

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1 Can you help us: did you discuss during that factory  
 2 visit Arconic applying for a BBA certificate for its  
 3 Reynobond panels?  
 4 A. It would appear so from this email. I don't remember  
 5 the conversation, I'm afraid.  
 6 Q. Yes.  
 7 To the best of your recollection , was Mr Wehrle  
 8 providing these CSTB reports to you to see if  
 9 a BBA certificate could be based on them?  
 10 A. Possibly. As I say, I don't remember the details, but  
 11 that's certainly a possibility .  
 12 Q. Just to be clear , is that what's meant by a confirmation  
 13 certificate , the BBA confirms the data of another body?  
 14 A. Yes.  
 15 Q. And the CSTB in France was one of those bodies from whom  
 16 the BBA would accept data as being technically sound;  
 17 yes?  
 18 A. Yes.  
 19 Q. Was it cheaper for an applicant to get a confirmation  
 20 certificate if it was based on other data? Was that  
 21 a less expensive process?  
 22 A. Yes, it was.  
 23 Q. Now, after this, Arconic sent an application form in  
 24 August 2006.  
 25 Now, in terms of just the process generally, I think

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1 it's your evidence — is this right? — that it's up to  
 2 the client to decide what the products are being  
 3 assessed. The BBA itself doesn't decide, it's the  
 4 client who decides what the product is that's to be  
 5 assessed; is that correct?  
 6 A. The clients will request this, yes.  
 7 Q. I think you also say in your statements that it is what  
 8 the client writes in the application form that the BBA  
 9 takes as the product which the client wishes to have  
 10 assessed; yes?  
 11 A. Yes.  
 12 Q. But is it right that the BBA would not just take  
 13 statements made in the application form as being final?  
 14 Would the BBA always consider the underlying and  
 15 supporting data to determine what product it was  
 16 appropriate to be certifying?  
 17 A. I'm sorry, I'm not sure what you mean. Could you  
 18 explain, please?  
 19 Q. So in terms of what product the certificate actually  
 20 covered, would it be a matter for the BBA to determine,  
 21 once it had looked at all the underlying and supporting  
 22 data, what product they felt able to cover in the  
 23 certificate ?  
 24 A. Yes, we would normally carry out an assessment of the  
 25 products defined for the purpose for which it was

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1 defined, unless we had a good reason why that wouldn't  
2 be appropriate.

3 Q. Right, yes.

4 Now, if we look at the 2006 application form in  
5 Claude Wehrle's exhibits, this is {MET00053158\_P13/167},  
6 that's the cover page of their 2006 application form,  
7 and this was materially identical to an application that  
8 they'd made in 2004.

9 If we go to page 173 of this form  
10 {MET00053158\_P13/173}, we can see a table of available  
11 assessment, calculation and test data.

12 In the first two rows of that, we can see avis  
13 technique reports, and it says "Characteristic covered",  
14 and then someone has written "Structural and system for  
15 cassettes", and underneath that, "Structural and system  
16 for riveted".

17 Now, do you remember seeing this application form at  
18 the time?

19 A. No.

20 Q. Now, this tells us on the face of it, doesn't it, that  
21 the CSTB considered it appropriate to treat the riveted  
22 and the cassette products separately; yes?

23 A. I would expect the CSTB would have a very similar  
24 process to that at the BBA, whereby they would assess  
25 what they were asked to assess by their client.

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1 Q. Yes, but can we agree it was clear from the face of the  
2 form, on this form, that avis technique had produced  
3 separate reports for the cassettes and for the rivets;  
4 yes?

5 A. Yes.

6 Q. Now, those avis technique reports, they do deal with  
7 fire performance under the French national system.  
8 I just want to show you that.

9 If we go within part 14 of Mr Wehrle's exhibits,  
10 {MET00053158\_P14/10}, this is within the avis technique  
11 report for the cassette, and what we see in the  
12 right-hand column is that there is a heading, just  
13 around the middle of the page, on fire safety. Can you  
14 see that?

15 A. Yes.

16 Q. So these avis technique reports did have some  
17 fire safety information in them, even though Arconic was  
18 not relying on that particular fire safety information  
19 in its application to the BBA.

20 What we can see, if we go two paragraphs down under  
21 "Fire Safety", is it says:  
22 "The fire reaction classification of the wall used  
23 is M1 (for all plate thicknesses)."  
24 Do you see that?

25 A. Yes.

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1 Q. So we can see under the French system the cassettes have  
2 M1 classification.

3 Then if we go within this to page 65  
4 {MET00053158\_P14/65}, this is, in contrast, the avis  
5 technique for the riveted system. You can see that,  
6 just to be clear, under 1.1 in the top left. It says:  
7 "External wall overcladding ... fixed by rivets to  
8 a framing of aluminium sections ..."

9 Then if we go on the right-hand side under  
10 "Fire safety", in the second paragraph down, you can see  
11 that it says under the first bullet:  
12 "The fire reaction rating of the baked enamelled  
13 panels: M1 to M3 according to the covering used."  
14 Do you see that?

15 A. Yes.

16 Q. So there's different parts of the French national fire  
17 classification system being quoted for the cassette  
18 versus the rivet; yes?

19 A. Well, it seems to say "according to the covering used"  
20 rather than the method, but yes.

21 Q. Yes.

22 Now, would you have expected a project manager who  
23 was provided with all this information to have read it  
24 all thoroughly, including this avis technique report?

25 A. No, that's not how the confirmation process works. The

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1 confirmation process does not copy the content of the  
2 overseas certificate; it takes the base data on which  
3 that certificate was based and carries out an assessment  
4 of that underpinning data. It is not a rubber-stamp  
5 exercise, it's a separate assessment carried out on the  
6 same set of data.

7 Q. Yes, Mr Albon, I think you have misunderstood my  
8 question. I wasn't asking whether it was  
9 a rubber-stamping exercise or whether the information  
10 was simply copied. The question I asked was: would you  
11 have expected a project manager who was provided with  
12 all this information to have read it thoroughly,  
13 including this avis technique report?

14 A. Yes.

15 Q. And would you have expected anybody supervising that  
16 project manager, such as Brian Haynes or Geoff Gurney,  
17 who was head of the relevant engineering assessment  
18 section, to have at least seen the application form?

19 A. Yes.

20 Q. Would you have expected them to have read all the  
21 underlying reports that were put forward?

22 A. Possibly, it would depend on the context. I wouldn't  
23 expect them to take any real recognition of the French  
24 national fire classification system.

25 Q. Why not?

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1 A. Because it is irrelevant to the UK regulatory system,  
 2 which requires either a British or a European standard.  
 3 We have no knowledge of this French classification  
 4 system.  
 5 Q. Would you have expected them to have noticed that the  
 6 panels had different French national fire  
 7 classifications, even if they didn't know the detail of  
 8 what those French tests were?  
 9 A. They may have noticed, but I would question the  
 10 relevance. The relevant classification systems would be  
 11 those defined in the UK Building Regulations.  
 12 Q. Well, might the relevance have been to suggest that the  
 13 panels performed differently in fire, depending on  
 14 whether they were cassettes or rivets?  
 15 A. We were not certifying cassettes or rivets, though, we  
 16 were certifying the sheet.  
 17 Q. I see. Your evidence — and I think we see this from  
 18 your statements, and we'll come back to it — is that  
 19 that certificate merely covers a flat panel; yes?  
 20 A. That was my interpretation of the documents on the file,  
 21 yes.  
 22 Q. When you say, "That was my interpretation of the  
 23 documents on the file", when did you do that  
 24 interpretation exercise?  
 25 A. I think it would have been when I was asked for

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1 a statement by the Inquiry.  
 2 Q. Right.  
 3 Let's go to Claude Wehrle's exhibits in part 14 now  
 4 again, so this is {MET00053158\_P14/114}. This is  
 5 an internal Arconic visit report, so you probably won't  
 6 have seen this before. We can see it relates to  
 7 a visit. The date of the visit is Thursday,  
 8 2 November 2006, and I think elsewhere we're told that  
 9 this was prepared just shortly after that on  
 10 6 November 2006, and it concerns a meeting that Arconic  
 11 had with the BBA in Watford on 2 November 2006.  
 12 We can see in that top section of this visit report  
 13 that those that were present included Bob Keyse,  
 14 business manager, and then you are present, John Albon,  
 15 technical manager, and Mr Gregorian, the engineering  
 16 system department; yes?  
 17 A. Yes, although I was not technical manager at that point,  
 18 that's a mistake.  
 19 Q. Ah, what was your job title at that point?  
 20 A. I believe I was section head at that point.  
 21 Q. Yes. Section head of the materials department; yes?  
 22 A. Yes.  
 23 Q. Yes. And for Arconic, we can see that present on the  
 24 right-hand side of that same row was Colin Southgate and  
 25 Andrew Rich; yes?

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1 A. Yes.  
 2 Q. Do you remember that visit that Arconic made to Watford  
 3 in November 2006?  
 4 A. I remember meeting Colin Southgate. I don't remember  
 5 Andrew Rich. So possibly not this meeting, no.  
 6 Q. Right.  
 7 If we look at item 1, we can see it says:  
 8 "Reason for visit: Exploratory call to [assess]  
 9 situation as follows with [Claude Wehrle] in  
 10 attendance."  
 11 One possibility is that Mr Wehrle wasn't physically  
 12 in attendance but perhaps was in attendance some other  
 13 way, perhaps by telephone. Can you help us on that?  
 14 A. Sorry, no, I don't remember.  
 15 Q. Yes.  
 16 We can see that the two points as the reason for the  
 17 visit are:  
 18 "1. Investigate adding DG—5000 paint system to  
 19 current BBA cert 87/1964.  
 20 "2. Negotiate REYNOBOND—55 proposal sent 22.08.06  
 21 value [around £20,000]."  
 22 Then at point 2, under "Details of visit", it says  
 23 this:  
 24 "After a general discussion with BK and CS threat to  
 25 stop all dealings with BBA unless a satisfactory

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1 solution was found re both the above potential  
 2 approvals. BK had arranged for the BBA persons  
 3 responsible for each product to be in attendance."  
 4 That seems to be Bob Keyse, BK there.  
 5 Now, do you recall anyone at Arconic threatening to  
 6 stop dealing with the BBA at a meeting around this time?  
 7 A. No.  
 8 Q. You can't recall that at all?  
 9 A. I don't remember it.  
 10 Q. No.  
 11 What we see then underneath that is a heading  
 12 "Meeting A", and it says "RLX" — is that Reynolux, can  
 13 you help us?  
 14 A. Presumably, yes.  
 15 Q. Yes? Were you involved with the Reynolux product at  
 16 this time?  
 17 A. Looking at this document, it appears to be related to  
 18 certificate 87/1964, which was the coil coating  
 19 certificate I was referring to earlier, and that did  
 20 fall under the responsibility of my team.  
 21 Q. Right, that was the department for materials; yes?  
 22 A. Yes.  
 23 Q. I see.  
 24 So that's meeting A, and we can see some notes — we  
 25 don't need to go through them — where your initial is

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1 mentioned. So you appear to be active in that part of  
 2 the meeting.  
 3 Then if we go over the page to 115  
 4 {MET00053158\_P14/115}, we can see that there is  
 5 meeting B, which is about the Reynobond 55 proposal from  
 6 August 2006 and it says "with Hamo Gregorian".  
 7 It may be from your previous answers you can't help  
 8 at all, but do you know whether you were present at  
 9 meeting B or just meeting A?  
 10 A. I'm sorry, I don't remember. It's possible I was in  
 11 meeting B, I don't know.  
 12 Q. Right.  
 13 Do you remember contributing at all to a discussion  
 14 about Reynobond panels in part B of the meeting?  
 15 A. No.  
 16 Q. Okay.  
 17 Staying with this just for a moment, to check  
 18 whether this might jog any memory, in the second  
 19 paragraph under meeting B, you can see there is a line  
 20 beginning:  
 21 "I have suggested that it could be better to  
 22 validate the material RB rather than the whole system.  
 23 This way a cross connection can be put together.  
 24 "BBA — Certification for 4mm thick x RB—55 material.  
 25 "CSTB — Certification for RB + Systems.

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1 "This way our 2 products materials RLX & RB can be  
 2 approved on paper which will cover most needs such as  
 3 the NHBC/NBS organizations."  
 4 Now, does that help as to whether you can recollect  
 5 a discussion along those lines about certifying or  
 6 validating the material Reynobond rather than the whole  
 7 system?  
 8 A. I'm sorry, I don't remember.  
 9 Q. You can't help us as to what that discussion was about?  
 10 A. No, sorry.  
 11 Q. Can you recall ever being told what had been agreed  
 12 about what was actually to be covered in the Reynobond  
 13 certificate? Are you able to help us with that?  
 14 A. I don't think I would have been aware. My input was  
 15 restricted to the performance of the material itself.  
 16 I wouldn't have been consulted on the structural  
 17 aspects.  
 18 Q. I see.  
 19 Is it your understanding that the BBA agreed to  
 20 certify the Reynobond product without it being linked to  
 21 a specific cladding system?  
 22 A. I should emphasise I was not involved in this, all  
 23 I have the opportunity to do is to review the documents,  
 24 but from the contracts documents, that is how I would  
 25 interpret it: it was the material, not the system.

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1 Q. Does that mean it's your interpretation that the BBA  
 2 agreed to certify the panel as a raw flat panel product  
 3 regardless of how it was fabricated?  
 4 A. That is how I have interpreted it, yes.  
 5 Q. That understanding, just to be clear, is, what, from  
 6 your reading of the documents on the file; yes?  
 7 A. Yes.  
 8 Q. Right.  
 9 Just some general principles now about what these  
 10 certificates are intending to do.  
 11 Can we look at your second witness statement, page 8  
 12 {BBA00010723/8}. If we look at paragraph 22, you tell  
 13 us there that:  
 14 "A BBA Certificate is an expression of the BBA's  
 15 opinion of the fitness for purpose of a product for  
 16 a defined purpose."  
 17 You say something very similar in your third  
 18 statement, page 11 {BBA00010751/11}, if we could go to  
 19 that. So in 37, right at the bottom of that page, you  
 20 tell us:  
 21 "It is my understanding that a Certificate holder  
 22 will use a Certificate as an independent means of  
 23 demonstrating their product's fitness for its intended  
 24 purpose to potential customers."  
 25 That's what the BBA certify in the certificate

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1 itself, that's right, isn't it, its fitness for its  
 2 intended purpose?  
 3 A. Yes.  
 4 Q. If we look, for example, at this Reynobond certificate,  
 5 {BBA00000047}, in the blue box immediately above the  
 6 signature at the bottom of that page, we can see the  
 7 words there:  
 8 "The BBA has awarded this Agrément Certificate for  
 9 Reynobond Architecture Wall Cladding Panels to Alcoa ...  
 10 as fit for their intended use provided they are  
 11 installed, used and maintained as set out in this  
 12 Agrément Certificate."  
 13 Yes?  
 14 A. Yes.  
 15 Q. Is it right that, by providing an independent assessment  
 16 of a product's fitness for its intended use, the BBA  
 17 certificates play an important role in enabling the  
 18 construction industry to meet the requirements of  
 19 regulation 7 of the Building Regulations 2010, which  
 20 requires adequate and proper materials to be used which  
 21 are appropriate for the circumstances in which they are  
 22 used?  
 23 A. It is one of the ways that compliance with regulation 7  
 24 can be demonstrated, yes.  
 25 Q. Yes.

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1 Following on from that, certification by the BBA is  
 2 a recognised and established scheme for the independent  
 3 certification of construction products in accordance  
 4 with the requirements of Approved Document B; yes?  
 5 A. I'm sorry, could you say that again?  
 6 Q. Yes. That certification by the BBA is a recognised and  
 7 established scheme for the independent certification of  
 8 construction products in accordance with the  
 9 requirements of Approved Document B, for example.  
 10 A. Approved Document B is one aspect. The BBA certificate  
 11 is an overall statement of fitness for purpose, taking  
 12 all aspects into account. So it is not specific to  
 13 Approved Document B or any other of the approved  
 14 documents.  
 15 Q. But is certification by the BBA a recognised and  
 16 established scheme for the independent certification of  
 17 products?  
 18 A. Yes.  
 19 Q. Now, in terms of the specific product we're considering  
 20 here, it's right, isn't it, that Reynobond 55 cannot be  
 21 used unless it is fabricated into a rivet fix or  
 22 a cassette fix?  
 23 A. Yes.  
 24 Q. In fact, the material itself was unusable unless it was  
 25 fabricated; that's right, isn't it?

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1 A. Yes.  
 2 Q. Can we agree, therefore, that in order to make any  
 3 statement about Reynobond in a BBA certificate, the BBA  
 4 would have to consider that purpose, namely that it was  
 5 always going to be a fabricated product?  
 6 A. Yes.  
 7 Q. Doesn't it follow from that that any technical claims  
 8 made in the certificate issued by the BBA to Arconic  
 9 would, unless otherwise stated, be taken by a reader of  
 10 the certificate to apply to the panels irrespective of  
 11 the manner of their fabrication or installation?  
 12 A. No, that would depend on the specific text of the  
 13 certificate. The scope of the certification is defined  
 14 within the certificate, and it is individual.  
 15 Q. Do you know whether the BBA appreciated at the time that  
 16 the fabricated form of a panel can have a significant  
 17 effect on its technical performance, including its fire  
 18 performance?  
 19 A. I don't know, but there was nothing on the file to  
 20 suggest that.  
 21 Q. Well, there was, wasn't there? We've just seen it: the  
 22 CSTB reports, the avis technique reports on the file,  
 23 gave different French classifications for the rivet and  
 24 for the cassette; yes?  
 25 A. As I explained, we would not consider the French

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1 classification system because that has no relevance in  
 2 the UK regulatory environment.  
 3 Q. So where this is a confirmation certificate and you're  
 4 confirming fire test information that's been provided  
 5 by, say, the CSTB, you wouldn't expect the BBA to be  
 6 able to have some appreciation of the French national  
 7 classification system?  
 8 A. No, it is completely irrelevant in the UK environment.  
 9 The requirements for the BBA are set out in the  
 10 contracts produced, and they will define the fire test  
 11 data that is required to carry out the assessment. We  
 12 would not be supplied with copies of the fire test  
 13 reports supporting the French classification system.  
 14 They won't be on our files, and there is no reason why  
 15 we would want them. They are irrelevant.  
 16 Q. I was just focusing on the information that you were  
 17 provided with that we've just looked at.  
 18 Just going back to the point I was on just a moment  
 19 before that, did the BBA appreciate at this time that  
 20 the geometry really matters, that there can be  
 21 substantial differences in a product's fire performance  
 22 depending on its shape?  
 23 A. That's not an assumption we would make. We would ask  
 24 for the fire test data relating to the products that are  
 25 to be assessed. We would not make an assumption without

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1 data.  
 2 Q. Yes, that's not an answer to my question. I'm going to  
 3 put it again: did the BBA appreciate at this time that  
 4 the geometry really matters, that there can be  
 5 substantial differences in a product's fire performance  
 6 depending on its shape?  
 7 A. Clearly the configuration of a sample can have an effect  
 8 on the performance in a fire test, yes.  
 9 Q. Yes.  
 10 We saw that the CSTB treated rivet and cassette  
 11 separately in their avis technique reports. In those  
 12 circumstances, can we agree that it was obvious that the  
 13 BBA should check that the two types of fabricated panel  
 14 did not perform differently?  
 15 A. We were not asked to certify the two configurations of  
 16 the panel, we were asked to certify the plain sheet that  
 17 is subsequently fabricated.  
 18 Q. But if you're provided with information relating to only  
 19 one of those fabrication methods, can we agree that it  
 20 was incumbent upon the BBA to check that the performance  
 21 of the other fabricated version was no different?  
 22 A. But we weren't certifying the performance of the other  
 23 fabricated system, we were certifying the performance of  
 24 the plain sheet.  
 25 Q. Mr Gregorian's oral evidence was that the BBA only added

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1 reference to the rivets and cassettes in the certificate  
 2 as details just to show how the material could be used  
 3 in a cladding system. He said that at  
 4 {Day105/81:21–23}.

5 Now, is that your understanding as well?

6 A. That would seem consistent with the information on the  
 7 file, yes.

8 Q. When you say, "That would seem consistent with the  
 9 information on the file", can you explain what it is on  
 10 the file that leads you to the conclusion that the BBA  
 11 only added reference to the rivets and cassettes as  
 12 details just to show how the material could be used in  
 13 a cladding system?

14 (Pause)

15 A. I'm struggling to give you a specific example. Perhaps  
 16 if we looked at the contract documents, whether they  
 17 referred to separate rivet and cassette configurations  
 18 or if they just referred to plain sheet. That is the  
 19 basis of the assessments, the contents of the formal  
 20 contract.

21 Q. Right. So are you speculating that there might be  
 22 something in the formal contract documents that assists  
 23 as to whether or not the rivets and cassette were  
 24 included in the certificate as mere details just to show  
 25 how the material could be used in a cladding system?

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1 A. Well, I'm struggling to give you a specific example on  
 2 the file because I don't have it in front of me, but the  
 3 overall impression I formed on a review of that file was  
 4 that this was the situation.

5 Q. Can you help us, you told us you were familiar with the  
 6 certificate — and we can go back to it if we need to —  
 7 how is that consistent with the amount of detail that we  
 8 see on the certificate, including pictures, about the  
 9 rivet and the cassette methods of fixings?

10 A. If I am correct in my interpretation of the intention of  
 11 that certificate, I think the inclusion of those  
 12 illustrations was potentially misleading.

13 Q. Right. So are you accepting that for readers of that  
 14 certificate, they would have understood that for example  
 15 the statements about fire performance would have applied  
 16 equally as between the rivet and the cassette products?

17 A. We were not aware that there was a difference and so  
 18 there was no differentiation in the certificate, yes.

19 Q. Yes. So are you accepting that for readers of that  
 20 certificate, they would have understood that the  
 21 statements about fire performance would have applied  
 22 equally between the rivet and the cassette and thereby  
 23 the certificate was misleading?

24 (Pause)

25 A. I think the data given in the certificate were

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1 consistent with those that were made available to the  
 2 BBA, and that they were an accurate reflection of the  
 3 information that was placed at our disposal.

4 Q. Right.

5 Let's look now at the documents that support the  
 6 statements which are made on the BBA certificate.

7 If we can return to the BBA certificate, this is  
 8 {BBA00000047/5}, this is the "Behaviour in relation to  
 9 fire" section. I just want to start with paragraph 6.2,  
 10 the second paragraph down there, it says:

11 "6.2. A fire retardant sample of the product, with  
 12 a metallic grey PVDF finish, when tested in accordance  
 13 with BS 476–6:1989, achieved a fire propagation index  
 14 (I) of 0 and, when tested in accordance with  
 15 BS 476–7:1997, achieved a Class 1 surface spread of  
 16 flame."

17 Now, can we agree, based on your understanding now  
 18 and your reading of the file, that it was only the FR,  
 19 the fire retardant version of the product, for which the  
 20 BBA had any BS 476–6 and 7 test reports?

21 A. Yes.

22 Q. And just for the transcript, the reference to that test  
 23 data is at {BBA00008042/163} and {BBA00008042/177}.

24 Now, we know that there were in existence some other  
 25 BS 476–6 and 7 and class 0 summary test results for some

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1 of the Reynobond products, including something called  
 2 Reynobond 33, which was a signage product, and Reynobond  
 3 160 PE, there was a test completed in 1997, but you have  
 4 told us in your statement that the BBA were never  
 5 provided with these. If we look at your first witness  
 6 statement at {BBA00000158/10}, paragraph 35, you say:

7 "Dr Lane's report includes reference to fire reports  
 8 on Reynobond RB 160 PE and Reynobond 33. We have not  
 9 received any reports relating to [those] ..."

10 And then you say this:

11 "... nor would we expect to, as these were not  
 12 certified products."

13 By not certified products, do you mean that they  
 14 were not the products that the BBA was assessing for  
 15 this certification?

16 A. Yes.

17 Q. So you wouldn't have expected to have seen those because  
 18 they related to a different Reynobond product; yes?

19 A. As far as I know, yes.

20 Q. And they would be irrelevant to the certificate, because  
 21 they were for a different product; yes?

22 A. Unless we received supplementary evidence from  
 23 an accredited fire organisation that we could use them,  
 24 in isolation they would be irrelevant, yes.

25 Q. When you say, "Unless we received supplementary evidence

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1 from an accredited fire organisation that we could use  
 2 them", what does that mean?  
 3 A. Sorry, that was very badly expressed.  
 4 It is sometimes possible that a fire test laboratory  
 5 will give a letter of opinion on the likely performance  
 6 of a product relative to the one that we are assessing.  
 7 So in those circumstances, we may be able to use the  
 8 reports, but we would not make such a judgement within  
 9 the BBA.  
 10 Q. Right. So just to be clear, you wouldn't ever, within  
 11 the BBA, make an assessment based on a different product  
 12 about another product's fire performance; yes?  
 13 A. Not if it was a different formulation or specification.  
 14 If it was the same product just simply renamed then  
 15 possibly, but certainly we would not extend the scope of  
 16 applicability of a fire test report in that way.  
 17 Q. Right.  
 18 Now, if we go to the 2007 application form on the  
 19 technical file, this is at {BBA00008042/29}. Just  
 20 looking right at the very top, under section 3.1, the  
 21 standard information that's included here in this  
 22 application form, it says this:  
 23 "If suitable data is available, it may significantly  
 24 reduce the cost and duration of the Contract. Please  
 25 identify all data relevant to the Product and its Use

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1 being assessed. The data should contain an accurate and  
 2 detailed description of the samples used and should have  
 3 been produced within the last three years."  
 4 So is it right that, in terms of these application  
 5 forms and this application process, the BBA would only  
 6 accept data that was produced within the last  
 7 three years?  
 8 A. Our current position is the figure is five years, not  
 9 three. I'm not sure at what point that changed. But,  
 10 yes, that is what it says.  
 11 Q. Do you remember how long it was three years for? When  
 12 did that change to five take place?  
 13 A. To be honest, it's more I don't remember it ever having  
 14 been three years, I think it's always been five.  
 15 I think this may be a very old form.  
 16 Q. I see.  
 17 It's right, isn't it, that that may have been  
 18 a reason for Arconic not to have sent, for example, 1997  
 19 data on the Reynobond 160 PE test, as we see that  
 20 statement there about the last three years; yes?  
 21 A. Yes, I — whether it was three or five, I don't think we  
 22 would have accepted data from 1997 at this point.  
 23 Q. Right.  
 24 If we look at your first witness statement, page 16  
 25 {BBA00000158/16}, and in particular at paragraph 66, we

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1 see this. You say:  
 2 "Dr Lane states that it is good industry practice to  
 3 review the relevance of fire tests that are more than  
 4 five years old. She notes that at the time of the  
 5 Second Issue of the Certificate, in 2017, the Class 0  
 6 test reports were at least 11 years old. I exhibit as  
 7 part of [one of your exhibits] a copy of the 2017  
 8 Certificate."  
 9 Then you say this:  
 10 "The BBA did not require re-testing after five years  
 11 because there had been no changes to the Regulatory  
 12 requirements and the BBA operates a surveillance process  
 13 which is intended to establish whether product  
 14 manufacturing has changed. The principle that the BBA  
 15 follows is that if the composition and specification of  
 16 the product is unchanged) the performance of the  
 17 materials can also be expected to be unaltered. The  
 18 manufacturer is obliged via our contractual arrangements  
 19 to notify us of any changes. In this way, we seek to  
 20 ensure that the validity of data are maintained."  
 21 Now, we'll come back to the second issue of the  
 22 certificate in 2017 later, but what I wanted to focus on  
 23 now is the BBA's approach to historic fire test data.  
 24 You say there that the BBA does not require  
 25 re-testing after five years, and yet your application

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1 form requires test data within the last three years.  
 2 Can you account for that difference in approach?  
 3 A. As part of the initial assessment of a product, we would  
 4 expect any data supplied to be less than — I believe  
 5 it's five years old, it may then have been three years  
 6 old. Because we have the product post-certification  
 7 under close production surveillance, we can be sure that  
 8 the composition, formulation, specification are  
 9 unchanged and therefore the product should be identical  
 10 to that that was originally assessed. If that is the  
 11 case, there is no reason to suppose that the performance  
 12 would be any different if an identical product was  
 13 re-tested.  
 14 I think that this five-year period of validity is  
 15 imposed because of the likelihood of change of  
 16 formulation and specification over time. Our  
 17 surveillance process should eliminate that possibility,  
 18 and therefore we can continue to accept the existing  
 19 data.  
 20 Q. I see. But it's right, isn't it, that your surveillance  
 21 is directed at the manufacturing process and it wouldn't  
 22 necessarily pick up if there had been fire testing  
 23 within that period which, for example, contradicted  
 24 earlier fire tests?  
 25 A. That isn't the purpose of the factory surveillance, no.

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1 MS GRANGE: No.  
 2 Mr Chairman, I think that would be a very good  
 3 moment for our break this afternoon.  
 4 SIR MARTIN MOORE—BICK: Yes, all right.  
 5 Well, Mr Albon, I said we'd have a break during the  
 6 afternoon, and so we shall, we'll have it now. We'll  
 7 come back and continue your evidence, please, at 3.30.  
 8 While we're on our break, please don't talk to anyone  
 9 about your evidence or anything to do with it.  
 10 All right?  
 11 THE WITNESS: Yes.  
 12 SIR MARTIN MOORE—BICK: Thank you very much. We will see  
 13 you at 3.30, then. Thank you.  
 14 (3.18 pm)  
 15 (A short break)  
 16 (3.33 pm)  
 17 SIR MARTIN MOORE—BICK: Welcome back, everyone. We are now  
 18 ready to continue with Mr Albon's evidence.  
 19 So I'll just check, Mr Albon, you can see me,  
 20 I hope, and hear me?  
 21 THE WITNESS: Yes, I can.  
 22 SIR MARTIN MOORE—BICK: Good, thank you very much. And  
 23 you're ready to carry on?  
 24 THE WITNESS: Yes.  
 25 SIR MARTIN MOORE—BICK: Thank you.

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1 Well, then, Ms Grange, when you're ready.  
 2 MS GRANGE: Yes, thank you, Mr Chairman.  
 3 Can we go back now to the BBA certificate again,  
 4 {BBA00000047/5}. If we could blow up the top of  
 5 section 6, "Behaviour in relation to fire", again. We  
 6 were looking at 6.2, and the class 0 evidence for the  
 7 fire retardant sample of the product. I now want to  
 8 focus on the top paragraph, 6.1. It states there:  
 9 "A standard sample of the product, with a grey/green  
 10 Duragloss 5000 coating, when tested for reaction to  
 11 fire, achieved a classification of B—s2, d0 in  
 12 accordance with EN 13501—1:2002. A fire retardant  
 13 sample of the product, with a gold—coloured Duragloss  
 14 finish, when tested for reaction to fire, achieved  
 15 a classification B—s1, d0 in accordance with  
 16 EN 13501:2002."  
 17 I want to focus on what underpinned those statements  
 18 in 6.1.  
 19 If we go to the technical file now, this is  
 20 {BBA00008042/147}, this is the CSTB classification  
 21 report to EN 13501, and the document we can see is  
 22 number RA05—0005A, and we have been calling this  
 23 classification 5A.  
 24 We can see, if we go on, on that page, under  
 25 "Commercial brand(s)" — so we have "Owner: Alcoa

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1 Architectural Products", and underneath that "Commercial  
 2 brand(s): Reynobond 55 PE riveted system". Do you see  
 3 that?  
 4 A. Yes.  
 5 Q. Then if we go to page 149 {BBA00008042/149}, under  
 6 section 2, the product description, it says:  
 7 "Composite panel consisting of a low—density  
 8 polyethylene core thermally bonded (using a 70 µm thick  
 9 polyethylene film) between two precoated aluminium  
 10 sheets."  
 11 Then the tested system underneath that, it says:  
 12 "... riveted on metallic substructure."  
 13 At the bottom we can see the colour is grey/green.  
 14 Then if we go to page 153 {BBA00008042/153} we can  
 15 see that classification of B—s2, d0 for that panel, so  
 16 that's the PE riveted panel.  
 17 Now, this CSTB report was the basis for the first  
 18 sentence of paragraph 6.1 of the certificate; that's  
 19 right, isn't it?  
 20 A. Yes.  
 21 Q. The second sentence of paragraph 6.1, which relates to  
 22 a fire retardant sample of the product, if we go now to  
 23 the BBA technical file, so it's the same file, page 155  
 24 {BBA00008042/155}. This is a separate reaction to fire  
 25 classification report from the CSTB, this time number

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1 RA06—0372 in that top heading there, and we can see that  
 2 after "Owner", we've got "Commercial brand(s)" again,  
 3 and this is for the Reynobond FR product.  
 4 If we can go within this separate report to page 157  
 5 {BBA00008042/157}, we see the product description, and  
 6 we've got that description, and then:  
 7 "Tested system: riveted on metal substructure."  
 8 Do you see that?  
 9 A. Yes.  
 10 Q. The colour is "gold—coloured" there.  
 11 If we go to the final page of the report at page 161  
 12 {BBA00008042/161}, we can see the classification there  
 13 of B—s1, d0.  
 14 Now, that CSTB report is the basis of the second  
 15 sentence of paragraph 6.1 in the certificate, isn't it?  
 16 A. Yes.  
 17 Q. We know that Arconic did a reaction to fire test on  
 18 Reynobond PE cassette in late 2004; that was the single  
 19 burning item test to EN 13823. That was terminated when  
 20 the heat release rate got too high.  
 21 If we just look briefly at that test report, that's  
 22 at {ARC00000536}. We can see the test there, and the  
 23 number this time is RA05—0005B, and we have been calling  
 24 this test 5B. We can see on the front that this is not  
 25 a classification report, it's merely a test report to

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1 EN 13823. At the top right, someone's written "K7  
2 System", which we think was a shorthand for cassette  
3 system, "Not classified because the test had to be  
4 interrupted".  
5 If we look briefly on page 3 {ARC00000536/3}, we can  
6 see this is for the cassette system. Under "Commercial  
7 brand(s)" it's got "Reynobond 55 PE cassette system".  
8 On page 7 {ARC00000536/7} we are told that only one  
9 specimen was tested, and under the table there are  
10 comments, and in bold it tells us that the test was  
11 stopped after 850 seconds:  
12 "... the results are not usable but give an idea of  
13 the fire behaviour of the product."  
14 If we could look at your first witness statement  
15 again, this is on page 11 {BBA00000158/11},  
16 paragraph 40, you say this:  
17 "Dr Lane has included CSTB report [and then we can  
18 see it's the 5B report that we were just looking at] ...  
19 relating to the Reynobond 55 PE Cassette. This report  
20 was not made available to the BBA at the time of the  
21 initial assessment or subsequently and the disclosure of  
22 her Appendix O is the first time that we have been aware  
23 of its existence. Dr Lane noted that this report was  
24 'Unclassified (noting however results could be used to  
25 demonstrate Class E)'. This means that Alcoa was aware

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1 that the Cassette version should have been Classified as  
2 E at the time of the initial BBA assessment. They also  
3 had a report at the same time, [test 5A], that showed  
4 that the [Riveted] version of the product was Class B.  
5 Only the latter report was submitted to the BBA."  
6 As far as we can tell, that is correct, there is no  
7 evidence that test 5B was sent to you.  
8 But in terms of the classification reports that were  
9 sent, as we've just seen, each of them had a field of  
10 application. Perhaps we can just bring that back up.  
11 If we can bring up on the left-hand side  
12 {BBA00008042/153}, and on the right-hand side if we  
13 could bring up in the same document run  
14 {BBA00008042/161}. What we can see is underneath the  
15 classification that each of these tests get is  
16 a heading 4.3 called "Field of application". If we look  
17 on the left-hand side first, it says:  
18 "Field of application."  
19 "This classification is valid for the following  
20 product parameters:  
21 "— For a thickness of 4 mm.  
22 "— Only for the system riveted on an any metallic  
23 substructure."  
24 Do you see that Mr Albon?  
25 A. Yes.

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1 Q. We see on the right-hand side, "Field of application",  
2 it's actually slightly different but the same intent is  
3 there, we can see under the second underlined heading:  
4 "This classification is valid for the following  
5 end use conditions:  
6 "— Riveted system on metal substructure."  
7 Can we agree they're slightly different, but in both  
8 cases it is made clear that the classification report  
9 the results relate to is only valid for the product in  
10 rivet fabrication? Can we agree that?  
11 A. Yes.  
12 Q. So does it follow, and again can we agree, that the  
13 results quoted in these certificates cannot be applied  
14 to the cassette end—use condition? Do you accept that?  
15 A. From this information, we don't know what the  
16 performance of the cassette version was. But, from the  
17 information subsequently disclosed, yes, I would agree.  
18 SIR MARTIN MOORE—BICK: Sorry, if I can interrupt for  
19 a moment, Ms Grange.  
20 Mr Albon, neither of these reports relate to tests  
21 on a raw panel; is that right?  
22 A. No, they are the panels in riveted form.  
23 SIR MARTIN MOORE—BICK: And so I don't know whether that  
24 affects their value if you're seeking to produce  
25 a confirmation certificate for a raw panel?

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1 A. I think the European classification system requires that  
2 the products are tested in a configuration that is  
3 representative of that which would be applied in  
4 practice —  
5 SIR MARTIN MOORE—BICK: Well —  
6 A. — so you can only test it in this way.  
7 SIR MARTIN MOORE—BICK: That I understand, but it still  
8 remains the case that these are not tests on a raw  
9 panel, doesn't it?  
10 A. Yes.  
11 SIR MARTIN MOORE—BICK: Yes, Ms Grange, thank you.  
12 MS GRANGE: Yes, precisely, and so I think it follows,  
13 doesn't it, that the moment these test results were  
14 cited in the certificate, you had departed, if this was  
15 the intention, from the raw panel and into the  
16 fabricated product; yes?  
17 A. Yes, there is an inconsistency.  
18 Q. Yes. Indeed, if you had been confining the certificate  
19 to just the raw product, no European test classification  
20 could have been cited, could it?  
21 A. No.  
22 Q. Should a BBA project manager reading this information —  
23 we have it up in front of us — have understood that the  
24 European classifications for the Reynobond product were  
25 limited by their fabrication form?

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1 A. I would have expected the project manager to recognise  
 2 the fact this only applied to the riveted system and to  
 3 ask the question.  
 4 Q. Yes, and that question would be, or one of the questions  
 5 would be: where is the data for your cassette version of  
 6 your product; yes?  
 7 A. Yes.  
 8 Q. And that should have been asked for, shouldn't it?  
 9 A. Yes.  
 10 Q. Thank you.  
 11 Just to be clear, this information put the BBA  
 12 project manager on notice that there might be another  
 13 test for the cassette fabrication condition; can we  
 14 agree that too?  
 15 A. Yes.  
 16 Q. Given that these classification reports say what they  
 17 say, shouldn't the BBA certificate have expressly  
 18 referred to this limitation in the section 6.1 that  
 19 we've looked at, ie it should have said that the  
 20 classifications of B that we see here only applied to  
 21 the riveted system; yes?  
 22 A. Yes.  
 23 Q. And that would have been a true and correct reflection  
 24 of the data as presented to you; yes?  
 25 A. Yes.

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1 Q. Now, if we just look at your first statement, if we go  
 2 to {BBA00000158/12} at paragraph 43, you say this:  
 3 "No fire test data for the cassette version in the  
 4 2008 Certificate was presented to the BBA. This led to  
 5 the reasonable assumption that the [Riveted] version was  
 6 representative of both versions. Had test data noted in  
 7 Dr Lane's report been available to the BBA then this  
 8 assumption would have been avoided."  
 9 Now, that was the evidence you gave in your first  
 10 witness statement.  
 11 I've taken you now to the underlying test data and  
 12 the limitations of it that were provided to the BBA. Do  
 13 you maintain that it was a reasonable assumption that  
 14 the riveted version was representative of both versions,  
 15 or do you now accept that that was not a reasonable  
 16 assumption?  
 17 A. I think that the manufacturer made no distinction in  
 18 their technical literature, they made no distinction in  
 19 their application, and the assumption was made on that  
 20 basis. I would agree if the field of application had  
 21 been noted, there would have been good reason to ask  
 22 a further question.  
 23 Q. Yes, and can we also agree that the field of application  
 24 should have been noted?  
 25 A. Yes.

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1 Q. Those were the very test reports that Arconic were  
 2 relying on for its fire performance information in this  
 3 certificate. Those field of application limitations  
 4 should have been noted, shouldn't they?  
 5 A. Yes.  
 6 Q. And it was, wasn't it, the project manager's job to  
 7 check precisely that information and ensure that the  
 8 certificate was accurate in terms of what it stated on  
 9 fire performance; yes?  
 10 A. Yes. This forms a large part of the training we  
 11 currently apply to project managers.  
 12 Q. Yes. So does it follow from your answer that there has  
 13 been a recognition within the BBA that the training that  
 14 was applied to project managers at this time was  
 15 deficient?  
 16 A. It's clear that this particular project manager did not  
 17 understand it. I don't know what training he was  
 18 provided with, because, as I've explained, at that time  
 19 it was less formalised and on the job. But we have  
 20 eliminated that possibility recurring by putting  
 21 additional measures in place.  
 22 Q. Yes. Isn't it possible that this stems from the  
 23 structural deficiency I was putting to you earlier, that  
 24 you have project managers with very little knowledge or  
 25 expertise in fire performance having to look at data

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1 just like that that we've just looked at and determine  
 2 what fire performance statements should be made? Isn't  
 3 it that structural deficiency that may be in part, at  
 4 least, responsible for why this situation occurred?  
 5 A. As we discussed, I don't think Mr Gregorian had any  
 6 competence in the area of fire assessments. I don't  
 7 know who carried out the fire assessment on this  
 8 particular job, it's not clear. I would have expected  
 9 somebody with an understanding of the principles to  
 10 carry out that part of the assessment.  
 11 Q. Yes.  
 12 Wouldn't one option, had this test data have been  
 13 appreciated, have been to remove all references to the  
 14 cassette version of the product in the certificate in  
 15 circumstances where no fire test data was provided for  
 16 that?  
 17 A. That would have been one option. There are others. But  
 18 yes, that would be one.  
 19 Q. Can you help as to why that was not done at any stage  
 20 prior to the Grenfell fire?  
 21 A. No, I don't, no.  
 22 Q. Do you accept that by leaving references to the  
 23 cassettes in the certificate, the reader would be left  
 24 with the impression that paragraph 6.1 applied to both  
 25 the rivet and the cassette—fixing methods?

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1 A. Yes.  
 2 Q. Indeed, that was the understanding of Ms Amoroso when  
 3 she came to look at this certificate in her 2016 review.  
 4 She has told us in her oral evidence that at that stage  
 5 she thought that if the cassette was not removed,  
 6 readers would be misled into thinking it was covered by  
 7 the certificate. That was {Day106/161:6–10}. Do you  
 8 agree with that?  
 9 A. We come back again to what was actually intended to be  
 10 covered in that certificate, but I would agree that the  
 11 fact there is a difference between riveted and cassette  
 12 is not clear from that certificate.  
 13 Q. And it should have been clear; yes?  
 14 A. Depending on what the scope of that certificate was.  
 15 I don't believe we intended to cover the riveted and  
 16 cassette options, but it is not clear from that  
 17 certificate.  
 18 Q. Yes, thank you. I think you're drawing a distinction  
 19 between perhaps what the BBA intended to try and do with  
 20 the certificate and what the certificate itself actually  
 21 conveys; yes?  
 22 A. I think there is the opportunity for confusion as to the  
 23 scope of that certificate, yes.  
 24 Q. Yes.  
 25 Mr Nkomo's evidence was very similar to

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1 Ms Amoroso's. He accepted that removal of the  
 2 references to cassette later was necessary because  
 3 readers might think the certificate covered cassette.  
 4 Again, was he right about that?  
 5 A. I think that was more to do with the surveillance  
 6 processes over the cassette manufacture, in that we did  
 7 not have it under surveillance, we did not have the  
 8 fabrication process under surveillance.  
 9 Q. Yes.  
 10 Can we agree that one of the key European tests, the  
 11 single burning item test, EN 13823, is a test which is  
 12 key to determining whether the product gets a B, a C or  
 13 a D; yes? Can we agree that?  
 14 A. Yes.  
 15 Q. And would you have expected project managers and those  
 16 supervising them to have been aware of that at the time  
 17 this certificate was being put together?  
 18 A. Yes.  
 19 Q. If we just look at that European test standard, I don't  
 20 think we've looked at it before, 13823, it's at  
 21 {BSI00000119}. This is the test standard for the single  
 22 burning item test. You can see that at the end of that  
 23 title:  
 24 "Reaction to fire tests for building products –  
 25 Building products excluding floorings exposed to the

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1 thermal attack by a single burning item."  
 2 If you go to page 15 of this test standard  
 3 {BSI00000119/15} at section 5.2, we can see there at the  
 4 bottom, "5.2 Mounting of specimen", and under 5.2.1:  
 5 "When products are tested, mounted as in their  
 6 end use application, the test results are valid only for  
 7 that application."  
 8 Can we agree that anybody with familiarity with this  
 9 European fire testing system would have appreciated that  
 10 this key test, the single burning item test, is only  
 11 carried out in an end-use application, ie on a riveted  
 12 or a cassette version of the Reynobond product; yes?  
 13 A. Yes, I think I just said that, yes.  
 14 Q. Yes. And I think you make the point yourself in your  
 15 own statement — paragraph 129 of your second statement  
 16 {BBA00010723/32}, for the transcript — that the  
 17 European tests better represent real-world conditions  
 18 because joints and edges are incorporated in the test;  
 19 yes?  
 20 A. Yes.  
 21 Q. Did you know that throughout the period we're dealing  
 22 with, ie from 2007 onwards?  
 23 A. European Standard methods were quite new in 2007. I'm  
 24 not sure that I would have known in 2007, unless I had  
 25 occasion to look at a report. I'm not sure when

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1 I looked at the first report, but whenever that first  
 2 report was presented, I would have familiarised myself  
 3 with it.  
 4 Q. Yes, and would you have expected project managers when  
 5 these reports were presented to have familiarised  
 6 themselves with the standards underpinning it, certainly  
 7 for this key test, this single burning item test?  
 8 A. We're not a test laboratory. I would not necessarily  
 9 have expected them to understand all the details of the  
 10 test method. Certainly the principles I would expect,  
 11 and I would expect them to pay attention to the field of  
 12 application of the classification or test report.  
 13 Q. But you say, "I wouldn't necessarily have expected them  
 14 to understand all the details of the test method".  
 15 I appreciate there might be some details that may be too  
 16 far, but given that the BBA is certifying fitness for  
 17 purpose of these panels, wouldn't you have expected them  
 18 to have understood how these test methods go about  
 19 testing these panels and, in particular, that they test  
 20 them in real-world conditions?  
 21 A. I would expect them to understand that principle, yes.  
 22 Q. Yes. So in circumstances where you had a rivet test,  
 23 rivet test data, again can we agree that for that reason  
 24 too it should have occurred to the BBA that Arconic were  
 25 likely also to have tested the cassette—fix variant?

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1 A. I keep coming back to the scope of the assessment.  
 2 I don't think we were intending to convey an assessment  
 3 of the cassette and riveted versions. But if we were,  
 4 then yes, we should have expected there to be two  
 5 different tests or classifications.  
 6 Q. Yes, but I think we've agreed that the moment you  
 7 descended in section 6, fire performance, into the  
 8 European tests, you were by definition entering into  
 9 an assessment of cassette or rivet, not a flat panel.  
 10 A. If we were representing the European classification and  
 11 it applied only to rivet, we should have said so.  
 12 Q. Yes.  
 13 Can we look at another document that was provided by  
 14 Arconic. If we go within the technical file to  
 15 {BBA00008042/139}, here we can see this is  
 16 classification report number RA07-0182, and we can see  
 17 in the middle of this page, under "Commercial brand(s)",  
 18 this is a classification of the Reynolux product.  
 19 If we go to page 141 {BBA00008042/141} under  
 20 "Product description", we can see that effectively it's  
 21 describing the Reynolux product:  
 22 "Aluminium sheet coated on the back side with  
 23 a polyester resin-based backcoat ... with a ... primer  
 24 ... and polyester finishing coat ..."  
 25 Now, that is effectively a solid aluminium panel

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1 with no core; that's right, isn't it?  
 2 A. Yes, I think so.  
 3 Q. If we go to page 145 {BBA00008042/145}, we can see that  
 4 that Reynolux solid aluminium panel achieved a European  
 5 classification of A1. So that information was also on  
 6 the technical file. We know that that came to be on the  
 7 technical file because Mr Gregorian was seeking data  
 8 showing that the unexposed side of the panels was  
 9 class 0, and we know that Arconic, Mr Wehrle, sent this  
 10 Reynolux certificate.  
 11 If we can go now to page 499 of this technical file  
 12 {BBA00008042/499}, the same document run, we can see in  
 13 the top email there on 5 December 2007 that Mr Wehrle  
 14 sends to Mr Gregorian this Reynolux A1 pdf, which is the  
 15 same document, the Reynolux certificate.  
 16 Mr Wehrle says:  
 17 "Hello Hamo,  
 18 "After having checked with our paint laboratory and  
 19 the different certification we have today, I give you  
 20 those two information in order to qualify the back face  
 21 of our Reynobond panels.  
 22 "1- The only difference between front and back side  
 23 is the thickness of the coating [which] is 6µm instead  
 24 of 35µm. So we have 14.2g/m<sup>2</sup> coating weight on the back  
 25 face for 47.2g/m<sup>2</sup> on the front side.

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1 "2- Like you can see in the attached 'reaction to  
 2 fire classification report No. RA07-0182', our coated  
 3 [aluminium] used for the skins of Reynobond are  
 4 classified as A1 (non combustible).  
 5 "Can you please now let me know if you have all the  
 6 required information to close our certification  
 7 process?"  
 8 We heard during the oral evidence of Mr Gregorian  
 9 that this topic was referred to Sarah Colwell at the  
 10 BRE.  
 11 If we can look at the BBA certificate on this point,  
 12 if we go to {BBA00000047/5}, we can see at section 6.3,  
 13 in the very last sentence, it says there:  
 14 "The unexposed side of the products may also be  
 15 regarded as having a class 0 surface."  
 16 Can you see that in the last sentence?  
 17 A. Yes.  
 18 Q. Can we take it from that that someone at the BBA, on  
 19 advice or otherwise, thought that it was acceptable to  
 20 use a Reynolux certificate to support a claim that the  
 21 back face of the Reynobond panel may be regarded as  
 22 class 0?  
 23 A. I'm afraid I don't know the basis for that conclusion.  
 24 Q. So you can't help us as to why what appears to have  
 25 happened is that data in relation to a different product

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1 has been used in relation to that statement?  
 2 A. I think the coil coating, the subject of the other  
 3 BBA certificate, is used to form the outer and inner  
 4 faces enclosing the polyethylene, but that's  
 5 speculation, I don't know.  
 6 Q. Right.  
 7 So can you help us as to why the BBA accepted  
 8 a Reynolux certificate to make this statement about the  
 9 Reynobond product?  
 10 A. Well, if it is a component of that product, then maybe  
 11 someone made that judgement. As I say, I don't know,  
 12 I'm afraid.  
 13 Q. If it's right that the Reynolux certificate can be used  
 14 for the back face, then does it follow that Reynolux  
 15 could have been used to support claims about the front  
 16 face?  
 17 A. I'm sorry, I don't know the basis for the conclusion.  
 18 I can't help you. I'm speculating.  
 19 Q. Was relying on a Reynolux certificate in this way  
 20 contrary to the approach which should have been adopted,  
 21 had proper processes been followed?  
 22 A. I can't answer that without knowing the process that was  
 23 actually followed.  
 24 Q. Well, let's look at some email chains, because you did  
 25 have some involvement with this issue.

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1 If we can go to {BBA00010701/4}, this is an email  
 2 chain on 20 November 2007 between you, Mr Gregorian and  
 3 Mr Haynes. If we pick it up at the top of page 4, in  
 4 that email there timed at 13.54, what we can see is  
 5 Mr Gregorian saying to Mr Haynes, you're not on the  
 6 email at this point:  
 7 "Brian  
 8 "The back face is also a coil coated sheet of the  
 9 same thickness as the front, but with a polyurethane or  
 10 epoxy primer coating only (about 20 microns thick) for  
 11 improved corrosion resistance.  
 12 "It is worth noting that in our Certificate for  
 13 Beckrytech 5000, which has an identical primer, the back  
 14 face has been given the same class 0 rating as the  
 15 front.  
 16 "As to whether we are making too much of this,  
 17 I think we are! However, John Albon will need to  
 18 consider this when looking at the 'coil coated sheet'  
 19 contract (a separate project)."  
 20 Do you know what he is referring to there by the  
 21 coil coated sheet contract?  
 22 A. I don't know. It may well be this was the subject of —  
 23 I think we called it meeting A, where they were looking  
 24 to add to the scope of the coil coating certificate.  
 25 Q. At the bottom of page 3 {BBA00010701/3}, in an email

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1 timed at 3.16, we can see that you are copied in, and  
 2 Mr Haynes says back to Mr Gregorian:  
 3 "Hamo,  
 4 "I am not sure it will arise in the same way for  
 5 John's Job. For you there is a specific requirement to  
 6 declare the reaction to fire performance of the back  
 7 face of the rain screen. I assume John's sheet is multi  
 8 purpose and the back face may well not be exposed.  
 9 "An opinion from Warrington would be acceptable for  
 10 the back face in my view."  
 11 Then if we go to the top of page 3, you then reply  
 12 at 15.25. You say this to Mr Haynes and Mr Gregorian:  
 13 "For what it's worth, we always make a comment on  
 14 the reaction to fire performance of the reverse side of  
 15 a coil coating."  
 16 Above that, Mr Haynes says this, at the bottom of  
 17 page 2 now {BBA00010701/2}. He asks you, just you:  
 18 "And how often does it differ from the front face?"  
 19 Then if we go on in the chain, you say back to him:  
 20 "In my experience, the reverse sides are always  
 21 Class 0.  
 22 "But then, so are the face sides!"  
 23 I'm going to ask you some questions about that in  
 24 a moment, but let me just finish this chain, this run,  
 25 and then I'll ask the questions.

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1 If we then go up to page 1 {BBA00010701/1}, second  
 2 email from the top, Mr Haynes says back to you:  
 3 "John,  
 4 "I can't see we are running any serious risk if we  
 5 make this assumption based on experience. What do you  
 6 think?  
 7 "Brian."  
 8 Then at the very top of the chain you say:  
 9 "I would be amazed if the coating isn't Class 0, but  
 10 can't see what we are gaining by not asking them to  
 11 prove it. It also seems unfair to other Certificate  
 12 holders who have commissioned the necessary test.  
 13 "Could we compromise by proceeding to issue, but  
 14 asking them to provide the confirmatory data  
 15 retrospectively?"  
 16 Now, just with that chain in mind, where you said  
 17 that the reverse and face sides would always be class 0,  
 18 were you talking about coil coated products as per your  
 19 previous email?  
 20 A. Yes. I don't think I said always, I think I said in my  
 21 experience, but yes, it would be coil coatings, yes.  
 22 Q. Would you describe Reynobond as a coil coated product?  
 23 A. No, because it has the intermediate polyethylene core.  
 24 It includes coil coated material but it is not in itself  
 25 a coil coated material.

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1 Q. No, so would you expect that both the front and the  
 2 reverse of the Reynobond panels would have achieved  
 3 class 0? Is that what you were saying in this string?  
 4 A. It's not clear. I assume we know the performance of  
 5 these coatings as coil coated materials, and we are  
 6 discussing the possible influence of inserting  
 7 a polyethylene core.  
 8 Q. Yes. And how would you know what the fire performance  
 9 of that composite product would be, without testing it  
 10 to 476—6 and 7, ie the tests that are necessary before  
 11 it can be established whether it does have class 0 or  
 12 not?  
 13 A. Well, we would have tested them to BS 476—6 and 7 to  
 14 establish that the coil coatings are class 0.  
 15 Q. Yes, but what about the composite product? Why are you  
 16 speculating here that a product with a polyethylene core  
 17 might behave in the same way as the coil coated product?  
 18 A. Because by the nature of the test, the panel is cut out,  
 19 the cores are not exposed, and I would expect it to have  
 20 little influence, but I am not certain, which is why I'm  
 21 suggesting we should carry out a test.  
 22 Q. Yes. You said in that last email that you couldn't see  
 23 anything that would be lost by asking Arconic to prove  
 24 this, ie class 0 on the back face, with test evidence.  
 25 Did you subsequently come to learn that the Reynolux

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1 certificate was apparently accepted as being sufficient  
 2 evidence of this, without Arconic providing that  
 3 separate test data for the Reynobond product?  
 4 A. I was providing advice to the BBA technical manager on  
 5 request. It was his decision as to what actions were  
 6 taken as a result of that advice.  
 7 Q. Yes, but did you subsequently come to learn that,  
 8 in fact, the Reynolux certificate was accepted as being  
 9 sufficient without Arconic providing that separate test  
 10 data?  
 11 A. No.  
 12 Q. So was the first time you were made aware of that when  
 13 you saw the technical file for the purposes of assisting  
 14 the Inquiry?  
 15 A. I think so, yes. I don't remember this correspondence.  
 16 Obviously I don't dispute it, but this is the first time  
 17 I can recall it. I don't recall any subsequent  
 18 correspondence or conversation about it.  
 19 Q. So you can't help us as to why that test evidence wasn't  
 20 insisted upon by the BBA, as per the view you're  
 21 expressing here?  
 22 A. I don't, no.  
 23 Q. While we're on this point, can we look at  
 24 {BBA00008042/507}. This is an email from Mr Gregorian  
 25 to Sarah Colwell. If we go to the page before, I think

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1 we can see the date, so 29 November 2007, right at the  
 2 bottom of the page, 17.40, from Mr Gregorian to  
 3 Sarah Colwell, copying in Brian Haynes. The subject is  
 4 "Reaction to Fire, Rainscreen Cladding".  
 5 If we could go to the email now, he says this:  
 6 "Dear Sarah  
 7 "We are currently assessing a composite panel,  
 8 comprising two aluminium sheets bonded to a polyethylene  
 9 core, for use in back ventilated and drained rainscreen  
 10 cladding systems.  
 11 "The panel is coated on both faces with a 6 micron  
 12 thick polyester primer. The exposed face is  
 13 additionally protected by a 30 micron thick Duragloss or  
 14 PVDF coating.  
 15 "Based on testing and classification to EN 13501-1  
 16 and BS 476-6 & 7, the exposed face has been assessed as  
 17 having a Class 0 surface in relation to Approved  
 18 Document B of the Building Regulations.  
 19 "As I'm sure you are aware, for buildings other than  
 20 dwellings, the Regulations also require classification  
 21 of the surface facing the cavity (Clause 12.9).  
 22 "No test data for the back face exists. However, as  
 23 it has a much thinner coating and therefore less 'energy  
 24 content' than the exposed face, we think it is not  
 25 unreasonable to assume a Class 0 rating for the back

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1 face too. This has indeed been demonstrated by tests on  
 2 similar products in the past.  
 3 "Could you please comment on the validity of our  
 4 assumption."  
 5 So that's the request.  
 6 Now, I just want to focus on the sentence about  
 7 a third of the way down that paragraph that I just read,  
 8 which reads:  
 9 "Based on testing and classification to EN 13501-1  
 10 and BS 476-6 & 7, the exposed face has been assessed as  
 11 having a Class 0 surface in relation to Approved  
 12 Document B ..."  
 13 Now, can we agree that that sentence gives the  
 14 impression that all the panels have been assessed as  
 15 having a class 0 surface, according to those standards?  
 16 Can we agree that that's how it reads?  
 17 A. Well, it's in singular, isn't it? So presumably a panel  
 18 was tested.  
 19 Q. Yes, but the reality, wasn't it, was that it was only  
 20 the FR panel that had achieved class 0 under 476-6  
 21 and 7; yes?  
 22 A. Yes.  
 23 Q. And not the standard PE panel.  
 24 A. Yes.  
 25 Q. Now, wasn't that potentially information that Ms Colwell

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1 ought to have been aware of when seeking advice?  
 2 A. Yes.  
 3 Q. So can we agree that even though Mr Gregorian is trying  
 4 to take some advice on the back face point, he is  
 5 inaccurately summarising the position for Ms Colwell in  
 6 this email?  
 7 A. Yes, but Sarah Colwell would not make a judgement on the  
 8 basis of this email. This is an introductory email. If  
 9 she were to make a technical assessment she would, I am  
 10 sure, require all of the data to be provided to her.  
 11 Q. Well, we don't know that. All that we know is that  
 12 Mr Gregorian has told us that there was a conversation  
 13 with Mr Haynes on the phone with Ms Colwell, at which  
 14 this point was discussed, and we have no written  
 15 documentation suggesting that data was passed to  
 16 Ms Colwell and that there was a formal fire opinion that  
 17 came back. So we don't know that that happened. Can we  
 18 agree that?  
 19 A. Yes.  
 20 Q. Now, just concentrating on this email, doesn't this  
 21 email demonstrate the problem with having project  
 22 managers who are wholly inexperienced in fire matters  
 23 taking the lead on drafting certificates and deciding  
 24 when they do and when they don't need fire advice?  
 25 A. I think, with respect, it's Brian Haynes that's asked

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1 Hamo Gregorian to get in touch with Sarah Colwell.  
 2 I think it's a case where Brian Haynes needed additional  
 3 information, and perhaps it would have been better if  
 4 Brian himself had sent this email, in which case it  
 5 would have been more accurate. But I think it's  
 6 slightly different to the position you're suggesting.  
 7 Q. Well, you're speculating, are you not, about if Brian  
 8 had sent the email, whether it would have been more  
 9 accurate?  
 10 A. I am, but it has been suggested that Brian and Sarah had  
 11 a conversation at some point, so I think he was  
 12 involved.  
 13 Q. Yes, but whether Brian saw this or not, the basis upon  
 14 which advice is being requested is erroneous, it's not  
 15 an accurate statement of the true position in this  
 16 request for advice, and what I'm suggesting to you is  
 17 that exemplifies the problem of having project managers,  
 18 whether overseen by Mr Haynes or not, taking the lead on  
 19 drafting certificates and deciding when they do and when  
 20 they don't need fire advice.  
 21 A. I don't think he took the lead on the fire section, and  
 22 I don't think he made the decision as to whether or not  
 23 fire advice was required. I do agree that this email  
 24 could have been better written.  
 25 Q. Yes, well, whether or not he took the lead on it, and

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1 actually made the decision, he is summarising the  
 2 position for Ms Colwell in this email, and he's  
 3 inaccurately done so; yes?  
 4 A. It's incomplete. I think the additional data would have  
 5 been required to carry out the assessment.  
 6 Q. Well, it's not just incomplete, is it? It's misleading,  
 7 because it suggests that there's 476—6 and 7 data for  
 8 all of the panels, when in fact it was only the FR panel  
 9 that had that data.  
 10 A. I agree only the FR panel had the data. This only talks  
 11 about one of the panels, and so until Sarah Colwell or  
 12 another expert had a chance to review the complete set  
 13 of data, that would not be clear.  
 14 Q. Yes, but it's clear from these exchanges that he's not  
 15 just seeking advice about the back face of the FR panel,  
 16 is he? He is seeking advice generally?  
 17 A. Yes.  
 18 MS GRANGE: Yes, thank you.  
 19 Mr Chairman, I appreciate it's nine minutes before  
 20 4.30.  
 21 SIR MARTIN MOORE—BICK: Yes.  
 22 MS GRANGE: I don't really want to start the next topic and  
 23 then go part—heard on it, if that makes sense.  
 24 So I'm doing well for time, better than I expected.  
 25 SIR MARTIN MOORE—BICK: All right.

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1 MS GRANGE: I'm confident that we are comfortable for time.  
 2 So I would rather do the next run of questions in one go  
 3 on Monday morning, if that's acceptable.  
 4 SIR MARTIN MOORE—BICK: Yes, I understand. Well, it may be  
 5 that Mr Albon won't mind finishing a little bit early  
 6 this afternoon.  
 7 Mr Albon, you have heard what counsel said. I think  
 8 we will call a halt at that point.  
 9 I think you were expecting to come back next week,  
 10 weren't you?  
 11 THE WITNESS: Yes.  
 12 SIR MARTIN MOORE—BICK: Yes. Well, I'm sorry to have to  
 13 bring you back, but there are more questions we need to  
 14 ask you.  
 15 So we will resume at 10 o'clock on Monday, please.  
 16 Again, I must remind you not to talk to anyone about  
 17 your evidence or anything relating to it over the  
 18 intervening period. And we'll look forward to seeing  
 19 you at 10 o'clock next week on Monday.  
 20 THE WITNESS: Thank you.  
 21 SIR MARTIN MOORE—BICK: Thank you.  
 22 For everybody else, that's the end of proceedings  
 23 for today. Thank you very much.  
 24 (4.21 pm)  
 25 (The hearing adjourned until 10 am

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1 on Monday, 22 March 2021)

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