



Grenfell Tower Inquiry

Day 105

March 11, 2021

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Thursday, 11 March 2021

1  
2 (10.00 am)  
3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to  
4 today's hearing.  
5 As usual, I'm joined by my fellow panel members,  
6 Ms Thouria Istephan and Mr Ali Akbor.  
7 MS ISTEPHAN: Good morning.  
8 MR AKBOR: Good morning.  
9 SIR MARTIN MOORE—BICK: Today we're going to hear evidence  
10 from Mr Hamo Gregorian, who is the first of the  
11 witnesses we're going to hear from the British Board of  
12 Agrément.  
13 So my first task is just to check that Mr Gregorian  
14 is with us and can see me and hear me clearly.  
15 MR HAMO GREGORIAN (called)  
16 SIR MARTIN MOORE—BICK: Good morning, Mr Gregorian, are you  
17 there?  
18 THE WITNESS: Good morning, yes.  
19 SIR MARTIN MOORE—BICK: And you can see me and hear me  
20 all right?  
21 THE WITNESS: Just fine, yes.  
22 SIR MARTIN MOORE—BICK: Very good. Thank you very much  
23 indeed.  
24 On the screen in front of you, you should have the  
25 words of an affirmation which you're going to make. Do

1

1 you have them there?  
2 THE WITNESS: Yeah.  
3 SIR MARTIN MOORE—BICK: Good. Could I ask you to make the  
4 affirmation, please, by reading the words on the screen.  
5 (Witness affirmed)  
6 SIR MARTIN MOORE—BICK: Very good, thank you very much  
7 indeed.  
8 Now, there are a couple of things we need to sort  
9 out before we start putting some questions to you.  
10 First, can you confirm, please, that you're alone in  
11 the room from which you're giving evidence?  
12 THE WITNESS: Yes, I am.  
13 SIR MARTIN MOORE—BICK: Thank you.  
14 Can you confirm that you don't have any documents or  
15 other materials with you?  
16 THE WITNESS: None whatsoever, no.  
17 SIR MARTIN MOORE—BICK: Very good.  
18 Finally, could you confirm, please, that your mobile  
19 phone is in another room and that you don't have any  
20 other electronic device with you which is capable of  
21 receiving messages?  
22 THE WITNESS: I confirm that, yes.  
23 SIR MARTIN MOORE—BICK: Thank you very much indeed.  
24 Now, I hope we shan't have any problems with sound or  
25 vision, you never quite know, of course, but if we do,

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1 we'll have a short break while the technical support  
2 team iron them out. All right?  
3 THE WITNESS: Okay.  
4 SIR MARTIN MOORE—BICK: We shall have a break during the  
5 morning and the afternoon in any event, probably around  
6 about 11.15 during the morning and round about 3.15 in  
7 the afternoon. If you need any additional break at any  
8 time, will you just indicate that and we will try to  
9 accommodate you.  
10 THE WITNESS: Thank you.  
11 SIR MARTIN MOORE—BICK: Very good.  
12 Is there anything you would like to ask me or raise  
13 with me before you start answering questions?  
14 THE WITNESS: I can't think of anything, Mr Chairman.  
15 SIR MARTIN MOORE—BICK: Good. Well, thank you very much.  
16 In that case, I'm going to invite Mr Millett to put  
17 some questions to you.  
18 THE WITNESS: Okay, thank you.  
19 SIR MARTIN MOORE—BICK: Thank you very much.  
20 Yes, Mr Millett.  
21 Questions from COUNSEL TO THE INQUIRY  
22 MR MILLETT: Mr Chairman, good morning, members of the  
23 panel, good morning, and Mr Gregorian, good morning and  
24 thank you for attending this public inquiry to give your  
25 evidence. We are very grateful to you.

3

1 Before I start, could I just confirm that you can  
2 see me and hear me?  
3 A. Yes.  
4 Q. If you have any difficulties in understanding any of the  
5 questions I'm going to ask you, or you would like me to  
6 put the question in a different way or repeat the  
7 question, please tell me and I can do that.  
8 Can I also ask you, please, to keep your voice up so  
9 that the transcriber who is on this call can hear you.  
10 Can I also just advise you that if you nod or shake your  
11 head, that doesn't go on to the transcript, so you will  
12 have to say "yes" or "no" as the case may be.  
13 If you feel you need a break at any time other than  
14 those that the Chairman has indicated, please just say  
15 and we can take a short further break.  
16 Now, can we please start by looking at your witness  
17 statement at {BBA00011096}.  
18 Is that the first page of your witness statement  
19 that you see on the screen there?  
20 A. Yes.  
21 Q. Now, you can see that it's dated 29 October 2020 at the  
22 top right—hand corner of the screen.  
23 A. Yeah.  
24 Q. It's nine pages long.  
25 Can we go to page 9, please. You can see

4

1 a signature there above the date, and your printed name.  
 2 Is that your signature?  
 3 A. It is indeed.  
 4 Q. Have you read this witness statement recently?  
 5 A. Yes.  
 6 Q. And can you confirm that the contents of this statement  
 7 are true?  
 8 A. Yes.  
 9 Q. Have you discussed your statement or your evidence with  
 10 anybody before coming here today?  
 11 A. No.  
 12 Q. Now, when you were working at the BBA — and we will  
 13 come to the dates shortly — you knew an entity called  
 14 Alcoa, didn't you? Alcoa?  
 15 A. Yes, I have dealt with Alcoa.  
 16 Q. Yes. Now, we have been calling it Arconic in this  
 17 Inquiry because it had a change of name after your  
 18 involvement. So I'm going to call it Arconic, so that  
 19 you understand that when I use the word "Arconic", I'm  
 20 referring to Alcoa.  
 21 A. Okay.  
 22 Q. Is that clear to you?  
 23 A. That's fine, yeah.  
 24 Q. I'm going to be asking you mainly about the initial  
 25 assessment and the certification of Reynobond ACM

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1 cladding panels which were certified by the BBA under  
 2 certificate 08/4510 dated January 2008, which is the  
 3 document we can see — and we don't need to go to it  
 4 now — at {BBA00000047}.  
 5 Now, looking back at the history, is it right that  
 6 you were the project manager or product assessor who  
 7 co-ordinated the assessment for the original issue of  
 8 that BBA certificate in 2007?  
 9 A. That's correct, yes.  
 10 Q. And the project was BBA number S3/41014. Do you  
 11 remember that?  
 12 A. I believe that was the project number, yes.  
 13 Q. Is it right that, for that assessment, the BBA created  
 14 a technical dossier or technical file?  
 15 A. Sorry, what was the question again?  
 16 Q. For that assessment, the BBA created a technical dossier  
 17 or technical file.  
 18 A. Yes. Yes.  
 19 Q. I'll call the contents of that the technical file, and  
 20 for reference purposes, for our records, it's  
 21 {BBA00008042}.  
 22 A. Right.  
 23 Q. Now, I'm going to start by asking you some questions  
 24 about your background and your training.  
 25 You were at the BBA — is this right? — between

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1 2004 and July 2010.  
 2 A. That's correct, yes.  
 3 Q. And you retired from the BBA in July 2010. Does that  
 4 mean you retired from your career or you finished  
 5 working at the BBA and went somewhere else?  
 6 A. I retired from my career. I retired, period.  
 7 Q. Right, okay.  
 8 Now, can we look at your witness statement, please,  
 9 at page 2 {BBA00011096/2}, and look at paragraph 4  
 10 together. You set out your qualifications there, and we  
 11 can see them on the screen.  
 12 In paragraph 4(c) you refer to the fact that you are  
 13 a chartered engineer, MIMechE. Is that a reference to  
 14 you being a chartered engineer in the Institution of  
 15 Mechanical Engineers?  
 16 A. That's correct. A chartered engineer would be a member  
 17 of an institution, one of which was the Institution of  
 18 Mechanical Engineers, and I was a member.  
 19 Q. Yes, I see.  
 20 If we look at paragraph 5, you say:  
 21 "My working background has primarily been in the  
 22 field of design, within the construction industry.  
 23 I worked for the BBA from January 2004 to July 2010 as  
 24 Project Manager."  
 25 A. That's correct.

7

1 Q. Is it right that you had a lengthy career in design and  
 2 construction before joining the BBA?  
 3 A. Yes. I've had a lot of experience in design and  
 4 assessment of structures, mainly relating to the  
 5 construction industry of course. I worked for  
 6 Taylor Woodrow, as they were then, for about 12 years.  
 7 Q. What were the dates during which you worked for  
 8 Taylor Woodrow?  
 9 A. I think — I can't — I worked 12 years and I think I —  
 10 I was made redundant from there because Taylor Woodrow  
 11 started slimming down their operation, so I think I was  
 12 there from 19 ... maybe 19 ... late 1988, possibly, to  
 13 2000, something like that.  
 14 Q. Right.  
 15 When you joined the BBA, did you join it as  
 16 a project manager?  
 17 A. Yes.  
 18 Q. And when you joined, did you have any experience from  
 19 your previous work of cladding projects?  
 20 A. Not cladding as such, no.  
 21 Q. No.  
 22 Now, did you have any experience of construction on  
 23 the exterior of high-rise buildings at all?  
 24 A. I've dealt with structures, mainly steel structures, but  
 25 I've done analysis work, mainly stress analysis work,

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1 a variety of components, variety of structures.  
 2 Q. Right. Well, we'll come back to that in a moment.  
 3 Can I ask you to look at your witness statement on  
 4 page 3 {BBA00011096/3}, please, paragraph 10, if we can  
 5 just scroll down to that.  
 6 You say in paragraph 10, at the top of the page:  
 7 "Behaviour in relation to fire is not my area of  
 8 expertise, so compliance of the product with fire  
 9 regulations would have been checked by a fire expert  
 10 (e.g. BRE)."  
 11 Would you routinely ask a fire expert to check data  
 12 on behaviour in relation to fire?  
 13 A. Yes, on projects I seem to remember we always consulted  
 14 a fire expert.  
 15 Q. Would you routinely ask a fire expert to check any  
 16 statements that were made by the client about the fire  
 17 data?  
 18 A. The statements would generally come from — as far as  
 19 I remember, they would come from the fire expert.  
 20 Q. Where a client made statements about what the data  
 21 represented, would you ask a fire expert to check those  
 22 statements?  
 23 A. Erm ... I can't ...  
 24 (Pause)  
 25 I can't answer that, to be honest. I'm not sure

9

1 whether they were informed before the certificate was  
 2 issued or ... I can't remember that. All I know is that  
 3 the classification and so on came from a fire expert.  
 4 Q. I see. So is it right, then, that conclusions about  
 5 whether a product complied with, for example, the  
 6 English and Welsh Building Regulations would come from  
 7 a fire expert, not from you?  
 8 A. That's correct, yes.  
 9 Q. Yes, I see.  
 10 A. I have no knowledge of fire ...  
 11 Q. Yes.  
 12 Now, looking at the end of this paragraph,  
 13 paragraph 10, you say, "e.g. BRE"; was that compliance  
 14 check for fire normally outsourced outside the BBA or  
 15 was it ever done in-house by an in-house BBA fire  
 16 expert?  
 17 A. I think ... with regard to this particular project —  
 18 generally speaking I would say BRE have got their own  
 19 facility and they would conduct tests to arrive at the  
 20 classification. They would normally do that. In this  
 21 case, again, I don't know whether the assessment was  
 22 done without the test or ... I can't remember that.  
 23 Q. No, my question was slightly different. My question  
 24 was: what would happen normally?  
 25 When you checked compliance, or when compliance of

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1 a product with fire regulations was checked by a fire  
 2 expert, would that fire expert normally be outside the  
 3 BBA, such as the BRE, or would it be done by an expert  
 4 in-house within the BBA?  
 5 A. I don't think we have a fire expert in BBA internally,  
 6 so BRE would actually assess the product by fire expert.  
 7 Q. I see.  
 8 Was there any training on fire regulations and  
 9 fire testing ever done in-house during your time at the  
 10 BBA?  
 11 A. No. Not that I can remember, no.  
 12 Q. So when we are looking at going for fire expertise,  
 13 would it normally be the BRE who would provide that  
 14 expertise?  
 15 A. Erm ... I think that the report could come from BRE, but  
 16 there are also other organisations which would come up  
 17 with a report and we would base our statement on that,  
 18 and BRE was one of the experts we would consult —  
 19 Q. I see.  
 20 A. — to arrive at the fire performance.  
 21 Q. Now, as at 2007, did you have any experience yourself of  
 22 fire safety testing of products?  
 23 A. No.  
 24 Q. Had you any familiarity with, for example, the  
 25 British Standard 476 suite of tests?

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1 A. I must have consulted during my employment, but I can't  
 2 remember anything from it now. So I have no knowledge  
 3 of — I don't know the details, how the test is done.  
 4 So, again, it's outside my area of expertise.  
 5 Q. Would the same apply in relation to the European tests  
 6 and classification regime?  
 7 A. Yes.  
 8 Q. Were you aware — and I think it would follow that the  
 9 answer is no, but let's see what you say — that there  
 10 was a difference between the UK testing regime, the  
 11 British Standard 476 suite of tests, on the one hand and  
 12 the European testing, EN 13501 regime, on the other?  
 13 A. I have no knowledge of fire issues, so I really wouldn't  
 14 know the difference.  
 15 Q. Going back to a question I asked you a moment ago, when  
 16 you said you would go to the BRE as one of the experts  
 17 that you would consult: who generally was the individual  
 18 at the BRE that you would normally consult on matters of  
 19 fire safety and fire compliance?  
 20 A. If help was required, as in this case I believe it was,  
 21 that's what I would do. I would first of all approach  
 22 my technical manager, who was Brian Haynes. Because of  
 23 his long-standing relationship or association with the  
 24 BRE, he's quite knowledgeable on fire issues, so I would  
 25 probably consult him first.

12

1 Q. Right. But when you went outside the BBA, which  
2 individual at the BRE would you consult?  
3 A. I think ... again, I can only concentrate on this  
4 particular project and my contact with regard to this  
5 project was Sarah Colwell.  
6 Q. Yes, I see. Sarah Colwell on this project. Can you  
7 remember any names on other projects?  
8 A. No, no.  
9 Q. In your time at the BBA, do you remember whether the BBA  
10 or the BBA's customers had a preference for using the UK  
11 national standards for surface spread of flame leading  
12 to class 0 or the European standards, or no preference?  
13 A. I can't answer that, to be honest. As I said, I have no  
14 knowledge of fire at all, so anything — any issues  
15 relating to fire I would consult an expert, if it was  
16 required.  
17 Q. I think, in the light of the exchanges we've had so far,  
18 we can take the next few questions quite quickly.  
19 When you joined the BBA, did you have any knowledge  
20 at all of the Building Regulations?  
21 A. With regard to fire, you mean?  
22 Q. Well, generally, number one.  
23 A. Yes, of course, but not fire. I know very little with  
24 regard to fire safety issues.  
25 Q. Does that also mean that, at the end of 2007, when you

13

1 started discussing the content of the BBA certificate,  
2 then in draft, with Arconic, that you had very little  
3 knowledge of the requirements of ADB?  
4 A. That's correct.  
5 Q. Can we look at the technical file, please,  
6 {BBA00008042/19}, please. This is on the technical  
7 file. If we go to page 129 {BBA00008042/129} — this is  
8 the section D, which has the safety information in it  
9 at D as you can see there.  
10 A. Yeah.  
11 Q. But if we go to 129 we can see an extract from Approved  
12 Document B, namely section 12, "Construction of external  
13 walls".  
14 Does the fact that this document was on the  
15 technical file indicate that you would have had some  
16 familiarity with it at the time it was placed on the  
17 technical file?  
18 A. We would include this just for the record, but as I say,  
19 I don't ... I never had any details, I never went into  
20 details. It was just there as a record.  
21 Q. Who put this document on the technical file?  
22 A. The project manager would normally compile a technical  
23 dossier.  
24 Q. And for this project, by which I mean the issue of the  
25 Arconic BBA certificate in January of 2008, you were the

14

1 project manager, were you?  
2 A. Yes.  
3 Q. Yes, and so did you put this document on the technical  
4 file?  
5 A. Yes, I must have, I must have done, yes.  
6 Q. Did anybody tell you to put this document on the  
7 technical file, or did you work out for yourself that it  
8 was relevant?  
9 A. We — yes, I decided that it will have been relevant,  
10 because it's to do with safety issues, fire safety  
11 issues.  
12 Q. Right. Was this the first time that you had encountered  
13 Approved Document B?  
14 A. No, I think I may have come across it before, but, as  
15 I say, I only had a very limited knowledge of the  
16 approved document.  
17 Q. Can you remember — and I know it's difficult so many  
18 years ago — what it was that prompted you to think that  
19 section 12 of Approved Document B was relevant to the  
20 task you had?  
21 A. Er ...  
22 (Pause)  
23 To be honest, I can't. This is to do with cladding,  
24 and as far as I was concerned, it was relevant.  
25 Construction of external walls ... So I think it was

15

1 relevant.  
2 Q. Okay.  
3 Were you ever given any training specifically on the  
4 approved documents within the Building Regulations —  
5 A. No.  
6 Q. — and specifically Approved Document B?  
7 A. No.  
8 Q. No.  
9 Can we — and again, I think we can take this quite  
10 quickly, but just to put it in front of you — look at  
11 page 133 {BBA00008042/133}, please, still within the  
12 technical file. This is an extract from Approved  
13 Document B known as diagram 40, as you can see, which is  
14 entitled "Provisions for external surfaces or walls".  
15 If you look at the diagrams at the bottom of the  
16 screen, you can see that there is "d. ANY BUILDING", and  
17 "e. ANY BUILDING", and with letter d you've got  
18 a boundary of less than 1,000 millimetres for a building  
19 of 18 metres or more in height, and e, same again, but  
20 this time 1,000 millimetres or more.  
21 Can you see that there are parts of these two  
22 diagrams which are shaded? Yes?  
23 A. Yes.  
24 Q. So you have one on the left which is fully shaded, and  
25 the one on the right, letter e, which is partly shaded.

16

1 "Any dimension over 18m" is the part that's shaded.  
 2 Then on the right—hand side of the screen, you can  
 3 see, under the rubric "Key to external wall surface  
 4 classification", the second box down, which has the  
 5 corresponding shading, says:  
 6 "Class 0 (national class) or class B—s3, d2 or  
 7 better (European class)."  
 8 Were you familiar with diagram 40, this page of ADB,  
 9 and specifically this part of it that I've just shown  
 10 you?  
 11 A. All I knew in this regard was Approved Document B  
 12 allowed the use of materials of limited combustibility  
 13 to be used above 18 metres. That's all I know with  
 14 regard to this. I may have looked at the details as  
 15 shown here, but I can't remember — I mean, I never went  
 16 into details because, as I say, this wasn't my area.  
 17 Q. Right.  
 18 A. It was way outside my area of expertise, really.  
 19 Q. Yes, I understand. And the reason I'm asking you is —  
 20 A. I know very little about the approved document, and that  
 21 I do — it was within my knowledge, the 18—metre  
 22 restriction was — I was aware of that.  
 23 Q. I'm asking you because this page is on the technical  
 24 file. Did you read this page when considering the  
 25 BBA certificate in 2007?

17

1 A. Yes, I must have. I must have read this, yes.  
 2 Q. Did you understand what was meant or signified by the  
 3 shaded area, "Class 0 (national class) or class B—s3, d2  
 4 or better (European class)"?  
 5 A. Again, I can only repeat what I've said, I just ...  
 6 Q. Yes. I mean, did anything, when you saw this, give you  
 7 pause to question it?  
 8 A. Yes, I really can't go into detail at this stage because  
 9 I have very little knowledge of fire. All I know is  
 10 limited — materials of limited combustibility could be  
 11 used above 18 metres, but as to whether the panels in  
 12 question were of limited combustibility, that I would  
 13 leave to the fire expert.  
 14 Q. Yes.  
 15 A. I have very — at the moment, I can't — I mean, these  
 16 details don't mean very much to me. But I know that at  
 17 the time I was aware of this 18—metre restriction.  
 18 Q. I understand. Let me just try two questions on you with  
 19 the caveat you've given.  
 20 The first is, you say you knew that there was  
 21 a restriction above 18 metres, save in relation to  
 22 materials of limited combustibility; did you understand  
 23 or think at the time that there was a difference between  
 24 the concept of limited combustibility on the one hand  
 25 and the concept of "Class 0 (national class) or

18

1 class B—s3, d2 or better (European class)" on the other,  
 2 that they were different ideas?  
 3 A. Again, I don't know the details. I've mentioned this  
 4 before. The statement was given to me with regard to  
 5 fire performance and I just included it in the  
 6 certificate. Everything — all the assessments relating  
 7 to fire came from a fire expert, and I have no — I had  
 8 no input in that at all.  
 9 Q. Let me just try one more question on you, and forgive  
 10 me.  
 11 If you look at the bottom of diagram 40, you can see  
 12 that there is a note, note 1, which says:  
 13 "The national classifications do not automatically  
 14 equate with the equivalent European classifications,  
 15 therefore, products cannot typically assume a European  
 16 class unless they have been tested accordingly."  
 17 That note there, is that something that you noticed  
 18 at the time, do you think?  
 19 A. Yes, I must have read it and ... yes, I must have read  
 20 it.  
 21 Q. What did you understand by it, do you remember?  
 22 A. Er ...  
 23 (Pause)  
 24 The relationship between the European classification  
 25 and the Building Regulations cannot be assumed to be the

19

1 same — cannot be assumed exactly the same, so I'm just  
 2 guessing that ...  
 3 (Pause)  
 4 So let's say class 1 European might be different to  
 5 class 0 in UK. So all I'm saying is that you can't —  
 6 it's saying you're not — well, it's exactly what it  
 7 says: you can't exactly equate the European  
 8 classifications to the UK.  
 9 But other than that, I really don't know. I just  
 10 don't — as I say, again, at the risk of repeating  
 11 myself, fire was not within my area of expertise, so  
 12 I just cannot ... I must have read it at some stage.  
 13 But, as I say, all statements and fire performance  
 14 assessments came from the fire expert.  
 15 Q. Let's turn to your role, then.  
 16 You confirmed that you were a project manager at the  
 17 BBA.  
 18 A. That's correct.  
 19 Q. As a project manager, am I right to understand that you  
 20 don't necessarily have all the technical skills to make  
 21 all the relevant assessments yourself?  
 22 A. That's correct.  
 23 Q. And you would manage other people's input into the  
 24 assessment; is that right?  
 25 A. That's correct.

20

1 Q. Are there areas you would have the technical skills to  
2 assess yourself?  
3 A. My main role within the BBA was — I was assigned to the  
4 structural department, and I would just manage projects  
5 as normal by consulting various sections, would have the  
6 input into the draft certificate which I would make  
7 a start on, and I also — as I say, I looked at the  
8 structural aspect. My area of expertise was in  
9 structures, strength of materials, structures. That  
10 I could make assessments. But on top of that, I would  
11 also offer any advice or technical support to any of the  
12 departments as required.  
13 Q. Now, I would like to ask you some questions about the  
14 reporting lines at the time.  
15 In 2007, did you report to Geoff Gurney?  
16 A. I believe so. I think somewhere around that time,  
17 I think the BBA was undergoing some organisational  
18 changes, so Geoff Gurney was my section head.  
19 Q. And who did he report to?  
20 A. He reported to the technical manager, Brian Haynes.  
21 Q. He reported to Brian Haynes.  
22 Did Brian Haynes have any expertise in fire  
23 regulation? I think you mentioned earlier he did.  
24 A. Yes, he —  
25 Q. — was that?

21

1 A. I wouldn't call him an expert within the BBA, but  
2 I think he's had a long association with BRE and he's  
3 gained a lot of knowledge with regard to fire. So  
4 certainly he knows — he knew much more than I did,  
5 so ...  
6 Q. And Geoff Gurney, did he have any fire expertise?  
7 A. No. No. Perhaps more than me, because of his longer  
8 service.  
9 Q. Did Brian Haynes have input generally to the technical  
10 work of the sections in relation specifically to fire?  
11 A. I'm sure he would have — the draft certificate would  
12 circulate in a loop, going between the various sections,  
13 and they would make a comment, and eventually the  
14 certificate would be looked at by Brian, and I'm sure he  
15 would have looked at fire quite carefully.  
16 Q. Who was responsible for the technical sign-off of  
17 certificates which were issued as a result of your work?  
18 A. In my case, the section head would sign. Again, as  
19 I say, bearing in mind there was an organisational  
20 change going on, I'm not sure if Geoff Gurney was our  
21 section head, but normally that's what would have  
22 happened, the section head would sign off, but only with  
23 respect to the particular discipline —  
24 Q. Yes.  
25 A. — which was structures, in my case.

22

1 Q. Specifically at the end of 2007, beginning of 2008, who  
2 was the section head, was that Geoff Gurney?  
3 A. Again, I can't remember.  
4 Q. Did Brian Haynes, do you remember, check statements —  
5 specifically asking you about 2007, early 2008, at that  
6 time — made in BBA certificates about a product or  
7 a system's behaviour in relation to fire?  
8 A. Sorry, the question was: did ... sorry?  
9 Q. Did Brian Haynes check statements which were made in BBA  
10 certificates about products —  
11 A. I'm sure that was his sort of main interest in  
12 actually — in fire, so I'm sure he would have looked at  
13 fire aspects quite carefully.  
14 Q. And specifically in relation to the Reynobond 55 panel,  
15 did Brian Haynes in fact check the statements made about  
16 fire performance —  
17 A. Yes, yes.  
18 Q. — in 2007/2008 and —  
19 A. Yes, yes.  
20 Q. He did.  
21 Can I then go back to the question we were looking  
22 at earlier about the BRE. You've given us a little bit  
23 of information about that.  
24 Going back, if we can, to page 3 of your statement  
25 {BBA00011096/3} at paragraph 10, you have given the

23

1 example of the BRE there at the end of paragraph 10 as  
2 an example of an external fire expert that the BBA would  
3 consult in relation to matters of fire safety. You  
4 I think have also said that the BBA would use other  
5 organisations. Did that include Warringtonfire or  
6 Exova?  
7 A. Yes, we might have consulted Warrington for some tests  
8 and so on, yes.  
9 Q. To the best of your recollection, during your time at  
10 the BBA, did the BBA have any formal agreement or  
11 consultancy agreements with the BRE or with Warrington?  
12 A. I never got involved in the contractual matters, so I'm  
13 guessing there was a contract between the various  
14 parties.  
15 Q. You're guessing. Let me be a little bit more focused.  
16 Do you remember whether the BBA paid for example the  
17 BRE to check statements about fire performance on  
18 certificates?  
19 A. Yes, I'm — again I'm not sure how — what the  
20 contractual agreement was, so I can't answer that, to be  
21 honest.  
22 Q. Okay.  
23 Again focusing on paragraph 10, you say:  
24 " ... compliance of the product with fire regulations  
25 would have been checked by a fire expert ..."

24

1 Was that invariably the case? In other words, did  
 2 the BRE or other external fire expert check every  
 3 certificate issued by the BBA where performance in  
 4 relation to fire was stated?  
 5 A. The report would come up with a classification of some  
 6 sort, and we would include that within the body of the  
 7 certificate.  
 8 Q. When you say the report, which report?  
 9 A. The test reports.  
 10 Q. Yes, I'm sorry, I'm not sure I perhaps made my question  
 11 clear.  
 12 When you say in your statement "compliance of the  
 13 product with fire regulations would have been checked by  
 14 a fire expert", did the BRE check every certificate for  
 15 fire performance?  
 16 A. Er —  
 17 Q. Every certificate the BBA issued.  
 18 A. I don't think that was the norm. I don't think that was  
 19 the norm.  
 20 Q. You don't think that it was the norm? So on what  
 21 occasions would the BBA go to the BRE or other external  
 22 fire expert for assistance?  
 23 A. In a case such as this, where there was a query, there  
 24 was something to be clarified, with regard to the  
 25 coatings on the panels and so on. Whenever there was

25

1 a problem, we would consult a fire expert like BRE.  
 2 Q. I see. But do I take it from what you've told us that  
 3 when you didn't think there was a problem, you wouldn't  
 4 need to go to the BRE or other similar external expert?  
 5 A. I think we would generally — again, I can't remember  
 6 all the projects I've been involved in, but generally  
 7 the test report would give a classification and we would  
 8 include a statement accordingly.  
 9 Q. Can you give us some sort of idea about what sort of  
 10 queries or need for clarification would arise which  
 11 would prompt you to go to the BRE, for example?  
 12 A. Yes, in this case, of course, we had to get some  
 13 information from Alcoa, or Arconic, and bearing in mind  
 14 this was a confirmation certificate, we had to be  
 15 absolutely sure as regards the fire performance, so just  
 16 to make sure, we had to consult BRE.  
 17 Q. Was there a particular problem that you perceived in the  
 18 records leading up to the issue of the certificate, or  
 19 what you saw on the technical file, which prompted  
 20 you —  
 21 A. Basically, I understand the actual colour, for instance,  
 22 has got a major bearing on the fire performance, so  
 23 I needed clarification with regard to that, and  
 24 of course with regard to the back face of the panel,  
 25 again, because of my lack of familiarity with fire

26

1 issues, I had to consult — I had to make sure that the  
 2 right classification goes on to the certificate.  
 3 Q. Yes.  
 4 Now, let's turn to BBA certificates and types of  
 5 them.  
 6 You mentioned a moment ago that this was  
 7 a confirmation certificate. Can I just understand what  
 8 that is. Is it a certificate which confirms data which  
 9 has come from another organisation?  
 10 A. Not confirming data, but basically to check that the  
 11 product put forward complies with the requirements of  
 12 the UK Building Regulations, of course, just confirming  
 13 that it's good enough to be put onto the — onto  
 14 a cladding system.  
 15 Q. And what would you — sorry. Go ahead. I'm sorry,  
 16 I overspoke. Do you want to continue your answer?  
 17 A. Yeah, basically to confirm that this particular product,  
 18 which was assessed by a UEAtc member — do I need to  
 19 expand on UEAtc, or you're familiar with that?  
 20 Q. Well, do tell us what you want to tell us.  
 21 A. UEAtc is a European technical approvals body, and  
 22 certification bodies like BBA and the CSTB are members  
 23 of it, and all assessment work by any of the  
 24 certification bodies is acceptable — mutually  
 25 acceptable to other certification bodies within the

27

1 approval body.  
 2 Q. I see.  
 3 A. It's a European group of certification bodies.  
 4 Q. Yes, and when you issue a certificate such as this one,  
 5 are you confirming the fire safety, for example, against  
 6 particular underlying data?  
 7 A. Again, fire, I cannot comment, because I have very  
 8 little knowledge of fire issues, but basically it  
 9 confirms that this particular product, for instance, met  
 10 with the Building Regulations in this country.  
 11 Q. I see.  
 12 Now, is it right —  
 13 A. It's not confirming the data, it's confirming whether,  
 14 based on the data, the product could meet our  
 15 Building Regulations and standards.  
 16 Q. And in order to make that confirmation, you would have  
 17 to look at the data, wouldn't you?  
 18 A. Yes, indeed.  
 19 Q. And would the data that you would normally look at to  
 20 issue a confirmation certificate include test data or  
 21 classification data which had come from UEAtc bodies  
 22 such as the CSTB in France?  
 23 A. Exactly, yes.  
 24 Q. Yes, I see.  
 25 Now, is it right that some certificates were leaders

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1 and some were followers, using the BBA parlance?  
 2 A. That's correct, yes.  
 3 Q. And is it right that leaders would be submitted to  
 4 a panel of experts to review as well as to the  
 5 certificate holder and others at the BBA?  
 6 A. Yes.  
 7 Q. Am I right in thinking that the BBA certificate for  
 8 Reynobond that was issued in January 2008 was both  
 9 a confirmation certificate and a leader?  
 10 A. I think that was the case, yes.  
 11 Q. Would a leader certificate require more attention and  
 12 expertise to assess than a follower?  
 13 A. Not necessarily, that just depends on the complexity of  
 14 the product, really.  
 15 Q. Now, can I show you the certificate —  
 16 A. Oh, sorry. Apologies for that. With the avis tech —  
 17 with the confirmation certificate, the timespan was  
 18 shorter. Instead of nine months, which was the normal  
 19 time given to a normal certificate, with confirmation it  
 20 was shorter, because all data was for all intents and  
 21 purposes acceptable to BBA. So that's all I can say  
 22 with regard to this particular type of certification.  
 23 Q. Right.  
 24 Can you just explain as briefly as you can what the  
 25 difference is or was between a leader certificate and

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1 a follower certificate?  
 2 A. If a similar product or a system was already given  
 3 a BBA certificate, that would be a follower. In the  
 4 case of a leader certificate, it would have been the  
 5 first time such a thing was being assessed. So, in this  
 6 case, I think this was a leader. But, having said that,  
 7 I think we had covered similar products. Bearing in  
 8 mind this is not a system we have assessed; it's  
 9 a product. The panel was the product we were assessing.  
 10 Q. And just to confirm something I think you said a moment  
 11 ago, is it right, just to be clear, that a leader  
 12 certificate would have to be submitted to a panel of  
 13 experts to review?  
 14 A. Yes.  
 15 Q. And those would be outside the BBA; yes?  
 16 A. Er ... I think so, yes. Yes. From memory, I think that  
 17 was the case.  
 18 Q. Now, I'm going to show you the certificate. We will  
 19 come back to it in detail, but just to fix it in your  
 20 memory. It's {BBA00000047}, if we could just have that  
 21 up, please.  
 22 This is the certificate in its final form, and you  
 23 can see the number on the top right-hand corner of the  
 24 screen: 08/4510.  
 25 A. Yeah.

30

1 Q. "Product Sheet 1 — Reynobond Architecture Wall Cladding  
 2 Panels."  
 3 If you go down to the bottom of the screen, you will  
 4 see that there is a date of issue, and it's  
 5 14 January 2008.  
 6 So that's the certificate. Just to be clear, do you  
 7 recognise that document?  
 8 A. Yes, I do.  
 9 Q. Yes, thank you, and that's the one you project-managed  
 10 when you were at the BBA?  
 11 A. That's correct.  
 12 Q. Now, can we have a run-up to that in chronological  
 13 terms, and we'll start in 2004.  
 14 Do you remember that Arconic first made  
 15 an application to the BBA for assessment in March 2004?  
 16 A. I was never — I can't remember that.  
 17 Q. Right.  
 18 Can we go to {BBA00008042/627}, the technical file.  
 19 At the bottom of the page, you will see that there is  
 20 an email from you to Claude Wehrle on 1 June 2004 in  
 21 which you say:  
 22 "Dear Claude  
 23 "I am in the process of drawing up a Contract for  
 24 the Subject.  
 25 "Please confirm whether the sub-frame to which the

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1 panel is attached is to be included in the assessment."  
 2 Can we take it from that, Mr Gregorian, that you  
 3 read the application form in some detail at that stage?  
 4 A. Yes.  
 5 Q. What was your role in drawing up a contract for the  
 6 subject?  
 7 A. Erm ... I think I — the project manager would draw up  
 8 a contract, and with the approval of the section head,  
 9 it would just go through. So I'm — I do recognise this  
 10 particular email, yes.  
 11 Q. Would you read the technical file thoroughly in the  
 12 process of drawing up a contract such as this?  
 13 A. The technical file was compiled after the project was  
 14 completed.  
 15 Q. I see.  
 16 Let's move forward, then, to 2006, because we know  
 17 that the BBA offered this contract but it wasn't taken  
 18 up.  
 19 Do you remember that in 2006 Arconic again sent  
 20 an application form to the BBA materially identical to  
 21 the application they'd made in 2004?  
 22 A. Again, I can't remember that.  
 23 Q. Let's look at a document, {MET00053158\_P14/100}, please.  
 24 This, Mr Gregorian, is an exhibit from Claude Wehrle's  
 25 exhibits to his witness statement to the Inquiry. It's

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1 a letter which is sent by the BBA, as you can see, to  
 2 Colin Southgate of Arconic, dated 23 August 2006, and  
 3 its title, "Assessment of Reynobond 55". Do you see  
 4 that?  
 5 If you go to the second paragraph, you can see that  
 6 there was a fee, and although it's not very clear, the  
 7 figure is £20,495. Do you see that?  
 8 A. Yes.  
 9 Q. Do you recognise that document, do you think?  
 10 A. Yes, I remember having seen it, yes.  
 11 Q. Well, let's look at what's attached to it, because there  
 12 is an attachment.  
 13 Can we go to page 102 {MET00053158\_P14/102}, please.  
 14 This is an assessment specification which was part of  
 15 that document, and you can see at the top it's got a new  
 16 reference, S3/41014, and it's dated 22 August 2006.  
 17 Just looking at it, do you think this was a document  
 18 you drew up?  
 19 A. Yes, this is a sort of standard format of offering  
 20 a contract.  
 21 Q. Yes. If you look under the items under "General" —  
 22 A. Yes.  
 23 Q. — you can see number 1.1:  
 24 "Product name: Reynobond 55.  
 25 "Product type: Aluminium/polyethylene composite wall

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1 cladding system."  
 2 Note the word "system" there.  
 3 Then if we look at section 2.1, "Product range", it  
 4 says:  
 5 "Composite panels made up of a Polyethylene core  
 6 sandwiched between two pre-painted, 0.5 mm thick,  
 7 aluminium sheets. Three thicknesses ..."  
 8 It goes on to explain what those are and the sizes.  
 9 Below that, under "Ancillary items", it says:  
 10 "Alcoa aluminium support rails (or similar approved)  
 11 and fixings.  
 12 "Any sub-framing and its attachment to the substrate  
 13 wall are outside the scope of this assessment as are  
 14 other miscellaneous construction details."  
 15 If this offer had been accepted by Arconic at the  
 16 time, then it's this assessment specification that we  
 17 have been looking at which would define the final scope  
 18 of the product certified?  
 19 A. I think it — at some stage we must have decided to  
 20 approach this assessment differently, ie to approve just  
 21 a panel by itself rather than the whole system.  
 22 Q. Yes, and I'm going to ask you in detail about that. But  
 23 generally speaking, just on the face of it, would it be  
 24 this assessment specification which would define the  
 25 final scope of the product certified?

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1 A. I really wouldn't — I can't comment, because, as I say,  
 2 this was a contract which was offered, but I don't think  
 3 we were under an obligation to sort of stick to this  
 4 particular detail. So we were at liberty, I think, to  
 5 do the assessment in the way the BBA would approach this  
 6 assessment. I think we were at liberty to divert to  
 7 some extent from the contract —  
 8 Q. Yes.  
 9 A. — as it's stated here. But I'm quite sure it was the  
 10 panel that was being assessed and the certificate  
 11 actually makes that clear.  
 12 Q. When you look at 1.2, please, same page but at the top  
 13 of the screen, under "Product type", where you see that  
 14 it says "system", "composite wall cladding system", what  
 15 would be or what was indicated by the word "system"  
 16 there, do you remember?  
 17 A. I think, as I say, the intention was to draw attention  
 18 that these composite wall panels would be used in  
 19 a cladding system, but it's not meant to be an accurate  
 20 definition of the product we were assessing.  
 21 Q. Were you intending to capture simply the flat product,  
 22 the panel itself, or the product as fabricated into  
 23 cassette or rivet-fix, or attached to a fixing system?  
 24 A. Our assessment was to ensure that the cladding material,  
 25 this composite material, could be used in any cladding

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1 system, be it cassette or riveted. Our assessment  
 2 stopped at the fixings. Anything beyond that would not  
 3 be covered by the certificate. I think the certificate  
 4 makes that clear.  
 5 Q. Yes.  
 6 Can I then ask you about the avis techniques, if  
 7 that's the right way of pronouncing it.  
 8 Can we please go to {MET00053158\_P13/173}. This is  
 9 part of the application form sent to you by Mr Wehrle in  
 10 2006, and you can see that this is a list of reports  
 11 that supported the application at that time. In the top  
 12 two rows you see it says, "Avis technique", can you see  
 13 that on the left-hand side there?  
 14 A. Yes.  
 15 Q. In the next cells you can see that these were offered  
 16 for structural and system for cassettes, structural and  
 17 system for riveted.  
 18 Did you see this document in 2006, do you think?  
 19 A. Yes.  
 20 Q. What did avis technique structural and system for  
 21 cassettes and for riveted mean to you at the time?  
 22 A. I think CSTB had a different approach with regard to  
 23 assessment. They would assess different types of  
 24 cladding system, cassette or riveted, they would assess  
 25 the whole system. That's the impression I got. And

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1 obviously when you asked for information, that's what  
 2 they had, that's what they provided. But our job was to  
 3 extract information with regard to the panel on its own,  
 4 from the document at the time.  
 5 Q. When you saw "structural and system", did you think that  
 6 included or excluded fire?  
 7 A. Sorry, with regard to fire?  
 8 Q. Yes. When you saw "Avis technique structural and  
 9 system" for both cassettes and rivet, did you think that  
 10 that included or excluded an assessment for fire?  
 11 A. I'm only guessing for different fixing systems, they  
 12 would have their own assessment in relation to fire.  
 13 Q. Yes.  
 14 Did you look, do you remember, at the CSTB avis  
 15 technique documents themselves that underlay this part  
 16 of the application?  
 17 A. Yes, I must have seen the avis technique, yes.  
 18 Q. Yes.  
 19 Can I just show you those, then.  
 20 Can we go back to Mr Wehrle's exhibit part 14,  
 21 {MET00053158\_P14/8}. You can see this is technical  
 22 opinion 2/04—1083, and if you look down a little bit,  
 23 you can see it says, "REYNOBOND Cassette System".  
 24 Let's have it at the same time on the same screen,  
 25 please, page 64 of the same exhibit run

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1 {MET00053158\_P14/64}, please. We can see that this is  
 2 technical assessment 2/04—1083, and this is 1081 on the  
 3 right—hand side of the screen. We have 1083 on the  
 4 left, 1081 on the right, and this one is for the riveted  
 5 system.  
 6 When you looked at this application, did you notice  
 7 that there were two different technical opinions from  
 8 the CSTB, one for the cassette system and one for  
 9 riveted system?  
 10 A. Yes, basically because their approach to assessment was  
 11 different. They were assessing the system rather than  
 12 just the panel on its own.  
 13 Q. Yes. Did you read these, do you think, at the time?  
 14 A. I think I — yes, I vaguely remember this, yes.  
 15 Q. Yes. And, as you say, there is nothing about these  
 16 assessments, these technical assessments, about  
 17 fire safety?  
 18 A. I suppose not.  
 19 Q. You say you suppose not; do you remember that?  
 20 A. Er —  
 21 Q. I don't want to take you through it all —  
 22 A. I think with regard to fire, I think we were  
 23 concentrating on the actual panel, and that's why we  
 24 asked that test results be provided for us to assess the  
 25 actual panel rather than the system.

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1 Q. When you say "system", do you mean specifically as  
 2 fabricated as opposed to —  
 3 A. I mean the panel and including the substructure.  
 4 Q. Right. So that would be the panel as fabricated and the  
 5 substructure?  
 6 A. And the substructure, yes. I think that's the  
 7 avis tech — the CSTB approach. But I think in this  
 8 country, the approach was different, we would just  
 9 approve the actual panel and whether it was suitable to  
 10 be incorporated in a cladding system.  
 11 Q. Yes, but just to be very clear, when you say the panel  
 12 and including the substructure, do you mean the panel as  
 13 fabricated, in other words as a rivet or as a cassette,  
 14 and the substructure?  
 15 A. Yes, yes.  
 16 Q. You do.  
 17 Now, can I then turn to the discussions you had with  
 18 Arconic starting in November 2006, and can we start in  
 19 this exhibit run, please, and go to page 114  
 20 {MET00053158\_P14/114}.  
 21 This is an internal Arconic document, Mr Gregorian,  
 22 so you may not have seen it before, and you are unlikely  
 23 to have seen it at the time.  
 24 It's dated 2 November 2006, and you can see that  
 25 it's a visit report created by Arconic, and written by

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1 Colin Southgate, as you can see from the right—hand side  
 2 of the document at the top, location: Garston, Watford,  
 3 UK. Were those the BBA offices at the time?  
 4 A. Yes.  
 5 Q. The date of the visit, 2 November 2006, and you can see  
 6 who was present: we've got, for the BBA, Bob Keyse,  
 7 John Albon and you. Do you see that?  
 8 A. Yes.  
 9 Q. And on the other side, the Arconic people present were  
 10 Colin Southgate and Andrew Rich.  
 11 A. Yeah.  
 12 Q. Just pausing on the words next to your name there,  
 13 "Eng system dept", is that engineering system  
 14 department?  
 15 A. Engineering system department, yes.  
 16 Q. Do you remember this meeting at all?  
 17 A. Erm ...  
 18 Q. Late 2006.  
 19 A. I can't remember, to be honest. I — no, can't  
 20 remember.  
 21 Q. All right.  
 22 Let's look down at the document then and see how  
 23 much of it you can help us with.  
 24 If you look at item 1, you can see:  
 25 "Reason for visit: Exploratory call to [assess]

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1 situation as follows with C. Weh [Claude Wehrle] in  
 2 attendance."  
 3 Do you remember whether Mr Wehrle attended in person  
 4 or whether he attended by telephone?  
 5 A. I can't remember definitely.  
 6 Q. Can we go down to point 2, "Details of visit". It says:  
 7 "After a general discussion with BK and CS threat to  
 8 stop all dealings with BBA unless a satisfactory  
 9 solution was found re both the above potential  
 10 approvals. BK had arranged for the BBA persons  
 11 responsible for each product to be in attendance."  
 12 If we scroll down to page 115 {MET00053158\_P14/115},  
 13 please, we can see that there is a meeting B, and it  
 14 says:  
 15 "Meeting B — RB—55 proposal dated 23.8.06 with  
 16 Hamo Gregorian.  
 17 "BBA confirmed that they would look at the original  
 18 proposal and try to reduce the cost. They will use CSTB  
 19 details as a Basis of Validation, but are concerned that  
 20 UK building Regs are more demanding than French regs!!  
 21 Also enclosed was fire regulation input — This will not  
 22 be needed if BBA have latest certs from Warrington  
 23 research covering PE Cores."  
 24 Then it says on the right—hand side,  
 25 "[Claude Wehrle]/CS", we think that's Claude Schmidt,

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1 both of Arconic, "to send full Certs to BBA".  
 2 Can you confirm what "CSTB details" means there,  
 3 when it says, "They will use CSTB details as a Basis of  
 4 Validation"?  
 5 A. Basically the assessment done by CSTB leading to the  
 6 avis technique.  
 7 Q. So that's a reference, is it, to the avis technique  
 8 documents that Arconic —  
 9 A. I think so, mainly, but they might provide other  
 10 information as well.  
 11 Q. Right.  
 12 Is it right that the BBA was still looking for  
 13 fire safety certification?  
 14 A. From this, obviously fire was an important issue and, as  
 15 I say, I can't remember the actual meeting, but ... were  
 16 just concentrating on the fire aspect.  
 17 Q. Right.  
 18 When it says, "[they] are concerned that UK  
 19 building Regs are more demanding than French regs",  
 20 looking at the document, it looks as if that's  
 21 a reference to the BBA having that concern.  
 22 Do you remember whether that's right, that the BBA  
 23 did have a concern at the time that UK Building  
 24 Regulations were more demanding than French regulations?  
 25 A. At some stage I must have consulted possibly

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1 Brian Haynes to make sure that that was the case.  
 2 Q. And was that the case specifically in relation to fire?  
 3 A. Yes, especially on fire, yes.  
 4 Q. Yes.  
 5 Now, we'll come back to this document in just  
 6 a moment.  
 7 Do you recall a discussion at that time about  
 8 reducing the cost of the assessment contract for  
 9 Arconic?  
 10 A. I can't remember that.  
 11 Q. Do you remember whether Arconic wanted to reduce the  
 12 cost of the assessment by providing data rather than  
 13 conducting more tests? Do you remember that?  
 14 A. No. No.  
 15 Q. Going back to the document, just underneath where we  
 16 were, it says:  
 17 "I have suggested that it could be better to  
 18 validate the material RB rather than the whole system.  
 19 This way a cross connection can be put together."  
 20 It goes on below that:  
 21 "BBA — Certification for 4mm thick x RB—55 material.  
 22 "CTS — Certification for RB + Systems.  
 23 "This way our 2 products materials RLX & RB  
 24 [Reynolux and Reynobond] can be approved on paper which  
 25 will cover most needs such as the NHBC/NBS

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1 organizations."  
 2 Do you recall this discussion, or at least the gist  
 3 of the discussion suggested by this note?  
 4 A. This was what I was referring to. I think the approach  
 5 with CSTB and BBA were different in this respect, and  
 6 I think we were trying to push this idea that the panel  
 7 could be assessed separately from the rest of the  
 8 system.  
 9 Q. I see. So by "whole system" here in that line, where it  
 10 says, "it could be better to validate the material RB  
 11 rather than the whole system", did that mean validating  
 12 the material rather than the fabricated panel, in other  
 13 words cassette fixing system or rivet fixing system?  
 14 A. That's correct, yes.  
 15 Q. I see.  
 16 What was the so—called cross—connection that was  
 17 desired here that's referred to?  
 18 A. Sorry, I don't understand the question.  
 19 Q. Well, I'm just asking you about that second sentence in  
 20 that paragraph, where it says, "This way a cross  
 21 connection can be put together". What was that  
 22 cross—connection, can you recall?  
 23 (Pause)  
 24 A. I can't remember that, no. I'm not sure what two  
 25 products were, to be honest. No, I can't remember that.

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1 Q. A little bit earlier in your answers, you said that you  
2 think you were trying to push this idea that the panel  
3 could be assessed separately from the rest of the  
4 system.  
5 When you say the panel as opposed to the system, can  
6 you just explain a little bit more what you mean about  
7 that difference? What was the panel, and what was the  
8 system?  
9 A. As I say, the approach the BBA adopted was to try and  
10 assess the panel on its own and whether it is suitable  
11 to be put on a system. So I think the BBA certificate  
12 actually makes it clear that the panel could be  
13 incorporated in a cladding system which would have to be  
14 designed by a consulting engineer, let's say.  
15 Q. Yes. Now --  
16 A. So anything beyond the actual fixings was not covered by  
17 the certificate. It's probably a much safer approach  
18 than the -- covering the whole system.  
19 Q. When you say "to try and assess the panel on its own",  
20 I just want to be as clear as I can here, do you mean  
21 the raw panel before it's fabricated into a fixing  
22 system, rivet or cassette, or do you mean the fabricated  
23 panel?  
24 A. The actual panel itself would have certain physical  
25 properties which should be used to design the fabricated

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1 panel. Does that answer your question?  
2 Q. Not really.  
3 When you're drawing this distinction between the  
4 panel and the system, I understand what you mean by  
5 a system, but when you say panel, do you mean the panel  
6 before it's fabricated for fixing as rivet or cassette,  
7 or the panel as fabricated for rivet or cassette?  
8 A. No, it would be just the panel as a material.  
9 Q. Right.  
10 Now, when we come back, then, to this document,  
11 "This way a cross connection can be put together", what  
12 did that mean, do you think, or do you remember?  
13 A. Sorry, which paragraph is that?  
14 Q. It's the paragraph in the middle of the screen, which  
15 says:  
16 "I have suggested that it could be better to  
17 validate the material RB rather than the whole system.  
18 This way a cross connection can be put together."  
19 What was the cross-connection?  
20 A. I think that must have referred to the two systems and  
21 the cross-connection would be the fact that it's just  
22 the panel being assessed. I'm guessing that's what this  
23 means.  
24 Q. Right.  
25 A. The idea being is to stay away from the CSTB approach,

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1 which was covering the two types of system, and  
2 concentrate on the composite panel material itself.  
3 Q. I see.  
4 So when this says "the material RB rather than the  
5 whole system", your understanding or your recollection  
6 was that this was a suggestion relating to the raw  
7 panel --  
8 A. That's correct.  
9 Q. -- rather than the fabricated panel --  
10 A. That's correct.  
11 Q. -- as opposed to --  
12 A. Yes.  
13 Q. Yes, I see.  
14 Now, just a question going back to the assessment  
15 specification which we saw earlier, which defined the  
16 scope as being the system, and you said: well, that  
17 could change. Would it be normal for such a change to  
18 be made, or would it be exceptional?  
19 A. It's not very often we came across something like this,  
20 and to the best of my recollection, this is probably the  
21 first one I've ever come across. Normally products or  
22 systems are quite straightforward, but this was slightly  
23 different.  
24 Q. You say it was the first one you'd ever come across.  
25 Did that raise any suspicions in your mind about what

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1 Arconic was trying to do?  
2 A. No, I think, as I say, the BBA approach was that it was  
3 much better to assess a product than the system.  
4 Q. Before we leave this document, two things.  
5 First of all, you can see that here it says "I have  
6 suggested" -- and that's an Arconic person has  
7 suggested -- "that it could be better to validate the  
8 material RB rather than the whole system"; you said  
9 earlier that it was you or the BBA who was pushing the  
10 idea that the panel could be assessed. Can you remember  
11 whose idea it was to have the panel, as you define it,  
12 assessed as opposed to the system?  
13 A. I can't remember who it was who originated this, but  
14 I think the BBA policy was to -- somebody decided that  
15 it's much safer to approve a product than a system,  
16 because control over a system is a lot more difficult  
17 than control over the quality of a product, of a panel  
18 for instance.  
19 Q. Did your understanding that the BBA was only certifying  
20 the raw panel, as opposed to the fixing system, rivet or  
21 cassette, ever change between the date of this meeting,  
22 November 2006, and the date of the issue of the  
23 certificate in January 2008?  
24 A. No. As far as I know, we were assessing the panel and  
25 its suitability for inclusion in a cladding system.

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1 Q. Can we then go to the bottom of the screen and the  
 2 conclusion according to this meeting note. It says:  
 3 "Very positive meeting and hard tactics may have  
 4 helped our situation.  
 5 "RB proposal will be lower.  
 6 "Prepared to work with the CSTB data.  
 7 "AAP—M [Arconic] do need BBA for UK market."  
 8 Can you help us with what is meant there by "hard  
 9 tactics"?

10 Let me ask the question this way: did you detect  
 11 that Arconic were driving a hard bargain with you?

12 A. No, I can't remember the details of this meeting at  
 13 all —

14 Q. Right.

15 A. — obviously, I mean, marketing were involved in this,  
 16 and it must have emanated from marketing.

17 Q. Yes, I see.

18 Before I leave this note, can I just correct one  
 19 thing. I said that CS stood for Claude Schmidt;  
 20 in fact, it stands for Colin Southgate, just to correct  
 21 that for the record.

22 Do you remember that after this meeting Bob Keyse  
 23 told you that you could reduce the technical time on the  
 24 certificate?

25 A. I must — that must have happened, I can't remember.

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1 Q. Let's look at a document, {BBA00008042/623}, that's the  
 2 technical file. This is an email chain between you and  
 3 Bob Keyse at around this time. If we see the bottom of  
 4 the screen, there is an email from you to Bob Keyse,  
 5 2 November.

6 A. Yeah.

7 Q. You confirm to him that the technical time can be  
 8 reduced to 120 hours. Do you remember that?

9 A. I can't remember it, but that's what I must have said.  
 10 The reason for that being a different approach to the  
 11 assessment, and the — but the fact that the avis  
 12 technique would provide all the information we need.

13 Q. Yes.

14 Do you remember that — well, if we go to the top of  
 15 the page, we will see it. The top of the page, second  
 16 email down, the new cost was, as you can see, £18,015.  
 17 So that was a reduced cost, wasn't it?

18 A. I suppose, yes. Yes.

19 Q. Yes.

20 The cost reduction that was agreed and the reduction  
 21 in technical hours that was agreed, was that as a result  
 22 of the meeting on 2 November 2006 —

23 A. It must have been, yes. I can't remember. It must have  
 24 been.

25 Q. Right. Was that reduction made because you could use

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1 the CSTB data for some of the aspects of the assessment?

2 A. That would be my guess, and Bob Keyse would have agreed  
 3 to that, I guess.

4 MR MILLETT: Mr Chairman, is that a convenient moment?

5 SIR MARTIN MOORE—BICK: Yes, I think we've run rather long,  
 6 but that will do, yes.

7 MR MILLETT: Mr Chairman, I'm sorry about that, you're quite  
 8 right.

9 SIR MARTIN MOORE—BICK: Mr Gregorian, it's time we had  
 10 a break. I'm sure you'd like one.

11 We will stop now until 11.35, please.

12 THE WITNESS: Okay, thank you.

13 SIR MARTIN MOORE—BICK: I must ask you, please, while we're  
 14 on the break, not to talk to anyone about your evidence  
 15 or anything relating to it. All right?

16 THE WITNESS: No problem.

17 SIR MARTIN MOORE—BICK: Thank you very much. We will see  
 18 you a bit later then. Thank you.

19 THE WITNESS: Thank you.

20 (11.21 am)

21 (A short break)

22 (11.37 am)

23 SIR MARTIN MOORE—BICK: Welcome back, everyone. We're going  
 24 to continue hearing from Mr Gregorian.

25 I can see you there, Mr Gregorian. Can you see me

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1 and hear me all right?

2 THE WITNESS: Yes.

3 SIR MARTIN MOORE—BICK: Good. Thank you very much.

4 If you're ready, Mr Millett, we'll carry on.

5 MR MILLETT: Yes, Mr Chairman, thank you.

6 Can we please go back to the note of the meeting at  
 7 Watford on 2 November 2006 at {MET00053158\_P14/114}.

8 I showed you this note before.

9 If we can just go to the top of the page, please, on  
 10 the screen — and I showed you this when we first looked  
 11 at this note — it says that one of the people present  
 12 was John Albon.

13 Do you recall whether Mr Albon was present  
 14 throughout the entire meeting which you attended?

15 A. I can't remember, no.

16 Q. Specifically, if we could go down, please, to page 115  
 17 {MET00053158\_P14/115}, the next page, you can see that  
 18 there's meeting B which we've just been examining in  
 19 detail; can you confirm, do you know or do you remember  
 20 whether Mr Albon was present for meeting B?

21 A. I can't remember, no.

22 Q. Moving forward in time, there was a further meeting with  
 23 Arconic on 7 February 2007. That's in the same document  
 24 run at page 131 {MET00053158\_P14/131}, where we will  
 25 find, again, an Arconic internal visit report of

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1 7 February 2007. Now, again, this is not a document  
 2 that you are likely to have seen before.  
 3 You can see that the date of the visit in the title  
 4 block at the top is, as I say, 7 February 2007, and in  
 5 the header you can see that it was a visit to the BBA at  
 6 Garston in Watford, and you can see underneath the line  
 7 who the people attending were. You've got  
 8 Colin Southgate and Rich, and Scheidecker as well, and  
 9 then on the other side you have you, Hamo Gregorian, and  
 10 also Bob Keyse.  
 11 Do you remember this meeting?  
 12 A. No, I don't.  
 13 Q. If we look under the heading "Reynobond", please, at the  
 14 second paragraph down, under that heading it says:  
 15 "The need of the BBA certification is always more  
 16 and more important."  
 17 That's the first paragraph there.  
 18 They say at the end of that paragraph:  
 19 "Alucobond is the only ACM supplier with this  
 20 approval at the time being, but it will be a real  
 21 [ differentiation ] point for the coming month."  
 22 Do you remember that being said or words to that  
 23 effect being said?  
 24 A. I think the impression I got was that was generally the  
 25 case, just talking to colleagues, a BBA certification

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1 was very important to any prospective or potential  
 2 certificate holder. So although I can't remember this  
 3 particular incident, but I think it was generally  
 4 accepted that the BBA certificate was very important to  
 5 all manufacturers.  
 6 Q. Was that for commercial reasons, marketing reasons?  
 7 A. I think so, yes.  
 8 Q. If we look in the second paragraph, it says, if you read  
 9 with me:  
 10 "The BBA agrees to make the certification on the  
 11 product without to be linked to a specific system.  
 12 "Possible fixing system will be simply [mentioned]  
 13 in the certification .  
 14 "It means we will have only 1 approval for all our  
 15 application, instead to make one approval per system  
 16 "If people will ask for more details we will use the  
 17 CSTB specific approvals.  
 18 "[ Initially their ] quotation was on 24.000£ but  
 19 after [ negotiation ], CSO obtained to have it for  
 20 16.500£.  
 21 "Action:  
 22 "— sent our french building approvals in english ...  
 23 "— sent the documents of our CSTBat approval ...  
 24 — sent our technical [ literature ] ... "  
 25 And then if you look at the bottom of the action

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1 list :  
 2 "— confirm the assessment specification (which  
 3 product to be certified — also FR?) ..."  
 4 Now, do I take it that you have no independent  
 5 recollection of this meeting?  
 6 A. I can't remember this meeting.  
 7 Q. No, all right. Let's see how we go with the document.  
 8 Looking at that second paragraph I have just read  
 9 out to you, where it says "The BBA agrees to make the  
 10 certification on the product without to be linked to  
 11 a specific system", did that mean, do you remember at  
 12 all, that you agreed to certify the panel as the product  
 13 regardless of what fixing system was used to put it on  
 14 the wall?  
 15 A. That's right. I must have discussed it with the  
 16 marketing people and most probably with Brian Haynes as  
 17 well.  
 18 Q. Now, at this time —  
 19 A. That was the approach that we would normally take in  
 20 a case like this. Instead of the system, we would  
 21 approve the material, and whether it was suitable for  
 22 inclusion in a cladding system.  
 23 Q. Yes.  
 24 Now, at this time, were you aware, do you remember,  
 25 that RB 55 could be applied in either rivet—fix or

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1 cassette—fix?  
 2 A. Again, bearing in mind it was the material we were  
 3 assessing, it would have been suitable for both systems.  
 4 Q. Yes, suitable for both, certainly; but were you aware  
 5 that, to be used at all, Reynobond 55 had to be  
 6 fabricated into a fixing system, either rivet or  
 7 cassette?  
 8 A. That's correct, yes.  
 9 Q. Indeed, do you accept that you had seen that fact from  
 10 the CSTB avis technique approvals that were on the file  
 11 for the 2006 application?  
 12 A. Yes.  
 13 Q. Did you realise that in fact the panel itself in its raw  
 14 form was unusable unless it was fabricated?  
 15 A. Well, the fact that the material was suitable for  
 16 fabrication, we would consider, we would make sure that  
 17 it could be fabricated for installation in the cladding  
 18 system.  
 19 Q. That wasn't quite my question. Let me try it again.  
 20 Were you aware, did you realise, that the panel  
 21 itself in its raw form couldn't be used at all unless it  
 22 was fabricated into one or other of those two fixing  
 23 systems?  
 24 A. You mean at this stage?  
 25 Q. Yes.

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1 A. That was the whole purpose of the assessment, to make  
 2 sure that it could be, based on the avis technique and  
 3 the CSTB data, that it could be fabricated.  
 4 Q. When you say it could be fabricated, are you saying that  
 5 the purpose of the certification by the BBA was to cover  
 6 the fabricated product, fabricated as a rivet—fix or  
 7 a cassette—fix?  
 8 A. The BBA certificate would cover the suitability of the  
 9 material for fabrication which would be used in  
 10 a cladding system.  
 11 Q. Right.  
 12 A. That is the whole purpose of the BBA certificate, to  
 13 make sure whether that material was suitable to be  
 14 fabricated and put in a cladding system.  
 15 Q. Yes.  
 16 Can we agree that the BBA's purpose was to certify  
 17 the panel, whether it was used in a rivet system or  
 18 a cassette system?  
 19 A. That's correct, yes.  
 20 Q. Why did the BBA agree to do that?  
 21 A. It's ... it's a much safer way of certification than —  
 22 and obviously cheaper, in this case it's a simpler  
 23 assessment. So I think it's appropriate to do that, and  
 24 that was the BBA approach. If you include the cladding  
 25 system right back to the brickwork, for instance,

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1 there's too many unknowns which you have to take care  
 2 of, and we tried to steer away from that.  
 3 Q. Just to be clear again — I want to make sure that we  
 4 are not at cross—purposes — there are three concepts:  
 5 there is what I would call the raw panel, ignoring the  
 6 fixing, ignoring the fabrication into a fixing; there is  
 7 the fabricated panel, which is fabricated for  
 8 a particular fixing, rivet or cassette; and there is the  
 9 system into which you put the fabricated panel. Do you  
 10 understand what I mean by those three separate concepts?  
 11 A. Yes.  
 12 Q. So my question is whether the BBA was agreeing to  
 13 certify the raw panel regardless of whether it was  
 14 fabricated into a rivet or cassette?  
 15 A. The BBA assessment was to make sure that the raw panel  
 16 material was suitable. Whether it be rivet—fix or  
 17 cassette—fix, that was immaterial as far as the  
 18 BBA certificate was concerned. We just concentrated on  
 19 the suitability of this material to be fabricated and  
 20 put in a cladding system.  
 21 Q. Did you have any thoughts at the time about what  
 22 Arconic's rationale for having you certify the raw  
 23 panel, as I would call it, was?  
 24 A. To my recollection, there was no objection to that, but  
 25 they had a different approach to assessment of these

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1 panels to what BBA did.  
 2 Q. What was their approach?  
 3 A. Their approach was to approve each cladding system on  
 4 its own, rivet and ... as far as I remember, they would  
 5 approve the whole system, cladding system, riveted or  
 6 cassette.  
 7 Q. What was the purpose of simply mentioning the possible  
 8 fixing systems in the certification if all that you were  
 9 certifying was the raw panel?  
 10 A. The drawings that were included were just to draw to  
 11 the — draw attention to the fact that the panels — the  
 12 main use of the panels was to be included in a cladding  
 13 system.  
 14 Q. Why was that relevant to your certificate?  
 15 A. Well, as I say, the intention was to make sure it was  
 16 suitable, the product was suitable to be included in  
 17 a cladding system. But I think we make it clear in  
 18 the — well, the BBA made it clear that it's the panel  
 19 that's the object of the assessment.  
 20 Q. We'll come back to this topic later when we look at the  
 21 certificate itself, Mr Gregorian.  
 22 Can I ask you whether you remember any discussion of  
 23 why they wanted approval for both fixing types?  
 24 A. Sorry, why CSTB wanted ...?  
 25 Q. Yes — no, why the client, Arconic, wanted it.

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1 A. I guess that's where the — that's in compliance with  
 2 the avis technique, that's —  
 3 Q. I see.  
 4 A. That's probably why — you know, they had the avis  
 5 technique before the BBA certificate, so I suppose  
 6 that's why they were asking for that.  
 7 Q. When you look at the paragraph that we have been looking  
 8 at, you see four lines down, if we could have the  
 9 document back on the screen, please  
 10 {MET00053158\_P14/131}, it says, can you see, four lines  
 11 down in that paragraph:  
 12 "If people will ask for more details we will use the  
 13 CSTB specific approvals."  
 14 What did you understand, doing the best you can with  
 15 your recollection, what CSTB specific approvals were?  
 16 A. Sorry, I can't quite locate the line you were referring  
 17 to.  
 18 Q. Okay. It's under the big "Reynobond" title, second  
 19 paragraph or second block of text under that, and four  
 20 lines down, it says:  
 21 "If people will ask for more details we will use the  
 22 CSTB specific approvals."  
 23 Do you remember what those CSTB specific approvals  
 24 were?  
 25 A. I can't remember, no.

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1 Q. Specifically, what I'm really trying to get at was  
 2 whether that was a reference to the avis technique  
 3 approvals which didn't deal with fire, so far as we can  
 4 see, or whether that's a reference to CSTB fire tests.  
 5 A. Yes, I think the intention there is to try and use the  
 6 avis technique as much as possible, for our purposes,  
 7 for our assessment.  
 8 Q. Yes.  
 9 Looking at the line above, it says:  
 10 "It means we will have only 1 approval for all our  
 11 application, instead to make one approval per system."  
 12 Do you know or can you remember Arconic's rationale  
 13 for only wanting one approval instead of one approval  
 14 per system?  
 15 A. I can't — no, I can't comment on that, to be honest.  
 16 Q. Can I suggest something to you and see if you can  
 17 comment: was it because it would be cheaper for Arconic  
 18 to have one approval for all the applications as opposed  
 19 to —  
 20 A. I'm guessing, yes, that might have been one of the  
 21 considerations.  
 22 Q. Right. But you don't know, you're guessing; is that  
 23 your evidence?  
 24 A. Me, no, I can't comment on that.  
 25 Q. Fair enough.

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1 Now, we saw from the 2006 file, as I mentioned  
 2 a moment ago, that the BBA had on its file the CSTB  
 3 avis technique approvals, didn't it?  
 4 A. Yes.  
 5 Q. And do you remember I showed you these, there were two  
 6 separate ones: one for cassette and one for rivet; yes?  
 7 A. Yeah.  
 8 Q. Why wouldn't it have made sense for the BBA to make its  
 9 own assessment on each fabricated system, in other words  
 10 a BBA assessment on rivet and a BBA assessment on  
 11 cassette, in the same way that the CSTB have done?  
 12 A. As I say, we — BBA philosophy was, I think, from  
 13 engineering standpoint, the probably more sensible,  
 14 because the variables in a system were much more  
 15 complicated than just approving a panel for suitability.  
 16 Q. Right.  
 17 A. Yeah. So we adopted that approach for assessment of  
 18 this particular product.  
 19 Q. Could the BBA have insisted on assessing cassette and  
 20 rivet separately in the same way that the CSTB had done  
 21 under the avis technique approach?  
 22 A. No, as I say, I thought, from a quality control point of  
 23 view, it was a much more sensible approach to assess the  
 24 product rather than the system.  
 25 Q. Right.

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1 Who would have made the final decision to assess  
 2 just the product, as you call it, or the raw panel, as  
 3 I call it, as opposed to the fabricated version?  
 4 A. I can't remember. This must have been discussed amongst  
 5 several parties.  
 6 Q. Now, we move forward a month to March 2007.  
 7 After this meeting, do you remember that Arconic  
 8 sent another application form at the end of  
 9 February 2007? Do you remember that?  
 10 A. Sorry, could you repeat?  
 11 Q. Yes. Do you remember that after this meeting, Arconic  
 12 sent another application form for a contract?  
 13 A. I can't remember that.  
 14 Q. Let's skip ahead. Can we go to page 1 of the technical  
 15 file {BBA00008042/1}. This is the certificate contract,  
 16 as you can see there, and there is a reference on it, if  
 17 you look at the top right-hand corner —  
 18 A. Yeah.  
 19 Q. — S3/41014, and it still bears the date 22 August 2006.  
 20 Can you just confirm that that in fact was the  
 21 original date of the 2006 application, and it just  
 22 hasn't been changed in this document?  
 23 A. Yes.  
 24 Q. Now, we can see that there is a price, if you look  
 25 a little bit further down the page, under item V, "The

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1 Fee". It's £16,527, and no VAT.  
 2 If we turn a little bit up the screen to II, you can  
 3 see "The Subject":  
 4 "Proprietary name: Reynobond — Architecture."  
 5 Somebody has written "Architecture" in there in  
 6 manuscript, and then underneath that:  
 7 "Nature of product or process:  
 8 Aluminium/polyethylene composite wall cladding ..."  
 9 "System" was typed, but then that's been deleted in  
 10 manuscript and somebody has written in hand, "panels".  
 11 Do you see that?  
 12 A. Yes.  
 13 Q. Do you know who wrote that?  
 14 A. I can't remember who wrote that, but obviously at some  
 15 stage we had decided that this is a better approach and  
 16 the contract was changed accordingly.  
 17 Q. I see. Does that change reflect the agreement or  
 18 arrangement arrived at in Watford in the meeting earlier  
 19 in February 2007 that we have been discussing?  
 20 A. It must have been as a result of that, I suppose,  
 21 I can't comment on that.  
 22 Q. Right.  
 23 Now, we know, as I've shown you, the certificate  
 24 that was eventually issued in January 2008. I want to  
 25 look a little bit more closely at the assessment that

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1 led to that certificate .  
 2 Can we turn on in the technical file , please , to  
 3 page 11 {BBA00008042/11}. This is the assessment  
 4 programme sheet. If one looks at the top left —hand side  
 5 of the screen, you can see that, and the product name  
 6 there is "Reynobond 55 Wall Cladding System", as you can  
 7 see in the middle of the page, and again, it still bears  
 8 the date of 22 August 2006.  
 9 Do you recognise this document?  
 10 A. Yes, I do.  
 11 Q. Did you prepare it?  
 12 A. I think so, yes.  
 13 Q. Looking at the date of this document, and I know it says  
 14 August 2006, would you have prepared it for the initial  
 15 contract pricing?  
 16 A. Er ... yes, I think so, yes.  
 17 Q. Right.  
 18 Can we just be clear, do you think you might have  
 19 prepared this at the same time as preparing the offer  
 20 for the contract in 2006 and then just not updated it  
 21 when it came to finalising the contract in 2007?  
 22 A. Yes, I suppose — yes, yes, I —  
 23 Q. I don't want to lead you into error by suggesting that,  
 24 but we're trying to work out the dates.  
 25 A. Yes, it clearly says "cladding system", but obviously

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1 the contract has been changed, and so has the pricing,  
 2 and the number of hours I think must have been changed  
 3 as well accordingly.  
 4 Q. Yes, I see.  
 5 Can we then just be clear whether, even though there  
 6 was that change from system to panels that we've  
 7 discussed, you would still have followed the assessment  
 8 programme set out in this document when doing your  
 9 assessment for the certificate that was ultimately  
 10 issued?  
 11 A. As soon as it was established that we were assessing the  
 12 cladding panels, I would assess the product accordingly.  
 13 Q. Right.  
 14 Let's look at item 4.1, about a third of the way  
 15 down the screen, "Safety". Then under "Assessment/test  
 16 work", it says:  
 17 "Strength and stability:  
 18 "Behaviour under wind loads.  
 19 "Resistance to hard and soft body impacts.  
 20 "Behaviour under thermal actions.  
 21 "Fire:  
 22 "Behaviour under fire."  
 23 Do you see that?  
 24 A. Yes.  
 25 Q. If you look at the columns to the right of that, we can

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1 see that the assessment for strength and stability is  
 2 25 hours, "Assess CSTB data". Do you see that?  
 3 A. Yes.  
 4 Q. But for fire it's five hours, "Consult BMH".  
 5 Why would more hours be needed to be devoted to  
 6 strength and stability rather than fire?  
 7 A. That's my area of expertise generally, and there's a lot  
 8 of details to look at, so ... bearing in mind this is  
 9 an estimate of hours, it's not meant to be — there's no  
 10 way you can estimate these things accurately. And the  
 11 CSTB data, again, that presents a challenge as well. So  
 12 I think 25 hours was sort of sensible.  
 13 Q. Why would more hours be given to strength and stability  
 14 rather than fire?  
 15 A. There's quite a few things you need to check when it  
 16 comes to — I mean, I would — by calculation or  
 17 analysis, I would have to confirm that the product was  
 18 good enough for wind load and so on in the UK.  
 19 Q. Would the same degree of care and analysis not be  
 20 required to confirm whether the product was good enough  
 21 for fire in the UK?  
 22 A. With fire, it's just a matter of looking at test data  
 23 and checking against compliance with our  
 24 Building Regulations, so there's no — as far as I know,  
 25 there's no analytical method to confirm one way or the

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1 other.  
 2 Q. But you do, I think, accept that you would need to look  
 3 at the test data for fire?  
 4 A. Yes, yes, of course, yes.  
 5 Q. Who would decide how many hours would be required for  
 6 each of these safety elements?  
 7 A. I think I would probably consult with my section head,  
 8 and bearing in mind he had a lot more experience than I,  
 9 we would come up with — you can see the hours go in  
 10 steps of five, so it's not meant to be very accurate at  
 11 all, it's just an estimate.  
 12 Q. In the far right column, we can see the steps, and for  
 13 strength and stability it says "Assess CSTB data". Is  
 14 that referring to the CSTB avis technique documents we  
 15 saw on the technical file?  
 16 A. Yes, some information would have come from avis  
 17 technique.  
 18 Q. Yes, I see. And for fire, as we've seen, it says  
 19 "Consult BMH". Is that Brian Haynes?  
 20 A. Yes.  
 21 Q. Why did it say consult Brian Haynes?  
 22 A. Well, because of the issue regarding the perhaps lack of  
 23 information that we had in the CSTB documents.  
 24 Q. Right.  
 25 A. Or, rather, basically because I wasn't sure how to

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1 assess fire aspects, I had to consult Brian Haynes.  
 2 Q. What precise question or query led you to think that you  
 3 needed Brian Haynes' input?  
 4 A. As I say, Brian was the — was my main port of call with  
 5 regard to assessment of fire, and just to confirm that  
 6 the material with the appropriate coating was suitable,  
 7 so I had to confirm that with Brian. There was no way  
 8 I could assess it myself, so I had to consult Brian.  
 9 Q. Did you know yourself what test data or classifications  
 10 you were looking for in order to be able to assess this  
 11 product for fire safety?  
 12 A. No.  
 13 Q. I see. So would it follow from that that, even in  
 14 respect of that question, you would have to consult  
 15 Brian Haynes?  
 16 A. Exactly, yes.  
 17 Q. I see. Did you consult Brian Haynes as a matter of  
 18 fact?  
 19 A. I did. I referred the matter to Brian, who then  
 20 consulted BRE for their advice.  
 21 Q. Do you know what he did? Do you know what Brian Haynes  
 22 did?  
 23 A. I remember — strangely enough, I remember the  
 24 conversation he had with Sarah Colwell. Because  
 25 I didn't get a response from Sarah in writing, I asked

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1 Brian to contact her and, as I say, because of his long  
 2 association with BRE, he was advised that — as to the  
 3 classification of this material, and we included the  
 4 appropriate statement in the certificate.  
 5 Q. Were you party to that conversation?  
 6 A. I — actually, yes, I was — strangely enough, I do  
 7 remember being in the room while he was talking to  
 8 Sarah.  
 9 Q. So was there a meeting between —  
 10 A. It wasn't a meeting, he was talking on the telephone.  
 11 I remember that. And soon after that, he signed off the  
 12 certificate.  
 13 Q. Right.  
 14 Can I just see if we can explore this a little bit  
 15 more.  
 16 First of all, when was the conversation between  
 17 Brian Haynes and Sarah Colwell?  
 18 A. After I must have consulted — talked to — after  
 19 I talked to Brian, I think he — and I mentioned the  
 20 fact that I'm not getting a response from BRE, he  
 21 immediately got on the phone and spoke to Sarah. That's  
 22 my recollection.  
 23 Q. So, in terms of timing, you said earlier that it was  
 24 soon after the conversation that he signed off the  
 25 certificate; that was January 2008. By reference to

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1 that, when do you think this conversation took place?  
 2 A. I can't remember.  
 3 Q. Right.  
 4 Now, you say you were in the same room as  
 5 Brian Haynes and he telephoned Sarah Colwell; is that  
 6 right?  
 7 A. That's correct, yes.  
 8 Q. Could you hear both sides of the conversation or only  
 9 Brian Haynes' side?  
 10 A. No, just Brian.  
 11 Q. I see.  
 12 A. It wasn't a long conversation, but Brian was advised  
 13 that — as to the suitability of the — this particular  
 14 material for fire performance.  
 15 Q. Right.  
 16 Do you know whether Sarah Colwell had in front of  
 17 her the draft certificate or any test data relating to  
 18 fire for Reynobond 55?  
 19 A. No, I wouldn't know that. Obviously we must have  
 20 supplied some information with regard to the product.  
 21 SIR MARTIN MOORE—BICK: Forgive my interrupting, Mr Millett.  
 22 Mr Gregorian, just help me with this: you said  
 23 a moment ago that you couldn't get any response from  
 24 BRE. Do you remember saying that?  
 25 A. Yes.

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1 SIR MARTIN MOORE—BICK: I took it from that that you had  
 2 contacted BRE yourself to ask for their assistance.  
 3 A. That's correct, yes.  
 4 SIR MARTIN MOORE—BICK: Would I be right in assuming that  
 5 you sent some form of information to the BRE in order to  
 6 obtain their assistance?  
 7 A. Exactly, yes.  
 8 SIR MARTIN MOORE—BICK: Can you tell us what it was, please?  
 9 A. Documents, appropriate documents, maybe test data and so  
 10 on. Anything to do with — anything that was necessary  
 11 to make a fire assessment. I can't tell you exactly  
 12 what it was, but it was all the information that Sarah  
 13 would need to make an assessment.  
 14 SIR MARTIN MOORE—BICK: Right. Well, some of that  
 15 information was presumably test reports, was it?  
 16 A. Yes, I'm sure, yes, there must have been some test  
 17 reports.  
 18 SIR MARTIN MOORE—BICK: Right. Can you remember in what  
 19 form you sent them or how you sent them?  
 20 A. Most probably by email.  
 21 SIR MARTIN MOORE—BICK: Right. Thank you very much.  
 22 Yes, Mr Millett, carry on. Thank you.  
 23 MR MILLETT: Yes.  
 24 A. Thank you.  
 25 Q. We are going to come to some of that later on, I think,

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1 when we explore the precise documents in a bit of  
2 detail .  
3 Can I just understand this conversation. Did  
4 Mr Haynes report to you what Sarah Colwell had told him  
5 after the conversation had ended?  
6 A. He didn't, he just ... basically he just approved or  
7 rather checked and okayed the particular statement  
8 relating to fire .  
9 Q. Yes. I see.  
10 A. I have no details as to what conversation went on.  
11 I have no idea. All I know is that I distinctly  
12 remember him talking to Sarah.  
13 Q. And to be clear, am I right in thinking that the data in  
14 the CSTB avis technique documents were not considered at  
15 all to the best of your knowledge, either by  
16 Sarah Colwell or Brian Haynes, in relation to any claim  
17 about the fire performance of Reynobond 55?  
18 A. I think it would be safe to assume that there was no —  
19 not enough information in the avis technique, but that's  
20 probably why we had to check with fire experts.  
21 Q. Yes.  
22 Now, just covering this off, can we go to your  
23 witness statement, please, at page 4 {BBA00011096/4}.  
24 I just want to look at something you say in your  
25 statement at paragraph 5(d). You say, in response to

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1 the question:  
2 "In particular, what consideration the BBA gave to:  
3 "i. the fire performance information therein ..."  
4 Your response is at paragraph 20 and you say:  
5 "Fire safety is a specialist area. It would have  
6 been normal for an internal or external fire expert to  
7 confirm compliance with UK Building Regulations. The  
8 statement in the certificate would have been based on  
9 the advice given by the fire expert."  
10 Am I right in thinking that, on this occasion, in  
11 relation to this certificate, ultimately that was  
12 Sarah Colwell?  
13 A. Erm —  
14 Q. That fire expert was Sarah Colwell?  
15 A. Yes, I think it's — yes, yes. Yes. Through Brian, our  
16 assessment of fire would have come from a fire expert,  
17 and in this case it was Sarah, Sarah Colwell.  
18 Q. Yes. Now, you say "Through Brian"; did Brian Haynes  
19 himself perform any assessment on the fire safety of  
20 Reynobond 55 with Sarah Colwell's help?  
21 A. No, I think he must have been advised by Sarah, based on  
22 what Sarah had in front of her as regards test data and  
23 so on.  
24 Q. You say that the statement in the certificate would have  
25 been based on the advice given by the fire expert; did

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1 Brian Haynes actually word those statements for the  
2 certificate, or did the wording come from Sarah Colwell?  
3 A. No, the wording didn't come from Sarah Colwell. We  
4 just — we put the wording in, and if the classification  
5 was in accordance with what the fire expert had advised,  
6 Brian would okay it, he would sign it off.  
7 Q. Do you remember whether Brian Haynes checked his wording  
8 with Sarah Colwell after he had put it in the  
9 certificate but before it was signed off?  
10 A. Not to my knowledge. I mean, as I say, all Brian would  
11 want to know was whether this particular material  
12 classification is what the statement says.  
13 Q. I see. So just to be as clear as we can, on  
14 fire safety, can we take it that the precise language of  
15 the wording of the certificate was Brian Haynes', based  
16 on what he had understood the advice from Sarah Colwell  
17 was?  
18 A. The statement wasn't Brian Haynes' in entirety.  
19 Q. No, in relation to —  
20 A. These are — yeah. These statements are quite standard  
21 format in BBA certificates, so where a classification  
22 was involved, he would most probably check that the  
23 classification was compliant with Building Regulations,  
24 but the wording doesn't come from — didn't come from  
25 Brian.

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1 Q. We will come to the certificate shortly. I'm just  
2 trying to get an understanding of the role Sarah Colwell  
3 played in the precise wording of the certificate.  
4 In relation to matters of fire safety, was it  
5 Brian Haynes who actually drafted the language, based on  
6 what he understood from Sarah Colwell's advice?  
7 A. The draft would most probably have come from a similar  
8 certificate, and, as I say, there's a standard format  
9 that we use. Brian would have checked that the  
10 statement was correct, and he would have ... I was most  
11 probably with him when he actually signed off the  
12 certificate.  
13 Q. Yes.  
14 Now, were you responsible for drafting the technical  
15 content other than fire and selecting the diagrams and  
16 images in the certificate?  
17 A. Yes, I normally would decide what goes on the  
18 certificate.  
19 Q. Did the BBA have stock phrases or generic statements  
20 that could be slotted in, used from other certificates?  
21 A. Yes, yes, yes, that was common procedure.  
22 Q. Common procedure.  
23 Who decides whether it's appropriate to copy across  
24 phrases from other certificates? Would that be you or  
25 would it be Brian Haynes when it comes to fire safety?

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1 A. No, I would draft a certificate based on a similar  
 2 product, for instance, just to make sure that — well,  
 3 I would try and make sure they were relevant, and then  
 4 circulate it within the different sections.  
 5 Q. Well, let's turn to the certificate in detail now. Can  
 6 we go to {BBA00000047}. I showed you this earlier on in  
 7 your examination but we now need to look at the detail.  
 8 On the first page, you can see that there is a dark  
 9 blue header as I showed you, "Product Sheet 1 —  
 10 Reynobond Architecture Wall Cladding Panels", and then  
 11 you can see underneath "Product scope and summary of  
 12 certificate", it says:  
 13 "This Certificate of Confirmation relates to  
 14 Reynobond Architecture Wall Cladding Panels,  
 15 aluminium/polyethylene composite panels used to provide  
 16 a decorative/protective facade over the external walls  
 17 of buildings."  
 18 Then there's an image on that right-hand side.  
 19 First question is: was that title, "Reynobond  
 20 Architecture Wall Cladding Panels", chosen to indicate  
 21 that it was certifying the product, in other words the  
 22 panels?  
 23 A. It was just — the picture would be supplied by the  
 24 certificate holder, and the intention there is to make  
 25 sure that the cladding material could be used in

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1 a cladding system such as this. There's no other way  
 2 that you can depict a panel. A panel wouldn't make any  
 3 sense. So unless you put a picture in there, you  
 4 wouldn't know what the function of it was.  
 5 Q. We'll come back to this page shortly, but can we go to  
 6 page 3 {BBA00000047/3}, please. At the top there you  
 7 will see, in the dark blue band, the word "General", and  
 8 underneath it you see it says this:  
 9 "This Certificate relates to Reynobond Architecture  
 10 Wall Cladding Panels comprising an  
 11 aluminium/polyethylene composite material, fixed to an  
 12 aluminium sub-frame, to provide a decorative/protective  
 13 rainscreen facade over the external walls of buildings."  
 14 As we saw on the front.  
 15 Then it says:  
 16 "The sub-frame and its attachment to the substrate  
 17 wall are outside the scope of this Certificate as are  
 18 other miscellaneous construction details."  
 19 Does that mean the metal rails that the cladding is  
 20 fixed to?  
 21 A. That's correct, yes. It's not covered by the  
 22 certificate. That's correct.  
 23 Q. Yes. What about other elements of the facade build-up,  
 24 such as the insulation and the cavity barriers, they're  
 25 presumably —

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1 A. No, they're not covered at all.  
 2 Q. — outside — no.  
 3 Now, if you go down to the next blue header  
 4 "Technical Specification", you can see "Description",  
 5 and underneath that it says:  
 6 "1.1. The Reynobond Architecture Wall Cladding  
 7 Panels comprise two 0.5 mm thick aluminium alloy  
 8 sheets ..."  
 9 Then there is a specification there:  
 10 "... bonded to either side of a core of low-density  
 11 polyethylene (LDPE). The panels are available either  
 12 plain edged (riveted system) or flanged (cassette  
 13 system) to suit architectural requirements (see  
 14 Figure 1). A Duragloss or PVDF coating available in  
 15 various colours protects the exposed face. A polyester  
 16 primer protects the unexposed face. The products are  
 17 also available in a fire-retardant grade (FR)."  
 18 If we skip down to subsection 1.4, it says this, if  
 19 you just read with me:  
 20 "Plain edged panels are riveted directly to the  
 21 aluminium sub-frame. Flanged panels are hung from the  
 22 sub-frame using T-slots fitting onto pintle on the  
 23 sub-frame. Flange widths can vary to suit the design  
 24 requirements (see Figure 1)."  
 25 There is a little footnote, as you can see,

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1 underneath that which relates to the word "subframe",  
 2 and again it says, "Not covered by this Certificate".  
 3 Now, the figure 1 that's referred to there is  
 4 apparent if you look a little bit lower down the same  
 5 page. If we can scroll down to figure 1 and have that  
 6 fully on the screen, you can see that it says:  
 7 "Figure 1. Reynobond Architecture panels and  
 8 typical fixing systems."  
 9 There within figure 1 you can see two systems:  
 10 you've got on the left riveted system and on the right  
 11 cassette system.  
 12 Do you remember where those diagrams came from?  
 13 A. They must have come from the CSTB documents.  
 14 Q. So not from Arconic; is that right?  
 15 A. They might have come from Arconic, but normally I would  
 16 imagine CSTB would include some details of this nature  
 17 in their certificates.  
 18 Q. Do you recall how figure 1 came to be on this  
 19 certificate?  
 20 A. It was considered appropriate to include these just to  
 21 show what can be done with this cladding material —  
 22 with this panel material.  
 23 Q. Was it you who decided that figure 1 should be inserted  
 24 in this certificate?  
 25 A. We — it is quite normal, accepted practice within BBA

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1 to include some details, construction details of this  
 2 nature.  
 3 Q. It's a bit more, isn't it, than showing what can be done  
 4 with this cladding material; isn't the certificate  
 5 telling the reader that the panels, whether riveted or  
 6 cassette, are covered by the certificate?  
 7 A. I think we do make it clear that any substructure would  
 8 not be covered, or insulation or any fixings would not  
 9 be covered. This is just to show how the material could  
 10 be used in a cladding system.  
 11 Q. Well, you say that. Let's just go back to 1.4. You can  
 12 see the footnote 1 there, "Not covered by this  
 13 Certificate", and that relates, doesn't it, to the  
 14 subframe, and that's consistent with the exclusion of  
 15 the metal subframe on the front of the certificate; yes?  
 16 A. Yes.  
 17 Q. So what this certificate is clearly excluding — is this  
 18 right? — is the subframe.  
 19 A. That's correct. Anything to do with the fixing to the  
 20 subframe and the subframe to the brickwork,  
 21 substructure, is irrelevant. These are just details to  
 22 show how the material could be used in a cladding  
 23 system.  
 24 Q. Yes, anything to do with the fixing to the subframe and  
 25 the subframe to the brickwork, the substructure, you say

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1 would be irrelevant. What I'm suggesting to you is not  
 2 excluded is the form of fabrication, in other words the  
 3 panel as fabricated in rivet and as fabricated in  
 4 cassette is included.  
 5 A. The dimensions of the panels would be decided by design,  
 6 by a suitably qualified engineer. So it could be any  
 7 dimension, providing it satisfies resistance, for  
 8 instance, to wind load or impact loads. There are so  
 9 many structural considerations. So a structural  
 10 engineer could design this material to span between the  
 11 metal rails, for instance, depending on the wind load.  
 12 If it's — if the wind loading — if the design wind  
 13 load is too high, obviously the metal rails will be  
 14 closer to each other.  
 15 Q. Did you draft section 1.1 and section 1.4?  
 16 A. Sorry, I can't see 1.1.  
 17 Q. Yes, can we just scroll up, please. There, 1.1 and 1.4  
 18 are now visible on the screen, I think, Mr Gregorian,  
 19 for you.  
 20 Do you remember whether you drafted those parts of  
 21 this certificate?  
 22 A. That would have been based on the contract.  
 23 Q. Right. Based on the contract?  
 24 A. Yes.  
 25 Q. But was it you, I'm asking whether —

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1 A. Yes, yes, I must have done that, yes.  
 2 Q. Can we go to your statement, please, at page 4  
 3 {BBA00011096/4}, and I would like to go back to where we  
 4 were, which was the question at question (d):  
 5 "In particular, what consideration the BBA gave  
 6 to ..."  
 7 And you have seen (i). I would like to go to (ii).  
 8 The question is what consideration the BBA gave to:  
 9 "ii. the fact that CSTB issued separate certificates  
 10 for cassette and for face fixed (riveted) fixings?"  
 11 Your answer there is:  
 12 "In normal operation, both types were considered  
 13 suitable for incorporation in a cladding system. For  
 14 behaviour in relation to fire, consideration would have  
 15 been by a fire expert. (see answer to 5di above)."  
 16 If we look at the bottom of the page, I just want to  
 17 look at question 7:  
 18 "What products did Certificate 08/4510 cover? In  
 19 particular, please address the variants:  
 20 "a. core type—standard (PE) or fire retardant (FR)."  
 21 Then over the page {BBA00011096/5}, looking at (b),  
 22 which is what I want to focus on:  
 23 "b. fixing method — face fixed (riveted) or  
 24 cassette."  
 25 Your answer is, "Both."

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1 Looking at that answer there, can I take it from  
 2 that that, as far as you were concerned, the certificate  
 3 covered Reynobond both in its fabricated form in rivet,  
 4 and in its fabricated form as cassette?  
 5 A. The certificate would cover — the material could be  
 6 used either as face—fixed or riveted, and both were  
 7 considered suitable. So, in other words, the material  
 8 could be used to — any of these two configurations.  
 9 Q. And the certificate covered the product in use in those  
 10 two situations?  
 11 A. Yes.  
 12 Q. Yes. So you agree then, I think, that the reader of the  
 13 certificate would expect that any technical claim made  
 14 in the certificate would apply equally to the panel  
 15 fabricated into a cassette as to the panel fabricated  
 16 into a rivet?  
 17 A. Yes.  
 18 Q. Yes. Thank you.  
 19 So can we agree that when the certificate says  
 20 "product" or uses the word "product", it means product  
 21 in both forms of fixing system, as opposed to the  
 22 subframe and the other fixing —  
 23 A. Again, the product has got certain fire resistance  
 24 properties which were covered. But all this is saying  
 25 is that both fixing methods were suitable as regards the

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1 material use.  
 2 Q. Yes, I understand.  
 3 Can we then stick with your statement and go back to  
 4 the question I showed you you'd answered a second or two  
 5 ago on the previous page, please {BBA00011096/4}.  
 6 I read it out, but I skipped over it. Question 7(a):  
 7 "What products did [the] Certificate ... cover? In  
 8 particular, please address the variants:  
 9 "a. core type — standard (PE) or fire retardant  
 10 (FR)."  
 11 Your answer is at paragraph 23, if we just go to  
 12 that on page 5 {BBA00011096/5} at the top. Do you see  
 13 it says:  
 14 "Samples of the products covered are described in  
 15 sections 6.1 and 6.2 of the Certificate."  
 16 Also — let's cover these off while we can — if you  
 17 look at (c), coating type:  
 18 "Duragloss (PE), PVDF (FR)."  
 19 And coating colour:  
 20 "Grey/green (PE), metallic grey (FR)."  
 21 So that's what you say in your statement.  
 22 Let's look at the statements in the certificate  
 23 itself now, please. Can we go back to the certificate  
 24 {BBA00000047/2}. The blue header at the top says  
 25 "Regulations", as we can see there, and it says:

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1 "In the opinion of the BBA, Reynobond Architecture  
 2 Wall Cladding Panels, if used in accordance with the  
 3 provisions of this Certificate, will meet or contribute  
 4 to meeting the relevant requirements of the following  
 5 Building Regulations."  
 6 Then if you go down to the second item down, B4(1),  
 7 do you see, "External fire spread"? Can you see that?  
 8 A. Yes.  
 9 Q. It says next to "Comment":  
 10 "The panels are judged to meet the Class 0  
 11 requirements. See sections 6.1 to 6.6 of this  
 12 Certificate."  
 13 Now, first, do you remember who drafted or  
 14 formulated those words, "The panels are judged to meet  
 15 the Class 0 requirements"?  
 16 A. I think this was standard format of expressing  
 17 classification of products.  
 18 Q. Right. So is that an example of you, as it were,  
 19 cutting and pasting or copying across —  
 20 A. Yes, yes, I think so, yes.  
 21 Q. So, just to be crystal clear, this isn't a form of words  
 22 that had come from Brian Haynes or perhaps suggested by  
 23 Sarah Colwell?  
 24 A. No, it's something that I would put forward for comment  
 25 to the appropriate department.

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1 Q. Yes, I see.  
 2 Now, let's go to page 5 {BBA00000047/5}, please, and  
 3 look in detail at section 6. I'll read to you sections  
 4 6.1 to 6.3, to start with. In fact, it's probably best  
 5 to read the whole thing. Forgive me, this may take  
 6 a moment or two, but it's important you see the whole  
 7 thing, I think.  
 8 It's under the rubric, "Behaviour in relation to  
 9 fire", and it says:  
 10 "6.1. A standard sample of the product, with  
 11 a grey/green Duragloss 5000 coating, when tested for  
 12 reaction to fire, achieved a classification of B—s2, d0  
 13 in accordance with EN 13501—1:2002. A fire retardant  
 14 sample of the product, with a gold—coloured Duragloss  
 15 finish, when tested for reaction to fire, achieved  
 16 a classification B—s1, d0 in accordance with  
 17 EN 13501:2002.  
 18 "6.2. A fire retardant sample of the product, with  
 19 a metallic grey PVDF finish, when tested in accordance  
 20 with BS 476—6:1989, achieved a fire propagation index  
 21 (I) of 0 and, when tested in accordance with  
 22 BS 476—7:1997, achieved a Class 1 surface spread of  
 23 flame.  
 24 "6.3. As a consequence of sections 6.1 and 6.2, the  
 25 products may be regarded as having a Class 0 surface in

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1 relation to the Approved Document B of The Building  
 2 Regulations ... and a 'low risk' material as defined in  
 3 ... The Building (Scotland) Regulations ... The  
 4 unexposed side of the products may also be regarded as  
 5 having a class 0 surface.  
 6 "6.4. These performances may not be achieved by  
 7 other colours of the product and the designations of  
 8 a particular colour should be confirmed by ..."  
 9 And then it sets out various tests in various  
 10 different subordinate jurisdictions.  
 11 Then 6.5:  
 12 "6.5. For resistance to fire, the performance of  
 13 a wall incorporating the product, can only be determined  
 14 by tests from a suitably accredited laboratory, and is  
 15 not covered by this Certificate.  
 16 "6.6. Cavity barriers should be incorporated behind  
 17 the cladding, as required by the national Building  
 18 Regulations, but should not block essential ventilation  
 19 pathways. Particular attention should be paid to  
 20 preventing the spread of fire from within a building  
 21 breaching the cladding system through window and door  
 22 openings."  
 23 Now, I just want to look at some of those  
 24 statements. I've read you the entirety of section 6 so  
 25 that you have it in your mind.

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1 Can we start with the statement at section 6.2,  
 2 please, "A fire retardant sample of the product, with  
 3 a metallic grey PVDF finish".  
 4 Can we go to page 163 of the technical file, that's  
 5 {BBA00008042/163}. This is the Warringtonfire test  
 6 report number 132316, as you can see, done under part 7  
 7 of BS 476. If we look at the second page of that report  
 8 at page 165 {BBA00008042/165}, you can see paragraph 3,  
 9 there is a description of the test specimens there, and  
 10 in the second paragraph it says:  
 11 "The product was 'Reynobond 55 FR (colour reference  
 12 "RAL 9006 Metallic grey")', a composite coated aluminium  
 13 panel having an overall thickness of 4mm ... comprising  
 14 a 3mm thick Fire Retardant Core ..."  
 15 If you skip to the next paragraph:  
 16 "The decorative (test face) aluminium sheet was  
 17 coated on the exposed face with a 5 micron thick epoxy  
 18 primer and a 20 micron thick PVDF coating."  
 19 If we look at the next page of this report at  
 20 page 167 {BBA00008042/167} — there are blank pages in  
 21 between, I'm afraid — at the very bottom of page 167  
 22 you see the "Test Results and Classification", and in  
 23 the capitals in bold at the bottom of the page, it says  
 24 this:  
 25 "IN ACCORDANCE WITH THE CLASS DEFINITIONS GIVEN IN

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1 BS 476: PART 7: 1997, THE SPECIMENS TESTED ARE  
 2 CLASSIFIED AS CLASS 1."  
 3 Now, if we go on to page 169 {BBA00008042/169}, this  
 4 is the second issue of this report and it's dated  
 5 12 September 2003, as you can see, and if we look at the  
 6 test that goes with it, this is the part 6 test, this is  
 7 in the technical file, page 177 {BBA00008042/177}. We  
 8 can see that it's a Warringtonfire test report  
 9 number 132317, this time under part 6 of BS 476.  
 10 If we go down to page 179 {BBA00008042/179},  
 11 paragraph 3, you can see again the description. It's in  
 12 the same format, second paragraph:  
 13 "The product was 'Reynobond 55 FR (colour reference  
 14 'RAL 9006 Metallic grey') ..."  
 15 Et cetera, and the same decorative (inaudible), and  
 16 it says again it comprises a 3—millimetres thick fire  
 17 retardant core.  
 18 So this is a test on the same product as the one we  
 19 were just looking at but done under part 6.  
 20 We have the test results at page 181  
 21 {BBA00008042/181}, and at the bottom of that page we can  
 22 see the test results there, and there they are set out.  
 23 For completeness, if we can go to page 183  
 24 {BBA00008042/183} and see the date of issue:  
 25 12 September 2003.

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1 Now, those are the FR tests from 2003 done under  
 2 BS 476—6 and 7.  
 3 Can we now go back, please, to page 5 of the  
 4 BBA certificate, {BBA00000047/5}, and look again at  
 5 section 6.2. It says there — I've read it before, I'll  
 6 just show it to you again:  
 7 "A fire retardant sample of the product, with  
 8 a metallic grey PVDF finish, when tested in accordance  
 9 with BS 476—6:1989, achieved a fire propagation index  
 10 (I) of 0 and, when tested in accordance with  
 11 BS 476—7:1997, achieved a Class 1 surface spread of  
 12 flame."  
 13 Is it right that the two tests I've just taken you  
 14 through quite quickly are tests of the specimen  
 15 mentioned in section 6.2 of the BBA certificate?  
 16 A. Again, I'm not familiar with the ... I'm guessing at  
 17 some stage the fire expert would have looked at this,  
 18 but it's really — I can't go into detail as regards the  
 19 statements. I think whatever we have said in  
 20 paragraph 6.2 must have been a statement of fact.  
 21 Q. Yes. Now —  
 22 A. So —  
 23 Q. Sorry, do you want to continue? I'm so sorry, I spoke  
 24 across you. Do you want to say something more? Have  
 25 you finished your answer?

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1 (Pause)  
 2 SIR MARTIN MOORE—BICK: I suggest you carry on, Mr Millett.  
 3 MR MILLETT: Right.  
 4 Mr Gregorian, we've seen no summary reports stating  
 5 that these two tests amount to a class 0 result. Do you  
 6 know why that is?  
 7 A. No, I have no knowledge of — as I've mentioned before,  
 8 I would rely on the assessment by fire experts.  
 9 Q. Right.  
 10 Maybe you can't help with this in the light of that  
 11 answer, but was it your experience at the time, late  
 12 2007, that there would normally be a summary report  
 13 which would consider the test data that I've just shown  
 14 you and say whether the material met the requirements of  
 15 class 0?  
 16 A. Sorry, if there's a summary report?  
 17 Q. Would it be normal for there to be, in your experience  
 18 at the time, a summary report saying class 0 as a result  
 19 of these tests?  
 20 A. I can't remember. I can't remember.  
 21 Q. Do you remember whether you or somebody else, anybody,  
 22 looked at the data from these two FR test reports and  
 23 decided that they met the criteria for class 0?  
 24 A. Yes, as I say, a fire expert would have looked at this  
 25 document and come to this conclusion, and we would

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1 include it in the certificate as appropriate.  
 2 Q. And you would have understood, would you, at the time,  
 3 that these results together amounted to achieving  
 4 a class 0 result?  
 5 A. I wouldn't know about that. I don't know how the  
 6 assessments are done. I would just include the  
 7 appropriate statement.  
 8 Q. Right.  
 9 A. And make sure that the technical manager also approved  
 10 the statement.  
 11 Q. Yes. Again, bearing in mind your last answer, at least  
 12 looking at the scheme of section 6, were you clear in  
 13 your mind at the time that section 6.2 and the results  
 14 identified in it only applied to Reynobond with an FR  
 15 core and not to Reynobond with a PE core?  
 16 A. That's what the statement seems to suggest, yes.  
 17 Q. Yes, but were you clear in your mind that that's what it  
 18 meant?  
 19 A. I would take this —  
 20 Q. Right.  
 21 A. — as relevant to fire retardant sample of the product,  
 22 yes, that's all I can conclude. This is a statement of  
 23 fact.  
 24 Q. Yes.  
 25 A. That's all it is.

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1 Q. Did you know at the time — let me ask it this way: did  
 2 you have any understanding at the time about whether  
 3 Reynobond 55 with a PE core had been tested under  
 4 BS 476—6 and 7?  
 5 A. I can't remember.  
 6 Q. Did you understand at the time that the statements in  
 7 paragraph 6.2 did not apply to Reynobond 55 with a PE  
 8 core?  
 9 A. Again, this is a detail that I can't comment on.  
 10 Q. Let's then look at section 6.1, just above it. Again,  
 11 I've read this to you, but I'll just read you the  
 12 precise words again:  
 13 "A standard sample of the product, with a grey/green  
 14 Duragloss 5000 coating, when tested for reaction to  
 15 fire, achieved a classification of B—s2, d0 in  
 16 accordance with EN 13501—1:2002. A fire retardant  
 17 sample of the product, with a gold—coloured Duragloss  
 18 finish, when tested for reaction to fire, achieved  
 19 a classification B—s1, d0 in accordance with  
 20 EN 13501:2002."  
 21 Did you understand at the time, or intend by the  
 22 wording, that "standard sample" referred to Reynobond  
 23 with a PE core?  
 24 A. No, I have no ... the details are quite alien to me, to  
 25 be honest.

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1 Q. You say that; did you not draft this part of the report,  
 2 or did somebody else draft this part of the certificate?  
 3 A. I would put it in this format, but the actual  
 4 classifications and so on don't mean very much to me.  
 5 Q. Did you not understand that when you were writing  
 6 a standard sample of the product, even as a formula from  
 7 another document, you were referring to the non—FR  
 8 standard PE version of the product?  
 9 A. That's right, that's what the statement seems to  
 10 suggest, yes.  
 11 Q. You say it seems to suggest that. I'm just trying to  
 12 get inside your mind at the time this document was  
 13 produced.  
 14 When you wrote "a standard sample of the product",  
 15 did you understand that you were referring to the PE  
 16 core as opposed to the FR core?  
 17 A. Yes.  
 18 Q. Yes.  
 19 Can we look at the technical file, please, at  
 20 page 147 {BBA00008042/147}. This is what we've called  
 21 test 5A or classification 5A, and just looking at it  
 22 with me, it's a reaction to fire classification report  
 23 number RA05—0005A under 13501—1. At the bottom of the  
 24 page you can see that its date of issue is 7 January  
 25 2005, and just a little above that, the commercial brand

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1 is "REYNOBOND 55 PE riveted system". You see that?  
 2 A. Yes.  
 3 Q. If you go to page 149 {BBA00008042/149}, please, you can  
 4 see that there is a product description under  
 5 paragraph 2 on that page, and you can see that it's  
 6 described as a:  
 7 "Composite panel consisting of a low density  
 8 polyethylene core thermally bonded (using a 70 [micron]  
 9 thick polyethylene film) between two precoated aluminium  
 10 sheets.  
 11 "Tested system: riveted on metallic substructure."  
 12 Then underneath that, at the bottom of the next  
 13 block of text, it says:  
 14 "Finishing coat: DURAGLOSS 5000.  
 15 "Colour: grey/green."  
 16 Then if we go down to page 153 {BBA00008042/153}, we  
 17 can see the classification, B—s2, d0, and below that you  
 18 can see there's a date: 7 January 2005, and the  
 19 signatures at the bottom from the CSTB.  
 20 But a little bit above that, under "Field of  
 21 application", you can see it says:  
 22 "This classification is valid for the following  
 23 product parameters."  
 24 Then the second bullet point there says:  
 25 "Only for the system riveted on any metallic

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1 substructure."

2 Now, my first question is: is this document familiar

3 to you?

4 A. I must have looked at it at some stage, but I can't

5 remember the details.

6 Q. Right, okay. It was on the technical file and we know

7 from other evidence we'll come to that you were sent it

8 by Arconic in 2007, so I'm going to assume you were

9 familiar with it.

10 Can we go back, then, to section 6.1 of the

11 BBA certificate at of that document {BBA00000047/5}, and

12 can we have that up on the screen at the same time as

13 test 5A, classification 5A. Put the two up together.

14 That's {BBA00008042/147}, if we can have that, please,

15 at the same time.

16 Just looking at those side by side, does the

17 certificate at section 6.1 record classification 5A?

18 A. Erm ...

19 (Pause)

20 Q. Let me see if I can help.

21 If you go to page 153 {BBA00008042/153}, as I showed

22 you, where you've got the actual classification in

23 there — and I appreciate this is a long time ago, so

24 you need to see the documents — you can see the

25 classification report 5A has the classification

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1 B—s2, d0.

2 A. Yes.

3 Q. If you cast your eye to the left — hand side of the screen

4 under 6.1, you can see it says that the standard sample

5 of the product when tested for reaction to fire achieved

6 a classification of B—s2, d0 —

7 A. Yes.

8 Q. — under EN 13501.

9 Looking at those two documents now together, can you

10 confirm or tell us that at section 6.1, the reference to

11 the classification there is a reference to this

12 classification in this classification report?

13 A. Yes, I can confirm that, yes.

14 Q. Yes, and that pertains, doesn't it, to PE—cored

15 Reynobond — yes?

16 A. Yeah.

17 Q. In riveted system and only in riveted system; yes?

18 A. Again, this was a document provided by CSTB, so that is

19 how they would assess fire performance.

20 Q. Yes. My question was that it pertains not only to

21 PE—cored Reynobond but to PE Reynobond in the riveted

22 system; yes?

23 A. Yes. But as far as our assessment was concerned, it's

24 quite immaterial or irrelevant how the fixing was done.

25 As far as we — the BBA was concerned, it was the

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1 product we were assessing, so whether it's riveted or

2 cassette—fixed was to some extent irrelevant.

3 Q. I would like to come back to that answer in a few

4 moments, if I can.

5 Can I just back up a little bit, and let's see

6 together — because it will help your recollection,

7 I think — how you came to see this document.

8 Can we go, please, to {MET00053158\_P15/90}. This is

9 an exhibit to Mr Wehrle's statement, and this is

10 an email from you to Mr Wehrle on 15 May 2007. You tell

11 him that good progress is being made in relation to the

12 assessment but you need further information, and you set

13 out four paragraphs there. The first one says:

14 "Reaction to Fire test data for the standard PE

15 panel. If not available, you will need to arrange for

16 the tests to be done, as for the FR product. Please

17 note that the French classification, as described in the

18 Avis—Technique, is not recognized in the UK. Fire test

19 reports for the FR product already submitted with your

20 application."

21 Then if you look up the screen, you can see that he

22 sends you, on 25 May 2007, the classification report 5A,

23 and take it from me that that is what he sends you:

24 "Hello Hamo,

25 "Please find enclosed the fire reaction certificate

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1 for our product Reynobond PE."

2 Then if you look a little bit above that, please, if

3 you go to page 96 {MET00053158\_P15/96}, I think you will

4 need, you go back to him and you say in response to him,

5 also on the same day, 25 May:

6 "Claude

7 "The document is acceptable. Thank you.

8 "I look forward to receiving your response to

9 items 2, 3 and 4 of my email below."

10 So you asked him for the test data for PE, and he

11 sent you classification report 5A that I've shown you.

12 When he sent it to you, did you study it?

13 A. Again, not having enough knowledge, there was no point

14 in me — all I was interested in was the classification.

15 I couldn't study it in detail. I would just look at the

16 classification.

17 Q. So when you told him that the document was acceptable,

18 acceptable for what?

19 A. Acceptable for our purposes.

20 Q. Which were?

21 A. Which were to assess the fire performance of the

22 product.

23 Q. I see.

24 If we go back to page 153 {BBA00008042/153}, please,

25 of the technical file. I showed you this, but I want to

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1 show it to you, again. This is under the "Field of  
2 application".  
3 Did you notice that it said, "Only for the system  
4 riveted on any metallic substructure"?  
5 A. Yes.  
6 Q. You did?  
7 A. Yes.  
8 Q. Did that tell you that the fire classification result  
9 contained in classification report 5A that Mr Wehrle had  
10 sent you at your request was valid only for Reynobond  
11 that was 4 millimetres thick and for the riveted  
12 variant?  
13 A. Again, I must have discussed this with somebody, most  
14 probably Brian Haynes, to see whether the data supplied  
15 was sufficient for our purposes. As I say, other than  
16 that, I couldn't do any assessment at all. I mean ...  
17 Q. Did you notice that the fire classification report he  
18 was sending you applied only to rivet?  
19 A. Yes, but, as I say, because we were assessing the  
20 product, the fact that it's riveted I thought was  
21 immaterial, was irrelevant.  
22 Q. Well, you say that. Let's take that in stages.  
23 Did you ask yourself how, if the classification  
24 report Mr Wehrle had sent you only covered the rivet  
25 system, it could apply validly to the cassette system?

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1 A. That is all the information we had from CSTB, so ...  
2 Q. Going back to section 6.1 of the certificate, please,  
3 {BBA00000047/5}. You can see what's said there, and  
4 I've read it to you now twice, but you can see it  
5 doesn't refer to the fact that classification 5A was of  
6 the rivet system only.  
7 Cutting to the heart of the point, the question is:  
8 why not? Why doesn't it say —  
9 A. Sorry, which paragraph was that?  
10 Q. 6.1.  
11 A. 6.1. Yeah.  
12 Q. You say:  
13 "A standard sample of the product ... achieved  
14 a classification of B—s2, d0 ..."  
15 The question is: why doesn't it say a standard  
16 sample of the product in rivet fixing?  
17 A. Again, because it was — as far as the fire performance  
18 was concerned, it was irrelevant in what context — it  
19 was just the actual surface, the spread of flame,  
20 I think, I believe these things refer to, and it was  
21 irrelevant how they were fixed. As I say, the  
22 information we got from CSTB was a riveted one, but  
23 I believe, maybe as a result of my discussion with  
24 Brian, we decided that's suitable irrespective of the  
25 fixing methods.

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1 Q. Given that the CSTB had provided test data on the  
2 product in riveted form and to be used only in that  
3 fabrication, why did you consider that drawing the  
4 distinction between rivet and cassette in this  
5 subsection of the certificate was irrelevant?  
6 A. Because, as I say, we were — it was covering the panel  
7 material, not the fixing method. And with regard to  
8 resistance to fire, I would suggest it would have been  
9 irrelevant as to what fixing method was used.  
10 Q. Well, that may be true in relation to resistance to  
11 fire, but of course this is about reaction to fire,  
12 isn't it?  
13 A. Again, that shows my ignorance of this particular  
14 subject. I have no — I have very little knowledge of  
15 fire issues.  
16 Q. Right.  
17 Regardless of the amount of knowledge you had, could  
18 you not see that the test data you were being sent  
19 related only to the product in rivet form, and therefore  
20 any claim for fire performance that you could make in  
21 the certificate had to relate to the product in rivet  
22 form and not generally?  
23 A. No, as I say, I must have discussed this with somebody,  
24 with a fire expert possibly, and, as I say, it was just  
25 the material we were covering and I felt — I must have

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1 felt the fixing method was irrelevant.  
2 Q. You knew at the time you drafted this certificate that  
3 there were two fixing methods, because they're clearly  
4 spelt out in the certificate, aren't they, fixing and  
5 cassette; yes? You nodded, but you say yes?  
6 A. Yes.  
7 Q. Did you therefore realise that there should also have  
8 been an equivalent test and classification report for  
9 the cassette—fixing system?  
10 A. I think the BBA certificate makes it clear. The fact  
11 that we've included some details as to how it could be  
12 fixed to a substructure is just to show what the product  
13 can be used — in what context it could be used, nothing  
14 more.  
15 Q. Did you discuss with a fire expert whether you could  
16 safely ignore the distinction between rivet and cassette  
17 when identifying the standard sample's fire performance,  
18 as you do in section 6.1?  
19 A. Not — I can't remember any conversation with regard to  
20 advice from a fire expert, but I must have discussed it  
21 with Brian. I didn't make this decision, that the  
22 fixing method was relevant with regard to fire  
23 performance.  
24 Q. Who did?  
25 A. I can't remember. I mean, I must have been advised by

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1 somebody that it's ... that the data that the CSTB has  
 2 supplied could be used to assess the panel product on  
 3 its own.  
 4 Q. Without distinguishing between rivet and cassette?  
 5 A. That's right.  
 6 Q. You say, "I must have been advised by somebody"; can you  
 7 tell us who that would have been?  
 8 A. I can't, to be honest. As I mentioned, I've got very  
 9 little knowledge of fire issues, and I must have  
 10 consulted with somebody, and they must have thought:  
 11 yes, we could use this data to assess the panel product.  
 12 MR MILLETT: Mr Chairman, is that a convenient moment?  
 13 SIR MARTIN MOORE-BICK: Yes, Mr Millett, I think it is.  
 14 We're going to take to break now, Mr Gregorian, so  
 15 we can all get some lunch, you included. We will come  
 16 back, please, at 2 o'clock.  
 17 During the break, please take care not to discuss  
 18 your evidence or anything relating to it with anyone  
 19 else.  
 20 THE WITNESS: Certainly.  
 21 SIR MARTIN MOORE-BICK: Thank you very much. See you at  
 22 2 o'clock then.  
 23 THE WITNESS: Yes.  
 24 SIR MARTIN MOORE-BICK: Thank you.  
 25 (1.00 pm)

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1 (The short adjournment)  
 2 (2.00 pm)  
 3 SIR MARTIN MOORE-BICK: Good afternoon, everyone, welcome  
 4 back. We're going to continue hearing evidence from  
 5 Mr Gregorian at this point.  
 6 So, Mr Gregorian, are you there, and can you hear me  
 7 and see me?  
 8 THE WITNESS: Yes, I can hear you and see you.  
 9 SIR MARTIN MOORE-BICK: Good, thank you very much indeed.  
 10 Are you ready to carry on?  
 11 THE WITNESS: Yeah.  
 12 SIR MARTIN MOORE-BICK: Good. In that case, I'll invite  
 13 Mr Millett to put some more questions to you.  
 14 When you're ready, Mr Millett.  
 15 MR MILLETT: Yes, Mr Chairman, thank you very much.  
 16 Before I continue with my questions, there is  
 17 something I just ought to make clear to those watching,  
 18 and that is Mr Haynes. As we understand it, Mr Haynes  
 19 was very seriously ill in the months leading up to the  
 20 end of last year and sadly passed away in the last few  
 21 months, and so has been unable to come to give evidence  
 22 to the Inquiry.  
 23 So, Mr Chairman, I hope that that clarifies any  
 24 questions that people might have about why Mr Haynes is  
 25 not able to come to give evidence.

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1 SIR MARTIN MOORE-BICK: Thank you very much. I think it is  
 2 helpful to know that.  
 3 MR MILLETT: Mr Gregorian, can we now go to your witness  
 4 statement at page 6 {BBA00011096/6}, please. I would  
 5 like to look at Inquiry question 14 on that page. In  
 6 doing this, I'm picking up from where we left off before  
 7 the lunch break.  
 8 You can see there that question 14 is:  
 9 "Did you consider the field of application of the  
 10 product(s) certified in Certificate 08/4510?"  
 11 Your answer is at 33, and you say:  
 12 "The fields of application considered would have  
 13 been those in the CSTB certificate and as set out in the  
 14 application form."  
 15 Is it your evidence, so that we're clear, that you  
 16 did consider the field of application set out in  
 17 classification 5A that we've seen?  
 18 A. Well, the CSTB would define what the field of  
 19 application was, and as members of UEAtc, the CSTB's  
 20 definition were acceptable to BBA.  
 21 Q. Yes. The question is: did you consider the field of  
 22 application, and the answer in your statement is, "The  
 23 fields of application considered would have been those  
 24 in the CSTB certificate". My question is: did you  
 25 actually consider, did you actually think about, the

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1 field of application of the product as set out —  
 2 A. I must have thought about, yes.  
 3 Q. Yes. The reason I ask is because the BBA certificate  
 4 doesn't say anything about the European result B being  
 5 limited to rivet form, does it?  
 6 A. No, because, as I've mentioned before, the fixing method  
 7 was considered irrelevant because we were assessing the  
 8 panel material.  
 9 Q. Yes. You have told us that, but just to be clear, you  
 10 agree, I think, that the certificate also doesn't say  
 11 that a reader of it should check the field of  
 12 application with Arconic, does it?  
 13 A. No, I can't remember a statement such as that, no.  
 14 Q. Do you know why it doesn't?  
 15 A. Erm ...  
 16 (Pause)  
 17 We've just followed the format of the certificate  
 18 and ... I'm not sure if that would have been ... as  
 19 I say, bearing in mind, as I say, it's the material  
 20 we're considering, I'm not sure if the application would  
 21 be relevant. It's just a comment. I'm just saying that  
 22 the BBA certificate had a certain format, and I'm just  
 23 assuming that field of application was not meant to be  
 24 in the certificate. I can't comment on that beyond  
 25 that.

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1 Q. How would a reader of this certificate know that the  
2 European class B was relevant only to the rivet fix of  
3 the product?  
4 A. Well, I think we do say somewhere in the certificate  
5 that it's got to be — the whole certificate has got to  
6 be read in entirety, so whoever was looking at that  
7 should have had some knowledge as to how — technical  
8 knowledge as to how the product could be used. I think  
9 that's the impression we do get — you try and get in  
10 the BBA certificate.  
11 Q. There is nothing in the certificate which tells us that  
12 the class B fire classification stated in it relates  
13 only to Reynobond 55 in rivet-fix.  
14 A. No, no.  
15 Q. No, so my question is: how would a reader know that?  
16 A. Again, it's the material, the panel material we were  
17 considering, and the method of fixing was considered  
18 irrelevant. So they could — based on the details given  
19 in the certificate, they could form, fabricate  
20 a particular panel size, and providing all the criteria  
21 were met, they would install.  
22 Q. Can we go back to the certificate, then, please, at  
23 {BBA00000047/5}. Look at section 6.1 on that page. It  
24 says:  
25 "A standard sample of the product ... achieved

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1 a classification of B—s2, d0 ..."  
2 How would anybody reading that section know that it  
3 was only a standard sample of the product in rivet form  
4 as opposed to in cassette form that had achieved that  
5 classification?  
6 A. No, again, as soon as you mention a fixing method,  
7 people would assume that you can only use that  
8 particular panel with a rivet form, but, as I say, the  
9 fixing method was considered irrelevant because we were  
10 assessing the panel material.  
11 Q. Going back to page 3 {BBA00000047/3}, then, please, look  
12 at paragraph 1.1, the second line:  
13 "The panels are available either plain edged  
14 (riveted system) or flanged (cassette system) to suit  
15 architectural requirements (see Figure 1)."  
16 If the difference between riveted system and  
17 cassette system was irrelevant and you were only  
18 certifying the raw panel, what was the point of  
19 inserting that sentence and going to the trouble of  
20 inserting figure 1?  
21 A. That's just an example. It's meant to be an example of  
22 what panels are currently available. There's — you  
23 could choose — consulting engineers could choose any  
24 dimension, any panel size, and this is just meant to be  
25 an example of what was available.

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1 Q. Why was the certificate telling the reader, by example,  
2 what was available?  
3 A. That must have been the standard format of the  
4 certificate. I really wouldn't know, you know. Again,  
5 it's a format that the BBA had adopted for a long time  
6 for panels such as this.  
7 Q. Why does the certificate not tell the reader that in  
8 either of these systems as fabricated, the fabricated  
9 panel falls outside the scope of the certificate?  
10 (Pause)  
11 A. I think there is some reference to this, isn't there,  
12 somewhere in the — perhaps the back page of the  
13 certificate? I think ... I seem to remember there's  
14 something to say that the ... it's just the panel  
15 material we are assessing, especially with regard to  
16 fire.  
17 Q. Well, take it from me that there's nothing in this  
18 certificate which tells the reader that the fabricated  
19 systems, fabricated for rivet or fabricated for  
20 cassette, fall outside the scope of the certificate. My  
21 question is: why is that, if it was irrelevant?  
22 A. I can't answer that.  
23 Q. If you look down at paragraph 1.4, you can see there's  
24 a footnote relating to the subframe, which is very  
25 clearly identified as "Not covered by this Certificate".

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1 If you were intending to exclude from the cover of this  
2 certificate the riveted system and the cassette system  
3 as identified in figure 1, why didn't you make it clear,  
4 as you had with the subframe?  
5 (Pause)  
6 A. With hindsight, we could have amplified that aspect  
7 a bit more clearly in the certificate.  
8 Q. Going back to paragraph 6.1, please, on page 5  
9 {BBA00000047/5}, when it says:  
10 "The standard sample of the product ... when tested  
11 for reaction to fire, achieved a classification of  
12 B—s2, d0 ..."  
13 Do you accept that a reader of that sentence would  
14 be led to think that what had achieved a classification  
15 of B—s2, d0 was the product in both rivet and cassette  
16 fabrications?  
17 A. Well, we — in this particular section, we just state  
18 facts, this particular panel was tested to this, and  
19 that's all that's saying. There's no reference to the  
20 fixing method at all. So if I were reading this,  
21 I would take it as that is how the material behaves in  
22 fire.  
23 Q. What material, Mr Gregorian?  
24 A. The material tested.  
25 Q. What was tested was the material in a rivet form, wasn't

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1 it?

2 A. No, but I think, as far as I remember, a sample has been

3 tested. There is no reference to whether it was fixed

4 or — whether it was rivet—fixed or cassette—fixed.

5 So, again, I have to emphasise, I don't know much

6 about fire, so — or very little, I know very little

7 about fire, so I can't constructively comment as to why

8 this particular statement appears as it is. But I'm

9 quite sure that the product we were assessing had

10 nothing to do with the fixing method, it was just

11 basically making sure that the panel was suitable for

12 inclusion in a cladding system.

13 Q. The product you were assessing, you say, had nothing to

14 do with the fixing method; if that's the case, can you

15 explain what figure 1 is doing in the certificate?

16 A. Again, it was normal practice for some details to be

17 included. You had to give the certificate holder some

18 indication of his product, how he was going to use it,

19 and that was one way of doing it. We always included

20 some detail irrespective of whether they're covered by

21 the certificate — irrespective of whether, yes, they

22 were covered by the certificate or not. I think we do

23 make it clear in the certificate that — what is

24 covered.

25 Q. Do you accept that the reader of this certificate, when

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1 seeing the words, "A standard sample of the product",

2 would think that both rivet and cassette versions were

3 covered by the classification B—s2, d0?

4 A. If I were reading this, that's the conclusion I would

5 have come to.

6 Q. And do you accept that that was a wrong conclusion?

7 A. No, I think in the context of the assessment subject,

8 which was the actual panel material, I would assume that

9 the fixing method was irrelevant. That's what I would

10 conclude from reading that statement.

11 Q. Do you accept — I'll try this one more time — as

12 a matter of fact that when a reader is told that

13 a standard sample of the product achieved

14 a classification of B—s2, d0 in circumstances where it

15 was only the riveted version of that product which had

16 achieved that standard, the reader would be misled?

17 A. This statement points to a sample, it actually refers to

18 a sample. A sample could be any suitable dimension for

19 a test facility. So, again, the way I would read this

20 is it's irrelevant how it's fixed to the substructure.

21 That's how I would interpret it.

22 Q. You see, given that the test itself, the classification

23 B—s2, d0, was only on the rivet—fix, do you accept that

24 the reader would not realise that and might be misled

25 into thinking that it applied to both fixings?

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1 A. It would be right to assume that it would apply to both

2 fixing types. He wouldn't be wrong. But, as I say, if

3 I were reading this, I wouldn't take notice of how the

4 panels were fixed to the substructure.

5 Q. Well, with great respect, Mr Gregorian, he would be

6 wrong because, as I've shown you, the classification of

7 B was only achieved on the rivet form and not the

8 cassette form.

9 A. That's true, but as far as our assessment was concerned,

10 it was considered irrelevant.

11 Q. Can we then look at 6.2:

12 "A fire retardant sample of the product ..."

13 I've read that to you.

14 Can we have at the same time on the screen technical

15 file page 155 {BBA00008042/155}. This is

16 a classification report from the CSTB in relation to the

17 FR product —

18 A. Yes.

19 Q. — which was on the file. You can see that the date of

20 that is 19 October 2006, and you can see from the middle

21 of the page that it relates to Reynobond FR.

22 If we go to page 157 in that document

23 {BBA00008042/157}, keeping the left—hand side of the

24 screen where it is, you can see that the product

25 description there in the third line down is:

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1 "Tested system: riveted on metal substructure."

2 So you have the FR on rivet.

3 If you go to the final page of this report, page 161

4 {BBA00008042/161}, you can see the classification:

5 B—s1, d0. Again, underneath it, under "Field of

6 application", paragraph 4.3, it tells you that:

7 "This classification is valid for the following

8 product parameters:

9 "— A thickness of 4 mm."

10 And then underneath that:

11 "This classification is valid for the following

12 end use conditions:

13 "— Riveted system on metal substructure."

14 Is this the test that is referred to in

15 paragraph 6.2 of the certificate?

16 A. Yes, this is the CSTB data we would have received and it

17 would have been perfectly acceptable to the BBA.

18 Q. I'm so sorry, I've taken you to 6.2. I mean the second

19 half of 6.1, I apologise, where it says:

20 "A fire retardant sample of the product, with

21 a gold—coloured Duragloss finish ... achieved

22 a classification B—s1, d0 ..."

23 Am I right in thinking that it's the test on the

24 right—hand side of the screen —

25 A. Yes.

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1 Q. — which is the basis of the claim for fire performance  
2 in that second sentence of paragraph 6.1?  
3 A. Yes.  
4 Q. Yes.  
5 Now, let's look and see how this document came to be  
6 on the technical file. I think I can take this quite  
7 shortly.  
8 Do you recall that this was requested by Mandy Osman  
9 in November 2007?  
10 A. Yes, I know Mandy, worked with her, yes.  
11 Q. Let's go to {MET00055859/2}, please, and just trace the  
12 emails through. This is an email, second email down,  
13 from Mandy Osman to the BBA. You can see she writes to  
14 Claude Wehrle on 22 November 2007. She encloses a copy  
15 of the proposed certificate and asks for his written  
16 approval. She then says at the bottom:  
17 "As this Certificate is the first of a type to be  
18 put into the 'new' format, we shall circulate the draft  
19 to the regulatory authorities and our Technical  
20 Assessors for their comments. You will be sent a  
21 further copy then for your approval."  
22 If you go up to the first email on this page, you  
23 can see it's a response from Claude Wehrle to  
24 Mandy Osman and to you, and he says:  
25 "Hello,

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1 "I've [got] some remarks ..."  
2 This email, which is 23 November, has some text in  
3 blue and red. The red is Claude Wehrle's, and there are  
4 some comments in green.  
5 If we scroll up to the very bottom of page 1 in this  
6 email chain {MET00055859/1}, we can see that at the very  
7 bottom of the page, you say, the same day,  
8 23 November 2007:  
9 "Claude  
10 "Please see my response below (in green)."  
11 Do you see that?  
12 A. Yes.  
13 Q. Can we take it that the green text on page 2 is yours?  
14 A. Yes, yes.  
15 Q. If we go back to the top of page 2 {MET00055859/2},  
16 then, let's look at the email from Claude Wehrle to  
17 which you have responded.  
18 You can see:  
19 "On 1. Description:  
20 "... instead of 'A duragloss coating ... a PVDF  
21 coating' can you write 'A Duragloss or PVdF coating  
22 protects the exposed face in many different colors to  
23 outside exposure. The unexposed face is protected with  
24 a polyester primer.'"  
25 And you have added, is this right:

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1 "Text will be amended as advised."  
2 Yes?  
3 A. Yes.  
4 Q. Then on 1.3 Mr Wehrle writes:  
5 "Can you add the 2 dimensions 2000 x 3000 and  
6 2000 x 4000."  
7 Again, you have said in response in green:  
8 "Text will be amended as advised."  
9 That's you again, is it?  
10 A. Yes.  
11 Q. Then on 6.1 he says:  
12 "Can you add the results of our fire certification  
13 for Reynobond FR (B—s1, d0).  
14 "Test report send to Hamo some month ago."  
15 And then you say in green:  
16 "I do not appear to have received this report.  
17 Please resend."  
18 If we scroll up to the bottom of page 1  
19 {MET00055859/1}, second email from the bottom, you can  
20 see there that in response to this email from you, with  
21 your green comments in it, Claude Wehrle comes back to  
22 you and says:  
23 "Hello Hamo.  
24 "Please find enclosed the document for our Reynobond  
25 FR certification ."

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1 If you look at the attachment — you can't see the  
2 attachment to that, but in fact the attachment is the  
3 certificate of 2006 we've just been looking at for rivet  
4 in FR.  
5 At the top of page 1, second email down, a little  
6 bit later the same day, you say:  
7 "Claude  
8 "The report is fine.  
9 "I'll add appropriate statement to section 6.1."  
10 Can we take it from the email run I've shown you  
11 that it was Claude Wehrle who asked you specifically to  
12 include the European classification for FR—cored  
13 Reynobond?  
14 A. We would do that — we would have to do that. We need  
15 to put the information in the certificate, so ...  
16 Q. Yes. He wants you to add the results, you say  
17 "I haven't had the report", he sends it to you and you  
18 tell him it's fine. I'm just asking you really to  
19 summarise that and to agree with me that it was  
20 Claude Wehrle who asked you specifically to include that  
21 European classification for FR—cored Reynobond?  
22 A. Yes, that's — yes, I suppose so, yes.  
23 Q. We don't see that you asked him, having received the  
24 report he sends you, whether there was an equivalent  
25 test for FR—cored Reynobond 55 in a cassette—fix. Do

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1 you think you did ask him for that?  
 2 A. I can't remember.  
 3 Q. It doesn't appear that you did, and my question would  
 4 be: on the basis that you didn't, why didn't you?  
 5 A. Erm ...  
 6 (Pause)  
 7 I can't answer. I can't answer that. I mean,  
 8 I don't know the details, I can't remember what went on  
 9 during our communication.  
 10 Q. So far — I'm sorry, do you want to —  
 11 A. No, sorry.  
 12 SIR MARTIN MOORE—BICK: On you go, Mr Millett.  
 13 MR MILLETT: Yes.  
 14 So far, everything we have been looking at by way of  
 15 reports from CSTB have been classification reports.  
 16 We've seen test 5A for the PE rivet and we've seen the  
 17 2006 test for FR in rivet. We've seen no underlying  
 18 test data on which those classifications are based.  
 19 Do I take it from that that you never asked Arconic  
 20 for the underlying test data?  
 21 A. I think our assessment was based on whatever information  
 22 they supplied.  
 23 Q. Did you realise that under the contract that Arconic had  
 24 with the BBA, Arconic was obliged to send all relevant  
 25 test data to you?

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1 A. They must have done.  
 2 Q. Well, you say they must have done —  
 3 A. I can't — I mean, for fire assessment we would require  
 4 documentation and Arconic would have had to supply that,  
 5 and our assessment would have been based on the  
 6 BS 476—6/7 test and whatever other information CSTB or  
 7 Arconic would provide.  
 8 Q. Did you notice that you — I'm sorry, I started asking  
 9 my question, I think, before you had finished your  
 10 answer. Maybe not.  
 11 Did you notice that although you had classification  
 12 reports, Arconic had not provided you with the  
 13 underlying test data on which those classification  
 14 reports were based?  
 15 A. Sorry, can you repeat the question? I can't quite hear.  
 16 Q. Did you notice that you didn't have any underlying test  
 17 data which supported the classification reports I've  
 18 shown you?  
 19 A. I think that there is a good chance the CSTB document,  
 20 the avis technique, would have had some information.  
 21 And whether the Warrington fire test was done previously  
 22 to that, I can't remember, I couldn't comment.  
 23 Q. Specifically in relation to the test data underlying the  
 24 classification reports for fire that we've seen, did you  
 25 notice that Arconic had not sent you that underlying

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1 fire test data?  
 2 A. I suppose from the communication I can only conclude  
 3 that they hadn't, so I had to chase.  
 4 Q. So can we take it that you accepted — the BBA  
 5 accepted — the classification reports from the CSTB as  
 6 the basis of your certification of Reynobond 55 as  
 7 having Euroclass B without looking at the underlying  
 8 test data?  
 9 A. I think that's quite — it's normal procedure actually  
 10 between UEAtc members.  
 11 Q. It's normal procedure, is it?  
 12 A. It is, yes, yes.  
 13 Q. I see.  
 14 Now, as I've shown you, I think probably too many  
 15 times, Mr Gregorian, we've seen that both the European  
 16 classification reports from the CSTB for Reynobond 55  
 17 related to the fabrication in rivet—fix. We know now  
 18 that Arconic did another test on Reynobond PE in  
 19 cassette—fix.  
 20 Can we look at that test report, please. It's at  
 21 {ARC00000536}. I'll just show you this document and see  
 22 whether you're familiar with it.  
 23 You can see that it's a reaction to fire test report  
 24 number RA05—0005B according to European Standards  
 25 EN 13823 and ISO 11925—2. We have called this test 5B.

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1 It says at the very top "K7 System", and then there  
 2 is an exclamation mark in a triangle, "Not classified  
 3 because the test had to be interrupted".  
 4 If we look at the document on its face, just the  
 5 first page of it I think will probably do for this  
 6 purpose, is this a document you've ever seen before?  
 7 A. I must have come across it, I suppose, I can't remember.  
 8 Q. Right. Let's look at page 3 {ARC00000536/3}. You can  
 9 see that it bears the date of test of 2 December 2004,  
 10 and a little bit lower down it refers to the commercial  
 11 brand as "REYNOBOND 55 PE Cassette system". Do you see  
 12 that?  
 13 A. Yes.  
 14 Q. At the bottom of the page, we can see, right at the  
 15 bottom, that there is a date, 7 January 2005, and signed  
 16 by the CSTB there.  
 17 If we go to page 7 {ARC00000536/7}, we can look at  
 18 the results for specimen 1 — and there was only one  
 19 specimen — and there are the results set out for the  
 20 product Reynobond 55 PE. You have got the FIGRA, the  
 21 THR and the SMOGRA figures set out across the page, and  
 22 then under "Comments", if you look at the bold text at  
 23 the very end of that little block of text, it says:  
 24 "The tests were stopped after 850 seconds; the  
 25 results are not usable but give an idea of the fire

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1 behaviour of the product."  
 2 Now, there is no evidence that we've seen in the  
 3 documents, Mr Gregorian, that the BBA ever received this  
 4 document. To the best of your recollection, is that  
 5 correct?  
 6 A. I certainly can't remember seeing this document.  
 7 Q. Do you remember whether Arconic ever told you that  
 8 they'd done a European test under EN 13501 on the  
 9 cassette variant of Reynobond PE?  
 10 A. I can't remember that either, no.  
 11 Q. Did you ever discuss with Claude Wehrle any tests at all  
 12 done on cassette—fix Reynobond?  
 13 A. No, I don't think so.  
 14 Q. Do we take it from that that you were simply not aware  
 15 of the fire performance tests on Reynobond that were  
 16 done on cassette?  
 17 A. Again, I can't remember the ... whatever information was  
 18 lacking, so I'm guessing, again, because it was not  
 19 entirely relevant to our assessment, I'm guessing we  
 20 didn't ask for it.  
 21 Q. Right.  
 22 Now, just to go back to a point we have been looking  
 23 at earlier, you had on the file in 2006 the two  
 24 avis technique reports from the CSTB, one for rivet and  
 25 one for cassette. You remember looking at those this

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1 morning with me? So you knew that there were two  
 2 different kinds of fabrication so far as the CSTB was  
 3 concerned; yes?  
 4 A. Yes.  
 5 Q. Yes, and you knew that there was a CSTB classification  
 6 for rivet for fire.  
 7 Did you notice, regardless of whether it was  
 8 relevant, that there wasn't one that you had for  
 9 cassette, whether in PE or in FR?  
 10 (Pause)  
 11 A. Again, from memory, I might have considered this, but,  
 12 as I say, because we were assessing the panel, not —  
 13 with the exclusion of the fixing system, we didn't chase  
 14 for anything else, we just used whatever CSTB had  
 15 provided.  
 16 Q. Let me try it this way: did you ever have a conversation  
 17 with Mr Wehrle along the lines of, "Well, look, Claude,  
 18 we've got your CSTB reports avis technique for rivet and  
 19 cassette, but we've only got rivet tests for fire; do  
 20 you have any cassette tests for fire?" Did you ever  
 21 have a conversation along those lines?  
 22 A. No, I can't remember having such a conversation, but  
 23 again, because it was irrelevant, I didn't feel the need  
 24 to pursue that information.  
 25 Q. If the distinction between the two was irrelevant, as

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1 you tell us, did you wonder why there were two separate  
 2 reports done by the CSTB under avis technique, one for  
 3 cassette and one for rivet?  
 4 A. You ask for information from CSTB and they provide  
 5 whatever they have, so ...  
 6 Q. Yes, I appreciate that, but did you ever ask yourself:  
 7 I wonder why there are two separate reports, one for  
 8 cassette and one for rivet, if the distinction between  
 9 them for your purposes was irrelevant?  
 10 A. Yes, I think — yes, that's what I assumed, because  
 11 again, we were assessing the product and either of these  
 12 reports would have been — could have been used for our  
 13 assessment.  
 14 Q. When you say, "That's what I assumed", what did you  
 15 assume?  
 16 A. Well, I assumed whatever information they'd provided was  
 17 sufficient for us to make an assessment.  
 18 Q. Do I take it from that that you, as a matter of fact,  
 19 never asked Mr Wehrle why you had received test data for  
 20 the rivet—fix but no test data for the cassette—fix?  
 21 A. That's correct, I didn't ask him for anything else.  
 22 Q. And that's because you thought that the distinction  
 23 between them was irrelevant, even though you had clear  
 24 separate CSTB avis technique reports for cassette and  
 25 rivet respectively?

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1 A. That's correct, yes.  
 2 Q. Now, can we look at Brian Haynes' witness statement,  
 3 please. That's {BBA00010784/11}, paragraph 45. You can  
 4 see a question in bold from the Inquiry at the top of  
 5 the screen, top of page 11. The question goes as  
 6 follows:  
 7 "What information on fire performance was Alcoa  
 8 asked to provide to the BBA prior to the certification  
 9 in 08/4510? Did you or anyone at the BBA ask Alcoa for  
 10 all relevant test data in respect of Reynobond  
 11 Architecture Wall Panels? If not, why not?"  
 12 The answer he gives is at paragraph 45, and he says  
 13 this:  
 14 "From evidence on the file, Alcoa was asked, by the  
 15 Product Assessor, to provide evidence for the reaction  
 16 to fire performance for the standard panel, as was  
 17 already available for the FR grade product.  
 18 "In making this request BBA assumed that all  
 19 relevant data would be supplied."  
 20 Did you expect — this is my question to you,  
 21 Mr Gregorian — that when the BBA asked for evidence of  
 22 the reaction to fire of PE panels, you would have  
 23 expected Arconic to provide you all relevant data?  
 24 A. Yes, ideally that's what should have happened, but  
 25 I think we made assessments with whatever data were

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1 available .  
 2 Q. You say, "Ideally that's what should have happened"; why  
 3 was that an ideal? Why should it not have happened as  
 4 a matter of course?  
 5 A. Well, there's — the idea is to ask for information from  
 6 the client , but you don't always get what you want, so  
 7 we think of other ways of assessing the product.  
 8 Sorry, you were reading this paragraph, but I can't  
 9 see it on the screen.  
 10 Q. Oh, I'm sorry, and I'm slightly surprised about that  
 11 because it's still on my screen. Can you not see  
 12 paragraph 45 and 46 of Mr Haynes' statement?  
 13 A. Oh, yes, yes.  
 14 Q. Would you like me to read it to you again?  
 15 A. Yes, if you would, yes.  
 16 Q. The answer to the question that you can see in bold is:  
 17 "From evidence on the file, Alcoa was asked, by the  
 18 Product Assessor, to provide evidence for the reaction  
 19 to fire performance for the standard panel, as was  
 20 already available for the FR grade product.  
 21 "In making this request BBA assumed that all  
 22 relevant data would be supplied."  
 23 So that was what I was asking you about.  
 24 A. Yes. Yes, that's what we normally expect the client to  
 25 provide, but they provided whatever they had.

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1 Q. Would you therefore have expected all the relevant data  
 2 to have included the fire test data that I've just shown  
 3 you in relation to the cassette version in early 2005,  
 4 namely test 5B?  
 5 A. Erm ...  
 6 (Pause)  
 7 I can't answer that question, to be honest.  
 8 Q. Let me try it this way: if Arconic was sitting on  
 9 test 5B and the BBA was assuming that all relevant test  
 10 data would be supplied, do I take it that the BBA would  
 11 assume that test 5B would be supplied?  
 12 A. Yes.  
 13 Q. Yes.  
 14 A. Yes.  
 15 Q. Did the fact that Mr Wehrle had not provided you with  
 16 a classification report for PE cassette—fix, nor indeed  
 17 any test data for PE cassette—fix, ring any alarm bells  
 18 with you?  
 19 A. No. Again, back to my statement before, it was just the  
 20 panel we were considering and, you know, the fixing  
 21 method was considered irrelevant. I must have discussed  
 22 it with Brian at some stage and we were assessing the  
 23 panel accordingly.  
 24 Q. When you say that the distinction between rivet and  
 25 cassette was irrelevant, were you proceeding on the

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1 assumption that, in those two different fixing systems,  
 2 there would be no difference to the fire performance of  
 3 the product?  
 4 A. That's correct.  
 5 Q. What was the basis of that assumption?  
 6 A. Again, with my limited knowledge of fire issues, I must  
 7 have discussed it with Brian, and I must admit I agreed  
 8 with the conclusion, that we could assess the panel on  
 9 its own, and the fixing method would be irrelevant.  
 10 I sort of concurred with Brian. I must have done.  
 11 Q. My question really is: what was the basis, so far as you  
 12 remember, of the assumption that in different fixing  
 13 systems there would be no difference between them as to  
 14 the fire performance of the product?  
 15 A. What was the basis?  
 16 Q. What was the scientific basis?  
 17 A. Again, I can't comment on that, because I don't know  
 18 enough about fire issues, but I think it's logical to  
 19 assume — I thought — I must have thought at that  
 20 stage, that it's — you're testing the materials. How  
 21 it's fixed — I mean, whatever test you do, it's fixed  
 22 to something.  
 23 Q. Did anybody at the BBA ever rigorously verify that  
 24 assumption, or try to?  
 25 A. No, as far as I know, no.

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1 Q. Did anybody at the BBA at the time ever perceive that,  
 2 in fact, in proceeding on that assumption, there was  
 3 a great deal of risk?  
 4 A. No, as far as I know, no.  
 5 Q. Were you aware in general terms at the time of any  
 6 understanding or belief in the UK construction industry  
 7 or perhaps the European construction industry that  
 8 rivet—fix ACM would perform worse in fire tests than  
 9 cassette—fix?  
 10 A. I wasn't aware of that. I don't know.  
 11 Q. Can we then look at Arconic's claims for class 0 for PE.  
 12 It's a slightly different topic, but very much the same  
 13 documents.  
 14 Can we begin in the technical file, please, at  
 15 page 83, {BBA00008042/83}. Now, this is a brochure from  
 16 Reynobond which is on the technical file. It's called  
 17 "Discover new perspectives".  
 18 Looking at the front page, is this a document you  
 19 recall, do you think?  
 20 A. No, I can't remember, but it's quite normal for some  
 21 promotional literature to be included in the technical  
 22 dossier.  
 23 Q. Right. Can we look at page 104 {BBA00008042/104}.  
 24 I'm afraid this is going to have to be expanded  
 25 considerably, but in the bottom right—hand corner of the

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1 document you can see it has "11/05 GB". You can just  
 2 see that in vertical print. Can you see that?  
 3 "Version 11/05 GB".  
 4 A. Yes.  
 5 Q. We've taken that to mean November 2005.  
 6 Do you remember looking at this document on the  
 7 technical file when you were preparing this certificate?  
 8 A. No, I can't remember, no.  
 9 Q. Would it be typical for you or, to your knowledge,  
 10 anybody else at the BBA to review this sort of  
 11 literature as part of the assessment of a certificate?  
 12 A. No, we wouldn't review every single document that was  
 13 supplied.  
 14 Q. No, but would you typically review this kind of  
 15 literature? Would you use it as part of your  
 16 assessment?  
 17 A. No. No, I — no, I don't think so.  
 18 Q. Let's just look at it, page 101 {BBA00008042/101}, and  
 19 see how far we go.  
 20 At that page you can see that there is a list of  
 21 fire certificates, and at the fourth line down, if we  
 22 could have that expanded, you can see that there is  
 23 a block of four UK entries there. Can you see that?  
 24 A. Yes.  
 25 Q. The first two relate to PE, and the second two relate to

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1 FR.  
 2 If we track across, we can see Warringtonfire  
 3 documents 132316 and 132317 for FR. Those are the  
 4 reports from 2003 which I think we looked at before.  
 5 If you go up a little bit to the PE results above,  
 6 we can see that Arconic are saying in this document that  
 7 PE-cored ACM has a class 0 rating; yes?  
 8 A. Yeah.  
 9 Q. If you track across, you can see that, to support that,  
 10 the Warringtonfire documents 70707 and 70708 are  
 11 referred to.  
 12 Now, I've shown you that because it's on your file.  
 13 Were you aware at the time of Arconic's claim that  
 14 ACM or Reynobond 55 with a PE core had class 0?  
 15 A. Sorry, the question is?  
 16 Q. Were you aware at the time you were preparing the  
 17 certificate that Arconic claimed in its product  
 18 literature — and this is an example of it on your  
 19 file — that Reynobond 55 in PE had class 0?  
 20 A. Again, not being familiar with the details, I must have  
 21 consulted a fire expert for this. I vaguely remember  
 22 this document, but I haven't gone into detail at all.  
 23 Q. No, all right. Let me try it a different way.  
 24 This is a document which we can see, because we can  
 25 read it, and it was on your file, by which Arconic claim

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1 that Reynobond 55 in PE, in other words the standard,  
 2 had actually got class 0.  
 3 My question is: were you aware at the time that  
 4 Arconic had claimed and was claiming that PE-cored  
 5 Reynobond 55 was class 0?  
 6 A. I can't remember.  
 7 Q. We've got the documents referred to, certificate 70707  
 8 and 70708, and indeed a summary report. There is no  
 9 evidence that we've seen that those certificates were  
 10 actually ever sent to the BBA.  
 11 Can you help with that? Do you think they ever were  
 12 sent to the BBA?  
 13 A. I remember seeing some documents from Warrington, but,  
 14 as I say, I can't remember having seen this particular  
 15 report at all.  
 16 Q. Right.  
 17 Did you — and I think the answer is no, but do  
 18 I take it from your evidence so far that you didn't  
 19 notice that this brochure indicated that there might be  
 20 more documents relevant to UK national classification  
 21 that you didn't have?  
 22 A. The Warrington report I think we had, and I think we —  
 23 for all I know, the fire expert would have consulted  
 24 these particular documents for their assessment.  
 25 Q. Yes, the FR you would have had, but the PE Warrington

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1 documents, the two 70707 and 70708, we can't see that  
 2 you did have. My question is: did you notice that this  
 3 brochure was saying that those documents existed but you  
 4 didn't have the reports?  
 5 A. No, I didn't notice, no, no.  
 6 Q. Did you have any document in your possession which  
 7 showed that Reynobond 55 in PE had actually been tested  
 8 under BS 476-6 and 7 and achieved a class 0  
 9 classification?  
 10 A. Sorry, what was your question again?  
 11 Q. Did you have any documents in your possession which  
 12 showed that Reynobond 55 in PE had undergone the BSI  
 13 test at 476 and had achieved a class 0 classification?  
 14 A. No, I — no, I don't know, I just ...  
 15 Q. Did you know — and I can take this shortly, I think —  
 16 that in fact the certificates 70707 and 70708 related to  
 17 a product called Reynobond RB 160 PE, not Reynobond 55?  
 18 A. I can't remember the details. I can't remember at all.  
 19 Q. Taking it from me that those two sets of tests, 70707  
 20 and 70708, were dated 9 May 1997 — take that from me —  
 21 would you be surprised to see that classification still  
 22 being referred to in a brochure seven years later, or  
 23 eight years later?  
 24 A. Sorry, I don't understand the question.  
 25 Q. Let me try it a different way.

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1 Did you have any rule or thumb or policy perhaps  
2 within the BBA about how old test data could be to form  
3 the basis of a certificate?  
4 A. I'm not aware of such a thing, but I'm guessing any test  
5 data which might be used to some extent to assess fire  
6 performance would have been useful. But I believe there  
7 is a time limit, but I have no idea as to what that time  
8 limit is.  
9 Q. Very well.  
10 Can we then turn to the certificate again, the  
11 BBA certificate {BBA00000047/5}, and look at  
12 section 6.3. We have been through quite a lot of  
13 material, and it's quite technical and it's a long time  
14 ago, so let me try to help you by summarising where  
15 I think we've got to so far, Mr Gregorian.  
16 At this stage, we've covered three things.  
17 Do you agree, then, first, that the BBA had  
18 a European classification for rivet—fix PE core ACM in  
19 grey/green showing it to be class B? You nodded.  
20 That's a yes?  
21 A. Sorry, which paragraph are you —  
22 Q. Just looking at 6.1 and 6.2.  
23 A. Yeah.  
24 Q. Summarising what they tell us and what we have been  
25 through.

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1 First of all, you have been sent a European  
2 classification report for rivet—fix PE—cored ACM in  
3 a grey/green colour saying it's class B; yes?  
4 Class B—s2, d0.  
5 A. Yeah.  
6 Q. Secondly, you have had a European classification for  
7 rivet—fix FR core in gold, also class B, 2006.  
8 A. Yes.  
9 Q. Yes.  
10 A. I'm not sure where you're reading the rivet —  
11 Q. I'm not reading, I'm just summarising where we've got  
12 to.  
13 Let's start again.  
14 We've seen three separate classification reports or  
15 test reports. We've seen, first of all, test 5A from  
16 2005, which is a European classification for rivet—fix  
17 PE core in a grey/green colour showing it to be  
18 class B—s2, d0; yes?  
19 A. Yeah.  
20 Q. Yes.  
21 We've also seen a European classification for  
22 rivet—fix FR in a gold colour, also class B, that's  
23 class B—s1, d0.  
24 A. Yeah.  
25 Q. Both of those are referred to in 6.1.

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1 We've also got, looking at 6.2, a set of results  
2 from September 2003 under BS 476 achieving UK national  
3 class 0 for FR core in a metallic grey; yes?  
4 A. Yeah.  
5 Q. Yes. So that's, in a nutshell, what 6.1 and 6.2 are  
6 referring to.  
7 Can we now look at 6.3, and I want to look at this  
8 very carefully with you. At 6.3 it says:  
9 "As a consequence of sections 6.1 and 6.2, the  
10 products may be regarded as having a Class 0 surface in  
11 relation to the Approved Document B of The  
12 Building Regulations 2000 (as amended) (England and  
13 Wales) ..."  
14 I don't need to go on.  
15 If we skip to page 1 of the certificate  
16 {BBA00000047/1}, which I said I would come back to,  
17 let's go to it now, and look under "Key factors  
18 assessed" there, third item down, "Behaviour in relation  
19 to fire", it says:  
20 "In relation to the Building Regulations for  
21 reaction to fire, the panels may be regarded as having  
22 a Class 0 surface in England and Wales ..."  
23 I want to examine with you the statement, the words,  
24 "the panels may be regarded as having a Class 0 surface"  
25 in both of those parts.

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1 My first question to you is: what do those words  
2 mean, the words "the panels may be regarded as having  
3 a class 0 surface"?  
4 A. I think, again, I've got to emphasise that this is  
5 a wording that Brian looked at and approved. Generally  
6 the impression I get is "may be" means they are. It's  
7 not — it's not possibly; it's they can be regarded as  
8 a low-risk material. That's how I would read it.  
9 Q. Well, how did you understand it at the time?  
10 A. I think, yes, that's always the impression I get. When  
11 they say "may be", it means they can be classed as  
12 a material with low risk.  
13 Q. Did you write that statement? Did you draft the words  
14 "may be regarded as having a Class 0 surface"?  
15 A. Again, this is a fairly standard sort of statement, but  
16 I must have discussed it with Brian, who would have  
17 approved the statement. I cannot — I have no knowledge  
18 of what is low risk, what is incombustible or whatever,  
19 so I'm sure I would have okayed this particular  
20 statement by discussing it with Brian.  
21 Q. You say that this was a fairly standard sort of  
22 statement; is this a wording, "may be regarded as having  
23 a Class 0 surface", a phrase you took from somewhere  
24 else?  
25 A. Yes, there's a good chance there was a similar product

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1 which I have actually included, but again, it's  
 2 something that they — not only for fire, but all the  
 3 other sections that would look at it, they would edit as  
 4 appropriate.  
 5 Q. Is there —  
 6 A. — draft certificate isn't final. There are so many  
 7 different sort of drafts. Eventually we get to the  
 8 correct answer.  
 9 Q. When you chose the words you used here in the initial  
 10 draft, why didn't you simply say, "The panels have  
 11 a class 0 surface"?  
 12 A. I think the class 0 — it is quite clear that it has  
 13 a class 0, but all this is saying is that it can be  
 14 regarded as a low risk material, and as to the logic  
 15 behind that, I wouldn't have a clue. I don't know.  
 16 I don't know why a class 0 surface is called a low risk  
 17 material; I've no idea.  
 18 Q. Is there any reason why you chose to use the words "the  
 19 panels may be regarded as having a Class 0 surface", as  
 20 opposed to using the words, "the panels have a class 0  
 21 surface"?  
 22 A. I think because of the assessment we were carrying out,  
 23 bearing in mind the front face was different to the back  
 24 face of the panel, eventually we came to the conclusion  
 25 that, irrespective of the differences between the two

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1 faces, it can still be regarded as a class 0 surface, as  
 2 per what — bearing in mind, it's a composite material,  
 3 it's even probably more complicated than going to get  
 4 homogeneous material to assess. So this is the  
 5 conclusion, despite all the various tests and so on, the  
 6 conclusion was it may be regarded as a class 0  
 7 surface ...  
 8 Q. Let's go back to page 5 {BBA0000047/5}, and look at the  
 9 use of the expression in that part of the certificate,  
 10 you say, in 6.3, as I've shown you:  
 11 "As a consequence of sections 6.1 and 6.2, the  
 12 products may be regarded as having a Class 0  
 13 surface ..."  
 14 What was it about sections 6.1 and 6.2 that led to  
 15 the consequence that the products may be regarded as  
 16 having a class 0 surface?  
 17 A. Again, I have no knowledge of how the conclusions were  
 18 drawn, all I know is that they've got — there are two  
 19 or three different samples which were tested, and the  
 20 conclusion has been stated in 6.3.  
 21 Q. Was it not clear to you at the time that, although FR  
 22 had indeed passed BS 476 tests and achieved class 0, PE  
 23 had not?  
 24 A. I can't comment on that, I can't remember the details.  
 25 Q. You refer in an earlier answer to there being expert

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1 input on this, and you say Brian Haynes looked at and  
 2 approved this wording. Did Brian Haynes himself obtain  
 3 any expert guidance from outside the BBA on that wording  
 4 that we're looking at?  
 5 A. Yes, I believe — I think Sarah Colwell was the only  
 6 consultant he actually communicated with. Whether he  
 7 had — Brian Haynes was always in touch with BRE with  
 8 regard to fire, so if it had been discussed in my  
 9 absence, I wouldn't know.  
 10 Q. Did Brian Haynes, to your knowledge, take notes of his  
 11 discussions with the BRE on these occasions he was in  
 12 touch with them?  
 13 A. No, no, he had his own office, as technical manager, but  
 14 he was constantly in communication with BRE, as far as  
 15 I know.  
 16 Q. And, as far as you know, did he make notes of those  
 17 constant communications? Did he record the advice that  
 18 was given on each occasion?  
 19 A. No. With regard to this particular product or  
 20 generally?  
 21 Q. Let's start with this particular product.  
 22 A. No. The only conversation I seem to remember is with  
 23 Sarah Colwell with regard to the fire assessment of this  
 24 product —  
 25 Q. Yes, we will come to that in just a moment.

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1 In general terms, then, was it Brian Haynes'  
 2 practice, to your knowledge, not to take notes of advice  
 3 given to him by external fire experts such as  
 4 Sarah Colwell?  
 5 A. No, he wouldn't, no.  
 6 Q. So can you tell us how that advice would then be  
 7 recorded within the BRE other than in Brian Haynes' own  
 8 memory? Or perhaps it wouldn't be?  
 9 A. As far as I know, there were no written records of them.  
 10 I mean, obviously I didn't get a response from BRE, so  
 11 I asked Brian to look into it.  
 12 Q. Right.  
 13 Was there ever a time in your time at the BRE when  
 14 external fire expertise advice of this nature, coming  
 15 from Sarah Colwell or perhaps other experts, was  
 16 required to be formalised, memorialised in writing?  
 17 A. That's the general method. We always insist on written  
 18 ... when you write an email to a consultant, you expect  
 19 a result. But in this case, it was rather unusual not  
 20 to have a response, and that's why I talked to Brian.  
 21 That's why I remember some of the details, because it  
 22 was unusual in that respect.  
 23 Q. Right. Well, let's pursue this a bit more.  
 24 Can we go to technical file, page 505, please,  
 25 that's {BBA00008042/505}, and we can go to the bottom of

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1 the page. We can see an email to Sarah Colwell from you  
 2 on 29 November 2007, copied to Brian Haynes, subject:  
 3 "Reaction to Fire, Rainscreen Cladding".  
 4 We need to go over to page 507 {BBA00008042/507} to  
 5 see the rest of it. It says:  
 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 First, do you accept as a matter of fact that the PE  
 4 standard of Reynobond 55 had not been tested under  
 5 BS 476 and did not have class 0, only FR did?  
 6 A. Sorry, your question again, please?  
 7 Q. Looking five lines down you say:  
 8 "Based on testing and classification to EN 13501-1  
 9 and BS 476-6 & 7, the exposed face has been assessed as  
 10 having a Class 0 surface in relation to Approved  
 11 Document B ..."  
 12 Do you accept that BS 476-6 and 7 only applied to  
 13 the FR version of Reynobond 55 and not the PE version?  
 14 A. Again, I can't remember the details but I'm guessing  
 15 that that was the case.  
 16 Q. Yes. I mean, you had not seen, at the time you wrote  
 17 this email, any test data under BS 476-6 and 7 which  
 18 related to the PE core, only the FR core.  
 19 A. We do say something about the PE version in the  
 20 certificate, don't we?  
 21 Q. Can you just answer my question. I'll try it once more:  
 22 do you accept that, as a matter of fact, you didn't have  
 23 any test data under BS 476-6 and 7 relating to the PE  
 24 core version of Reynobond 55, only the FR?  
 25 A. Yes, I would accept.

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1 Q. So when you told Sarah Colwell that the exposed face had  
 2 been assessed as having a class 0 surface, that was true  
 3 only in respect of FR; it wasn't true, was it, in  
 4 respect of the PE, the standard?  
 5 A. That must have been the case. I can't remember,  
 6 I mean ...  
 7 Q. Why didn't you make that clear to Sarah Colwell at the  
 8 time?  
 9 A. Erm ... I think I must have -- I say I must have; the  
 10 intention here is to assess a particular panel with the  
 11 particular coatings. Now, I'm not sure if this material  
 12 was fire retardant type or the PE type. All I'm asking  
 13 in this email is if she could have a look as to how we  
 14 can assess this and provide the appropriate statement in  
 15 the certificate. That's all.  
 16 Q. I'm just trying to understand how you come to make the  
 17 statement to Sarah Colwell that you do in the sentence  
 18 we're examining.  
 19 First of all, do you accept that when you tell her  
 20 that the exposed face has been assessed as having  
 21 a class 0 surface, that was true only in respect of the  
 22 FR but not true in respect of the --  
 23 A. The FR or the standard version would have been defined  
 24 by the PVDF coating or any other coating. I mean, the  
 25 intention is to see with this particular coating what

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1 would be her assessment. I would have no knowledge of  
 2 what a fire retardant version was, what a PE version  
 3 was. Basically this is the information we had and, as  
 4 far as I remember, I let Sarah have the necessary  
 5 information to make an assessment.  
 6 Q. When you said, "Based on testing and classification to  
 7 EN 13501", which is the European Standard, did you think  
 8 that classification of rivet PE as class B, as we've  
 9 seen, contributed in some way to the product's claim to  
 10 have class 0?  
 11 A. Again, the fixing method was considered irrelevant here.  
 12 Q. Let's look and see what Brian Haynes says about this.  
 13 Can we go to his witness statement, please, at page 6  
 14 {BBA00010784/6}, paragraph 28. He is talking about the  
 15 European tests, he is referring to the European  
 16 standards, and in the fourth line in that paragraph, can  
 17 you see, Mr Gregorian, he says:  
 18 "They were published as part of a much wider process  
 19 of Standards Harmonisation and, at the time of the  
 20 assessment in question, they were not widely recognised  
 21 by users in the UK. They could not be used to  
 22 definitively establish Class 0 performance as defined in  
 23 UK Building Regulations. However, they could be used to  
 24 classify performance in relation to EN 13501-1  
 25 (Harmonised European Classification Standard) which was

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equally acceptable under Building Regulations Approved Document B."

Now, can we look at page 12, please, of the same statement {BBA00010784/12}, paragraph 53, under question 16. At the bottom of that page, Mr Gregorian, you can see a lengthy question set out by the Inquiry:

"Did the 2008 certificate for Reynobond Architectural Wall Panels (08/4510) indicate that all such panels achieved national Class 0? If not, why not?"

"Please explain with particular reference to the contents of the certificate including: (i) 'KEY FACTORS ASSESSED' on page 1; (ii) section 13.1 on page 8: 'This certificate relates only to the product/system that is named and described on the front page'; and (iii) section 6.2 the tests to National Class 0 provided to the BBA."

The answer he gives is over the page on page 13 {BBA00010784/13}, and he says at paragraph 53:

"The Certificate did not state that all panels achieved national Class 0. The Certificate makes clear that not all colours were covered and it states that some products were tested and classified to EN 13501—1. As stated above, the Certificate goes on to state that the EN classified panels would be suitable in class 0 situations."

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Now, looking at your understanding at the time, did you understand yourself that the European test results could not be used to establish the British Standard class 0?

A. I never got involved in European Standards and especially with regard to fire, I have no knowledge of this at all.

Q. Was it any part of your thinking that because PE had achieved a class B in rivet, it could be treated as if it had class 0?

A. I can't comment on that, it's way outside my area of expertise.

Q. Right.

I think you told us earlier that you did look at diagram 40 of Approved Document B, which we looked at earlier on in your examination. Did you realise when you were drafting this part of the report that European class B did not equate automatically with national class 0?

A. No, I've got no knowledge of that at all. All I knew, that under Approved Document B it was acceptable to have material of limited combustibility above 18 metres. That's all I know. As regards classifications, as to what constitutes a material of low combustibility, I just wouldn't know.

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Q. Did you know that the tests for limited combustibility, whether under the European system or the British system, the BS system, were completely different tests from the tests of surface spread of flame and the other tests leading to class 0?

A. Again, I have no knowledge of this at all. I would have consulted the fire expert.

Q. Why was it necessary to say anything at all about class 0 for the purposes of the PE standard version of Reynobond 55?

A. Because I believe that was the requirement of the approved document, basically you need to have certain classifications to be able to make an assessment on the product.

Q. But we saw diagram 40 and it said you could either use class B or national class 0. Given that you had class B for rivet, why was it necessary to say anything at all about class 0?

A. I can't comment on that. I don't know. I can't remember, I mean ...

Q. Did Arconic ask you to put class 0 somewhere in this certificate?

A. They may have done, but we would definitely have checked the validity of that statement.

Q. Why didn't you simply say that because the standard PE

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in rivet had achieved class B, it satisfied diagram 40 for use above 18 metres?

A. I can't comment on that, I wouldn't know.

Q. Can you see how somebody reading this certificate might have been misled into thinking that standard PE either had class 0, which it didn't, or could be regarded as having class 0, but on a basis which you can't understand or explain?

A. The certificate obviously has come to the conclusion — or the fire expert, with the approval of Brian Haynes, they must have come to the conclusion that they can be regarded as class 0. But also the certificate refers to the appropriate section for amplification on this.

Q. Now, we will come back to Sarah Colwell's response to the email I've shown you after the break, which I'm going to ask the Chairman to give us in a second.

Can I just ask you one question before we do, and that is: do you remember whether the wording "may be regarded as having a Class 0 classification" came from Sarah Colwell?

A. There's a good chance Brian Haynes would have initiated this. I — and obviously they must have discussed the issue between themselves and agreed that this was an appropriate statement.

Q. I think you're speculating. You say there's a good

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1 chance, but doing the best you can — and I know after  
 2 13 years it's difficult — do you remember whether that  
 3 phraseology was either specifically suggested by  
 4 Sarah Colwell or actually approved by Sarah Colwell  
 5 herself?  
 6 A. I can't make a comment on that. I don't know. I really  
 7 don't know.  
 8 MR MILLETT: Very well, thank you very much.  
 9 Mr Chairman, is that a convenient moment?  
 10 SIR MARTIN MOORE—BICK: Yes, I think it is, thank you very  
 11 much.  
 12 Well, Mr Gregorian, we will have a short break at  
 13 this point. We will come back to resume at 3.35,  
 14 please. In the meantime, please make sure not to talk  
 15 about your evidence to anyone else. All right?  
 16 THE WITNESS: Okay, thank you.  
 17 SIR MARTIN MOORE—BICK: Good. See you a bit later on.  
 18 THE WITNESS: Yes.  
 19 SIR MARTIN MOORE—BICK: Thank you very much, good.  
 20 (3.20 pm)  
 21 (A short break)  
 22 (3.40 pm)  
 23 SIR MARTIN MOORE—BICK: Welcome back, everyone. I apologise  
 24 for the slight delay, but we are now ready to continue.  
 25 So I'll just check that Mr Gregorian is there and

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1 can hear me and see me.  
 2 THE WITNESS: Yes.  
 3 SIR MARTIN MOORE—BICK: Very good, Mr Gregorian, and you're,  
 4 I hope, ready to carry on, are you?  
 5 THE WITNESS: I am, yes.  
 6 SIR MARTIN MOORE—BICK: Thank you very much.  
 7 In that case, I'll invite Mr Millett to put some  
 8 more questions to you.  
 9 THE WITNESS: Thank you.  
 10 MR MILLETT: Thank you very much, Mr Chairman.  
 11 Can we go back to the BBA certificate, please, and  
 12 I would like to look at section 6.3 {BBA00000047/5}. If  
 13 you look at 6.3, in the last sentence there it says:  
 14 "The unexposed side of the products may also be  
 15 regarded as having a class 0 surface."  
 16 I want to look to see with you what supported that  
 17 statement.  
 18 Can we start by looking at the technical file,  
 19 please, at page 535 {BBA00008042/535}. This is an email  
 20 from you to Claude Wehrle on 22 October, if we look at  
 21 the second half of the email run on the screen, and you  
 22 say:  
 23 "Dear Claude  
 24 "A copy of our proposed draft Certificate is  
 25 attached."

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1 Then you say in the third paragraph:  
 2 "With regard to Reaction to Fire, in accordance with  
 3 the requirements of UK Building Regulations, we also  
 4 need classification of the reverse (unexposed) side of  
 5 the panel. In Section 6.3, we have assumed, and stated  
 6 that 'the unexposed side of the products may also be  
 7 regarded as having a class 0 surface'. However, we will  
 8 still need documentary evidence showing that this is  
 9 indeed the case. The Warrington test report makes no  
 10 specific reference to the performance of the reverse  
 11 side."  
 12 Is it right that you understood that Arconic had to  
 13 provide separate documentation showing the performance  
 14 of the reverse side of the panel?  
 15 A. Ideally, yes, on the particular product we were  
 16 covering.  
 17 Q. In the paragraph there you refer to the Warrington test  
 18 report. Was that the 2003 Warrington test report that  
 19 we've seen on FR?  
 20 A. I can't remember.  
 21 Q. Okay. Now, if we go to page 499 {BBA00008042/499} we  
 22 can see the response, the same technical file. This is  
 23 his email of 5 December 2007, and he says:  
 24 "Hello Hamo,  
 25 "After having checked with our paint laboratory and

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1 the different certificate we have today, I give you  
 2 those two information in order to qualify the back face  
 3 of our Reynobond panels.  
 4 "1— The only difference between front and back side  
 5 is the thickness of the coating which is 6 [microns]  
 6 instead of 35 [microns]. So we have 14.2 g/m2 coating  
 7 weight on the back face for 47.2 g/m2 on the front side.  
 8 "2— Like you can see in the attached 'reaction to  
 9 fire classification report No. RA07—0182', our coated o  
 10 [aluminium] used for the skins of Reynobond are  
 11 classified as A1 (non combustible).  
 12 "Can you please now let me know if you have all the  
 13 required information to close our certification  
 14 process?"  
 15 You can see that there is an attachment to this  
 16 email at the top there, "Reynolux A1 — RA07—0182". Can  
 17 we go to that. That's on the technical file in  
 18 a different part of it, page 139 {BBA00008042/139}. As  
 19 one might expect, given the title in the attachment, it  
 20 relates to Reynolux. Can you see that in the middle of  
 21 the page there?  
 22 A. Yes.  
 23 Q. That's a totally different product from Reynobond 55,  
 24 isn't it?  
 25 A. It is, yes.

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1 Q. Can you explain how a classification for a completely  
 2 different product could be acceptable as the basis for  
 3 a claim for class 0 on the back side of Reynobond 55?  
 4 A. Again, I've got to emphasise that I have very little  
 5 knowledge of fire issues, but I would imagine the  
 6 substrate on which the paint has been applied, being  
 7 metal, that wouldn't catch fire, so the only fire issue  
 8 would have been the actual coating, which in this case  
 9 was much less than the front face coating, I think  
 10 6 microns against 35 microns, I seem to remember.  
 11 Q. You're being asked to extrapolate, are you, from the  
 12 results on Reynolux to a thicker surface on Reynobond?  
 13 A. I wasn't involved in decisions regarding that, so —  
 14 Q. I see.  
 15 A. — that's why I consulted fire experts for that.  
 16 To be honest, I find it quite logical to assume that  
 17 is the case, but again, I had to have confirmation from  
 18 a fire expert.  
 19 Q. You say we had to have confirmation from a fire expert;  
 20 indeed, we've seen your email to Sarah Colwell of  
 21 29 November 2007, at least in part. Can we go back to  
 22 that. That's in the technical file at page 507  
 23 {BBA00008042/507}. We have looked at half of this,  
 24 let's look at the rest of it.  
 25 I was showing you this before the break, and you

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1 say, just below halfway down:  
 2 "No test data for the back face exists. However, as  
 3 it has a much thinner coating and therefore less 'energy  
 4 content' than the exposed face, we think it is not  
 5 unreasonable to assume a Class 0 rating for the back  
 6 face too. This has indeed been demonstrated by tests on  
 7 similar products in the past.  
 8 "Could you please comment on the validity of our  
 9 assumption."  
 10 If we see at page 505 {BBA00008042/505} her  
 11 response, it's in the second email from the top on that  
 12 page, also dated 29 November, and she says:  
 13 "Hamo  
 14 "We would need to see the test data to be able to  
 15 make any meaningful comment on the potential product  
 16 performance. If you would like us to complete a review  
 17 we would be happy to look at this for you and provide  
 18 a proposal if necessary for any additional work or  
 19 formal assessment."  
 20 Your response to that is a little bit above it,  
 21 still on page 505, if we can just scroll up, please.  
 22 You say:  
 23 "Sarah  
 24 "I was not able to contact you by telephone, hence  
 25 e-mail.

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1 "The attached documents are classification reports  
 2 for the 'standard' and 'fire retardant' versions.  
 3 "Testing to BS 476—6 & 7 has also been undertaken  
 4 but only hard copy of the reports exist.  
 5 "Please let me know if this is sufficient for your  
 6 purposes.  
 7 "If you need to have a chat, please give me a call  
 8 when you are free.  
 9 "I'm not in this afternoon but I am in the office  
 10 until 12:00 and the rest of the week."  
 11 Do you remember whether you actually had the chat to  
 12 which you refer?  
 13 A. With Sarah?  
 14 Q. Yes, with Sarah Colwell.  
 15 A. No, I couldn't get hold of her.  
 16 Q. Having been told by Warrington that the only solution  
 17 was to get tests done, why did you approach  
 18 Sarah Colwell?  
 19 A. To see whether our assumption was correct, bearing in  
 20 mind I must have discussed it with Brian regarding this,  
 21 and we were seeking confirmation from Sarah.  
 22 Q. Right.  
 23 Now, we've got no evidence on the file that we've  
 24 seen that Sarah Colwell ever responded to you or indeed  
 25 to Brian Haynes. Did she, do you think, in response to

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1 this request?  
 2 A. As far as I remember, they — well, there was no  
 3 response from her, because of her busy work schedule, so  
 4 that's why I contacted Brian to have a chat with her.  
 5 Q. Now, we can see from this email, before we leave it,  
 6 that you sent her — can you look at the attachment  
 7 line — the two European tests for Reynobond 55: first  
 8 of all, the test for PE, which had a Euroclass B—s2, d0,  
 9 that was classification 5A we looked at earlier; and  
 10 also Reynobond FR at B—s1, d0, which was the 2006 test.  
 11 A. Yeah.  
 12 Q. You didn't send her the 2003 BS 476—6 and 7 tests that  
 13 had been done by Warringtonfire for FR, did you?  
 14 A. Where I say only hard copy exists —  
 15 Q. That's what you're referring to, is it?  
 16 A. Yes, so —  
 17 Q. Why didn't you send her those?  
 18 A. Well, as I say, I was expecting a response, and I didn't  
 19 receive a written response, but based on — I think  
 20 based on the actual specification that was supplied by  
 21 Arconic, or Alcoa, I'm guessing she was able to assess  
 22 the fire performance of the back face based on what she  
 23 had, so —  
 24 Q. Can we go to — I'm so sorry, I keep thinking you have  
 25 finished your answer.

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1 Can we go to your statement, please, at page 4  
 2 {BBA00011096/4}. You can see Inquiry question 6 in  
 3 bold:  
 4 "What information on fire performance was Alcoa  
 5 asked to provide to the BBA prior to the certification  
 6 in 08/4510? Did you or anyone at the BBA ask Alcoa for  
 7 all relevant test data in respect of Reynobond  
 8 Architecture Wall Panels? If not, why not?"  
 9 You answer at paragraph 22, can you see? You say:  
 10 "From the correspondence available, and to the best  
 11 of my recollection, Alcoa provided information relating  
 12 to the front face of the panels which had a PVDF coating  
 13 of thickness 35 microns. The back face of the panels  
 14 had a polyester primer coating of 6 microns. On the  
 15 advice of BRE's fire expert, our Technical Manager  
 16 accepted that, in fire, the back face of the panels  
 17 would perform at least as well as the front face."  
 18 As I think we've seen in your statement already at  
 19 paragraph 39 {BBA00011096/7}, you say it was  
 20 Brian Haynes who sought the advice of Sarah Colwell.  
 21 Are you able to shed any further light on when that  
 22 advice was given?  
 23 A. When, sorry?  
 24 Q. On when that advice was given? Are you able to tell us  
 25 when that advice was given?

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1 A. What advice is that, sorry?  
 2 Q. The advice that we see in the last sentence of your  
 3 paragraph 22:  
 4 "On the advice of BRE's fire expert, our Technical  
 5 Manager accepted that, in fire, the back face of the  
 6 panels would perform at least as well as the front  
 7 face."  
 8 A. Yeah, this is the conversation I was referring to, the  
 9 telephone conversation with Sarah.  
 10 Q. I see. So that's the conversation that Brian Haynes had  
 11 with Sarah Colwell that you listened in on but couldn't  
 12 hear what she was saying?  
 13 A. That's correct. Again, I don't know what Sarah said.  
 14 It was a short conversation between Brian and Sarah, and  
 15 I sort of got the approval from Brian soon afterwards.  
 16 Q. And when Brian Haynes reported to you what Sarah Colwell  
 17 had told him, is the totality, all of the advice that he  
 18 got from her, reflected in that last sentence in  
 19 paragraph 22?  
 20 A. Yes, I would imagine that was the conclusion that Brian  
 21 came to, based on the advice given by Sarah.  
 22 Q. Did Sarah Colwell, to the best of your knowledge,  
 23 explain to Brian Haynes, or did Brian Haynes tell you  
 24 why it was technically acceptable to use the Reynolux  
 25 classification to draw any conclusions about the fire

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1 performance of the back face of Reynobond —  
 2 A. No, there was no explanation, but I think we both agreed  
 3 that it's a reasonable assessment, because there's less  
 4 paint, so there's better fire performance with regard to  
 5 the back face.  
 6 Q. That's a process of extrapolation, isn't it? Was there  
 7 any technical basis that you knew of which would permit  
 8 extrapolation from the results of the test on one  
 9 product to another product?  
 10 A. No, I mean, because I wasn't sure about this  
 11 extrapolation, we sought confirmation from BRE.  
 12 Q. I would like to turn back to the certificate, please, to  
 13 look now at section 6.4 on colour. If we go back,  
 14 please, to {BBA0000047/5}, and it says there,  
 15 paragraph 6.4:  
 16 "These performances may not be achieved by other  
 17 colours of the product and the designations of  
 18 a particular colour should be confirmed by ..."  
 19 Then you set out some tests there.  
 20 Now, do we understand from your witness statement  
 21 that coverage of the BBA certificate was limited to the  
 22 colours expressly set out in the certificate, so  
 23 grey/green, metallic grey, and gold for the particular  
 24 types of panel?  
 25 A. That's correct.

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1 Q. Is it right that the particular colours are valid, in  
 2 other words covered by the certificate, only if they are  
 3 on the stated core type, so grey/green only certified if  
 4 it's on PE-cored Reynobond?  
 5 A. That's correct, yes.  
 6 Q. Was it your understanding that particular colours are  
 7 only valid for particular coatings, so the certificate  
 8 would only cover metallic grey Duragloss finish when  
 9 applied to PE-cored Reynobond?  
 10 A. That's correct, yes.  
 11 Q. And is it right, therefore, that you intended that the  
 12 reader should understand that every other colour and  
 13 every other combination outside what we've discussed had  
 14 to be tested?  
 15 A. That's correct.  
 16 Q. What was the technical justification for that colour  
 17 limitation?  
 18 A. From my conversation with Brian, the impression I got  
 19 was fire performance is very much a function of the  
 20 actual colour. It's very sensitive to the actual  
 21 colour. As to why that is, I wouldn't know. Possibly  
 22 something to do with the energy contained within the  
 23 paint coating, I don't know.  
 24 Q. Did the BBA —  
 25 A. Sorry.

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1 Q. Did you want to finish your answer?  
 2 A. No, I'm okay.  
 3 Q. You were about to say something else and I started the  
 4 next question.  
 5 All right, I'll ask the next question.  
 6 Did the BBA expect that that colour limitation would  
 7 be rigorously adhered to by customers?  
 8 A. The certificate covers that product, and that product  
 9 only, with that particular coating. As to what — how  
 10 the certificate is used, that's really beyond our  
 11 control, really.  
 12 Q. Did the BBA ever hear that this colour restriction in  
 13 the certificate was routinely ignored in the UK market?  
 14 A. I cannot comment on that, I don't know.  
 15 Q. So you never heard any intelligence or rumours that UK  
 16 customers were ignoring this colour restriction?  
 17 A. No, no.  
 18 Q. Did you ever hear that customers couldn't understand why  
 19 the difference in colour would make a difference?  
 20 A. Erm ... I can't comment on that. I mean, the ... it's  
 21 a fact that we were aware of. But as far as the  
 22 certificate is concerned, it covers this particular  
 23 product. If the client or the installer wants to put  
 24 a different product in his cladding system, that would  
 25 be out of our control. It wouldn't be covered by the

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1 certificate. That's what we are saying, I think, in  
 2 here.  
 3 Q. Can you explain why the certificate doesn't say on its  
 4 front page that it certifies Reynobond cladding wall  
 5 panels in these three colours in these three forms?  
 6 A. Yes.  
 7 Q. And nothing else?  
 8 A. That's it.  
 9 Q. But why doesn't it say that on the front page?  
 10 A. This is just a standard format of the certificate. I'm  
 11 not sure why not. But specifically those statements are  
 12 relevant to the behaviour in relation to fire, so it  
 13 seems logical to me that it would be in the fire  
 14 section.  
 15 Q. I follow.  
 16 Can we go to page 471 of the technical file  
 17 {BBA00008042/471}. At the bottom of the page we see  
 18 an email from Claude Wehrle to you on 12 December 2007,  
 19 subject, "Reynobond certification":  
 20 "Hello Hamo,  
 21 "Sorry to disturb, but coming back to our call from  
 22 yesterday ...  
 23 "Could I have an official document from the BBA that  
 24 certify that we have the BBA approval for Reynobond in  
 25 PVdF finish and in Duragloss 5000 finish?"

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1 You respond to him a little bit further up the  
 2 screen, if we can, the same page, the same day, you say:  
 3 "Claude  
 4 "As requested, please find attached letter.  
 5 "Hard copy to follow.  
 6 "I hope it proves helpful."  
 7 You can see that the attachment is an approved  
 8 letter in pdf. We can see that on page 473  
 9 {BBA00008042/473}, if we go two pages down, and it's  
 10 a letter signed by Brian Haynes and addressed to  
 11 Claude Wehrle at Arconic, dated 12 December 2007. It's  
 12 entitled "Reynobond Architecture Wall Cladding Panels  
 13 with Duragloss 5000 or PVDF Coating", and he says:  
 14 "I am writing to confirm that all technical work  
 15 relating to the assessment of the above product has now  
 16 been successfully completed.  
 17 "The Certificate is currently being finalised for  
 18 issue and will be forwarded to you in due course.  
 19 "We hope this letter is helpful in the mean time."  
 20 Do you know whether this letter was intended for  
 21 Claude Wehrle to use officially, perhaps to send out to  
 22 clients?  
 23 A. No, as far as I know, they couldn't use this — they  
 24 shouldn't use this as proof of technical approval by the  
 25 BBA. They would have to wait until the certificate was

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1 formally issued.  
 2 Q. Now, we can see that —  
 3 A. Whether they had used this to — in a particular project  
 4 or not, I just wouldn't know. I don't think BBA  
 5 generally would know about these things. But all we are  
 6 saying here, bearing in mind the client is anxious to  
 7 get his approval, this is a fairly standard sort of  
 8 letter which Brian Haynes has signed obviously here,  
 9 just to reassure the client as to what stage the  
 10 assessment is, just to keep him happy, really.  
 11 Q. We can see there is no mention of particular colours  
 12 being certified here or of core types or finishes.  
 13 My question is: if colours and core types were such  
 14 an important scope limitation, why was that not spelt  
 15 out by Mr Haynes in this letter?  
 16 A. I don't know. I wouldn't know. I mean ... as I say,  
 17 the certificate mentions in the appropriate section what  
 18 is covered, especially with regard to fire. Otherwise  
 19 the title here would have been much longer than it is  
 20 now.  
 21 Q. Can we go back to the certificate, please, at page 3  
 22 {BBA00000047/3}. I would like to look at section 1.1 or  
 23 paragraph 1.1 with you again. We've read this a number  
 24 of times, but you can see in the middle it says, at the  
 25 end of the line:

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1 "A Duragloss or PVDF coating available in various  
2 colours protects the exposed face."  
3 So you refer there to "various colours".  
4 Do you recall that in fact it was Claude Wehrle who  
5 had proposed that wording and you had added it without  
6 any objection? We see that from the red and green email  
7 run. Do you remember that?  
8 A. Yes. I would guess this was how the CSTB document was  
9 worded.  
10 Q. But we see what Claude Wehrle intended by these words,  
11 that you had agreed to add at his suggestion, as we saw  
12 from the red and green email earlier.  
13 Can we go to his witness statement at page 12  
14 {MET00053190/12}, paragraph 42. It's a long paragraph,  
15 so we need to pick it up about halfway down. It's on  
16 the screen in front of you about three-quarters of the  
17 way down, and it says:  
18 "If the certificate ..."  
19 Do you see?  
20 A. "If the certificate states 'Coloris ...'"  
21 Q. Yes, exactly:  
22 "If the certificate states 'Coloris: Divers' [that's  
23 French, I think] ('Colour: Various'), the testing may  
24 relate to all colours in the range, or if a specific  
25 colour is stated on the certificate, it will only relate

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1 to that. If customers had any concerns, it would be  
2 expected that they would contact the company, so that  
3 the issue could be discussed."  
4 My question, Mr Gregorian, for you is: did you  
5 understand that Mr Wehrle wanted the certificate to  
6 relate to all the colours in the range or only to the  
7 colours specifically stated?  
8 A. He may have ideally wanted that, to cover all colours,  
9 but I don't think we would accept that, so that's why we  
10 have clearly stated in this certificate as to what  
11 colours were covered.  
12 Q. Do you accept that the reader might understand from  
13 section 1.1 that we have just been looking at on page 3  
14 of the certificate {BBA00000047/3} that all colours in  
15 the range were certified, were covered by the  
16 certificate, either with a Duragloss or a PVDF coating?  
17 A. Erm ... I'm not sure, I haven't got the statement in  
18 front of me. Can we see it on the screen?  
19 Q. Of course, {BBA00000047/3}. We can see it again then.  
20 It says, as I've shown you, in the fourth line:  
21 "A Duragloss or PVDF coating available in various  
22 colours protects the exposed face."  
23 My question is: do you accept that a reader of that  
24 might understand that all colours in the range are  
25 covered by the certificate?

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1 A. No, I think we have made that clear. I think obviously  
2 that is true, they have these systems, these different  
3 panels with different coatings and so on, but they  
4 wouldn't be covered, because we have made that clear in  
5 the appropriate section as to what is covered, and the  
6 only ones we have covered — obviously if — again, we  
7 say if a different colour is involved, obviously they  
8 will have to go back to the certificate holder for  
9 confirmation as regards fire performance.  
10 Q. Do you accept that by adding what Mr Wehrle had asked  
11 you to, namely the reference to various colours there,  
12 you were introducing an ambiguity in the certificate, on  
13 the one hand between saying that various colours were  
14 covered, but on the other only the colours specifically  
15 identified were covered?  
16 A. The fact that there's a statement here as regards the  
17 different products that were on offer by Alcoa doesn't  
18 necessarily mean that it's covered, it merely states  
19 what the manufacturer can provide. That's the best way  
20 I can explain.  
21 Q. Can we then look on and see how the draft was  
22 circulated.  
23 We've seen from Mr Haynes' evidence, and from  
24 discussions you and I have had earlier in the day,  
25 Mr Gregorian, that this was a leader certificate, which

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1 meant that there was a review process.  
2 Can we go, please, to {BBA00010784/5}. This is  
3 Mr Haynes' witness statement, and I want to show you  
4 paragraph 21.  
5 At paragraph 21, Mr Haynes says:  
6 "Leaders were submitted for comment to other BBA  
7 staff and to external experts. The experts to whom the  
8 draft was circulated would depend on the nature of the  
9 product. I exhibit Document BH1 forming part of this  
10 statement which sets out those parties to whom the draft  
11 of this certificate was sent, both internal and  
12 external, as follows."  
13 Then there is a long list of bullet points with  
14 names next to them, we can see that, the first of which  
15 is the client, and others down the list.  
16 The BBA section head, the second bullet point on  
17 that list, I think we established earlier was  
18 Geoff Gurney; is that right?  
19 A. That's correct.  
20 Q. Would this document also have gone to John Albon?  
21 A. John would most probably have looked at the durability  
22 aspect, because that's how he would get involved in  
23 things like this.  
24 Q. Right.  
25 A. Most probably he would have at some stage been consulted

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1 with regard to durability .  
 2 Q. Right. Was he on the panel, if I can put it that way,  
 3 for review of leader certificates such as this?  
 4 A. Yes.  
 5 Q. Which section was John Albon in at the time, do you  
 6 recall?  
 7 A. Erm ... I think durability was his main area of  
 8 activity . I can't remember the — what the section was  
 9 called, to be honest. I think just durability .  
 10 Q. Would I be right in thinking that Brian Haynes would  
 11 have had the ultimate sign-off —  
 12 A. Yes.  
 13 Q. — on the wording of the certificate?  
 14 A. Yeah.  
 15 Q. Yes, I see.  
 16 Now, in this list here, we can see who is there, but  
 17 we can't see anybody in this list from BRE or from  
 18 Warrington who would have seen this draft in its final  
 19 form and signed-off statements about fire performance.  
 20 Is that because nobody from the BRE or Warrington or any  
 21 other fire expert external to BBA did so?  
 22 A. Yes, I'm not aware that — I mean, this was obviously  
 23 a standard list of different parties that would have  
 24 a look and the BRE wasn't in it, so I wouldn't know.  
 25 I wouldn't know about that.

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1 Q. Can we go to the technical file again, please, and look  
 2 at page 319 {BBA00008042/319}. This is a document which  
 3 has the word "Draft 1" at the top, and you can see this  
 4 looks like the very first draft of the BBA certificate.  
 5 It hasn't even got a number on at that stage. But at  
 6 the very top, somebody has written in manuscript,  
 7 "Circulation". Does that tell us that this draft was  
 8 circulated for commentary within the BBA?  
 9 A. Obviously there would be some circulation because the  
 10 section head would — each individual section head would  
 11 have to look at this —  
 12 Q. I see.  
 13 A. — to assess the product from their own perspective.  
 14 Circulation, as it's written here, it could very well  
 15 mean circulation to the various parties which  
 16 Brian Haynes has actually drawn up.  
 17 Q. How wide would the circulation of a draft 1 version of  
 18 a certificate like this be?  
 19 A. Sorry, how long?  
 20 Q. How wide would the circulation of draft 1 of  
 21 a certificate such as this be?  
 22 A. Normally a draft would go to various departments who  
 23 would look at this and then pass on to the — you know,  
 24 between — it would just go between the various  
 25 departments, various sections.

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1 Q. Would the circulation be narrower than the final list of  
 2 people we saw in Brian Haynes' statement a minute ago?  
 3 A. I believe with confirmation certificates there was less  
 4 of a problem in this respect. But for normal  
 5 certification, it would definitely go into a loop,  
 6 several times, many times sometimes, before it was  
 7 finalised .  
 8 Q. Can we have this version side by side, please, with the  
 9 issued version. I want to compare the front pages of  
 10 each of them. If you keep draft 1 up on the screen,  
 11 please, and let's have the final version as issued which  
 12 is {BBA00000047}. There it is.  
 13 Let's just compare "Behaviour in relation to fire".  
 14 On the left-hand side, in draft 1, do you see where it  
 15 says:  
 16 "In relation to the Building Regulations for  
 17 reaction to fire, the panels may be regarded as having  
 18 a Class 1 surface in England and Wales ..."  
 19 Then when you look across to the final version, it  
 20 says:  
 21 "... the panels may be regarded as having a Class 0  
 22 surface in England and Wales ..."  
 23 Now, the technical file doesn't contain any record  
 24 of any external commentator suggesting that change, or  
 25 indeed when it might have been made.

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1 First of all, do you know when that change was made?  
 2 A. No, I can't comment on this. But bearing in mind the  
 3 certificate actually has stamped on it "For comment  
 4 only", and there would be a lot of drafts, including  
 5 things that would have to be finalised, and, as I say,  
 6 after consultation with BRE, it was decided that class 0  
 7 was the appropriate one. But as to when this happened,  
 8 I just couldn't tell you.  
 9 Q. Do you know who decided to make that change?  
 10 A. Erm ... this must have been after discussion with  
 11 Brian Haynes.  
 12 Q. But was it his decision, did he decide to make that  
 13 change from class 1 to class 0?  
 14 A. I believe so, yes, I believe — I certainly didn't make  
 15 the decision.  
 16 Q. Do you know on what basis, from your own knowledge, the  
 17 change was made from class 1 to class 0?  
 18 A. Based on the advice from BRE.  
 19 Q. Was the BRE asked to advise on what the classification  
 20 of the panels should be?  
 21 A. I think that the idea was to confirm that the panels  
 22 could be considered as class 0. For all I know, Brian  
 23 may have actually seen the class 1 classification and  
 24 changed it to class 0. I can't remember that.  
 25 Q. Do you know when that advice was given by the BRE to

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1 change from class 1 to class 0?  
 2 A. Sorry, what was the question again? Sorry, I can't  
 3 hear.  
 4 Q. Do you know when the BRE gave the advice to change the  
 5 classification on the certificate from class 1 —  
 6 A. Oh, no, I wouldn't know. No, I wouldn't know.  
 7 Q. Right.  
 8 I have one or two more topics to cover with you,  
 9 Mr Gregorian. The next one is surveillance.  
 10 Are you aware or were you familiar with the fact  
 11 that the BBA terms and conditions required the  
 12 certificate holder to allow the BBA to conduct  
 13 surveillance?  
 14 A. The accepted arrangement within the UEAtc was the  
 15 original certification body would conduct all  
 16 surveillance, and they would be expected to inform the  
 17 BBA if there were major non-conformances.  
 18 Having said that, I think something I've probably  
 19 missed in my witness statement, every three years we  
 20 would go through each certificate to make sure there  
 21 were — if there were any problems, and one of the  
 22 questions we would ask CSTB was whether there were any  
 23 non-conformances, and I think that process is still  
 24 going on now. Every three years we would review  
 25 a certificate.

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1 Q. Can we go to the technical file, please,  
 2 {BBA00008042/121}. This is a document headed "Request  
 3 for Surveillance Visit". At the bottom you can see that  
 4 it's dated 21 April 2008. We can have that on the  
 5 screen. There is a signature next to it, project  
 6 manager. It looks like your signature.  
 7 A. Yes, it is, yes.  
 8 Q. The other signature is head of approvals,  
 9 Brian Chamberlain; yes?  
 10 A. Yes.  
 11 Q. In the table you can see details of locations to be  
 12 visited, if we can just scroll back up, please, and  
 13 visit frequency. Location: Merxheim, visits per annum:  
 14 zero.  
 15 At the bottom of that section, there is a note, and  
 16 it says:  
 17 "1) Unless technically justified, each location  
 18 should receive at least two visits per annum.  
 19 "2) Please identify if the visit is to be combined  
 20 with an existing visit arrangement."  
 21 Then at the very bottom of the table it says:  
 22 "If no surveillance required provide reason."  
 23 Somebody has put:  
 24 "Surveillance by CSTB, France."  
 25 Does that mean that the BBA was going to rely on the

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1 CSTB to conduct surveillance at Merxheim?  
 2 A. Yes, yes. As I say, within UEAtc rules, the original  
 3 certification body would — well, they were supposed to  
 4 carry out any surveillance and inform — they were  
 5 expected to inform the BBA if there were any major  
 6 non-conformances.  
 7 Q. Can we —  
 8 A. That was the accepted procedure within the UEAtc rules.  
 9 Q. Can we then go, please, to page 123 of the technical  
 10 file {BBA00008042/123}. Your email, bottom of the page,  
 11 17 May 2007 to Laurent Plagnol:  
 12 "Dear Laurent  
 13 "We are currently assessing the above product with  
 14 a view to issuing an Agrément Certificate."  
 15 You set out the applicant's details, and then you  
 16 say.  
 17 "As part of our assessment, we would normally carry  
 18 out a factory inspection against a Quality Plan.  
 19 However, we understand that there is currently a scheme  
 20 in operation by which regular surveillance by CSTB is  
 21 carried out. In view of this, we should be grateful if  
 22 you would kindly confirm that factory production control  
 23 relating to the product has been satisfactorily  
 24 maintained and that once the Certificate is issued you  
 25 will inform the BBA if:

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1 "a) any major non-compliances are identified.  
 2 "b) the factory visits are discontinued.  
 3 "Your prompt response would be much appreciated."  
 4 Above that, you can see that Laurent Plagnol  
 5 responds on 21 May:  
 6 "Dear Hamo,  
 7 "I confirm you [sic] that any major non-compliances  
 8 are identified.  
 9 "The factory audits are continued (the next audit  
 10 will be scheduled the 14th of June 2007).  
 11 "Best regards.  
 12 "Laurent PLAGNOL."  
 13 Is that, as we've seen from the emails there, the  
 14 agreement to set up regular audits by the CSTB?  
 15 A. Yes, it's quite a standard way of asking CSTB if  
 16 everything is okay.  
 17 Q. Was it your understanding or expectation, therefore,  
 18 that the CSTB would conduct surveillance twice a year  
 19 and report back to the BBA?  
 20 A. Yes, that's within the UEAtc rules. We were perfectly  
 21 entitled to assume that CSTB would carry out  
 22 surveillance.  
 23 Q. There was no audit, was there, and certainly no evidence  
 24 we've seen that there was —  
 25 A. No, no, that wasn't required.

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1 Q. So did the BBA have any quality plan with Arconic when  
2 it was originally assessing the Reynobond 55 product and  
3 issuing the certificate ?  
4 A. I can't remember, to be honest, no, I don't know.  
5 Q. So when —  
6 A. Sorry, when the CSTB certificate is given to the BBA,  
7 all quality issues were the responsibility of the  
8 original issuing body, CSTB. So whether a quality plan  
9 was not relevant here, I can't remember, but certainly  
10 there was no direct control by the BBA over the  
11 manufacture of the product.  
12 Q. Is the effect of this that when it came to issuing the  
13 certificate, you hadn't had any quality plan or  
14 surveillance report from the CSTB?  
15 A. No, I don't remember having any such thing, because it  
16 wasn't the normal thing to do. I mean, obviously  
17 there's nothing on file regarding a quality plan. But  
18 something like this email would probably be sufficient  
19 for our purposes.  
20 Q. Was the arrangement, therefore, that the CSTB would  
21 effectively report only major non-conformities and  
22 nothing else?  
23 A. That's right.  
24 Q. Now, you were at the BBA for more than two years after  
25 January 2008, when the certificate for Reynobond 55 was

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1 issued. In that time, I think it's right, isn't it,  
2 that the BBA did not receive any surveillance reports?  
3 A. That's correct, yes.  
4 Q. Did that surprise you?  
5 A. No. Whether they were expected to provide surveillance  
6 reports or not, I don't know. But, as I say, after  
7 three years, in 2011 I believe, there was a review, but  
8 I'd left the BBA by then, and, as I say, during the  
9 review things like quality control issues would have  
10 been addressed.  
11 Q. Yes, thank you.  
12 I've just got one more short topic.  
13 Can we go, please, to {META00002052/55}. This is  
14 a letter from the BBA dated 15 January 2008 and sent to  
15 Claude Wehrle, and if you go to page 2  
16 {META00002052/56}, you can see that it's signed by  
17 GG Lines, section head, technical writing and  
18 publications.  
19 We haven't heard anything about Mr Lines so far in  
20 your evidence. What was his role at this time?  
21 A. Geoff was the head of technical writing.  
22 Q. Right.  
23 A. I worked very closely with him.  
24 Q. Did he have any role to play in the technical drafting  
25 of the BBA certificate itself?

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1 A. No, the originator of the draft certificate would be me,  
2 and then he would be in charge of circulating it to  
3 various departments, getting comments and including  
4 them, and eventually I would have a look at the draft  
5 certificate, and he had no input into the technical  
6 aspects. He would basically be in charge of the — just  
7 producing the certificate.  
8 Q. If we go back to page 1 {META00002052/55}, we can see  
9 the heading, you can see the certificate is referred to  
10 there, and in the first paragraph he says:  
11 "I am pleased to inform you that Agrément  
12 Certificate No 08/4510 (First issue) has been awarded to  
13 the above product and a copy of the Certificate, bearing  
14 the number and our Chief Executive's signature, is  
15 enclosed."  
16 If we go to the next page {META00002052/56}, which  
17 I've just had on the screen, you can see that it was  
18 sent by Mr Lines.  
19 Would you have been aware of this letter at the  
20 time?  
21 A. This is a standard letter which I must have seen several  
22 times.  
23 Q. I see.  
24 A. This is towards the end of the — you know, once the  
25 certificate is signed by the chief executive, that's the

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1 letter that would go to the client.  
2 Q. Under "Conditions" there on that page, you can see that  
3 the letter says:  
4 "We must draw your attention to the Conditions of  
5 Certification in the Certificate and point out that if  
6 modifications are made to the specification or  
7 conditions of use of the certificated product during the  
8 period of validity of the Agrément Certificate, the BBA  
9 must be informed without delay. Failure to do so could  
10 invalidate the Certificate."  
11 Was that standard wording?  
12 A. Yes, I believe so.  
13 Q. So was it the position of the BBA that the certificate  
14 holder would have to tell the BBA if there were any  
15 modifications or if the conditions for use were  
16 different?  
17 A. That's correct, yes.  
18 Q. Would you have expected that to have included changes to  
19 or updates in the fire classification of Reynobond 55?  
20 A. I think it would apply to the certificate as a whole.  
21 Any material change would have had to be conveyed to the  
22 BBA.  
23 Q. If, for example, the European fire classification for PE  
24 rivet had been downgraded to a class E or a class C,  
25 would you have expected that fact to have been

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1 communicated to the BBA?  
 2 A. That's what we are asking the client to do, and I'm not  
 3 sure if that sort of scenario has happened before,  
 4 but ... it's — that particular clause actually just  
 5 confirms that any change from what we have assessed  
 6 would have to be conveyed to the BBA. I think that's  
 7 a logical thing to do, isn't it?  
 8 Q. Would you have expected Arconic to have told the BBA if  
 9 it became aware that any of its statements in the  
 10 certificate were incorrect, misleading or required  
 11 updating?  
 12 A. Arconic would have had to do that, just to make sure  
 13 that the certificate is valid for their product.  
 14 MR MILLETT: Yes, thank you.  
 15 Mr Chairman, I've come to the end of my prepared  
 16 questions.  
 17 SIR MARTIN MOORE—BICK: Right.  
 18 MR MILLETT: May I ask, therefore, that this be the time for  
 19 the appropriate break. I'm sorry that it's just  
 20 one minute before 4.30, but it would be convenient now  
 21 to take the break, look at any further questions and  
 22 then release the witness, if possible.  
 23 SIR MARTIN MOORE—BICK: Yes.  
 24 Well, Mr Gregorian, we need to have a short break at  
 25 this stage so that Mr Millett can check that he's asked

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1 you all the questions he needs to ask you, and also to  
 2 enable others who are following the proceedings to  
 3 consider whether they think there are other questions  
 4 that need to be asked.  
 5 So we will have a short break until 4.45, please,  
 6 and at that point we will see if there are any further  
 7 questions for you.  
 8 THE WITNESS: Okay, thank you.  
 9 SIR MARTIN MOORE—BICK: As before, please, no talking to  
 10 anyone about your evidence or anything relating to it  
 11 while you're out of the room, so to speak.  
 12 THE WITNESS: Sure.  
 13 SIR MARTIN MOORE—BICK: All right. See you later on then.  
 14 Thank you very much.  
 15 (4.30 pm)  
 16 (A short break)  
 17 (4.45 pm)  
 18 SIR MARTIN MOORE—BICK: Welcome back, everyone. We will see  
 19 now whether there are any further questions for  
 20 Mr Gregorian.  
 21 Are you there, Mr Gregorian? Can you see me and  
 22 hear me all right?  
 23 THE WITNESS: Yes, I can.  
 24 SIR MARTIN MOORE—BICK: Good, thank you very much.  
 25 Well, we will find out now whether Mr Millett has

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1 any more questions for you.  
 2 Mr Millett?  
 3 MR MILLETT: Yes, thank you, Mr Chairman.  
 4 Mr Gregorian, I have two documents to put to you, if  
 5 I may. The first one is {BBA00010701/1}. This is  
 6 an email which is sent by John Albon on 20 November 2007  
 7 to Brian Haynes, copied to you, and it follows on from  
 8 the discussions on that day about comparing the front  
 9 side and the back side and whether it's safe to conclude  
 10 that the back side is class 0. That is the context.  
 11 If you look at the text of the email, it says:  
 12 "I would be amazed if the coating isn't Class 0, but  
 13 can't see what we are gaining by not asking them to  
 14 prove it. It also seems unfair to other Certificate  
 15 holders should have commissioned the necessary test.  
 16 "Could we compromise by proceeding to issue, but  
 17 asking them to provide the confirmatory data  
 18 retrospectively?"  
 19 Now, in that email, first of all, did you understand  
 20 the "them" there to be a reference to Arconic?  
 21 A. Yes. Yes, that's — yeah, I suppose that's true, yes.  
 22 Q. Do you know what happened to that question or proposal  
 23 by John Albon, whether there was a request sent back to  
 24 Arconic to ask them to provide the confirmatory data  
 25 retrospectively?

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1 A. I can't remember ... I can't remember that at all, no.  
 2 Q. Can we look at {BBA00010711}, please. This is an email  
 3 the same day, which isn't part of the same email string,  
 4 but you write to Brian Haynes, copied to John Albon, and  
 5 say:  
 6 "Thanks Brian [in response to a different document].  
 7 "I'll get Alcoa to have the test done.  
 8 "One less thing to do for the coil coated sheet."  
 9 Did you get Alcoa to have the test done, do you  
 10 think?  
 11 A. I think in the correspondence we have seen before we did  
 12 ask for additional tests, or test results, but in the  
 13 end, because that wasn't forthcoming, we decided to go  
 14 a different route with regard to assessment, mainly the  
 15 extraction idea, which we used.  
 16 Q. Why not simply insist that Arconic do the test as you  
 17 had agreed that you would get them to do?  
 18 A. I can't remember the exact context in which this was  
 19 agreed, but I think it was considered acceptable to use  
 20 an extrapolation of some kind. Bearing in mind Alcoa  
 21 would want the certificate as soon as possible, we  
 22 agreed that was a sort of reasonable decision to make.  
 23 Q. Well, let me just pursue this a little bit more, if  
 24 I may.  
 25 You say, "I'll get Alcoa to have the test done".

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1 Did you go back to Arconic/Alcoa —  
 2 A. Yes.  
 3 Q. — to Mr Wehrle and say, "Do the test, please"?  
 4 A. Yes, I think there was a correspondence which spelt out  
 5 the requirement — our requirements. But in the end, as  
 6 I say, we decided that it was just adequate for us to do  
 7 some sort of extrapolation.  
 8 Q. Did Mr Wehrle refuse to do the test?  
 9 A. Erm ... again, it looks like they were reluctant to do  
 10 a test.  
 11 Q. Why did you allow him to get away with expressing  
 12 reluctance to do a test? You'd told Mr Haynes that you  
 13 would get Alcoa to have the test done; why didn't you  
 14 insist?  
 15 A. As I say, after discussion with Brian, we decided  
 16 an easier option, a cheaper option for the client, it  
 17 was just appropriate just to use some kind of  
 18 extrapolation, based on advice given by BRE.  
 19 Q. Well, do you remember whether Alcoa actually told you  
 20 that they were not going to do the test, despite your  
 21 request?  
 22 A. No, I can't remember that. No.  
 23 Q. Can you remember why you settled for an extrapolation  
 24 rather than insisting that Alcoa do the test that you  
 25 had told Mr Haynes you were going to get them to do?

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1 A. I guess it must have been as a result of my discussion  
 2 with Brian, whether we could go a different route.  
 3 Q. Which is why I asked the question: did Arconic refuse to  
 4 do what you asked them?  
 5 A. I suppose so. It's not so much that they refused, but  
 6 they had whatever test that was available, and, as  
 7 I say, we decided that was probably adequate for us to  
 8 make an assessment —  
 9 Q. Why did you —  
 10 A. — with BRE.  
 11 Q. Right.  
 12 Did you settle for an extrapolation rather than  
 13 insisting that Arconic produce a test you had asked for,  
 14 for commercial reasons?  
 15 A. I think technically it was a sound decision and, as  
 16 I say, I have very little knowledge of fire, as I've  
 17 said before, but I think the impression I got, with  
 18 talking to Brian and so on, was that it wasn't  
 19 unreasonable to assess the product in this way. It  
 20 wasn't just merely for commercial reasons, it was just  
 21 to — just ... it's an easier and simpler method of  
 22 doing this, and perfectly acceptable, as far as I know.  
 23 MR MILLETT: Yes. Thank you very much indeed, Mr Gregorian.  
 24 Well, I have come to the end of my questions now,  
 25 and it remains only for me to thank you very much for

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1 coming to the Inquiry to give your evidence, we are most  
 2 grateful to you. So thank you very much indeed.  
 3 THE WITNESS: Thank you. I hope I have been of some help.  
 4 SIR MARTIN MOORE—BICK: You have indeed, Mr Gregorian, and  
 5 it's right that I should thank you on behalf of the  
 6 panel for the time you have given us and for the  
 7 evidence you have given us. We have found it very  
 8 useful and we are very grateful to you for coming along  
 9 to talk to us.  
 10 So I think that's everything we need to ask you, and  
 11 you are now free to go.  
 12 THE WITNESS: Thank you very much.  
 13 SIR MARTIN MOORE—BICK: Thank you very much indeed.  
 14 (The witness withdrew)  
 15 SIR MARTIN MOORE—BICK: That's the end of our proceedings  
 16 for today. We will resume at 10 o'clock on Monday of  
 17 next week.  
 18 Thank you.  
 19 (4.55 pm)  
 20 (The hearing adjourned until 10 am  
 21 on Monday, 15 March 2021)  
 22  
 23  
 24  
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