

OPUS2

Grenfell Tower Inquiry

Day 110

March 22, 2021

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Phone: +44 (0)20 3008 5900

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1 Monday, 22 March 2021
2 (10.00 am)
3 MR JOHN ALBON (continued)
4 SIR MARTIN MOORE–BICK: Good morning, everyone. Welcome to
5 today’s hearing. Today we’re going to continue hearing
6 evidence from Mr Albon of the British Board of Agrément.
7 As usual, I’m joined by the other members of the
8 panel, Ms Thouria Istephan and Mr Ali Akbor.
9 MS ISTEPHAN: Good morning.
10 MR AKBOR: Good morning, everyone.
11 SIR MARTIN MOORE–BICK: I think my first task this morning
12 is to check that Mr Albon is in touch with us. I think
13 he is, but could you confirm, Mr Albon, that you can see
14 me and hear me clearly, please?
15 THE WITNESS: Yes, I can.
16 SIR MARTIN MOORE–BICK: Thank you very much, good morning.
17 THE WITNESS: Good morning.
18 SIR MARTIN MOORE–BICK: We probably ought to just run
19 through the housekeeping for the form’s sake before we
20 continue your evidence.
21 Can you confirm, please, that you’re alone in the
22 room from which you’re giving evidence?
23 THE WITNESS: Yes, I am.
24 SIR MARTIN MOORE–BICK: Thank you.
25 Can you confirm that you don’t have any documents or

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1 other materials with you?
2 THE WITNESS: No, I don’t.
3 SIR MARTIN MOORE–BICK: And can you confirm that your mobile
4 phone is in another room and that you don’t have any
5 other electronic devices with you which can receive
6 messages?
7 THE WITNESS: Yes, that’s correct.
8 SIR MARTIN MOORE–BICK: Lovely, thank you very much.
9 Well, the procedure will be essentially the same as
10 it was last week: we will have a break during the
11 morning and the afternoon, but if you want an additional
12 break, just make sure I know that and we will
13 accommodate you as best we can.
14 All right, is there anything you would like to raise
15 before we carry on?
16 THE WITNESS: No, thank you.
17 SIR MARTIN MOORE–BICK: Very good, thank you. Then I will
18 invite Ms Grange to put some more questions to you.
19 Yes, Ms Grange.
20 Questions from COUNSEL TO THE INQUIRY (continued)
21 MS GRANGE: Yes, thank you. Good morning, Mr Chairman, and
22 good morning, Mr Albon.
23 A. Good morning.
24 Q. I’m going to start with some questions this morning
25 about some of the specific wording that we see on the

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1 Reynobond certificate from 2008. Then I’m going to come
2 on to ask you some questions about the reviews that were
3 carried out of that certificate .
4 So focusing first on the wording for the
5 certificate , can we bring that certificate back up,
6 that’s {BBA00000047}. In the bottom half of that page,
7 under "Key factors assessed" and then "Behaviour in
8 relation to fire ", the third heading down, we see the
9 wording:
10 "In relation to the Building Regulations for
11 reaction to fire , the panels may be regarded as having
12 a Class 0 surface in England and Wales ..."
13 Then we also see something similar, if we go to
14 page 5 {BBA00000047/5}, at section 6.3, if we look in
15 the middle of that "Behaviour in relation to fire "
16 section, 6.3, it says:
17 "As a consequence of sections 6.1 and 6.2 [those are
18 the paragraphs above that we looked at last week], the
19 products may be regarded as having a Class 0 surface in
20 relation to the Approved Document B of The
21 Building Regulations ... (as amended) (England and
22 Wales) ..."
23 Now, with that in mind, can we go to your second
24 witness statement, {BBA00010723/17}, and I want to look
25 at the bottom of page 17. We can see the Inquiry

3

1 question in bold, and the question you’re asked is:
2 "Did the 2008 certificate for Reynobond Architecture
3 Wall Panels ... indicate that all such panels achieved
4 national class 0? If not, why not? Please explain by
5 reference to the language used in the certificate
6 including under 'KEY FACTORS ASSESSED' on page 1 of the
7 certificate ."
8 Your answer starts at paragraph 63, and if we go
9 over the page {BBA00010723/18}, in a number of
10 paragraphs there you’re basically just quoting the
11 certificate again.
12 If we can pick it up at paragraph 66 on that page,
13 you say this:
14 "66. The BBA had no data to show similar
15 Class 0/'low risk' classifications for the Standard
16 product and this is clear from the text of the
17 Certificate .
18 "67. Diagram 40 of Approved Document B, Volume 2
19 sets out requirements for the reaction to fire
20 Classifications of the external surfaces of walls. In
21 doing so, it accepts the use of either British Standard
22 (ie BS476 Parts 6 and 7) or European Classifications
23 using BS EN 13501–1. A Classification to either system
24 could be used to satisfy the requirements of the
25 Approved Document for all situations."

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1 "68. The two Classifications require the use of
 2 different test methods and are not equivalent; the
 3 results achieved in one system cannot be used to infer a
 4 result for the alternative system.
 5 "69. For the situations where Class 0 is required,
 6 Diagram 40 also accepts a Classification of B-s3, d2 or
 7 better. This means that, as defined in the Approved
 8 Document, a product achieving Class B-s2, d0 (as for the
 9 Standard Reynobond product) could be used in all
 10 situations where a Class 0 result is deemed to be
 11 acceptable.
 12 "70. In the case of the Reynobond materials, this
 13 means that the Standard and FR grades could both be used
 14 in the same situations as those requiring a Class 0
 15 performance as defined by Diagram 40 of Approved
 16 Document B ...
 17 "71. It is for this reason that the Certificate
 18 states that, in relation to the Building Regulations for
 19 reaction to fire, the panels may be regarded as having
 20 a Class 0 surface. This is in respect of their
 21 permissible areas of use, as defined by Diagram 40 –
 22 both versions of the product met the requirements for
 23 situations where Diagram 40 accepts the use of a Class 0
 24 material.
 25 "72. This is not the same as stating that the

1 Standard product has a Class 0 surface, which had not
 2 been shown to be the case."
 3 Now, I've shown you that long passage from your
 4 statement, and you mentioned there that there is no
 5 equivalence between the European classes and the BS 476
 6 tests which are relevant to class 0. It's right, isn't
 7 it, that that lack of equivalence is a point
 8 specifically made in the notes to diagram 40? Do you
 9 recall that?
 10 A. Yes.
 11 Q. Yes.
 12 If we understand you correctly, in your witness
 13 statement you're pointing out that in Approved
 14 Document B and diagram 40 it's said that either class 0
 15 or Euroclass B-s3, d0 was acceptable on buildings over
 16 18 metres; is that right?
 17 A. Yes.
 18 Q. And that is what the BBA certificate means, is it, when
 19 it says, "The panels may be regarded as having a Class 0
 20 surface"?
 21 A. I would like to point out, as I said on Thursday, that
 22 I was not involved in the drafting of this certificate
 23 and that my statement is what I have inferred from the
 24 details on the file. So I can't be sure what was meant,
 25 but my interpretation is as described in this statement.

1 Q. Yes, I understand that, and I understand what you've
 2 said about your direct involvement with the certificate,
 3 but can we agree that that is what it means when it
 4 says, "may be regarded as having a Class 0 surface",
 5 it's because of the equivalence point in diagram 40?
 6 A. That's what I believe to be the case, yes.
 7 Q. Can you help us: why doesn't it just say that?
 8 A. I think it is a poor certificate wording and it could
 9 have been improved. The later issue of the certificate
 10 did remove that statement and made things much clearer
 11 than in the original issue of the certificate.
 12 Q. Yes, and when you are talking about the later issue of
 13 the certificate, you're talking about in 2017; yes?
 14 A. Yes.
 15 Q. How would the average construction professional know
 16 that that was what the wording meant as described in
 17 your statement, ie not that the products are class 0,
 18 but that, for the purposes of diagram 40, they can be
 19 recorded as such?
 20 A. The certificate must be read in full. You cannot simply
 21 look at one phrase on the opening page and interpret
 22 from that single statement.
 23 If a construction professional had read in full the
 24 reaction to fire section of the certificate, then it
 25 would have been clear that the standard product had not

1 been tested to achieve class 0.
 2 Q. Right. But you accept that certain statements,
 3 including on the front of the certificate, were
 4 misleading? Is that correct? Do you accept that?
 5 A. I think if taken in isolation they could potentially be
 6 misleading, but the certificate must be read in full.
 7 Q. Yes.
 8 Going back to the certificate, if we can have it
 9 back up again at page 5 {BBA00000047/5}, and if we look
 10 again at 6.3, it begins with these words:
 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 Doesn't that suggest that the BBA has considered the
 15 results and is declaring the panels as meeting class 0?
 16 A. No, if we considered that it was a class 0 product, the
 17 section would have read, "The products are class 0
 18 surfaces", not "may be regarded".
 19 Q. Right.
 20 Can you help us as to where that wording came from,
 21 "The panels may be regarded"? Was that something that
 22 was a common phrase used in the BBA at this time?
 23 A. I'm sorry, I don't know.
 24 Q. Have you yourself ever come across that phrase in
 25 another certificate?

1 A. I haven't, but this is an area I would not normally be
 2 working in, and so it may appear in other certificates
 3 that I have not seen.
 4 Q. Right.
 5 Let's look at another part of the certificate. If
 6 we go to page 2 {BBA0000047/2}, in the top section,
 7 under, "The Building Regulations ... (as amended)
 8 (England and Wales)", can you see that the second
 9 requirement down is requirement B4(1) for external fire
 10 spread, and we can see on the right-hand side that it
 11 says this:
 12 "The panels are judged to meet the Class 0
 13 requirements."
 14 Do you see that wording there?
 15 A. Yes.
 16 Q. Doesn't that suggest that the BBA has considered data
 17 relevant to class 0 and has judged that the panels meet
 18 the requirements of class 0?
 19 A. No, again, if that was the case, the statement would be
 20 something like, "The panels are classified as class 0 as
 21 defined in the national Building Regulations". It would
 22 be a different statement.
 23 Q. I see. So are you saying it would be clear to
 24 construction professionals reading that not that the
 25 panels are class 0, but that some form of equivalent

1 analysis has been done?
 2 A. Well, I would expect a construction professional to read
 3 the entirety of that statement, which does refer them to
 4 section 6.1 to 6.6, where the actual test data are
 5 given.
 6 Q. Do you accept that the consequence of saying those
 7 things about class 0 was that the entire focus of this
 8 certificate became class 0 right from page 1, when
 9 in fact everyone associated with it should have
 10 appreciated that the European classification results
 11 were of key importance in terms of the use of the
 12 product above 18 metres?
 13 A. Again, you must read the certificate in its entirety.
 14 At the time, the European classification system was new,
 15 and the industry had for decades been used to using the
 16 class 0 system. So I believe -- I don't know, but
 17 I believe -- we were attempting to use terms that were
 18 familiar to the industry at that time.
 19 Q. Right. What are you basing that on, that knowledge on,
 20 that you believe you were attempting to use terms
 21 familiar to the industry at that time?
 22 A. From my personal knowledge of the fact that class 0 was
 23 the term that everyone understood in the industry, the
 24 European classification system was new, and perhaps
 25 people were unfamiliar with it at this very early stage.

1 I would emphasise, though, that all of the
 2 information is given in the fire section of the
 3 certificate, if the reader took the time to read the
 4 certificate in full.
 5 Q. Do you agree that a construction professional should be
 6 able to rely on what the BBA says about the technical
 7 properties of a product without going into the details
 8 of equivalence and testing methods?
 9 A. I agree that they should be able to rely on the content
 10 of the certificate, yes. I'm not sure about the second
 11 half of your question. Could you perhaps rephrase that?
 12 Q. Yes. What I was suggesting to you is that, for example,
 13 here where it says, "The panels are judged to meet the
 14 Class 0 requirements", do you agree that a construction
 15 professional ought to be able to take that statement at
 16 face value, rather than have to read that together with
 17 another part of the certificate which is about
 18 equivalence in diagram 40?
 19 A. No, I don't accept that they should make any judgement
 20 based on a single sentence within the certificate. They
 21 must read the full certificate, they must understand it,
 22 and read it in conjunction with the approved documents
 23 themselves. The certificate only gives information to
 24 form a judgement on the basis of the requirements of the
 25 approved documents.

1 Q. Right.
 2 I think you said at the beginning of your answers
 3 this morning that it was a poor certificate wording, and
 4 it could have been improved. In what way are you
 5 accepting that the wording was poor?
 6 A. I would not use terms such as, "The panels are judged to
 7 meet class 0", I would give statements of fact, and this
 8 was a -- not a statement of fact, it was
 9 an interpretation.
 10 Q. Right.
 11 Now, if we look at your second witness statement at
 12 page 28, so that's {BBA00010723/28}, I want to look at
 13 paragraph 111. You say this:
 14 "The front page of the Certificate states that the
 15 panels 'may' be regarded as Class 0 materials. If all
 16 colours of the product were covered, this would have
 17 read 'the panels are Class 0 materials' or similar. The
 18 use of the 'may' indicates that this is not always the
 19 case. The space available on the front page is limited
 20 and it is not possible to give full details there -- the
 21 reader is directed to Section 6 which gives all of the
 22 necessary information."
 23 Then you tell us the wording was revised in the
 24 second issue of the certificate to further aid clarity,
 25 and we know that that was in 2017.

1 Now, we will come to colour in just a moment, and we
 2 will also come to the second issue of the certificate
 3 later.
 4 Are you saying there in that paragraph of your
 5 statement that "may be regarded as class 0" means "may
 6 or may not be regarded as class 0"?

7 A. That answer was in response to a specific question about
 8 colour. So the fire classifications given in the
 9 certificate relate to the specific colours that were
 10 tested, and I believe the certificate makes that clear.

11 Q. Right. So you're saying that the extent to which it may
 12 not be regarded as class 0 is solely in relation to the
 13 different colours, or are you saying that, more broadly,
 14 the certificate means may or may not be class 0?

15 A. It certainly refers to specific colours.

16 Q. The use of the phrase "may be regarded as class 0" on
 17 the front page, which is what you're dealing with here,
 18 and then you draw this distinction about colour, is the
 19 use of the words "may be regarded as class 0" on the
 20 front page different from the "may be regarded as
 21 class 0" that we see in section 6.3, where it's said,
 22 "As a consequence of sections 6.1 and 6.2 ... may be
 23 regarded as class 0"?

24 A. Sorry, that was a long question.

25 Q. Yes. What I'm trying to get at is whether you're

1 telling us that the phrase "may be regarded as class 0"
 2 means different things in different parts of the
 3 certificate, because here you appear to be telling us
 4 that the front page of the certificate is saying "may be
 5 regarded as class 0" because only some colours are
 6 covered, whereas elsewhere in your statement you're
 7 saying that the phrase "may be regarded as class 0" is
 8 because of diagram 40 and the fact that B may be seen as
 9 equivalent for diagram 40 purposes to class 0.

10 What I'm trying to get at is whether what you're
 11 telling us is that that phrase, "may be regarded as
 12 class 0", is actually being referred to in different
 13 ways in different parts of the certificate?

14 A. On the front page, where it talks about "may be",
 15 I believe that relates to the two options within
 16 diagram 40, ie the European and the British Standard
 17 classification systems. The use in this answer relates
 18 to the performance of different colours potentially
 19 giving different classifications.

20 Q. Yes, but if you read what you say here in paragraph 111
 21 you say:
 22 "The front page of the Certificate states that the
 23 panels 'may' be regarded as Class 0 materials."
 24 Then if we go on to the third sentence:
 25 "The use of the 'may' indicates that this is not

1 always the case."
 2 A. Yes, but again, I was answering a specific question
 3 about the performance of individual colours. I was not
 4 regarding this as a question about the front page of the
 5 certificate.
 6 Q. I see.

7 SIR MARTIN MOORE-BICK: Mr Albon, before we leave
 8 paragraph 111, I'm slightly puzzled by the second
 9 sentence, which suggests that if — well, it does say
 10 that if all the colours were covered, then the
 11 certificate would have read, "the panels are Class 0
 12 materials". I don't understand quite how you could make
 13 that statement if you hadn't got the necessary tests to
 14 demonstrate that they were class 0.

15 A. I think with hindsight perhaps I'm mixing the front page
 16 and the fire section itself, where we do talk about the
 17 fire performance of individual colours, and the fact
 18 that a given performance as quoted may not be achieved
 19 for all colours of the product. It may have been better
 20 if I omitted the reference to the front page here.

21 SIR MARTIN MOORE-BICK: All right. Thank you.

22 MS GRANGE: Yes.

23 SIR MARTIN MOORE-BICK: Yes, Ms Grange, sorry to interrupt.

24 MS GRANGE: That's very helpful.
 25 As we discussed, Arconic did not send any

1 information or data about test 5B to the BBA which dealt
 2 with the cassette panels. I just want to see what you
 3 say about this in your second witness statement, so this
 4 statement, at page 30 {BBA00010723/30}. If we pick it
 5 up at paragraph 122, you tell us this, at the bottom of
 6 that page:
 7 "122. Had the BBA been aware that the cassette
 8 fixing method for the product was in fact Classified as
 9 E to EN 13501-1 rather than B as we were led to believe,
 10 this Classification would have been given in the
 11 Certificate in addition to the Class B for the Riveted
 12 fixing method.

13 "123. The areas of use permitted for a Class E
 14 material by Diagram 40 of Approved Document B ... are
 15 different than those for a Class B, both in terms of
 16 height and distance from a boundary. A Class E material
 17 could not have been used on a building with a floor more
 18 than 18m in height from the ground, in the absence of
 19 any additional supporting evidence, such as a full scale
 20 fire test and compliance with the requirements of
 21 BR 135. As far as the BBA is aware, no such additional
 22 data were available, as none has been provided to the
 23 BBA.

24 "124. Had the BBA been made aware that the cassette
 25 fixing method was in fact Class E, this, and the

1 corresponding restrictions , would have been made clear
 2 in the Certificate text.”
 3 Now, you tell us that in that part of your
 4 statement, and you say something similar on at least
 5 four occasions in your second statement, but nowhere in
 6 that second statement dealing with the certificate do
 7 you tell us what the BBA would have said on the
 8 certificate about the class 0 if you had known that the
 9 European classification of the cassettes was class E.
 10 Can you explain to us, can you help as to what
 11 impact that would have had on the class 0 statements in
 12 the certificate ?
 13 A. Where there are, if you like , contradictory ratings
 14 between the British Standard and the European Standard
 15 classification systems in relation to permissible areas
 16 of use within diagram 40, we would always take the worst
 17 case and quote that worst case. So in this case, we
 18 would have quoted the Euroclass B and omitted reference
 19 to class 0.
 20 Q. I see. So all references to class 0 would have been
 21 omitted, would they?
 22 A. Certainly for the cassette version , yes.
 23 Q. Right. Even though you have still got the rivet
 24 version, which has the B, and which for diagram 40
 25 purposes would be treated the same as class 0?

1 A. It's slightly hypothetical, but if we had been aware of
 2 that, I would have expected different classifications to
 3 be given for rivet and cassette. Potentially we could
 4 have given both class 0 and class B for the riveted , but
 5 certainly not for the cassette.
 6 Q. Yes. You say, "Potentially we could have given both
 7 class 0 and B for the riveted"; would the BBA still have
 8 said that the rivet –fix panels may be regarded as having
 9 a class 0 surface? Is that what you would have
 10 expected?
 11 A. No, in that case, because we had test data specific to
 12 the BS 476 methods, I would expect us to give the
 13 classification .
 14 Q. Well, no, you had test data specific to the FR panel for
 15 BS 476, but you didn't have test data relevant to the PE
 16 panel.
 17 A. Yes, you're right.
 18 Q. Yes. So can I ask the question again: what would you
 19 have said about the class B for the rivet? Would it
 20 still have said, "may be regarded as class 0"?
 21 A. Possibly, at that time, in that context, I don't know.
 22 Q. Yes.
 23 Just some more detailed questions about what you say
 24 about the colours that the certificate deals with.
 25 Let's just look back at {BBA0000047/5}, page 5 of

1 the certificate , at 6.4 in the middle of that page. It
 2 says:
 3 "These performances may not be achieved by other
 4 colours of the product and the designations of
 5 a particular colour should be confirmed by ..."
 6 For England and Wales it says:
 7 "Test or assessment in accordance with Approved
 8 Document B, Appendix A, Clause 1."
 9 Now, if we can look at your second witness statement
 10 again, at page 27 {BBA00010723/27}, from paragraph 104,
 11 where you're dealing with this colour point, you tell
 12 us:
 13 "104. The performance achieved in reaction to fire
 14 testing is known to be influenced by the colour of the
 15 coating finish chosen, as the pigments and other
 16 component materials can have an effect. Where the
 17 numerical result achieved places a product close to the
 18 transition point from one Classification to another, as
 19 defined by the Classification system, it is possible
 20 that two different colours tested could achieve
 21 different Classifications .
 22 "105. This is a general consideration for all
 23 materials and is not specific to ACM products.
 24 "106. For this reason the fire Classification
 25 quoted in any BBA Certificate is colour specific , unless

1 the laboratory carrying out the fire test has confirmed
 2 in their report that the Classification given covers all
 3 of the colours in the range.
 4 "107. The BBA had only Certified the fire
 5 performance of the product/colour combinations given in
 6 sections 6.1 and 6.2 of the Certificate . This meant
 7 that the Classifications given in the Certificate were
 8 only applicable to the specific colours quoted in
 9 Sections 6.1 and 6.2. These classifications could not
 10 be extrapolated to apply to any other colour.
 11 "108. Please see section 6.4 of Certificate ...
 12 "109. As far as the BBA is aware, no such testing
 13 or assessment was carried out on the colours chosen for
 14 installation on Grenfell Tower. The fire performance of
 15 the products installed on Grenfell Tower were not
 16 covered by BBA Certification."
 17 Now, you tell us there that the BBA only certified
 18 the product/colour combinations in sections 6.1 and 6.2.
 19 If we go back to those in the certificate , page 5
 20 {BBA0000047/5}, where you were talking about product,
 21 are you being specific about whether the product is
 22 a standard sample, the PE core, or the FR core?
 23 A. It would apply irrespective of the core.
 24 Q. Well, at 6.1 it says:
 25 "A standard sample of the product, with a grey/green

1 Duragloss ... coating ..."
 2 So are you saying that you're only certifying the PE
 3 version of the product with a grey/green coating and not
 4 the FR version of the product with a grey/green coating?
 5 A. Yes, in terms of fire classification, that's the only
 6 classification that we had.
 7 Q. Yes, and so at 6.2 you're saying that for the
 8 fire retardant sample of the product, it's only the
 9 metallic grey colour that is covered by the certificate;
 10 is that right?
 11 A. Yes.
 12 Q. We can see there are two different types of coating that
 13 are being quoted in the certificate: the PVDF coating
 14 and the Duragloss 5000 coating.
 15 Can you clarify for us, do you mean that the colours
 16 also have to have the same coating to be covered by the
 17 certificate? So for the top one in 6.1, it's not only
 18 got to be PE grey/green, but it's also got to have the
 19 Duragloss 5000 coating?
 20 A. Yes.
 21 Q. And at 6.2, the FR sample of the product would have to
 22 be metallic grey and it would have to have the PVDF
 23 finish, not any other type of coating; is that right?
 24 A. Yes.
 25 Q. So effectively the scope of the certificate is for three

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1 very specific products: PE grey/green Duragloss, FR gold
 2 Duragloss, and FR metallic grey PVDF, and nothing else;
 3 is that correct?
 4 A. You said the scope of the certificate. That's slightly
 5 different. The scope of the fire classifications are as
 6 you describe, yes.
 7 Q. Yes. I mean, sorry, when I'm talking about the scope of
 8 the certificate, I'm talking about it in terms of its
 9 fire performance.
 10 A. Yes.
 11 Q. Just to clarify.
 12 So you're saying that the certificate is just for
 13 those three very specific products; yes?
 14 A. Yes.
 15 Q. Doesn't that limit the certificate enormously to the
 16 point of almost uselessness if it only applies to those
 17 specific colours and those specific coatings?
 18 A. Yes, it does. Very often a fire classification report
 19 is provided which does cover the full colour range. In
 20 those circumstances, the certificate wording would be
 21 different. This does require that, for a particular
 22 installation, the colour and the configuration to be
 23 used on a building must be tested in order to determine
 24 its reaction to fire classification, and therefore its
 25 suitability for that particular installation.

22

1 Q. Right. Well, let's just test that a little and just
 2 look at some other points.
 3 If we go to page 3 of the certificate
 4 {BBA0000047/3}, under the second heading down,
 5 "Technical Specification", at 1.1, we can see that it
 6 tells us -- yes, if you look in the third line down,
 7 there's the word "A" at the very end of the line on the
 8 right-hand side. It tells us in this description that:
 9 "A Duragloss or PVDF coating available in various
 10 colours protects the exposed face."
 11 We saw in the evidence of Mr Gregorian that this
 12 particular statement was inserted at the request of
 13 Arconic.
 14 Now, wouldn't the reader of this part of the
 15 certificate understand this to mean that the Duragloss
 16 or PVDF coating, in whatever colour, was covered by the
 17 statements made in this certificate?
 18 A. Well, the performance in other aspects is covered by
 19 this certificate. Its lightfastness, its structural
 20 performance and various other performance parameters are
 21 not affected in the same way as the fire classification.
 22 Again, you must read the full certificate.
 23 Q. I see. So you're expecting somebody to read that
 24 sentence there, "A Duragloss or PVDF coating available
 25 in various colours protects the exposed face", but to

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1 understand that in the fire performance section, what
 2 you're saying about fire performance only covers very
 3 specific products and very specific coatings; yes?
 4 A. I think, is it section 6.4 makes it very clear that this
 5 fire performance is not achieved by other colours, or
 6 may not be achieved by other colours of the product?
 7 I do think that is quite clear.
 8 Q. Yes.
 9 You say in paragraph 104 of your statement
 10 {BBA00010723/27} -- we just looked at it -- that two
 11 different colours could achieve different
 12 classifications if the numerical result is close to the
 13 transition point from one classification to another. Do
 14 you remember where we just looked at that just now?
 15 A. Yes.
 16 Q. Can we go to an email chain, this is {BBA00010693}.
 17 This is an email chain between you and Mr Gregorian in
 18 October 2007.
 19 If we go to the second email down on the first page,
 20 this is from you to him, and we can see in the third
 21 paragraph -- so you have said:
 22 "Hamo
 23 "I think that your wording is generally
 24 appropriate."
 25 This is, just to be clear, about the Alcoa Reynobond

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1 cladding panels. Then you say something about
 2 durability in the second line.
 3 Then in that third paragraph, you say:
 4 "I don't know what statement you are making on fire
 5 performance but it is now our policy that reaction to
 6 fire testing is colour specific (ie that if you have
 7 a fire test report for a particular colour then the
 8 results only apply to that colour, not the full range.
 9 You can't say that the whole range is Class 0/Low risk,
 10 for example)."
 11 Now, it's right, isn't it, that no one at the BBA
 12 considered whether these colours were close to the
 13 transition point between classifications, did they?
 14 A. No.
 15 Q. This was just standard wording that was inserted upon
 16 your instruction, wasn't it?
 17 A. It was my advice, not my instruction, but yes.
 18 Q. Yes, your advice then. And it's not inserted for any
 19 technical reason pertaining to Reynobond, it's just BBA
 20 policy to make that colour caveat clear at the time;
 21 yes?
 22 A. Yes.
 23 Q. What had led to the change in policy that you're
 24 referring to in that email? You say, "it is now our
 25 policy that reaction to fire testing is colour

25

1 specific"; what had led to that change?
 2 A. At this time, I was section head of a different
 3 department dealing with paint, coil coatings, products
 4 where colour was really quite important from
 5 an architectural perspective. I had been advised,
 6 I think, initially by Exova Warrington, that colour
 7 could make a significant difference to the
 8 classification achieved by a product. I was surprised
 9 by that, and I subsequently raised it with BRE for
 10 confirmation, and they did confirm that this was the
 11 case. So once I had that information from two UKAS
 12 accredited fire laboratories, I made the rest of the BBA
 13 aware of that position.
 14 Q. Right. Can you recall, who was it at the BRE that you
 15 spoke to about this point?
 16 A. I can't be sure, it was 2007. Probably Sarah Colwell,
 17 but that's not a statement of fact. She was my usual
 18 contact, it may have been someone else.
 19 Q. Can you help us, what kind of test or assessment was the
 20 BBA recommending should be carried out by construction
 21 professionals on different colours of a product?
 22 A. It would be the process defined in the approved
 23 documents, so the British Standard BS 476, parts 6
 24 and 7.
 25 Q. I see.

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1 So just stepping back from this, is it right that
 2 the BBA was keen to limit the certificate in terms of
 3 colour and fire performance, but not in terms of fixing
 4 method, ie cassette/ rivet?
 5 A. Well, the certificate is an assessment of overall
 6 fitness for purpose, of which fire is only a part,
 7 albeit a very important part. The only applicable
 8 restriction in this case would have been the fire
 9 classifications.
 10 Q. Yes, but what I'm getting at is: isn't this
 11 a potentially inconsistent approach, to be limiting the
 12 certificate in terms of colour, but not making clear
 13 that the results that you're quoting for fire
 14 performance were for the rivet and not the cassette?
 15 A. Yes, I think I acknowledged on Thursday that we should
 16 have included the fact that those fire test reports were
 17 specific to the riveted product.
 18 Q. Yes. So can we agree that this is an inconsistent
 19 approach, to be saying on the one hand that it's limited
 20 by colour but not to say it's limited by fixing method?
 21 A. No, I think it's two different things: the colour is
 22 a deliberate policy imposed across all product types by
 23 the BBA; the failure to refer to riveting is an error.
 24 Q. I see.
 25 Now, the reality is that Reynobond came in

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1 a plethora of colours and finishes. Now, it's right,
 2 isn't it, that the BBA project managers would have known
 3 that, having reviewed the Reynobond marketing
 4 literature; yes?
 5 A. Yes.
 6 Q. But despite that, the certificate has extremely serious
 7 colour caveats reducing its usefulness to just three
 8 very specific products; is that right?
 9 A. It does have those caveats. I'm not sure it reduces its
 10 usefulness because it instructs a potential specifier to
 11 obtain the necessary fire classification for that
 12 configuration and colour.
 13 Q. Right.
 14 If we go back to the email chain that I was just
 15 looking at with Mr Gregorian, {BBA00010693}, and just
 16 look at the top of the page, Mr Gregorian, in response
 17 to your advice, says:
 18 "Thanks John.
 19 "I'll change the text re fire and have a chat with
 20 you later.
 21 "Regards
 22 "Hamo."
 23 As to that, do you recall reviewing or commenting on
 24 the text of section 6 of the BBA certificate prior to
 25 that certificate being issued on 14 January 2008?

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1 A. No, I doubt I would have done so.
 2 Q. Why do you doubt you would have done so, given this
 3 exchange?
 4 A. Because I was working in a different team within the
 5 BBA, and I was not advising on the detailed text of the
 6 certificate, other than this email.
 7 Q. Do you recall --
 8 A. It was a general policy across the business and not
 9 specific to this job.
 10 Q. Do you recall having any other discussions with
 11 Mr Gregorian about the text of section 6 of the
 12 certificate before it was issued?
 13 A. I may have done, but I don't recall.
 14 Q. Okay.
 15 Now, I'm now going to turn to ask you about the
 16 reviews of the certificate that were carried out
 17 subsequently.
 18 We heard in the oral evidence of
 19 Ms Valentina Amoroso that there were a number of reviews
 20 of certificate 08/4510 during its lifetime, and we've
 21 understood the chronology, just to help you with that,
 22 to be broadly as follows: there was a review which
 23 started in December 2010 and closed in April 2011, that
 24 was the 2011 review; there was then a second review
 25 which started in October 2013 and closed in April 2015,

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1 we're going to call that the 2015 review; the BBA then
 2 offered a re-issue contract to Arconic but this was not
 3 processed by the BBA, despite being signed by Arconic;
 4 then there was a review which started on 12 October 2016
 5 and went through to November 2016, that's the 2016
 6 review; and then the BBA again offered a re-issue
 7 contract to Arconic in 2016, and that was taken up. The
 8 fire at Grenfell Tower occurred during the work being
 9 done on the certificate during that 2016 re-issue
 10 contract. So that's the background.
 11 Now, in terms of the terms that applied to these
 12 reviews, can you just help us with this. We see in the
 13 documents that have been disclosed about the reviews
 14 that there were from time to time additional terms and
 15 conditions that applied specifically to them. We have
 16 sought clarification on this from the BBA, as to
 17 precisely what conditions would have been applicable to
 18 the reviews, and we understand the BBA's position to be
 19 that there were additional terms and conditions for the
 20 reviews, but that the original contract terms entered
 21 into in 2007 would have remained in force for the
 22 lifetime of the certificate.
 23 Is that correct? Is that consistent with your
 24 understanding?
 25 A. Yes, I believe the review terms and conditions refer

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1 back to the original.
 2 Q. Yes. So proceeding on the basis that the 2007 contract
 3 terms applied to the reviews, can we just return to
 4 those terms and conditions in the technical file for
 5 this assessment. This is at {BBA00008042/2}. So these
 6 are the certificate terms and conditions. This is taken
 7 from the file that we have for this Reynobond
 8 certificate.
 9 If we go to page 3 {BBA00008042/3}, we see the
 10 clause 7 obligations upon Arconic. We can see those on
 11 the left-hand side, on the left-hand column.
 12 We can see that under 7(a) there is an obligation to
 13 "disclose to the BBA full particulars of and relating
 14 and to the Subject including", and then there is a whole
 15 list of particulars that have to be provided.
 16 Then if we look at clause 7(g), further down in that
 17 column, we can see that it was an obligation of the main
 18 contract to:
 19 "Immediately notify the BBA of any change in the
 20 particulars supplied to the BBA or any third parties and
 21 also of any new or additional information concerning the
 22 Subject or its suitability for the Specified Use
 23 including, without limitation to the generality of the
 24 foregoing, details of claims by users of the Subject
 25 that it is or may be unsatisfactory for the Specified

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1 Use ..."
 2 So those are the main contract terms.
 3 If we could also look at page 4 of this contract
 4 {BBA00008042/4}, we can see on the left-hand side at the
 5 top is clause 13, and this deals with "Withdrawal or
 6 suspension of the certificate", and it makes clear that:
 7 "The BBA shall be entitled to withdraw or suspend
 8 the Certificate at any time by notice in writing to the
 9 Applicant and without prejudice to the generality of the
 10 foregoing may withdraw or suspend the Certificate by
 11 notice ..."
 12 And then there are some particulars given about
 13 certain circumstances, including, for example, at (b):
 14 "There is any change in the technical specification
 15 of the Subject as assessed and as set out in the
 16 Certificate."
 17 So that's the contractual provision that governs
 18 withdrawal or suspension of the certificate.
 19 Now, just in general, would you agree that a review
 20 should be a thorough and comprehensive process?
 21 A. Yes.
 22 Q. And would you agree that a meticulous and careful review
 23 process is essential to the trust that the construction
 24 industry has in BBA certificates?
 25 A. Yes.

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1 Q. Now, I want to focus with you at this point on the
 2 review that took place between 2013 and 2015.
 3 Now, as we heard from Ms Amoroso during her oral
 4 evidence, this commenced in October 2013, when the
 5 former project manager, Maria Barbeito, wrote to
 6 Arconic. If we can look at her letter, that's at
 7 {BBA00008090}. This is Ms Barbeito's letter,
 8 8 October 2013, and if we go to page 2 {BBA00008090/2},
 9 under the heading "Submission of data" at the bottom of
 10 that page, it is stated:
 11 "It is necessary for the BBA to be supplied with the
 12 following information in order to carry out the Review
 13 of your Agrément Certificate ..."
 14 And the number is given.
 15 In 1 it says:
 16 "It is our normal practice to conduct a written
 17 survey of users of the product."
 18 There is a typographical error in there referring to
 19 Stonelite cladding panels in the second line.
 20 Then we see at point 2:
 21 "Written confirmation that there have been no
 22 changes in the design, specification, context of use or
 23 other details that would invalidate the Certificate.
 24 Alternatively, please specify any changes."
 25 Then it goes on about factory production and control

1 in paragraph 3, and regarding factory production and
 2 control, they are asked for full details of any changes
 3 to, and then a whole list. We see raw materials, and
 4 then if we go over the page {BBA00008090/3}, the
 5 manufacturing process and quality control procedure.
 6 Then the list goes on -- we don't need to go to the
 7 other items in the list -- and we can see this is signed
 8 Maria Barbeito. So that was October 2013.
 9 Do we take it from that that by this time, so
 10 October 2013 -- and I think by this time you're head of
 11 approvals of construction products; is that right? You
 12 held that position between 2013 and 2019.
 13 A. Yes. There was a brief period where I was head of
 14 approvals for the energy and ventilation team, and
 15 I believe that's missed from my statement. That was for
 16 a brief period before the three teams were merged into
 17 two teams, at which point I became head of construction
 18 projects. So I may --
 19 Q. Right.
 20 A. My statement wasn't entirely correct in terms of
 21 chronology.
 22 Q. I see. Can you remember the date when you became head
 23 of construction projects?
 24 A. I think it was 2013 but not precisely.
 25 Q. Right.

1 Do we take it from this that by this time it was
 2 customary to require a certificate holder at such
 3 a review to provide both factory production control
 4 data, that was paragraph 3, and the written
 5 confirmation -- if we can go back a page in the letter
 6 {BBA00008090/2} -- that there had been no changes that
 7 we see in paragraph 2? Was that customary practice
 8 within the BBA?
 9 A. Yes.
 10 Q. We saw in the evidence of Ms Amoroso that she sent
 11 similar versions of this letter herself, or sent
 12 a similar version of the letter herself. For the
 13 transcript, the reference is at {BBA00008098}, and that
 14 also contained an identical request for written
 15 confirmations that there had been no changes in the
 16 design.
 17 Then we saw that the project managers sent a number
 18 of requests for this information over a protracted
 19 period, that's between October 2013 and January 2015.
 20 Ms Barbeito herself sent six requests in writing, and
 21 also had several telephone calls. Ms Amoroso and
 22 Mr Nkomo sent five written requests, so in total that's
 23 11 written chasers in that period.
 24 Now, was that volume of correspondence on this
 25 review normal in your experience?

1 A. No.
 2 Q. Didn't it indicate to the BBA that it had a recalcitrant
 3 certificate holder?
 4 A. I would have expected more of a response after that
 5 number of chases, yes.
 6 Q. Yes, not just more of a response, but a response; yes?
 7 Because you had no response to that.
 8 A. Yes.
 9 Q. Didn't it indicate that Arconic weren't interested in
 10 sharing information with the BBA?
 11 A. Certificate holders very often were slow to respond for
 12 requests for information. This is not unique or even
 13 an unusual situation at that time.
 14 Q. I see. So you have accepted that the volume of
 15 correspondence on this review was not normal, but you're
 16 saying that this was not a unique or an unusual
 17 situation; is that right?
 18 A. It was common for certificate holders to be slow in
 19 responding. This is an exceptional extreme case,
 20 I believe.
 21 Q. Right. You say it was common for certificate holders to
 22 be slow in responding; what about no response at all to
 23 that question posed again and again 11 times?
 24 A. Again, it was unusual, but not unique. In these
 25 situations, it was to the discretion at that time of the

1 line managers whether enough information was available
 2 elsewhere to enable a judgement to be made as to whether
 3 or not the certificate continued to represent the
 4 performance as assessed.
 5 Q. Right. Well, I'll come to the decision that was made
 6 about this in just a moment.
 7 What we know is that Ms Amoroso did succeed
 8 eventually in establishing a signed quality plan and
 9 setting up some ongoing surveillance, but she did not
 10 succeed in getting the written confirmation that there
 11 had been no changes which would invalidate the
 12 certificate .
 13 Can we go at this point to an email she sends in
 14 January 2015. This is at {BBA00008079}. This is the
 15 email from Ms Amoroso to Lilia Kosciuk at Arconic,
 16 copying in Mr Wehrle and Céline Erny, and she says:
 17 "Hi Lilia ,
 18 "Sorry for the late reply .
 19 "Unfortunately in the last year we have experienced
 20 several problems in getting in touch with you and
 21 receive the required info to progress our job, this
 22 leading to severe delays in closing this Review job.
 23 "For this reason BBA has decided to go ahead with
 24 the information already in hands.
 25 "I drafted a copy of the Review Report and I am

1 waiting for approval from my Team Manager. After that
 2 you will receive it for your personal record. "
 3 Now, did you have any role in the decision to go
 4 ahead with the documents already in hand at this point?
 5 A. I don't think so. This would be in the engineering
 6 department, so I should not have been involved.
 7 Q. I see.
 8 Do you agree with this decision, given the history
 9 that I've just outlined to you, which we went through
 10 with Ms Amoroso in detail?
 11 A. I can't really make comment, because I don't know what
 12 information was available from other sources that led to
 13 this decision being made.
 14 Q. But, hang on, you know that the manufacturer has been
 15 asked at least 11 times in writing for confirmation that
 16 there have been no changes undermining the certificate.
 17 How could information that you do have in your hands
 18 affect the fact that you are missing that important
 19 confirmation?
 20 A. I don't know what information was available. I would
 21 imagine that technical literature , performance claims
 22 were examined and that there was no contradiction in the
 23 claims being made by the manufacturer compared to those
 24 made in the certificate . That would have given
 25 reassurance that nothing had changed.

1 At this time, there was discretion given to team
 2 managers to proceed in this way. I would have expected
 3 the team manager to speak to his boss, the head of
 4 approval, certainly in my team that was how it worked,
 5 and so a decision would have been made at a senior level
 6 within the BBA that sufficient information was
 7 available .
 8 We have changed the process now, and this discretion
 9 no longer applies. In these circumstances, under the
 10 current processes, the certificate would be suspended.
 11 Q. Yes, well, thank you for that. But going back to what
 12 you said about the situation pertaining at the time, you
 13 said there that there was no contradiction in the claims
 14 being made by the manufacturer compared to those made in
 15 the certificate .
 16 The BBA's job didn't start and finish with the
 17 claims being made by the manufacturer in its literature ,
 18 did it ?
 19 A. No.
 20 Q. The BBA's entire purpose, surely, was to scrutinise such
 21 claims and ascertain, by reference to objectively
 22 verifiable evidence or information, whether those claims
 23 were accurate; yes?
 24 A. Yes, but the decision had already been made in the
 25 original assessment based on data provided to us that

1 appeared to validate the claims being made.
 2 I don't think the BBA procedures were ever designed
 3 to cope with a situation where a manufacturer would
 4 deliberately mishold(sic) fire test data from the BBA
 5 and continue to do so.
 6 Q. But put aside for a moment what had happened when the
 7 certificate was first issued. We know that Arconic came
 8 into possession of more fire test information in the
 9 ensuing years, information which did undermine that that
 10 was in the certificate . Why wasn't it important for the
 11 BBA to get an answer to the question whether anything
 12 had changed?
 13 A. Given the fact they had already misrepresented the
 14 performance of the product and were continuing to do so,
 15 despite the fact they had additional fire test data,
 16 again, our procedures did not envisage such a situation
 17 could occur, that someone could behave in this manner
 18 and deliberately mislead us.
 19 Q. But with fire test data, wasn't it envisaged that there
 20 could be re-testing of products periodically , as we've
 21 seen in some of the underlying fire test information
 22 where it recommends that tests are carried out at
 23 intervals to check whether the information still remains
 24 valid?
 25 A. Yes, that's true, and if that were the case, then

1 I would expect that a responsible manufacturer would
 2 immediately change the claims being made for the process
 3 based on the new fire data available to them. I'm
 4 assuming that they did not do so because we would have
 5 checked that as part of the review process.
 6 Q. Right. But here you haven't just got a void, an absence
 7 of information; you have 11 requests where you've asked
 8 for that information, you've asked whether there have
 9 been any changes. That should have been a very simple
 10 thing for Arconic to answer, shouldn't it?
 11 A. Yes, it should.
 12 Q. And you have had those 11 requests go by and they
 13 haven't said anything to you. Shouldn't that have
 14 alerted suspicion within the project managers that
 15 something was awry?
 16 A. Well, again, we may well have been naive, but I don't
 17 think that suspicion that someone was deliberately
 18 misrepresenting the performance of their product in
 19 a safety critical manner would have occurred to us.
 20 Q. Mr Nkomo said that there was a general instruction in
 21 place that if project managers were not getting all the
 22 information that they had been chasing for, project
 23 managers should then complete the review with what you
 24 have and close the job, that was his evidence at
 25 {Day107/48}, {Day107/54} and {Day107/55}.

1 Were you aware that this was the approach that
 2 project managers were following at this time: to
 3 complete the review with what you have and close the job
 4 and move on?
 5 A. I think Mr Nkomo may have accidentally slightly
 6 misinterpreted the position. I would have expected him
 7 to discuss that situation with his line manager as part
 8 of regular monthly updates, and that they should come to
 9 a decision between the two of them to close the job on
 10 the basis of the information available. That was my
 11 experience.
 12 Q. I see. I understand that you're saying in terms of the
 13 process he should have followed, he perhaps should have
 14 gone one level higher than himself, but in terms of the
 15 basic point that he's making, he said there was
 16 a general instruction in place that if project managers
 17 were not getting all the information they had been
 18 chasing for, they should complete the review with what
 19 you have and close the job.
 20 Are you suggesting that he is making that up or was
 21 that indeed the general instruction at the time?
 22 A. No, I'm not saying he's making it up, I think he's just
 23 slightly not given all of the full information.
 24 Certainly the intention was to close the job if
 25 possible, but only if the information available to

1 you -- to him was such that he could have confidence in
 2 closing that job. It's a case-by-case process, it's not
 3 an overall instruction.
 4 Q. And how was that communicated to project managers and
 5 managers such as Mr Nkomo?
 6 A. Through training, ongoing mentoring, and the fact that
 7 there would be a minimum of monthly meetings, initially
 8 between the project manager and the team manager, to
 9 discuss all ongoing jobs, and then the team manager
 10 would meet with the head of approvals in the same way to
 11 discuss problem jobs. So in that scenario I would
 12 expect that this would have been discussed with the head
 13 of approvals and a decision made on an individual basis
 14 that it was appropriate to close the job.
 15 Q. Right. But it would appear that didn't happen in this
 16 instance; yes?
 17 A. I don't know.
 18 Q. Did you endorse that approach, that general approach of:
 19 if you can't get all the information, you just complete
 20 the review with what you have and close the job?
 21 A. At the time, yes, that was consistent across both teams.
 22 As I said, we have perhaps recognised that we were naive
 23 and changed the process as it stands at the moment.
 24 Q. Right.
 25 Ms Amoroso said that it was the common practice

1 within the BBA that suspension would only happen where
 2 there was, in her words, active denial from the
 3 certificate holder to allow factory visits. That was at
 4 {Day106/82:16-20}.
 5 Is she right about that? Was it common practice
 6 that suspension would only happen where there was active
 7 denial to allow factory visits?
 8 A. I think she's incorrect. That is a scenario where
 9 suspension would certainly happen, but there are many
 10 other situations where certificates may be suspended.
 11 Q. Can you explain how that came to be her understanding of
 12 the circumstances, and indeed the only circumstances, in
 13 which suspension would occur?
 14 A. No, I can't.
 15 Q. Was there any written policy or guidance to project
 16 managers about when a failure to communicate with the
 17 BBA should be escalated?
 18 A. This would be discussed on an individual basis in the
 19 meetings that I have described.
 20 Q. When you say "This would be discussed", do you know for
 21 a fact that it was discussed on a regular basis at the
 22 time, or is that speculation on your part?
 23 A. It's speculation on my part. I can only speak from my
 24 own personal experience of the way matters were managed
 25 in my team. The intention was that it should be

1 consistent across both teams, our procedures are
 2 consistent across both teams, and I would be surprised
 3 if that were not the case. I don't have personal
 4 experience to confirm that, though.
 5 Q. So when I asked you the question: was there any written
 6 policy or guidance to project managers about when
 7 a failure to communicate with the BBA should be
 8 escalated, is the answer to that question no?
 9 A. I can't recall a specific policy that would cover that
 10 scenario, but every job that we do is handled on
 11 an individual basis and it is discussed with line
 12 management, who are familiar with the processes, as are
 13 the project managers.
 14 Q. Was there any written policy or guidance given to
 15 project managers about when to escalate a case for
 16 consideration for suspension?
 17 A. Again, on an absolute minimum of monthly basis, each job
 18 would be discussed with line manager and scenarios for
 19 handling individual situations would be developed.
 20 Q. Who are you saying would have been the line manager that
 21 this should have been discussed with? Who was that at
 22 the time? This is 2015 --
 23 A. It would be the head of approvals -- I'm sorry, I spoke
 24 over you. It would be the head of approvals,
 25 Brian Chamberlain.

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1 Q. Right. But, again, I think the answer to my question is
 2 no -- is this right? -- that there was no written policy
 3 or guidance given to project managers about when to
 4 escalate a case for consideration of suspension?
 5 A. There are documented procedures dealing with suspension
 6 of certificates. Policies cannot possibly cover
 7 individual circumstances because they are subtle and
 8 nuanced and have to be discussed.
 9 Q. When you say, "There are documented procedures dealing
 10 with suspension of certificates", are you saying that
 11 those written policies don't cover at all the
 12 circumstances in which suspension ought to be considered
 13 or escalated within the BBA?
 14 A. That's a subjective consideration that is very difficult
 15 to actually put into a procedure, so no.
 16 Q. Ms Amoroso has also said that she did not review the
 17 original contract terms with Arconic to see what they
 18 said during this time. Can you explain that, why
 19 a project manager wouldn't go back to the contract terms
 20 to see what the overarching obligations were in this
 21 scenario?
 22 A. I'm struggling to see why the project manager would go
 23 back to the contract terms. The requirements for the
 24 review are clear. They are -- there is a standard
 25 review letter. The standard review letter was sent.

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1 The consequences for failing to comply with that, as
 2 I say, would be discussed with line management. I don't
 3 really see it's necessary to go back to the terms and
 4 conditions of the certificate.
 5 Q. In circumstances where 11 separate chasers had been sent
 6 for confirmation that there had been no changes
 7 undermining the certificate, wouldn't you have expected
 8 the project manager to have reviewed the contractual
 9 obligations in their entirety in order to start
 10 considering suspension?
 11 A. I think as part of the training, the contractual
 12 obligations are understood by project managers, I don't
 13 dispute that, I just wonder why anyone would need to go
 14 back to read the original contract. It's the principles
 15 I think that are important, and they would have been
 16 understood.
 17 Q. Well, one possibility is so that they understand the
 18 circumstances in which suspension or withdrawal of the
 19 certificate can occur.
 20 A. But that would not be a decision for the project
 21 manager. There is an escalation process within the BBA
 22 that ultimately requires the signature of a director.
 23 There are about four steps in a suspension and it's not
 24 the project manager's decision.
 25 Q. Right. So how do you suggest this ought to have

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1 happened? What, that the project manager escalated this
 2 to Mr Chamberlain for consideration of suspension; yes?
 3 A. No, I'm saying it would depend on the individual
 4 circumstances, and I'm not aware of what those
 5 circumstances were and the basis for the decision that
 6 was made. If it was considered that it was appropriate
 7 to suspend the certificate, then there is a process to
 8 be followed and that would ultimately involve the head
 9 of approvals.
 10 Q. Okay, but you are aware, and we have gone through it in
 11 detail with the BBA witnesses, that on at least 11
 12 occasions written confirmation was requested that there
 13 were no changes undermining the certificate. In those
 14 circumstances, would you have expected the project
 15 manager to have considered suspension and referred it to
 16 her line manager for further consideration?
 17 A. Yes, I would expect this job to have been discussed as
 18 with any other job and an appropriate decision made.
 19 Q. Why do you say, "I would expect this job to have been
 20 discussed as with any other job"? Wasn't this a very
 21 unusual situation, where those requests had been made
 22 time and time again over a two-year period with no
 23 response?
 24 A. Yes, it was an unusual scenario, although not unique.
 25 All jobs are discussed on a regular basis with line

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1 management and decisions made on the basis of the
 2 available information.
 3 Q. To your knowledge, was there any pressure on the BBA
 4 project managers to close out reviews? Were they
 5 incentivised to close out reviews?
 6 A. As with any business, there is pressure to complete work
 7 in hand. When you say incentivised, no, there's no
 8 financial or personal reward to be gained by closing
 9 jobs.
 10 Q. What about pressure at around this time? Were you
 11 conscious that there was pressure on project managers to
 12 be completing and closing out reviews?
 13 A. As with any business, as I say, there is always pressure
 14 to complete work in hand. I'm not aware of any
 15 particular emphasis at this time.
 16 Q. The reality is, isn't it, that the BBA is a commercial
 17 organisation, so the longer a review takes, the less
 18 profit the BBA will make on the fees that the
 19 certificate holder is paying? Do you accept that?
 20 A. It doesn't affect profit. The fee is a flat fee for
 21 a review.
 22 I should emphasise, yes, there is commercial
 23 pressure to complete work. That is never overriding the
 24 technical integrity of what we do. That is always
 25 paramount.

1 Q. Were you ever made aware that there was a leader board
 2 or tally in the BBA office showing the number of
 3 closed-out reviews for each team?
 4 A. No.
 5 Q. You were never aware of that at any stage?
 6 A. No.
 7 Q. Now, we know now that by this stage Arconic had further
 8 fire test data. In October 2011, Arconic had performed
 9 another European test of the Reynobond PE in cassette
 10 form, and this time the CSTB issued a classification
 11 report saying that cassette form was a class E.
 12 Then more tests were done at the end of 2013 and, on
 13 31 January 2014, the CSTB issued a classification report
 14 that Reynobond in either rivet or cassette form was
 15 class E, so all Reynobond panels were European class E.
 16 That is the time when Ms Maria Barbeito was seeking
 17 information from Arconic. That classification of E for
 18 both panels lasted for the better part of the year.
 19 Then on 4 December 2014, at Arconic's request, the
 20 CSTB issued new classification reports: the Reynobond PE
 21 rivet dropped from a class B and was classified as
 22 a C-s2, d0, and the Reynobond PE cassette was classified
 23 as E.
 24 Now, in those circumstances, it's right, isn't it,
 25 that had the BBA insisted that Arconic produce written

1 confirmation that there were no changes undermining the
 2 certificate, the BBA might well have been alerted to the
 3 fact that the fire performance was wrongly stated on the
 4 certificate? Do you accept that?
 5 A. If they had told us, yes. But I would have expected
 6 them to provide us with those fire test reports in
 7 accordance with their contractual obligations. I would
 8 also have expected them to update the fire
 9 classifications being claimed for their product in their
 10 technical literature.
 11 Q. Yes, but I think we can agree also, can we, that you
 12 would have also expected the BBA to have insisted on
 13 confirmation that there were no changes which
 14 invalidated the certificate?
 15 A. I think, given the history of communications with
 16 Arconic, I would very much doubt they would provide us
 17 with that information, but if they had done so, then
 18 yes, it would have alerted us.
 19 Q. Can we look at what you say about this in your second
 20 witness statement, {BBA00010723/34}, paragraph 138. You
 21 say there at 138:
 22 "As previously described in Point 21 above, no
 23 response was received from the Certificate holder to
 24 these requests for the first two Reviews. As much of
 25 the necessary information was available to the BBA from

1 other sources, such as the Internet a decision was made
 2 to continue the Certification on the basis of the
 3 information that was available, on the understanding
 4 that there had been no significant technical changes
 5 affecting the certificate."
 6 You go on:
 7 "BBA procedures do allow sanctions to be taken, for
 8 example where there is a ... lack of co-operation by
 9 Certificate holders and this could lead to suspension or
 10 withdrawal of a Certificate. However, on my review of
 11 the documents, in this case, I can see no reason to
 12 believe that there was any additional information
 13 conflicting with that given in the Certificate. In
 14 addition, the Certificate holder was continuing to
 15 co-operate in other ways, such as maintaining the
 16 surveillance operated over the manufacturing process.
 17 It seems to have been considered at the time that
 18 withdrawing the Certificate would be a disproportionate
 19 response to the lack of communication from the
 20 Certificate holder during the Review process."
 21 Now, can you explain, in circumstances where Arconic
 22 had been asked on multiple occasions to confirm that
 23 there had been no changes which would undermine the
 24 certificate and had never responded, why you are saying
 25 there that it was considered that withdrawing the

1 certificate would be a disproportionate response to the
 2 lack of communication?
 3 A. Well, that was a conclusion drawn by other people, so
 4 I can't comment on whether or not it was appropriate.
 5 I can only imagine that the information available at the
 6 time gave the necessary reassurance that there was no
 7 contradiction between the performance being claimed and
 8 that that was given within the certificate .
 9 Q. Well, they were not co-operating in a significant way
 10 with the review, were they? We can agree that.
 11 A. Yes.
 12 Q. And if they couldn't confirm there had been no changes,
 13 you could have no confidence that your certificate was
 14 an accurate statement about the performance of the
 15 product, could you?
 16 A. Well, it was consistent with the claims being made by
 17 the manufacturer.
 18 Q. Why did that give you confidence that the certificate
 19 was an accurate statement about the performance of the
 20 product?
 21 A. Well, as I've explained, I don't think our procedures
 22 anticipated a situation where there would be deliberate
 23 misrepresentation of the performance of the product with
 24 a fire safety critical aspect of performance such as
 25 this.

1 Q. But if all you're doing in these reviews is looking at
 2 whether there is any changes as compared with the
 3 manufacturer's literature, what is the point of a BBA
 4 review? Couldn't an average construction professional
 5 do that for themselves?
 6 A. Well, the review goes beyond looking at the
 7 manufacturer's literature. That's only one aspect of
 8 it. But there was no information available to us that
 9 suggested the assessment made during the original
 10 contract was incorrect and that nothing appeared to have
 11 changed.
 12 Q. But you'd asked that very question of the manufacturer
 13 and on multiple occasions they had not responded, so you
 14 did have some information available to you that
 15 suggested there might be a problem; yes?
 16 A. Yes, there could be many reasons why there was no
 17 response, though. As I said, perhaps we were naive, but
 18 I don't think we anticipated the actual reason why there
 19 was no response.
 20 Q. Mr Nkomo's oral evidence -- he was the team manager at
 21 this time -- was that he was not even aware that there
 22 was any discussion or consideration of suspension of the
 23 certificate. That was {Day107/69} and {Day107/90}.
 24 How can you explain why suspension doesn't even
 25 appear to have been considered as one possible response

1 to the lack of co-operation you were getting from
 2 Arconic?
 3 A. I don't know, I was not involved in that particular
 4 conversation.
 5 MS GRANGE: Mr Chairman, if I can just finish this line of
 6 questioning, it won't take much longer.
 7 SIR MARTIN MOORE-BICK: Yes, all right.
 8 MS GRANGE: If we look at another passage in your second
 9 witness statement at page 35 {BBA00010723/35},
 10 paragraph 142, you say this:
 11 "The failure of Arconic to disclose the existence of
 12 other fire test reports, including that demonstrating
 13 Class E performance for the cassette fixing method
 14 should have been declared to the BBA at the time of the
 15 initial assessment and at each of the subsequent
 16 Reviews. The failure to do so prevented this
 17 Classification being included in the product
 18 Certification. We would clearly consider this to be
 19 unsatisfactory now, but could have formed no opinion on
 20 the matter at the time of receipt of their response, as
 21 we were unaware of the existence of the additional
 22 data."
 23 Now, in that last part of that paragraph, doesn't
 24 that actually underestimate what was going on here? You
 25 say you could have formed no opinion on the matter at

1 the time. Couldn't you have formed an opinion on the
 2 fact that Arconic was failing to co-operate with the BBA
 3 by failing to respond to its requests?
 4 A. Yes, and we have now changed our procedures whereby
 5 where no response is received, we will proceed to
 6 suspend the certificate .
 7 Q. The implication from your statement is that you didn't
 8 consider that to be an unsatisfactory state of affairs .
 9 Can you explain why not?
 10 A. Well, clearly it was an unsatisfactory state of affairs .
 11 As I've said, I am assuming that at the time the
 12 individuals concerned considered that there was
 13 sufficient information available to them to make
 14 a judgement.
 15 Q. Wasn't this the paradigm case of a lack of co-operation?
 16 A. Clearly there was a lack of co-operation. For context,
 17 it was not unique, this would sometimes happen, and
 18 a judgement had to be made on a case-by-case basis.
 19 Q. Can you accept now that that was a wholly flawed
 20 judgement that was made at the time?
 21 A. Yes, and for that reason we have now changed our
 22 procedures so it cannot reoccur.
 23 Q. Shouldn't the BBA have suspended this certificate until
 24 Arconic provided all of the information that had been
 25 requested?

1 A. That was not the policy at the time. It would be the
 2 policy now. Why that was not carried out at the time,
 3 I don't know, because I don't know the individual
 4 circumstances.
 5 MS GRANGE: I see.
 6 Mr Chairman, thank you for letting me carry on.
 7 I think that would be an appropriate moment.
 8 SIR MARTIN MOORE—BICK: Yes. Right, thank you very much.
 9 Well, Mr Albon, we will have a break at this point.
 10 We will come back at 11.40, please, and again, as I have
 11 on previous occasions, I have to ask you not to talk to
 12 anyone about your evidence or anything relating to it
 13 during the break. All right?
 14 THE WITNESS: Yes, thank you.
 15 SIR MARTIN MOORE—BICK: Good. We will look forward to
 16 seeing you a bit later on, then. Thank you very much.
 17 THE WITNESS: Thank you.
 18 (11.22 am)
 19 (A short break)
 20 (11.40 am)
 21 SIR MARTIN MOORE—BICK: Welcome back, everyone. We are
 22 ready to continue hearing Mr Albon's evidence. I'll
 23 just check that he is in contact with us.
 24 Are you there, Mr Albon? Can you see me, can you
 25 hear me?

1 THE WITNESS: Yes, I can.
 2 SIR MARTIN MOORE—BICK: Very good, thank you very much.
 3 You're ready to carry on, I hope?
 4 THE WITNESS: Yes.
 5 SIR MARTIN MOORE—BICK: Good, thank you.
 6 Then when you're ready, Ms Grange.
 7 MS GRANGE: Yes, thank you very much.
 8 Mr Albon, just some short questions now about the
 9 CSTB.
 10 I want to know if you can help us with a matter
 11 which arises from Ms Amoroso's evidence on the CSTB.
 12 She said in her oral evidence that she would have
 13 expected the CSTB to notify the BBA if there had been
 14 changes to the certified product. She said that at
 15 {Day106/79} and also at {Day106/206} and following, and
 16 she talked about a mutual agreement between the BBA and
 17 the CSTB in this regard.
 18 Can you help us, was there any mutual agreement
 19 between the BBA and the CSTB about the sharing of
 20 information relevant to, for example, the Reynobond
 21 product?
 22 A. Not in the way you have just described, no. Other than
 23 the CSTB providing us with evidence — sorry, evidence;
 24 data during the original assessment, that was the end of
 25 the relationship with regard to Reynobond.

1 Q. Right, thank you.
 2 There was or was supposed to be some sharing of
 3 information relevant to the surveillance of the factory
 4 processes which the CSTB was to be carrying out and
 5 which the BBA relied on up until 2015; is that right?
 6 A. Yes.
 7 Q. That's what Mr Nkomo appeared to understand this
 8 agreement to relate to. He thought it was about the
 9 surveillance visits which the CSTB were undertaking.
 10 That was {Day107/23}.
 11 So, just to be clear, is your evidence that there
 12 was no agreement with the CSTB to share test evidence or
 13 data more generally than that?
 14 A. Not that I am aware of, no.
 15 Q. Yes. So you're not aware of an agreement with the CSTB
 16 to share information relevant to the Reynobond products
 17 if, for example, they were re—tested by the CSTB between
 18 2008 and 2015?
 19 A. No.
 20 Q. Thank you.
 21 Now, moving forward in time to the 2016 review, we
 22 heard from Ms Amoroso about that 2016 review which
 23 commenced in October 2016.
 24 Can we just go to the letter that she sent at that
 25 point. This is {BBA00011059/4}. If we go to page 4

1 within this string, we can see here the email that she
 2 sent on 12 October 2016 to Mr Wehrle, Mr Schmidt and
 3 others at Arconic. It's about the Reynobond
 4 architecture wall cladding panels and this certificate.
 5 She says:
 6 "I have been designated as the Project Manager
 7 responsible for coordinating the review of your BBA
 8 Certificate [and she gives the number] and your name has
 9 been advised to me by as our main liaison contact for
 10 this work.
 11 "Our estimated time for the completion of this
 12 project is approximately 4 months and to initiate the
 13 work required for this review within that period, we
 14 require the following information to be provided to the
 15 BBA by Alcoa Architectural Products:
 16 "1. Written confirmation from Alcoa ... that there
 17 have been no changes to the raw materials, manufacturing
 18 process or quality control procedure, other than those
 19 already notified to the BBA.
 20 "2. A copy of the current UK technical literature,
 21 CE Marking (if applicable) ...
 22 "3. A list of customer complaints ...
 23 "4. Recent copies of completed quality control
 24 sheets ...
 25 "In order that there are no delays in completing the

1 review, I would be grateful if you would reply with the
 2 relevant information ... ”
 3 Now, that is different from the letter which
 4 Ms Amoroso sent in 2014, in the sense that it does not
 5 request written confirmation that there have been no
 6 changes in the design, specification, context or use or
 7 other details that would invalidate the certificate .
 8 Now, we've understood from the evidence of Mr Nkomo
 9 that this email that we see on the screen would not have
 10 been a standard form letter, but a letter that the
 11 project manager would have taken from something they
 12 were working on at the time.
 13 Is it right that it was up to the project manager
 14 how to phrase the requests for reviews at this time? So
 15 we're now in 2016.
 16 A. I was not directly involved. It was my understanding
 17 there was a standard review template. I know for sure
 18 there is a standard review template now. I thought
 19 there would have been at this time.
 20 Q. So would you have expected to have seen the same
 21 paragraph about written confirmation, no changes,
 22 repeated as part of this 2016 request?
 23 A. I'm sorry, I'm not familiar with what the standard
 24 template would have been in 2016, but I'm surprised it's
 25 not there.

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1 Q. Yes, thank you.
 2 Now, in fact, Arconic respond to Ms Amoroso in
 3 terms. First, Mr Remy provides detailed information
 4 about the surveillance quality plan, and Ms Amoroso then
 5 asked for the UK technical literature and CE marking,
 6 et cetera, and Mr Remy sends her some technical
 7 datasheets, a brochure about installation and the CE
 8 certificate, albeit for Reynolux. We can find no other
 9 communication in which Ms Amoroso asked for any kind of
 10 confirmation that there were no details that would
 11 invalidate the certificate .
 12 Now, can you tell us whether that was in line with
 13 the BBA's formal processes and procedures at this time?
 14 A. I'm sorry, I don't think I can, because I can't recall
 15 the template that was in place at that time.
 16 Q. Right. So you can't recall what should have been
 17 requested?
 18 A. No, sorry.
 19 Q. I see.
 20 Now, we heard in the oral evidence of Ms Amoroso
 21 that at this time she noticed that Arconic were not
 22 taking responsibility for the product when fabricated in
 23 cassette form, and she required all references to that
 24 to be removed at this time.
 25 Doesn't it follow from that change that the BBA did

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1 appreciate that the original certificate did cover the
 2 cassette variant?
 3 A. I think that is open unfortunately to interpretation .
 4 It's not to my view, but clearly other people thought
 5 that it did.
 6 Q. That change was a very important one, wasn't it, to
 7 remove references to the cassette fix, because otherwise
 8 people might think the performance stated was accurate
 9 for the cassette fix; yes?
 10 A. Yes.
 11 Q. Wasn't that something that needed to be updated as
 12 a matter of urgency?
 13 A. I think the urgency would only apply if we had been
 14 aware of the reaction to fire classification of the
 15 cassette product, and we weren't.
 16 Q. But why wouldn't the urgency apply also once you became
 17 aware that Arconic was not taking responsibility for the
 18 product when fabricated in cassette form?
 19 A. Well, that was something we clearly needed to address,
 20 and I believe we did so as part of this process. But
 21 clearly the urgency to that would be less than it would
 22 be for a safety critical parameter.
 23 Q. Right.
 24 Well, what we see is that the next step was for
 25 Arconic to enter into a review contract, and that change

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1 was brought about over a period of months.
 2 Can you help us as to whether that was in line with
 3 the BBA's standard processes at the time?
 4 A. I think you mean re-issue. This would be the review.
 5 But if it was a re-issue contract, the time to carry out
 6 the re-issue would vary depending on the amount of work
 7 involved and the nature of that work.
 8 Q. Does it follow that, during that time, you could have
 9 a certificate remaining in circulation but which you
 10 know you want to make a change to narrow the scope of
 11 it?
 12 A. Yes.
 13 Q. Now, I now want to ask you some questions about the
 14 BBA's decisions around this time about the relevant
 15 regulatory regime governing these ACM panels.
 16 If we can look at your second witness statement at
 17 this point, {BBA00010723/24}, I want to look at
 18 paragraph 95.
 19 Now, in this section of your statement, just for
 20 context, you're dealing with the 2016 review of the
 21 certificate, and you say at 95:
 22 "It was also noted that the fire section required
 23 updating, to include reference to the necessary height
 24 and boundary restrictions. This was part of a general
 25 change of BBA policy to give the BBA's opinion on the

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1 interpretation of the requirements of the documents
 2 supporting the national Building Regulations. This did
 3 not represent a change in the nature or scope of the
 4 assessment or Certificate and would not have imposed any
 5 additional restrictions on the use of the product
 6 defined in the national Building Regulations as
 7 originally assessed. Please see Point 149 below for
 8 further details."

9 If we go on to paragraph 149 on page 36 of this
 10 statement {BBA00010723/36}, you say this, right at the
 11 bottom of the page:

12 "Earlier in 2017, before the fire, the BBA had
 13 identified what it considered to be an ambiguity in the
 14 wording of 12.7 Insulation Materials/Products, of
 15 Approved Document B, Volume 2. This section reads ..."

16 And then over the page {BBA00010723/37} we get the
 17 quote from 12.7 of Approved Document B.

18 At paragraph 150 you continue:

19 "The issue centred on what would constitute
 20 a ' filler ' and in particular whether the polyethylene
 21 materials in ACMs could be so classified. Since the
 22 events at Grenfell fire there has been some debate on
 23 this issue and an opinion has been expressed by an
 24 Expert Witness to the Inquiry, Dr Barbara Lane, that
 25 this is not the case. However, the BBA felt that the

1 existence of the 'etc' in this section widened the
 2 definition of the materials covered by this requirement
 3 and that it could be concluded that the polyethylene
 4 would be required to be of limited combustibility,
 5 irrespective of whether or not it constituted
 6 a ' filler '."

7 Just to finish this point, you say at 151:

8 "If this was the case, as the polyethylene was not
 9 of limited combustibility, the product would be
 10 restricted to use on buildings up to 18m in height."

11 Just to be clear, you say in the middle of that
 12 paragraph that the BBA felt that the existence of the
 13 "etc" in this section widened the definition. We can
 14 see that at the top of the page, where it says:

15 "In a building with a storey 18m or more above
 16 ground level any insulation product, filler material
 17 (not including gasket, sealants, gaskets and similar)
 18 etc used in the external wall construction, should be of
 19 limited combustibility."

20 Now, taking this in stages, can you explain, when
 21 was this ambiguity in the wording of 12.7, as you have
 22 characterised it, first identified by the BBA?

23 A. Not precisely. Around the beginning of 2017, I would
 24 think, roughly.

25 Q. Were you involved in the identification of this

1 ambiguity?

2 A. Yes.

3 Q. Was it you within the BBA that spotted this and came up
 4 with this interpretation?

5 A. I think so, yes.

6 Q. So what was it that came to change and alerted you to
 7 the fact that there was this ambiguity in the wording?

8 A. I'm afraid I don't remember. I doubt if it was an ACM
 9 issue, because I didn't deal with these materials.

10 Q. Right. So are you saying that it's possible it came to
 11 your attention because of an issue you were dealing
 12 with, with another, different product, not an ACM
 13 product?

14 A. Yes, I think so, and then I probably applied it in the
 15 wider context of other BBA certified materials.

16 Q. Can you help us as to what other product triggered this
 17 consideration?

18 A. I'm sorry, I don't recall.

19 Q. Was it some form of composite product with a core in the
 20 middle?

21 A. I don't know. It may be I was reading the section for
 22 another purpose and somehow identified this could be
 23 a problem for composite products. I really don't
 24 remember what the catalyst was for beginning this
 25 conversation with people.

1 Q. Can you just explain to us your thinking at the time in
 2 terms of why it's the reference to "etc" in that
 3 paragraph that potentially widened the definition of the
 4 materials to cover the core of an ACM?

5 A. I think initially the debate centred on whether or not
 6 the polyethylene core would constitute a filler, and
 7 there is debate about whether or not that would be the
 8 case. Possibly it could be argued that it's not
 9 a filler, but the fact that there was that presence of
 10 "etc" within the section to me meant that we should look
 11 at the purpose behind it and why it was there, and that
 12 we should not restrict our interpretation to the rigid
 13 definition given within the approved document.

14 Q. Right. You say, "initially the debate centred on
 15 whether the polyethylene core would constitute
 16 a filler"; can you remember when that debate was going
 17 on and who was involved in that debate?

18 A. It would have been early 2017, I think, probably myself
 19 and colleagues in the technical department initially.

20 Q. So are you talking about an internal debate just within
 21 the BBA, or were any other organisations involved at
 22 that time?

23 A. As far as I recall, it was internal.

24 Q. Was it anything to do with doubts about the safety of
 25 some ACMs which had been involved in cladding fires

1 around the world?
 2 A. No.
 3 Q. Did you have any awareness of such fires in early 2017?
 4 A. Broadly, yes.
 5 Q. Can you help us as to which fires you were aware of in
 6 early 2017?
 7 A. Not specifically. I think there were occurrences in the
 8 Middle East.
 9 SIR MARTIN MOORE—BICK: I'm sorry to interrupt you,
 10 Ms Grange, but I'd be interested to get Mr Albon's
 11 evidence on a related but slightly different point, and
 12 this seems a good time to do it.
 13 The actual regulation, it's not in ADB, is it,
 14 Mr Albon, it's a separate instrument, and it requires
 15 the external walls adequately to resist the propagation
 16 of fire? That may not be the precise wording, but
 17 that's the requirement, isn't it?
 18 A. Yes.
 19 SIR MARTIN MOORE—BICK: Did it occur to you to consider
 20 whether an ACM panel with a polyethylene core which was
 21 highly combustible might not be suitable at any level?
 22 A. As I said previously, the BBA is not a research
 23 organisation, it's not a fire test laboratory, we are
 24 required to identify and apply best practice. So if
 25 there was any evidence in the public domain that this

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1 would constitute a danger, then yes, I would expect us
 2 to be aware of it and to take appropriate action. But
 3 I think --
 4 SIR MARTIN MOORE—BICK: I raised -- sorry.
 5 A. Sorry. I think it is for others to carry out the
 6 necessary research and place that information into the
 7 public domain.
 8 SIR MARTIN MOORE—BICK: I asked the question only because
 9 you were obviously thinking about this sort of problem
 10 at the time in relation to the 18-metre limit, and
 11 I wondered whether you had thought about it without that
 12 restriction in mind, but the answer may be you didn't.
 13 A. I think my consideration was really specific to the
 14 details given in the approved document. I'm really not
 15 a fire engineer. I'm not qualified to make
 16 a wider-reaching judgement on the basis of my own
 17 knowledge, I'm afraid.
 18 SIR MARTIN MOORE—BICK: All right, thank you very much.
 19 Yes, Ms Grange, I'm sorry.
 20 MS GRANGE: No, not at all.
 21 Mr Albon, Mr Nkomo thought that the Dubai and UAE
 22 cladding fires were part of the reason that the BBA
 23 added this height restriction wording. That was at
 24 {Day107/97:18-22}. Is he wrong about that? That was
 25 his understanding, that those cladding fires, those

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1 international cladding fires, had led the BBA to decide
 2 to refer to this height restriction at this point. Is
 3 that right?
 4 A. Not that I'm aware of, but Mr Nkomo is a BBA technical
 5 expert specialising in cladding materials. I have
 6 a different role within the organisation, so he may have
 7 been having that conversation with others but not with
 8 me.
 9 Q. But was it you taking the lead in 2017 on making these
 10 height restriction changes to BBA certificates?
 11 A. Yes.
 12 Q. Yes.
 13 A. On the basis of the contents of the approved documents,
 14 though, not on specialist knowledge of fires that had
 15 occurred elsewhere.
 16 Q. Right.
 17 Were you aware of the Lacrosse fire in Melbourne,
 18 Australia, in November 2014?
 19 A. I don't think so, no.
 20 Q. Were you involved in the seeking of any external advice
 21 or expertise in relation to this point? Did the BBA go
 22 outside the organisation and ask for advice from
 23 Warringtonfire, Exova, or the BRE at this point about
 24 this interpretation?
 25 A. I don't think we did, no.

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1 Q. Why not? If you're not fire experts, and you say that
 2 others are much more expert in these matters, why not
 3 seek external assistance about the proper interpretation
 4 of ADB at this time?
 5 A. Well, we're not fire experts, but we are quite
 6 experienced in interpreting the requirements of the
 7 approved documents, and I believe we formed the view
 8 that we had sufficient internal competence to make
 9 a judgement on this particular point.
 10 Q. Right.
 11 Was the BBA aware that there was industry guidance
 12 dating from as early as June 2014 which suggested that
 13 all elements of an external wall panel should be of
 14 limited combustibility to satisfy the main route to
 15 compliance in ADB, that was in the Building Control
 16 Alliance Technical Guidance Note 18 from June 2014? Was
 17 the BBA aware of that?
 18 A. I was aware of that technical guidance note. I don't
 19 know if I was aware of it in 2014. But we would base
 20 our judgements on the requirements of the approved
 21 documents, which did not have that requirement.
 22 Q. I see. So are you saying you solely looked at ADB and,
 23 just on the basis of the language in ADB, that's how you
 24 came to introduce this height restriction into your
 25 certificates?

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1 A. I wouldn't say I wholly looked at ADB, but that was the
 2 basis of that decision, yes. I would have thought if
 3 best practice was felt to contradict the approved
 4 documents, then the experts would have taken steps to
 5 update those approved documents accordingly.
 6 Q. Yes, I think what I said was solely looked at ADB, so
 7 I was just implying that ADB was your only source of
 8 information about this ambiguity; yes?
 9 A. On that particular instance, yes.
 10 Q. So are you clear that it wasn't any other industry
 11 guidance that was instrumental in bringing about this
 12 change of approach within the BBA?
 13 A. No, I'm not. Other colleagues may have had access to
 14 other sources of information which may have influenced
 15 their views when we discussed it.
 16 Q. I see. For example, there was some Booth Muirie
 17 guidance from 2016 which refers to all significant
 18 elements of each and every layer of the wall needing to
 19 be of limited combustibility if following the primary
 20 route to compliance in ADB. Were you aware of that at
 21 the time?
 22 A. No, I would have consulted the approved document.
 23 Q. Were you aware of a discussion or debate within the
 24 wider construction industry about this ambiguity or
 25 anomaly in ADB at the time?

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1 A. Not that I recall, no.
 2 Q. Now, this is a topic to which the Inquiry will return in
 3 Module 6, but can you help us at this stage as to
 4 whether the BBA ever had any discussions with the DCLG
 5 or MHCLG, the Government department, about this
 6 ambiguity or anomaly that you refer to?
 7 A. I can't recall any in relation to ACMs. No, I'm not
 8 aware of any.
 9 Q. So did you ever have any discussions with DCLG or MHCLG
 10 about 12.7 of ADB and its interpretation, including the
 11 filler point or the "etc" point at any stage?
 12 A. Not that I recall.
 13 Q. Was this new interpretation of 12.7 of ADB a formal
 14 policy or stated position of the BBA?
 15 A. Yes, internal, yes.
 16 Q. Can you help us as to why we don't see any written
 17 documents which record that, which record this
 18 consideration being given and this change in approach
 19 and the rationale behind it?
 20 A. It would have been discussed verbally internally with
 21 everyone involved and training given to the staff
 22 involved as to the reason, the interpretation and the
 23 consequences. We don't document every single decision
 24 we make within the BBA.
 25 Q. Wasn't this a pretty important decision you were taking,

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1 from now on to start putting a height restriction for
 2 certain certificates based on wording of ADB that was
 3 unchanged, it was just your interpretation of it that
 4 was changing?
 5 A. Yes, it was a significant decision. We did brief
 6 everybody --
 7 Q. So why --
 8 A. -- and explained the thinking behind the process to
 9 everybody, and everyone involved with the drafting of
 10 certificates would have been well aware of it.
 11 Q. So why do we not see any documentation relating to this
 12 change of approach?
 13 A. At the time, it was not felt necessary to document it.
 14 As I say, we don't document every technical decision
 15 that we make.
 16 Q. Were there any training materials reflecting this change
 17 in approach?
 18 A. No, it was a verbal briefing.
 19 Q. Was this position ever communicated to industry?
 20 A. I'm hesitating because it was a different team.
 21 I imagine when we were changing the certificates, we
 22 would have communicated to the certificate holders, but
 23 I would not have been involved in that process.
 24 Q. Right.
 25 Did the BBA ever take any active steps to implement

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1 this change of position, for example by revisiting
 2 certificates it had issued for external wall materials
 3 where this change was potentially important?
 4 A. I think we made the change specifically in relation to
 5 ACM materials and we were going through a process of
 6 updating those certificates.
 7 Q. Ms Amoroso's evidence was that you decided to introduce
 8 these height restrictions as and when the certificates
 9 were coming up for re-issue; is that right?
 10 A. Yes.
 11 Q. What I want to understand is if you were doing this
 12 because you had concerns about the safety of these
 13 products and their use over 18 metres, why wasn't this
 14 a change that you were urgently implementing across all
 15 BBA certificates?
 16 A. It was our interpretation. It was an interpretation
 17 that was not shared by others, such as Dr Lane.
 18 Ultimately it was the approved documents that were the
 19 arbiter of whether or not the product could be used
 20 above 18 metres, the BBA certificate has no regulatory
 21 significance, and so it was down to the judgement of the
 22 individual specifying the product as to whether or not
 23 it could be used above 18 metres.
 24 Q. Yes, but let's just focus on what you, the BBA, thought.
 25 Were you bringing about this change because you had

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1 concerns about the safety of ACM products with
 2 a polyethylene core over 18 metres?
 3 A. I think, with respect, you're applying a great deal of
 4 hindsight to the questioning. At the time we were
 5 making this decision, as far as I'm aware, there was no
 6 guidance available to us as to this failure mechanism,
 7 the melting, ponding, reigniting of the polyethylene
 8 core. The safety criticality of that was not
 9 appreciated, as far as I know. The approved documents
 10 certainly made no reference to it.
 11 The approved documents now do specifically refer to
 12 the core of ACM materials and require them to be of
 13 limited combustibility. That change was not made until
 14 2019. So I think it's clear that -- this is no
 15 criticism of the people responsible for the approved
 16 documents, but it simply wasn't understood at the time,
 17 the criticality of this aspect of the product
 18 performance. Had we known this could happen, of course
 19 we would have made it a matter of urgency.
 20 Q. Is it correct that you're making this change, but not on
 21 the basis that this is a necessary safety change, what,
 22 just because you noticed that there was this ambiguity
 23 and so you decided to do it anyway?
 24 A. It wasn't clear to us whether or not the product was
 25 restricted. We were taking a conservative view, but we

1 didn't understand at the time the significance of what
 2 could happen.
 3 Q. But surely you must have been taking that conservative
 4 view because you had some concerns about the use of
 5 polyethylene materials above 18 metres, otherwise why do
 6 it?
 7 A. Yes, we did have some concerns as to whether or not they
 8 would comply with the requirements of the approved
 9 documents, and had we appreciated the criticality of
 10 that, of course we would have reacted differently, but
 11 I don't think we could have done at the time.
 12 Q. Yes, and what I'm seeking to understand is: given that
 13 you did have some concerns as to whether or not they
 14 would comply, why not implement this change more
 15 quickly?
 16 A. I think I can only repeat myself, that we didn't
 17 understand the significance, and I don't think
 18 information was available to us that would have
 19 indicated the significance of this.
 20 Q. And you're quite sure, are you, that it was pre the
 21 Grenfell Tower fire that this change began to be made
 22 within the BBA?
 23 A. I think it was, yes.
 24 Q. Did the Grenfell Tower fire make that work more urgent?
 25 A. Yes.

1 Q. Now, after the fire, you prepared a note with Mr Moore
 2 that went to the BBA board. We looked at that earlier,
 3 but can we go back to it, {BBA00010485/2}.
 4 Sorry, actually, we didn't look at this before.
 5 This is the email where Brian Moore sends this briefing
 6 note to the BBA board on 20 June 2017, so just a few
 7 days after the Grenfell Tower fire. We can see from the
 8 top of the page that it was sent to you and others at
 9 the BBA.
 10 Sorry, I think we need the second email down. That
 11 email there, Mr Moore says in his email to the board:
 12 "Dear Board Members
 13 "Please find appended a note regarding the fatal
 14 fire at Grenfell Tower. This is our current
 15 understanding based on media reports.
 16 "In summary, we are in a reasonable position.
 17 "If the cladding 'system' (i.e. the combination of
 18 cladding and insulation is as described in the media,
 19 then the system is not Certificated by the BBA.
 20 "The insulation itself is not Certificated by the
 21 BBA.
 22 "The cladding itself is. The Certificate is 2008
 23 vintage and was in the process of being Reviewed and
 24 Reissued just before the fire. We would be in a
 25 stronger position if it stated in terms 'not to be used

1 above 18m' but, as the note makes clear, the Certificate
 2 holder/user must comply with building regs.
 3 "We had not conducted any cladding-related
 4 inspections at building."
 5 We can see from the email at the top that then this
 6 is forwarded to you shortly after it's been sent to the
 7 board.
 8 Can you explain what you understood Mr Moore to mean
 9 by, "We would be in a stronger position if it stated in
 10 terms 'not to be used above 18m'"?
 11 A. Not really. It is his wording.
 12 Q. What, so did you not understand what he meant by that,
 13 when you saw this email to the board?
 14 A. I imagine he is stating that, from a BBA perspective, if
 15 we had said it could not be used above 18 metres, then
 16 it would not have been covered by the certificate.
 17 Q. Yes.
 18 In your view, should the certificate have stated
 19 that, that it should not be used above 18 metres, given
 20 the view that you had formed of the requirements of
 21 Approved Document B and the Building Regulations?
 22 A. We were in the process of updating it, I believe, to say
 23 that, but it is still the approved document that is the
 24 governing document, not the BBA certificate, it's our
 25 opinion.

1 Q. I understand that, but where you say, "We were in the
 2 process of updating it", are you confirming that, in
 3 your view, the certificate should have stated that it
 4 should not be used above 18 metres?
 5 A. I think we had come to the view that the filler, the
 6 polyethylene core, would have been covered by the
 7 definition in 12.7, so it wasn't entirely clear, but
 8 yes, we were saying that.
 9 Of course, had we known that it was in fact an E
 10 classification, there would have been no ambiguity and
 11 it would have been very straightforward to say it should
 12 not be used above 18 metres.
 13 Q. Right.
 14 Let's go to the note that was attached to this email
 15 of 20 June. If we go to {BBA00010486}. I took you to
 16 this at the very outset of your evidence and you
 17 confirmed that you wrote this document; yes?
 18 A. I wrote the initial draft, yes, on a technical basis.
 19 It was updated slightly by Brian Moore subsequently, but
 20 not on the technical basis.
 21 Q. Right, yes.
 22 If we go to page 3 {BBA00010486/3}, at
 23 paragraphs 16, 17 and following you're dealing with the
 24 regulatory requirements in Approved Document B.
 25 Paragraph 18 refers in terms and quotes from

1 section 12.7.
 2 Then at paragraph 19 you say:
 3 "Appendix A defines the meaning of 'Limited
 4 combustibility' via a combination of test and material
 5 requirements. It seems most unlikely, from the evidence
 6 available that the LDPE filler material used in the
 7 composite panels could meet these requirements. There
 8 could be some debate as to whether this core constitutes
 9 a 'filler', but we believe that there is a consensus
 10 within the BBA that it does. As such, the panels should
 11 not, in our opinion, be used at a height exceeding 18m
 12 and as such should not have been used on the
 13 Grenfell Tower."
 14 Where you say there that there was consensus within
 15 the BBA that it did fall within the word "filler", is
 16 that right? I thought what you had told us in your
 17 witness statement was that it wasn't reference to
 18 "filler" that piqued your interest in 12.7, but it was
 19 the reference to "etc" in paragraph 12.7 that, in the
 20 BBA's view, in your view, widened the definition of
 21 materials caught by the section. Can you explain for
 22 us?
 23 A. Yes, I think this was written the day after the fire.
 24 At that time, I considered that the polyethylene core
 25 did constitute a filler. Subsequently to that, I've

1 tried to take on board the opinions of perhaps better
 2 qualified than me, such as Dr Lane, who believes that
 3 it's not a filler. But I still believe the principle
 4 applies that it is not restricted to fillers, the
 5 presence of the "etc" widens the definition, so I think
 6 my argument would stand.
 7 Q. I see. So I think what you're telling us is that your
 8 interpretation of 12.7 has changed as you have heard
 9 more discussion about this point; is that right?
 10 A. Yes, partly. Also, I think we were trying to understand
 11 the reason for the restriction, in terms of the
 12 statutory instrument and the higher level requirements.
 13 Q. Right. Just to be clear, prior to the Grenfell Tower
 14 fire, and at the time you were scratching your heads and
 15 having a good think about 12.7 of ADB, are you saying
 16 now that in fact it was the word "filler" that you
 17 thought might cover the core of an ACM panel?
 18 A. At the time, yes.
 19 Q. But you're telling us now in your witness statement that
 20 actually it's the reference to "etc" which you think is
 21 the better point; is that right?
 22 A. At the time, I considered it would constitute a filler.
 23 I have tried to take recognition of the opinions of
 24 others, but I don't think that it affects the principle
 25 of the statutory instruments that materials of this kind

1 should not be used above 18 metres.
 2 Q. Right.
 3 Regardless of the filler or the other specific
 4 wording in that clause, once the view was held that
 5 these panels needed to be of limited combustibility, why
 6 did the BBA not immediately take steps to insist that
 7 its certificate holders seek the re-issue of their
 8 certificates so as to impose an 18-metre limitation for
 9 panels that were not materials of limited
 10 combustibility?
 11 A. At the time, this was almost an academic exercise that
 12 could be debated as to whether or not we were correct.
 13 As I've said, had we appreciated the significance of
 14 what could happen, clearly we would have taken immediate
 15 action, but I don't think the information was available
 16 to us at the time.
 17 Q. I see. So you've said you were vaguely aware of
 18 cladding fires in the Middle East, and you've accepted,
 19 I think, that this was in part driven by safety
 20 concerns, and yet despite that, are you saying that it
 21 was acceptable for the BBA not to immediately take steps
 22 to insist on changes to these certificates to put in the
 23 height restriction?
 24 A. I was aware of fires in the Middle East and elsewhere,
 25 I think, but I'm not aware of any research or subsequent

1 publications that had, if you like, put the blame for
 2 those fires on the use of ACM materials and the
 3 mechanism of failure of those ACM materials. Had we
 4 known that the polyethylene core could behave in the way
 5 that it does, clearly we would have taken a completely
 6 different view as to their significance. But, repeating
 7 myself, I don't think anybody did. The approved
 8 documents were not updated until 2019.

9 Q. Did it not occur to you, once you were aware of fires in
 10 the Middle East and once you were pondering the meaning
 11 of 12.7, that it might be advisable for the BBA to take
 12 external advice from properly qualified fire engineers
 13 about the risks posed by these panels?

14 A. I think if properly qualified fire experts had
 15 understood the risks posed by these panels, they would
 16 have immediately put that information into the public
 17 domain and contacted those responsible for the
 18 Building Regulations.

19 Q. Well, that's not an answer to my question. Did it not
 20 occur to you, once you were aware of fires in the
 21 Middle East, and once you were pondering the meaning of
 22 12.7, that it might be advisable for the BBA to take
 23 external advice from properly qualified fire experts,
 24 fire engineers?

25 A. I thought at the time, I still think, we are capable of

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1 making a judgement on the content of the approved
 2 documents, which is what we were doing. Had there been
 3 other information available to us as to the performance
 4 of these ACM materials in fire, of course we would have
 5 needed to take that on board, but I don't believe such
 6 information existed.

7 Q. But how did you know if you didn't ask anybody who was
 8 an expert in this area?

9 A. Because our judgements are based on the requirements of
 10 the approved documents, and we take that as being
 11 established best practice.

12 Q. Let's move on now to some FAQ documents that were
 13 issued.

14 If we can go to {MET00053158_P18/176}, this is
 15 a circular that we believe was sent out from the BBA in
 16 early 2017 to all local authorities and housing
 17 associations.

18 Can you help us, did you help in the writing of this
 19 document?

20 A. I would have been involved, I'm sure, yes.

21 Q. If we go to page 177 {MET00053158_P18/177}, we can see
 22 there are some FAQs, frequently asked questions, there,
 23 and at the very bottom we can see this statement. It
 24 says:
 25 "As a consequence of the testing carried out, the

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1 Reynobond cladding product used at Grenfell Tower was
 2 deemed to achieve a Class 0 rating."

3 Now, Mr Moore thought that it was possible that
 4 either you or Mr Denyer wrote this statement. Do you
 5 remember writing that, that as a consequence of the
 6 testing carried out, the Reynobond cladding product used
 7 at Grenfell Tower was deemed to achieve a class 0
 8 rating?

9 A. I don't remember, but I'm sure I would have been
 10 involved.

11 Q. Can you explain why the wording is as we see here, that
 12 the product was deemed to achieve a class 0 rating? Why
 13 was that used?

14 A. I think that's consistent with the wording of the
 15 certificate at the time, isn't it?

16 Q. Well, I don't think we see that wording, "deemed to
 17 achieve", anywhere in the certificate. I think we see
 18 phrases like "may be regarded as" or "are judged to
 19 meet", but we don't see that phrase.

20 A. Okay. Possibly not that precise phrase, but as
 21 a principle I think it's consistent with the wording in
 22 the original certificate.

23 Q. Did you know at this time that, as a fact, Reynobond PE
 24 had not been tested in accordance with BS 476-6 and 7?

25 A. Yes.

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1 Q. Before sending this message to the local authorities and
 2 housing associations, can you help as to what steps the
 3 BBA took to investigate the basis on which the 2008
 4 certificate claimed that Reynobond 55 may be regarded as
 5 class 0 or were deemed to achieve a class 0 rating?
 6 What steps did you take?

7 A. At this time, I don't remember.

8 Q. Now, we heard in the evidence of Mr Moore about another
 9 Q&A document published by the BBA at the time. If we
 10 can go to {CTAR00000043}. It was actually exhibited to
 11 Mr Todd's report at Phase 1 of the Inquiry. So these
 12 appear to be some more FAQs that appeared on the BBA
 13 website. If we look at the very bottom of page 1, these
 14 appear to be dated 22 September 2017. Can you see that?

15 A. Yes.

16 Q. If we go to the bottom of page 4 {CTAR00000043/4}, we
 17 can see reference to two updates that are given in this
 18 particular version of these FAQs about corresponding
 19 with Arconic and receiving correspondence from Arconic.
 20 Can you help us, was this Q&A document actually
 21 published on the BBA's website?

22 A. I don't know.

23 Q. Were you involved in the drafting of this?

24 A. I would have been, yes.

25 Q. Now, we heard evidence from Mr Moore that this FAQ was

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1 challenged by a whistleblower member of staff, and that
 2 shortly after this, UKAS visited the BBA to assess the
 3 certificate ; is that right?
 4 A. Yes.
 5 Q. So did UKAS visit because there had been a complaint by
 6 a whistleblower within the BBA?
 7 A. As far as I recall , UKAS didn't tell us they had
 8 received a complaint, I may be wrong. I wasn't aware of
 9 that at the time, I don't think.
 10 Q. Right. Have you subsequently become aware that one of
 11 the UKAS visits was due to a complaint by someone inside
 12 the BBA?
 13 A. As far as I can recall , only through the evidence given
 14 to the Inquiry .
 15 Q. Right.
 16 Now, Mr Moore went on to say in his oral evidence
 17 that you dealt with this member of staff and discussed
 18 the concerns that that member of staff had with them.
 19 Do you recall that?
 20 A. There's a slight assumption that I know who that member
 21 of staff is and that they made a complaint, but yes,
 22 I did have a discussion with a member of staff.
 23 Q. Who had raised concerns about one of the FAQs?
 24 A. Yes.
 25 Q. Let's just look at what Mr Moore said about that. If we

1 can bring up the transcript for {Day107/148:2}. The
 2 question is asked:
 3 "Question: And what was the nature of that
 4 challenge?
 5 "Answer: Again, I can't remember the specifics of
 6 it . It was dealt with by another director , the
 7 commercial director, and the head of approvals,
 8 Mr Albon, met with this member of staff to discuss his
 9 concerns.
 10 "The outcome that was fed back to me was there was
 11 a difference of view about the BBA's approach, and,
 12 yeah, you know, the more experienced -- the scientist,
 13 Mr Albon, had listened carefully and given a view, the
 14 non-technical salesperson had a different view, and
 15 I think the outcome was that, you know, the scientist's
 16 view was reasonable and matters were left there, though
 17 I think matters were escalated by the colleague
 18 elsewhere, possibly to the media."
 19 Now, is that an accurate summary of what happened,
 20 that there was a discussion with the member of staff and
 21 the outcome was that there was a difference of view, but
 22 the scientist 's view, ie your view, was reasonable and
 23 matters were left there?
 24 A. Yes.
 25 Q. Can you help us, what complaints were actually discussed

1 in that meeting?
 2 A. I'm struggling to remember the specifics. It was
 3 a slightly disjointed conversation. Our colleague
 4 wasn't a scientist , had never been involved in the
 5 certification process, and, as I recall , had a slightly
 6 confused understanding of the regulatory situation . His
 7 view was that the approved documents were flawed, could
 8 not be relied upon, and that the BBA certificate in some
 9 way overrode them.
 10 Q. Right. Was that individual also concerned about the
 11 frequency of reviews that had occurred in respect of the
 12 Reynobond certificate?
 13 A. We may have discussed that, I don't recall.
 14 Q. Was this a formal procedure, this complaint procedure
 15 that was being followed?
 16 A. No, it was an informal telephone conversation in the
 17 commercial director's office .
 18 Q. Was there a record made of the discussions that
 19 occurred?
 20 A. Not by me.
 21 Q. Why not?
 22 A. Possibly by the commercial director. It was an informal
 23 conversation.
 24 Q. But why don't we see some record of the complaint that
 25 was made and the response that you gave to that

1 complaint?
 2 A. I wouldn't have described it as a complaint. It was
 3 an informal conversation between colleagues. If the
 4 individual was dissatisfied with the outcome, he could
 5 have escalated it in writing, but as far as I know, he
 6 chose not to do so. Had he then expressed it in formal
 7 terms, it would have been documented in a different way
 8 to a casual conversation between colleagues in
 9 an office .
 10 Q. Right. I see.
 11 I want to ask you now some questions about the UKAS
 12 reviews that took place.
 13 Now, it's right, isn't it, that the BBA is
 14 accredited by UKAS as a certification body; is that
 15 right?
 16 A. Yes.
 17 Q. Specifically -- and you have explained this in detail in
 18 your second witness statement -- UKAS accredits the BBA
 19 to certify wall and cladding products and systems, and
 20 ACM materials fall within the scope of that
 21 accreditation; is that right?
 22 A. Yes.
 23 Q. Is it right that, as part of their accreditation of the
 24 BBA, UKAS would do regular surveillance and assessment
 25 of the BBA?

1 A. Yes.
 2 Q. Typically, how often do those assessments occur by UKAS?
 3 A. They are annual assessments for each of the
 4 accreditation standards for which we are accredited.
 5 There are four.
 6 Q. I see. So every year, each of those four standards are
 7 assessed by UKAS; is that correct?
 8 A. Yes.
 9 Q. Yes.
 10 Now, shortly after the Grenfell Tower fire, there
 11 were two UKAS assessments. As far as we understand it,
 12 and can you confirm, there was one visit on 12 July 2017
 13 that was solely in relation to certificate 08/4510, the
 14 Reynobond certificate; is that correct?
 15 A. Yes.
 16 Q. And then there was a second visit on 15 August 2017, and
 17 that was after the ACM certificates had been re-issued
 18 with the height restriction wording on them; is that
 19 correct?
 20 A. Yes.
 21 Q. And that second review, the scope of it related to the
 22 re-issue of that certificate as well as other re-issued
 23 ACM certificates; is that correct?
 24 A. I believe so. I don't think I was present at that
 25 meeting, but I have seen the report, so yes, I think so.

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1 Q. Can we look at the UKAS report for the visit in July
 2 2017. This is at {BBA00010733}.
 3 This is the assessment report, and we can see in the
 4 table on the right-hand side, three lines down, it
 5 says -- sorry, in the middle it says "BBA", and then
 6 "Type of Assessment" on the right-hand side, it says
 7 "Accreditation - Extra visit". So was this visit
 8 outside the usual surveillance that UKAS would conduct
 9 of the BBA?
 10 A. Yes.
 11 Q. At the time of this assessment report, did it mostly or
 12 indeed entirely concentrate on a review of the BBA's
 13 records for certificate 08/4510, can you help us?
 14 A. It was a combination of examining the records and verbal
 15 examination of the people involved.
 16 Q. Did UKAS look at all of the technical files for this
 17 certificate at this time?
 18 A. I don't recall. We would have provided anything that
 19 they asked for.
 20 Q. Right. So you can't help us as to whether they saw the
 21 whole file?
 22 A. Not of the specifics, no, sorry.
 23 Q. If we go to page 3 {BBA00010733/3}, where we have the
 24 executive summary, in the second paragraph down, in the
 25 third line, we can see that you were present and

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1 representing the BBA at this assessment; yes?
 2 A. Yes.
 3 Q. If we go to the third paragraph down, it says this:
 4 "During the opening meeting it was confirmed that
 5 the UKAS Lead Assessor, Cary Randall, previously worked
 6 for the BBA and had left the organisation 5 years ago.
 7 During his time at the BBA Cary worked within a number
 8 of different sections, including the section referred to
 9 in this report as 'S3' under the Section Head,
 10 Geoff Gurney. It was explained that the UKAS Head of
 11 construction and Physics, Sam Giles, was in attendance
 12 to address any conflicts of interest that may arise in
 13 connection with this and therefore maintain UKAS
 14 impartiality. All present at the opening meeting agreed
 15 that the assessment could go ahead on this basis and no
 16 conflicts of interest occurred during the assessment."
 17 So just to be clear, the UKAS lead assessor,
 18 Cary Randall, had previously worked in the department
 19 which had responsibility for the Reynobond certificate;
 20 yes?
 21 A. Yes.
 22 Q. Is it common for former BBA employees like Mr Randall to
 23 end up working at UKAS?
 24 A. I'm struggling with the definition of common, sorry.
 25 I think there are three or four ex-BBA members who work

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1 for UKAS.
 2 Q. Right, thank you.
 3 Is it right Mr Nkomo referred to Mr Randall as the
 4 cladding expert while he was at the BBA? He said in
 5 around 2011 and 2015 that was how Mr Randall was
 6 referred to, as the cladding expert within the BBA. Is
 7 that correct?
 8 A. He certainly had a good working knowledge, I'm not sure
 9 he was the expert as such, but yes, he was competent in
 10 that area.
 11 Q. The fact that he was an ex-employee of the BBA and in
 12 department S3, which issued certificate 08/4510, is
 13 a plain conflict of interest, isn't it?
 14 A. It could be interpreted as such. It's really a question
 15 for UKAS, I think, not the BBA.
 16 Q. Wouldn't Mr Randall have had an interest in defending
 17 the processes by which he himself would have operated?
 18 A. Well, he wasn't involved in this assessment, as far as
 19 I recall. Again, I'd have to refer you to UKAS for that
 20 question. It's their decision as to who to appoint to
 21 this investigation.
 22 Q. Yes, I'm sure we can ask them in due course, but I'm
 23 just interested in what you can help us with about this.
 24 Did Mr Randall take a full part in this assessment?
 25 It says here that he was the lead assessor. Did he

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1 in fact take a full part in the assessment?
 2 A. I think he co-ordinated the assessment. I would say it
 3 was led by Mr Patterson, who was the UKAS fire expert.
 4 Q. Right.
 5 Can you explain, just going back to what we see on
 6 the screen, if we look at the last sentence of that
 7 third paragraph down, it says there:
 8 "All present at the opening meeting agreed that the
 9 assessment could go ahead on this basis and no conflicts
 10 of interest occurred during the assessment."
 11 That reads as if it was both the BBA and UKAS that
 12 agreed that the assessment could go ahead and no
 13 conflicts of interest occurred; is that right?
 14 A. I think we had no grounds to object to Mr Randall being
 15 present at the assessment, so yes.
 16 Q. I appreciate you might have no grounds to object on one
 17 level, but did you think that there was a conflict of
 18 interest in terms of Mr Randall conducting the
 19 investigation when he'd worked in the very department
 20 that had issued this BBA certificate?
 21 A. Sorry, with respect, it's really not a question for the
 22 BBA. We are not here to appoint those who are going to
 23 judge us. If UKAS were happy for someone who had left
 24 the BBA five years ago to take part in this
 25 investigation, I see no reason to object.

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1 Q. I see.
 2 Now, just to look at some of the feedback that was
 3 given by UKAS during this assessment, if we can go to
 4 page 14 {BBA00010733/14}, what we see in this finding,
 5 what you get is a kind of finding number, and then in
 6 the right-hand side you get a "Justification for
 7 clearance or request for further evidence", and it says
 8 this:
 9 "Draft of the updated certificate 08/4510 provided
 10 that includes more representative front page photograph,
 11 improved front page summary of behaviour in relation to
 12 fire information and clearer reference to product
 13 application for use on buildings up to 18m."
 14 Now, those changes that are listed there, changes to
 15 the image, to the front page summary and the reference
 16 to the 18-metre height restriction, are some of the
 17 changes that we see in the certificate on re-issue on
 18 4 August 2017.
 19 Can you help us, were those changes made as a result
 20 of the feedback from UKAS in this assessment?
 21 A. I believe the changes were already being incorporated
 22 into a re-issue of the certificate prior to this
 23 assessment, with the possible exception of the
 24 photograph, I'm not sure about the photograph, but
 25 I think the others were already being agreed.

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1 Q. I see. So it's just coincidental that those were also
 2 changes that UKAS were requesting?
 3 A. I don't think it's coincidental, I think they are
 4 confirming that the changes we are making
 5 a proportionate and appropriate.
 6 Q. I see.
 7 If we can go to page 6 {BBA00010733/6} and look at
 8 the bottom of the page, there is a header in bold, we
 9 can see it says "Certification documentation (7.7)", and
 10 in the third paragraph down it says:
 11 "The certificate content was reviewed during the
 12 assessment. Particular attention was paid to the
 13 section relating to fire performance. The front page
 14 summary of the Certificate 08/4510 under 'Behaviour in
 15 relation to fire' does not summarise all main
 16 classification data, it only included the National
 17 surface spread class 0 for England and Wales and 'low
 18 risk' material for Scotland. Therefore it is
 19 recommended that it would be better to either include
 20 all classification information or keep the headings and
 21 refer to relevant section with all the information.
 22 Recommended finding [and they give a number for the
 23 finding] was raised in connection with this."
 24 So is it right that, at the time of this assessment,
 25 UKAS were critical of the front page of the certificate

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1 and, in particular, what it said about behaviour in
 2 relation to fire?
 3 A. Yes.
 4 Q. And UKAS said that that summary should either provide
 5 a full overview of the classifications or just
 6 a reference to the section in the body of the
 7 certificate where fire performance is dealt with?
 8 A. Yes, but they were confirming judgements the BBA had
 9 already made as part of the re-issue process. They were
 10 looking at the original certificates, not the ongoing
 11 draft or the re-issue.
 12 Q. I see. So are you saying you had already worked out
 13 that that summary needed to change on the front page?
 14 A. Yes.
 15 Q. Right.
 16 If we go up to page 4 {BBA00010733/4} at the very
 17 top, there is a heading "Conclusion". It says this
 18 under "Conclusion":
 19 "During the assessment it was seen that the
 20 information included within the certificate was
 21 supported by appropriate test data and that the
 22 surveillance processes in place had identified when the
 23 content of the certificate needed to be revised."
 24 Then underneath the bullet point list, just a little
 25 bit further down, we can see it says:

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1 "Overall it was seen that the BBA have followed
 2 their processes in relation to the certification
 3 activities undertaken. It was also noted that the
 4 processes followed compare well to the requirements of
 5 ISO/IEC17065 and that the current processes included
 6 good demonstrations of the effectiveness of the
 7 processes and systems to meet the requirements of [that
 8 ISO]."
 9 Now, when it says that the BBA have followed their
 10 processes, is it right that what UKAS was looking at was
 11 whether the BBA had complied with its own processes and
 12 procedures?
 13 A. Yes.
 14 Q. And then it had considered those processes against the
 15 relevant ISO 17065 standard?
 16 A. Well, they would do that as part of the original
 17 assessment, of course, before they award the
 18 accreditation, but yes.
 19 Q. Did UKAS evaluate the assessment and review process in
 20 any detail?
 21 A. I think it was a two- or three-hour meeting, I don't
 22 completely recall, so in some detail, yes.
 23 Q. So it did evaluate the review process, did it, in some
 24 detail?
 25 A. I'm sorry, it should say in the report what they looked

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1 at. If it doesn't, I'm afraid I don't recall the
 2 details of exactly which documents they examined.
 3 Q. Can you help us with this, because we can't find this
 4 anywhere in the report: what, if anything, did UKAS say
 5 about the BBA having closed the 2015 review without
 6 having received written confirmation from the
 7 certificate holder that there had been no changes which
 8 would invalidate the certificate?
 9 A. I don't recall them commenting on that.
 10 Q. Would they have been aware of the multiple written
 11 requests to give confirmation that there had been no
 12 changes that invalidated the certificate that the BBA
 13 had made of Arconic?
 14 A. They had access to all of the information and documents
 15 that have been provided to the Inquiry, so yes.
 16 Q. Now, clearly at this time neither the BBA nor UKAS knew
 17 that Arconic had a great deal more test data about
 18 Reynobond. Did the BBA and UKAS discuss the information
 19 on the certificate and how it was supported by the test
 20 data available?
 21 A. Again, I don't recall details of the conversation, but
 22 I'm sure they would have done, yes.
 23 Q. Can you help us as to how UKAS came to the conclusion
 24 that the surveillance processes in place had identified
 25 when the content of the certificate needed to be

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1 revised?
 2 A. Sorry, could you rephrase that for me, please?
 3 Q. Yes. UKAS have come to the conclusion in the report --
 4 we just read it -- that the surveillance processes in
 5 place had identified when the content of the certificate
 6 needed to be revised. Can you help us as to how they
 7 came to that conclusion?
 8 A. Presumably from a combination of examining the documents
 9 retained on the file and verbal examination of the
 10 individuals involved.
 11 Q. If they mean the surveillance done by the technical
 12 assessor, that process, that surveillance process, was
 13 not designed to identify new fire performance data, was
 14 it?
 15 A. No.
 16 Q. Yes.
 17 Now, after this UKAS assessment, as we know, the
 18 Reynobond certificate was re-issued. Do I understand it
 19 correctly that you reviewed that certificate before it
 20 was re-issued? Is that right?
 21 A. Yes, I was involved in the process of updating all ACM
 22 certificates at that time.
 23 Q. If we could just look briefly at what you say about this
 24 in your second witness statement, if we can go to that
 25 at page 37 {BBA00010723/37}, paragraph 154. You tell us

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1 this at the bottom of the page:
 2 "The Second Issue also removed the wording that 'the
 3 panel may be regarded as having a Class 0 surface' as it
 4 was recognised that this was open to misinterpretation,
 5 amended the presentation of the fire test results (but
 6 not the results themselves) and updated other wording in
 7 line with the then standard BBA format."
 8 Now, can you just help us, where you say you have
 9 removed the wording about the class 0 surface as it was
 10 recognised this was open to misinterpretation, what was
 11 that misinterpretation?
 12 A. That all versions of the product could achieve a class 0
 13 surface when we did not have fire test data to support
 14 that assertion.
 15 Q. Yes.
 16 Had the UKAS assessors said something about that
 17 statement, or was it the BBA's own decision to change
 18 that?
 19 A. We had decided on the revisions that were required, as
 20 far as I remember, before UKAS made their visit.
 21 Q. I see.
 22 In fact, what we know is there was another re-issue
 23 of this certificate shortly after this, if we just go to
 24 that at {BBA00000049}. Right at the bottom we can see
 25 it says that the date of the second issue was

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1 4 August 2017, but then two lines down, the certificate
 2 was amended on 22 September 2017 to remove ST panel.
 3 Can you help us, what does that mean, ST panel, there?
 4 A. For some reason we've referred to the polyethylene
 5 product as standard throughout, and so I assume the ST
 6 refers to the polyethylene or standard panel.
 7 Q. Yes, I see.
 8 At page 7 {BBA0000049/7}, what we see is an updated
 9 table, and what we can see at the top of that page in
 10 the table is that you have taken out all references to
 11 the PE panels and this certificate only refers to the FR
 12 panels; yes?
 13 A. Yes.
 14 Q. We understand that this change was made at the request
 15 of Arconic following their decision not to sell PE-cored
 16 Reynobond ACM at all in the UK; is that your
 17 understanding?
 18 A. Yes.
 19 MS GRANGE: Yes, thank you.
 20 Mr Chairman, the next phase of my questions are all
 21 about the K15 Kingspan product.
 22 SIR MARTIN MOORE-BICK: Right.
 23 MS GRANGE: I'm very happy to begin those now and go for the
 24 next eight minutes up to the lunch break, or we could
 25 break now and come back slightly before 2 o'clock, if

1 that --
 2 SIR MARTIN MOORE-BICK: How are you getting on generally?
 3 MS GRANGE: I'm getting on well. I think I have around
 4 a half day to go with this witness. If we go well this
 5 afternoon, we may fit it in this afternoon. If I run
 6 into tomorrow, that won't be by very much, but I'm
 7 certainly ahead of time, given that this was supposed to
 8 be a two-day witness.
 9 SIR MARTIN MOORE-BICK: It sounds to me as though we could
 10 be slightly generous to ourselves and stop now and
 11 return at 2 o'clock, unless you tell me that would be
 12 unwise.
 13 MS GRANGE: No, I would be entirely content with that, and
 14 then I can take the topics without breaking.
 15 SIR MARTIN MOORE-BICK: There you are, Mr Albon, you get
 16 a slightly longer lunch hour today.
 17 We will stop now, we'll come back at 2 o'clock, and
 18 again, as I've said to you before, please don't talk to
 19 anyone about your evidence or anything to do with it
 20 over the break, all right?
 21 THE WITNESS: Okay, thank you.
 22 SIR MARTIN MOORE-BICK: Thank you very much. We will see
 23 you at 2 o'clock, then, please.
 24 THE WITNESS: Thank you.
 25 SIR MARTIN MOORE-BICK: Thank you.

1 (12.52 pm)
 2 (The short adjournment)
 3 (2.00 pm)
 4 SIR MARTIN MOORE-BICK: Good afternoon, everyone. Welcome
 5 back. We're going to continue hearing evidence from
 6 Mr Albon.
 7 Mr Albon, can you see me and hear me clearly?
 8 THE WITNESS: Yes, I can.
 9 SIR MARTIN MOORE-BICK: Thank you very much. Welcome back.
 10 And you're ready to continue, I hope?
 11 THE WITNESS: Yes.
 12 SIR MARTIN MOORE-BICK: In that case, I shall invite
 13 Ms Grange to put some more questions to you.
 14 Yes, Ms Grange, when you're ready.
 15 MS GRANGE: Yes, thank you.
 16 Good afternoon, Mr Albon. I now want to ask you
 17 about Kingspan and, in particular, about the BBA's
 18 certification of the Kingspan Kooltherm K15 insulation
 19 product.
 20 If we could go first to your third witness
 21 statement, that's the statement in which you deal with
 22 K15, at {BBA00010751/15}, and to paragraph 50, we can
 23 see that in question 10 in the middle of that page, you
 24 were asked by the Inquiry about your knowledge of the
 25 BBA's relationship with Kingspan in October 2008, and

1 you say:
 2 "I was aware of Kingspan as a holder of a number of
 3 Certificates but as far as I can recall, up to October
 4 2008 I had had little, if any, direct contact with them,
 5 as I was then employed in other areas of the BBA's
 6 business."
 7 Now, can you help us, when was it after October 2008
 8 that you did first have direct contact with Kingspan?
 9 A. When I became technical manager in 2009, I had more
 10 involvement in the insulation sector than I had
 11 previously. I may at that point have had some dealings
 12 with Kingspan. I became directly concerned with them
 13 when I became head of energy and ventilation, 2012/2013,
 14 something like that.
 15 Q. Right, yes, thank you.
 16 We'll come on to this in a little bit more detail,
 17 but when did you first become involved in any particular
 18 certificate for K15 in any capacity?
 19 A. As far as I can recall, that would have been the second
 20 issue, I think, of their initial certificate.
 21 Q. Yes, was that the second issue published on 17 December
 22 2013?
 23 A. Yes.
 24 Q. Yes, thank you.
 25 So when you were technical manager between 2009 and

1 2013, were you responsible for the policies and
 2 procedures which applied to the K15 certificates?
 3 A. Yes.
 4 Q. When you were head of approvals for construction
 5 products, that's between 2013 and 2019, did the K15
 6 certificates fall under your area of responsibility?
 7 A. Yes.
 8 Q. Thank you.
 9 Now, prior to your own involvement, I think you're
 10 aware that there had been two previous published BBA
 11 certificates for K15: issue 1 dated 27 October 2008, and
 12 amended issue 1 bearing the date of 6 April 2010, but
 13 which you tell us was not published until 12 July 2013;
 14 is that correct?
 15 A. Yes. I should perhaps say there is some uncertainty as
 16 to exactly when that was published. That's the best
 17 dates that I can give you. It's not entirely clear.
 18 Q. I see. When you say, "That's the best date I can give
 19 you", how have you ascertained that publication date of
 20 12 July 2013?
 21 A. From an examination of the retained records on the BBA's
 22 files.
 23 Q. Right. So there is something in there that tells you
 24 that it was likely published in July 2013; yes?
 25 A. Yes.

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1 Q. Thank you.
 2 In your third witness statement, you tell us that in
 3 respect of issue 1 and amended issue 1, the project
 4 manager and approvals manager for both were George Lee
 5 and Chris Hunt respectively; is that correct?
 6 A. Yes.
 7 Q. Let's go to issue 1, then, dated 27 October 2008 at
 8 {BBA00000038}. We can see from the top that it's for
 9 the Kooltherm K15 rainscreen insulation board, and we
 10 can see there is a box underneath that, a pale blue box,
 11 "Product scope and summary of certificate", and then in
 12 the left-hand corner towards the bottom of the page we
 13 can see the date, 27 October 2008, and that's been
 14 signed by Chris Hunt, head of approvals, and
 15 Greg Cooper, the chief executive at the time. Yes?
 16 A. Yes.
 17 Q. On page 1, we have it there on the page, under the "Key
 18 factors assessed" heading, we see "Behaviour in relation
 19 to fire" is the third bold heading, and it tells us:
 20 "The boards will not contribute to the development
 21 stages of a fire or present a smoke or toxic hazard (see
 22 section 7)."
 23 Now, I want to ask you about this particular
 24 wording, just briefly, to see whether you might be able
 25 to assist us where Mr Hunt could not.

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1 Can you help us, what does that phrase mean, "The
 2 boards will not contribute to the development stages of
 3 a fire"?
 4 A. I don't know.
 5 Q. So you can't help us as to whether that's derived from
 6 guidance?
 7 A. No.
 8 Q. Or from somewhere else within the Building Regulations
 9 or Approved Document B?
 10 A. No. Do you want me to speculate?
 11 Q. Not at this stage. I'm going to ask you a number of
 12 questions about this. I'd rather you didn't speculate.
 13 Well, what could the scientific or evidential basis
 14 for such an assertion be? Let's put it like that.
 15 A. I don't know.
 16 Q. Do you understand and did you understand when you came
 17 to be dealing with the K15 product that it was
 18 a combustible phenolic insulation material?
 19 A. Yes.
 20 Q. As such, can you explain how it could have been accurate
 21 to state that the boards will not contribute to the
 22 development stages of a fire?
 23 A. I don't know the basis for that statement.
 24 Q. Because I think we can agree it's not qualified, is it?
 25 It's a definitive statement, is it not?

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1 A. Yes.
 2 Q. Does this assertion concern you at all, looking at it
 3 now?
 4 A. Yes, it does. I would point out that it does refer the
 5 reader to the main fire section of the certificate, and
 6 reiterate that any certificate should be read in full,
 7 and no decision should be based on the basis of a single
 8 sentence. But, yes, it does concern me.
 9 Q. Yes, because actually that sentence doesn't in fact
 10 appear in section 7, does it?
 11 A. No.
 12 Q. Can you remember when you first became aware of that
 13 sentence?
 14 A. No. I believe it was removed as part of the re-issue,
 15 replacement of the certificate in 2014, maybe 2015. The
 16 2014 certificate that was issued in 2015.
 17 Q. Do you remember reading it and being concerned about it?
 18 A. I remember removing it in 2015, yes.
 19 Q. And were you concerned at the time that you removed it?
 20 A. I didn't feel it was an appropriate clause to insert in
 21 the certificate, so yes, I was concerned.
 22 Q. Well, you say, "I didn't feel it was an appropriate
 23 clause"; can we agree that it was inaccurate,
 24 an inaccurate statement of how this combustible phenolic
 25 insulation would behave in fire?

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1 A. As I've said, I do not know any scientific basis for
 2 making that statement.
 3 Q. Yes.
 4 Mr Hunt told us in his evidence that he couldn't
 5 remember reading that wording at the time and asking
 6 himself what it meant. He also said that, "Reading it
 7 now, I think it confuses more than it helps". Can
 8 I take it from your answers that you agree with that?
 9 A. Yes.
 10 Q. And just for the transcript, that was Mr Hunt,
 11 {Day108/173:1-6} and {Day108/176:2}.
 12 Do you accept that the most natural reading of that
 13 phrase, "will not contribute to the development stages
 14 of a fire", is a description of something which is
 15 non-combustible?
 16 A. I am not sure whether it would be equally true of
 17 something of limited combustibility, that's beyond my
 18 experience, I'm afraid.
 19 Q. Either way, do you accept that the wording is
 20 misleading, given that K15 is neither non-combustible
 21 nor a material of limited combustibility?
 22 A. If taken in isolation, yes. But, again, you must read
 23 the full certificate.
 24 Q. Well, you keep adding that caveat, "If taken in
 25 isolation, you must read the full certificate", but

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1 nowhere is that phrase explained, is it, in section 7?
 2 It's just a bald statement that appears on the front of
 3 the certificate.
 4 A. Yes, but the true performance of the product, if you
 5 wish to describe it in that way, would be given in
 6 section 7 of the certificate.
 7 Q. So are you saying that a reader of this certificate
 8 should just, what, simply ignore that sentence on the
 9 first page?
 10 A. No, they should read the certificate in full and take
 11 the performance characteristics given in the certificate
 12 against the criteria given in the approved documents.
 13 Q. Right, but what weight should the reader of this
 14 certificate give to this statement, "The boards will not
 15 contribute to the development stages of a fire"?
 16 A. That's an opinion. The factual performance
 17 characteristics are given in section 7 of the
 18 certificate.
 19 Q. Well --
 20 A. And that -- and if you take the information given in
 21 section 7 and apply the criteria given in the approved
 22 documents, you can form an accurate picture of where the
 23 products can be used.
 24 Q. I see. You say it's an opinion; it's a wholly
 25 inaccurate and misleading opinion, isn't it?

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1 A. I agree, we cannot substantiate it, yes.
 2 Q. Can you help us, did the BBA ever receive any queries,
 3 concerns or complaints in relation to this phrase so far
 4 as you are aware?
 5 A. We did receive some queries about the fire wording as
 6 a whole. I don't know if they related specifically to
 7 that clause.
 8 Q. And who were those queries from?
 9 A. We had a conversation with NHBC at one point, and
 10 an enquiry from MHCLG.
 11 Q. Yes, I'm going to come on to the enquiry from MHCLG,
 12 because I think we have some emails about that.
 13 You mention a conversation with NHBC; can you tell
 14 us, when did that conversation take place?
 15 A. It was when the certificate was being -- it was either
 16 re-issued or the 2015 replacement specifically to the
 17 wording.
 18 Q. And who was it at the NHBC who you had this conversation
 19 with about the wording?
 20 A. Graham Perrior and Dave Alexander-White.
 21 Q. Right, and were they concerned about the scientific and
 22 evidential basis for that statement?
 23 A. As I recall, it was more about the classifications given
 24 in the certificates rather than that front page
 25 statement.

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1 Q. I see.
 2 Why, when you first saw this, did you not
 3 investigate how it had come to be included in the
 4 certificate in the first place?
 5 A. It wasn't a process I would normally follow. If
 6 I thought a wording in a certificate was inappropriate,
 7 clearly I would seek to correct that. If the staff
 8 involved were still working in the operational
 9 certification side of the business, I would have
 10 a conversation with them to establish where it had come
 11 from. In this case, both staff members had moved on
 12 within the business, were no longer working in this
 13 area.
 14 Q. Can you help us, why wasn't that a process that you
 15 would usually follow? Even if the relevant staff have
 16 moved on, wouldn't you want to understand whether the
 17 training was adequate for staff at the time, whether the
 18 processes that were being applied for fire performance
 19 assessments were robust? Why wouldn't you want to
 20 understand any of those things?
 21 A. Well, the training had greatly increased since the time
 22 that certificate was written. We had different project
 23 managers, we had different managerial staff in post and
 24 ultimately I was signing off the certificates rather
 25 than a colleague. So there was almost no overlap

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1 between the processes in place in 2008 and those in
 2 place when I came to head the department.
 3 Q. I see. So you decided, did you, that there wouldn't be
 4 anything to be learned from investigating how this error
 5 had come to occur on the certificate?
 6 A. I was confident that error would not be repeated and
 7 that the processes we had in place at that point were
 8 far more robust than they were at the time that
 9 certificate was drafted.
 10 Q. I see. But we know that, for example, Chris Hunt did
 11 carry on working in the BBA, albeit in a different
 12 department. Why wasn't it important to ascertain how
 13 Mr Hunt could have signed off on this certificate when
 14 there was no evidential basis for that statement?
 15 A. Because he had moved to a non-technical role within the
 16 organisation. He was heading up product development
 17 activities and no longer in a position to make technical
 18 judgements over insulation products.
 19 Q. Did you ever speak to Mr Hunt about this, about how this
 20 came to occur?
 21 A. Not that I recall, no.
 22 Q. Can we look now at page 5 of this same certificate
 23 {BBA0000038/5}, and section 7 on page 5. We can see at
 24 the bottom the heading "Behaviour in relation to fire",
 25 and at section 7.1 we can see details are given of

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1 a BS 8414-1 test, which is a large-scale fire test; yes?
 2 A. Yes.
 3 Q. And then also some details are given below that of
 4 a BS EN 1364-1 fire resistance test for non-loadbearing
 5 elements; yes?
 6 A. Yes.
 7 Q. You tell us in your witness statement -- we don't need
 8 to turn it up, it's paragraph 86 of your third witness
 9 statement on page 24 {BBA00010751/24} -- that the BBA
 10 was provided with a full copy of the 8414 test report
 11 prior to the issue of the first certificate.
 12 Now, the description of the 8414-1 test includes
 13 6-millimetre cement particle boards, that's in the
 14 second line of that bullet point. This is the same test
 15 to 8414-1 which is referred to in all issues of the
 16 certificate for K15. Do you agree?
 17 A. Yes.
 18 Q. We can see at the end of the third line down, so in that
 19 first bullet point, at the end of the third line, it
 20 says this:
 21 "The cement particle boards provided the
 22 overlcladding for the rainscreen system."
 23 Now, did you consider at any stage, or are you aware
 24 of any other BBA employee considering, that cement
 25 particle boards might not be able to be used as the

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1 outer layer in a rainscreen cladding system on
 2 a high-rise building?
 3 A. I wasn't involved in the drafting of this certificate,
 4 but I think that would have been an unusual scenario, to
 5 have an unfinished cement particle board as a cladding.
 6 Q. Yes. Did that occur to you when you came to be involved
 7 in these certificates after 2008, that that was
 8 an unusual scenario, to have an unfinished cement
 9 particle board as a cladding?
 10 A. I was aware of it, yes.
 11 Q. Yes.
 12 Were you aware that that build-up described was not
 13 one that could be replicated on an actual high-rise
 14 building?
 15 A. In what way could it not be replicated, sorry?
 16 Q. Well, for the same reason, because it's a cement
 17 particle board which you wouldn't expect to be used as
 18 the outer cladding for a high-rise building.
 19 A. Yes.
 20 Q. Now, my next question relates to a matter which we may
 21 need to deal with at a later stage in this Inquiry, but
 22 for now I want to ask you this: do you recall being
 23 involved in early 2014 in any discussions or meetings
 24 with the BRE on the subject of any BBA certificate for
 25 K15?

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1 A. Sorry, what was the date again?
 2 Q. Early 2014. Do you remember being involved in any
 3 discussions or meetings with the BRE on the subject of
 4 any BBA certificate for K15?
 5 A. I don't recall one, no.
 6 Q. We believe that those discussions may have involved
 7 Stephen Howard and Sarah Colwell, does that help?
 8 A. I have met both of those individuals. I'm sorry,
 9 I really don't recall a meeting about K15. It's not to
 10 say there wasn't one.
 11 Q. Right. So you can't remember a meeting with the BRE at
 12 which you came to discuss the certificate for K15 and
 13 its wording?
 14 A. Do you know the specifics of what was discussed that
 15 might help jog my memory?
 16 Q. No, we're just going on what other BRE witnesses have
 17 told us, so that's why we're asking you. We're not
 18 aware there's any notes of that meeting.
 19 A. It is possible, but I don't recall it.
 20 Q. Did anyone at the BRE ever express to you at any stage
 21 a view that the 8414-1 test build-up on which Kingspan
 22 were relying was a non-standard or non-typical system?
 23 Did the BRE ever say that to you?
 24 A. They didn't, but I was aware of that. I didn't think
 25 that was the purpose of the test. It's not a role that

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1 I fulfil , but, as I understand it, it 's very unlikely
 2 that an actual site installation will exactly reproduce
 3 the construction in the test . I was of the
 4 understanding that they would be used as the basis of
 5 desktop assessments by suitably qualified individuals to
 6 extrapolate those results to particular real-world
 7 constructions.
 8 Q. Right. So just so as I'm clear on your evidence, are
 9 you saying that the purpose of referring to this test in
 10 the BBA certificates was because the BBA understood that
 11 that would be used for the basis of desktop assessments
 12 in the future?
 13 A. I understood that they -- well, I believed that they
 14 could be used for that purpose, yes.
 15 Q. I see, but that's not the premise on which they're
 16 included in the certificate , is it?
 17 A. Well, they're included as representative test data for
 18 that particular construction. It is for the specifier
 19 and the reader to decide whether or not it's appropriate
 20 for a particular installation .
 21 Q. Well, we'll come and look at that wording again in
 22 a moment, but nowhere in the certificate does it say,
 23 "We've included these details of the 8414 test build-up
 24 so that desktop assessments can be done on the basis of
 25 it". It doesn't say that, does it?

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1 A. No, it doesn't. We provide the test data to be used by
 2 others on the basis of the requirements of a given
 3 installation and requirements of the approved documents.
 4 That certificate does not say it is suitable for use on
 5 any particular installation . That is a judgement to be
 6 made by others.
 7 Q. Right.
 8 Did you understand that that 8414 test data applied
 9 only to the exact materials tested in the exact same
 10 configuration? Did you understand that?
 11 A. Yes.
 12 Q. If we go back to page 1 of the certificate
 13 {BBA00000038/1}, to the "Product scope" section, we can
 14 see that at the top we've got the main Kooltherm K15
 15 rainscreen heading, then the lighter box, "Product scope
 16 and summary of certificate", we can see that it says
 17 there:
 18 "This Certificate relates to Kooltherm K15
 19 Rainscreen Insulation Board, a rigid phenolic board with
 20 foil composite facings, for use as external thermal
 21 insulation on new and existing steel frame or masonry
 22 walls."
 23 Do you see that?
 24 A. Yes.
 25 Q. Now, that reference to the use of K15 on steel-frame

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1 walls was not correct in 2008 in relation to buildings
 2 with a storey over 18 metres, was it?
 3 (Pause)
 4 A. I'm hesitating because I don't understand what you're
 5 asking me.
 6 Q. Well, let me ask it a different way: given that the BBA
 7 only had evidence of one test to BS 8414-1 with
 8 a masonry substrate, and had no evidence of any testing
 9 to BS 8414-2 for steel-frame structures, it was not
 10 correct that K15 could be used on existing steel-frame
 11 walls in buildings over 18 metres, was it?
 12 A. Well, with respect, it doesn't say that. It doesn't say
 13 that you can use it above 18 metres on a steel-frame
 14 construction. You could use it below 18 metres on
 15 a steel-frame construction.
 16 Q. Well, where does it draw that distinction that you're
 17 drawing now? Where does it clearly state that you can
 18 only use it on a steel-frame construction if it's below
 19 18 metres?
 20 A. That restriction isn't given in the BBA certificate,
 21 it's given in the approved document, and as I've said,
 22 it's for the reader to take the data within the
 23 certificate and apply that to the criteria given in the
 24 approved document.
 25 Q. Why is that not made clear in this certificate ? Why is

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1 it not made clear that you can only use it on
 2 a steel-frame building if it's under 18 metres?
 3 A. It's a fundamental principle of certification . We don't
 4 say what it's not suitable for in that way. It may well
 5 be that post-publication of this document,
 6 a representative BS 8414-2 test had been carried out, in
 7 which case it would be suitable for that construction to
 8 be used above 18 metres.
 9 Q. Yes, but with respect, Mr Albon, when you issue this
 10 certificate , you're not concerned with what might happen
 11 post-publication, surely the BBA is concerned with what
 12 information it has at the time it issues the
 13 certificate ; yes?
 14 A. Yes.
 15 Q. And it only had an 8414-1 test; yes?
 16 A. Yes.
 17 Q. So shouldn't it have made clear that for steel-frame
 18 walls, it could only be used if under 18 metres? Wasn't
 19 that an important qualification to include as part of
 20 this product's fitness for purpose?
 21 A. No, not at all. It's for the specifier for
 22 an individual building to read the information in this
 23 certificate . As you say, there is no BS 8414-2 test.
 24 In its absence, its use as covered by this certificate
 25 would be below 18 metres. But it's the approved

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1 documents that make that distinction, not the
 2 BBA certificate.
 3 Q. Mr Albon, in your first witness statement you have told
 4 us — this is, for the reference, {BBA00000158/16},
 5 paragraph 64 — that the intention is that the
 6 certificate is a standalone document that gives the
 7 reader all of the information required without recourse
 8 to other documents. If it's a standalone document that
 9 gives the reader all of the information required, why
 10 isn't it clear from the very first page of this
 11 certificate that K15 can only be used in one specific
 12 construction over 18 metres?
 13 A. When I wrote of no other documents being required,
 14 clearly I was not referring to the statutory instrument
 15 or the approved documents that support it. They are the
 16 governing documents that decide whether or not a product
 17 can be used in a particular situation. The certificate
 18 gives the specifier the information they need on which
 19 to make an informed judgement. If there is no data
 20 within the certificate that allows the use above
 21 18 metres, then clearly it is restricted by the approved
 22 documents to below 18 metres.
 23 Q. I see. So, so far on this page, have I got this right,
 24 the reader is to ignore the sentence under "Behaviour in
 25 relation to fire", and understand that the statement

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1 about use in steel-frame buildings is qualified to only
 2 buildings below 18 metres; is that right?
 3 A. I wouldn't expect any informed specifier to make
 4 a judgement on the basis of the first page of the
 5 certificate, I would expect them to read the whole
 6 document. If they do that, all of the necessary
 7 information on restrictions in relation to location
 8 based on fire is given in section 7 of the certificate.
 9 SIR MARTIN MOORE-BICK: Ms Grange, can I just suggest this:
 10 regardless of what may come later in the certificate,
 11 the opening paragraph is simply a description of the
 12 product, isn't it, which is designed for use as thermal
 13 insulation in different types of construction? It
 14 doesn't say any more than that, does it?
 15 MS GRANGE: Sorry, Mr Chairman, are you asking me or are you
 16 asking the witness?
 17 SIR MARTIN MOORE-BICK: Well, I'm putting it to you that
 18 it's simply a generic statement which doesn't seek to
 19 address problems of over or under 18 metres and maybe
 20 shouldn't be regarded as defective because it doesn't do
 21 so.
 22 MS GRANGE: Yes. I think what I'm seeking to explore is why
 23 we don't see from the very first page of this
 24 certificate that K15 can only be used in one specific
 25 construction over 18 metres, and that —

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1 SIR MARTIN MOORE-BICK: I'm suggesting an explanation, at
 2 least in relation to the first paragraph, namely that
 3 the first paragraph is simply generic in its intent and
 4 tells you that the product is intended for use with
 5 masonry and steel-framed walls. It's not addressing
 6 questions of height or limitations.
 7 MS GRANGE: Yes, I understand. I'm really seeking to get to
 8 the bottom of why a qualification to that effect only
 9 appears in the next issue of this certificate.
 10 SIR MARTIN MOORE-BICK: Well, you can ask the witness that,
 11 of course.
 12 MS GRANGE: Yes, we'll come to that.
 13 Were you aware, Mr Albon, in 2008 that K15 was being
 14 regularly specified for use in the over-18-metre market?
 15 A. I would have no way of knowing that.
 16 Q. Did you ever become aware of that, that K15 was being
 17 regularly specified for use in the over-18-metre market?
 18 A. Not pre the Grenfell Tower fire, no.
 19 Q. Let's look at what it says in this certificate about the
 20 classification to BR 135 of the 8414 test data. If we
 21 can go back to section 7.1 on page 5 {BBA00000038/5}, we
 22 see at the bottom of that page that same bullet point,
 23 and you can see, if we look three lines up from the
 24 bottom of that paragraph, it says this:
 25 "Within the stated test time the temperature at the

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1 level 2 thermocouples did not exceed 600°C, therefore
 2 displaying limited fire spread away from the fire source
 3 and that the product meets the criteria stated within
 4 BRE 135."
 5 Now, you were asked about that particular wording by
 6 the Inquiry, if we can look at your third witness
 7 statement, page 25 {BBA00010751/25}, and if we look at
 8 Inquiry question 27(i), which is the second question
 9 down there. You're asked the question:
 10 "On what basis did the BBA deem it acceptable and/or
 11 accurate to conclude and to state, in the absence of any
 12 Classification Report to BR 135, that the criteria
 13 therein had been met?"
 14 In your answer, you give a detailed explanation of
 15 the different aspects of a BR 135 assessment. Then if
 16 we can look at what you say at paragraph 94 at the
 17 bottom of page 26 of your statement {BBA00010751/26},
 18 you say this:
 19 "The BBA considers itself competent to make
 20 a judgement as to the results of a BS 8414 test, based
 21 on the above BR 135 based criteria, when provided with
 22 a full report on a performed test. There is clearly
 23 some subjectivity to the judgement of the mechanical
 24 performance, and this is one of the reasons that it is
 25 now standard practice to give report reference details

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1 in Certificates , to enable a specifier to make their own
 2 assessment of the results , should they choose to do so.”
 3 Now, just picking up on the end of that paragraph,
 4 was there not also some subjectivity in the judgement of
 5 mechanical performance back in October 2008?
 6 A. Yes.
 7 Q. If that’s right , why weren’t the report reference
 8 details not always given in the certificate ? Can you
 9 help us?
 10 A. I don’t know. It obviously would have been better had
 11 they done so.
 12 Q. Can you help us, when was this practice of giving report
 13 reference details introduced by the BBA?
 14 A. I don’t recall the exact date. Possibly around
 15 2014/2015. I’m guessing, to be honest. Around that
 16 time.
 17 Q. Okay, thank you.
 18 So just to be clear , in the absence of a BR 135
 19 classification report, is this right, the BBA carried
 20 out its own assessment of the test data in the report
 21 against the criteria in BR 135?
 22 A. Yes, the approved documents do not require
 23 a classification report, it requires the system to meet
 24 the criteria of BR 135.
 25 Q. Can you help us, who are you talking about when you say

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1 that the BBA considers itself competent to make
 2 a judgement about the results of an 8414 test? Are you
 3 talking about all project managers? Who is it within
 4 the BBA that would have been competent to carry out
 5 those assessments?
 6 A. Technical experts within the area of insulation .
 7 Q. I see.
 8 What about in December 2013 for issue 2 of the
 9 certificate , which you were involved with: did you carry
 10 out that exercise at that time?
 11 A. I would have reviewed the conclusions of the project
 12 manager who would have made the initial assessment.
 13 I would have reviewed that conclusion.
 14 Q. I see. So you would have reviewed the conclusion about
 15 BR 135 criteria, would you?
 16 A. Yes.
 17 Q. Was the assessment of 8414 test data against the
 18 criteria in BR 135 a normal or regular occurrence for
 19 the BBA in October 2008?
 20 A. I wasn’t involved in that time. I believe this was the
 21 first certificate of its type, so it would not have been
 22 normal at that time.
 23 Q. Right.
 24 Who would they be? You say that there were
 25 technical experts in the area of insulation who were

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1 capable of making these assessments. Can you give us
 2 some names? Who would they be?
 3 A. Jon Denyer, Gayetree Ramkorun ...
 4 Q. Right --
 5 A. Possibly other experienced project managers at that
 6 time. Obviously, as with any company, we have some
 7 turnover of staff , so putting the relevant staff in the
 8 right timescale is quite difficult .
 9 Q. Yes. What about George Lee, who was the project manager
 10 for this certificate ?
 11 A. He was an experienced project manager who had worked in
 12 this area for some time, so possibly.
 13 Q. So you would expect him to be making assessments against
 14 BR 135 based on 8414 test data; yes?
 15 A. If it was his first experience of that test, and
 16 I suggest it would be, then I would expect him to
 17 discuss it with management.
 18 Q. That would have been Mr Hunt, wouldn’t it?
 19 A. Or a technical expert working in a different department.
 20 Q. In your third witness statement -- I don’t think we need
 21 to turn it up now -- you set out in a table for us all
 22 those individuals at the BBA who were involved in
 23 drafting the various K15 certificates , and you tell us
 24 that Brian Haynes as the technical manager, you say that
 25 for amended issue 1 and issue 1, he provided opinion on

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1 the performance in fire of the properties of the
 2 product. That’s what you tell us there.
 3 Can you help us, on what specifically did
 4 Mr Brian Haynes provide an opinion about the fire
 5 properties of the product?
 6 A. From memory, I’m sorry, I can’t tell you specifically .
 7 Q. So where you tell us in your statement that Mr Haynes
 8 provided an opinion on the performance in fire
 9 properties of the product, where did you get that from?
 10 A. There would have been documentary evidence on the file
 11 in forms of notes or emails. That’s the only way
 12 I could have inferred that. I wasn’t involved at the
 13 time.
 14 Q. Would any such opinion or advice be recorded in writing?
 15 A. It should be, yes.
 16 Q. If we go to the witness statement of Mr Denyer,
 17 Jon Denyer, at {BBA00010780/24}, I want to look at
 18 paragraph 99. Mr Denyer says in that top paragraph:
 19 "In addition, I do have an email on my email archive
 20 dated 9 June 2008 from the then Project Manager
 21 (George Lee) to our then Technical Manager
 22 (Brian Haynes) requesting an opinion on the BS 8414 test
 23 but I have no record of a reply to this request."
 24 If we could go to that email, we think this is
 25 {BBA00000255}, we can see that there is an email there

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1 at the top of the page from George Lee to Brian Haynes,
 2 cc'ing Chris Hunt, saying:
 3 "Hi Brian,
 4 "Please find attached product description and [8414]
 5 fire report, for which I require a Fire Opinion."
 6 You can see this relates in the subject to
 7 Kooltherm K15.
 8 Now, Mr Albon, we cannot find a response to that
 9 email. Do you know whether a fire opinion was in fact
 10 provided?
 11 A. I have found no documentary evidence of such an opinion.
 12 It may be that Brian Haynes discussed with George Lee,
 13 but I don't know.
 14 Q. According to the BBA's policies and procedures, should
 15 there have been a written response to that providing
 16 a fire opinion if one was provided?
 17 A. There should be a documentation of any technical
 18 judgements made on a project, yes.
 19 Q. Yes. And you can't help us as to why we don't find that
 20 in this case? We don't find any fire opinion helping us
 21 as to how someone looked at the 8414 test data and
 22 concluded that the BR 135 criteria were satisfied .
 23 A. I haven't found any documented evidence of that decision
 24 being made.
 25 Q. No.

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1 Just looking back at issue 1 of the certificate , and
 2 the phrase that we were looking at, this is at
 3 {BBA00000038/5} and looking at paragraph 7.1, it's
 4 summarising the BS 8414 report and at the very last line
 5 it 's saying:
 6 "... and that the product meets the criteria stated
 7 within BRE 135."
 8 And you see there it says, "the product meets the
 9 criteria stated"; do you see that?
 10 A. Yes.
 11 Q. Now, going back to your third witness statement,
 12 {BBA00010751/27}, we can see that you have been asked
 13 about this particular sentence at Inquiry
 14 question 27(k), and you're asked the question:
 15 "On what basis did the BBA deem it acceptable and/or
 16 accurate to conclude and to state that 'the product' had
 17 met the criteria within BR 135?"
 18 Your response is below. You say:
 19 "As explained above, the test relates to the
 20 specific construction tested and it would have been
 21 preferable not to refer to 'the product' in this
 22 section. This was corrected in the Second Issue of the
 23 Certificate , issued on 17 December 2013."
 24 Now, I'm not sure that's an answer to the question
 25 you were asked, and so I'm going to ask it again.

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1 Now, take it in stages: why do you say it would have
 2 been preferable not to refer to the product in this
 3 section?
 4 A. Because, as stated, the test relates to a specific
 5 construction and so it is a system test and not
 6 a product test.
 7 Q. Yes. So does it follow, do you consider the assertion
 8 that K15 as a product had met the criteria in BR 135 to
 9 have been an accurate assertion?
 10 A. No, it is a system test, not a product test.
 11 Q. Do you agree that a reader would inevitably conclude
 12 that K15 as a product had met the criteria in BR 135?
 13 A. I would hope that anybody making a judgement on the
 14 basis of a complex test such as BS 8414 would understand
 15 that that is a system test. If not, that is potentially
 16 misleading, yes.
 17 Q. Yes, can we agree that that section of the certificate
 18 is wholly inaccurate and misleading?
 19 A. I think the use of the word "product" is inaccurate and
 20 misleading. I wouldn't say the whole sentence is
 21 inaccurate and misleading.
 22 Q. That's the bit I'm asking you to focus on, the statement
 23 that the product had met the criteria within BR 135.
 24 Can we agree that that is wholly inaccurate and
 25 misleading?

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1 A. Yes, you cannot extrapolate that result to other
 2 constructions including that product.
 3 Q. Quite.
 4 Can you explain, why was that not corrected until
 5 2013?
 6 A. I think it was an unfortunate human error that was
 7 overlooked during the certificate checking process.
 8 I can't explain it .
 9 Q. Did you ever speak to Mr Hunt about this inaccurate
 10 statement on page 5 of the certificate? I've asked you
 11 about whether you spoke to him about the statement on
 12 page 1 about the product not contributing to the
 13 development stages of a fire, but did you ever speak to
 14 him about this inaccurate statement, that the product
 15 met BR 135?
 16 A. No, for the same reasons I explained earlier . I don't
 17 think it would have added any value.
 18 Q. Mr Hunt could not account for this kind of error making
 19 its way into the final version of issue 1 and also
 20 amended issue 1 of the certificate . Can you help as to
 21 how that error has found its way into that certificate ?
 22 A. No.
 23 Q. Can we look at the witness statement of George Lee at
 24 this point, who you tell us undertook the drafting of
 25 the certificate . If we can go to {BBA00010794/4},

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1 I want to look at what he says at paragraph 23.
 2 Now, the questions the Inquiry asked are not
 3 included in this statement, just the answers. He is
 4 asked by the Inquiry what his understanding was of the
 5 classification national class 0. At 23 his response was
 6 this:
 7 "A 'Class 0' rating indicates limited
 8 combustibility."
 9 Do you see that?
 10 A. Yes.
 11 Q. Now, is that your understanding too, that a class 0
 12 rating indicates limited combustibility?
 13 A. No, that's incorrect.
 14 Q. Back in 2008, was that your understanding, that
 15 a class 0 rating indicates limited combustibility?
 16 A. No.
 17 Q. Can we agree that Mr Lee does not appear from that
 18 answer to have a clear or accurate understanding of the
 19 meaning of limited combustibility and its relationship
 20 to a classification of national class 0?
 21 A. I would agree that at the time he was writing this
 22 statement, he clearly did not have an understanding. He
 23 left the BBA, I don't know, ten years ago. I don't
 24 believe he has worked in this area since he left. It
 25 may be his memory is inaccurate and that he did

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1 understand the difference at the time.
 2 Q. I see. Well, given that he has said this in 2019 to us,
 3 do you have any reason to think that he would have
 4 thought something different back in 2008, when this
 5 certificate was being put together?
 6 A. I think it's inevitable he would have had a better
 7 understanding at the time he was working with these
 8 products than he would have relying on memory ten years
 9 later. I can't tell you that he did understand
 10 the difference at the time. I would hope that he did.
 11 Q. Right. Well, can you explain to us how it could be that
 12 a BBA project manager drafting certificates for thermal
 13 insulation materials including Kingspan's products does
 14 not appear in his statement to this Inquiry to have
 15 a clear understanding of fire classifications?
 16 A. As I've tried to explain, I think his understanding at
 17 the time he was working with these products would have
 18 been better than it is ten years later, when he has been
 19 working in different product areas.
 20 Q. How can you deduce that, given that on the front page of
 21 this certificate, it says, "This product will not
 22 contribute to the development stages of a fire"? How
 23 can you conclude that he would have had a better
 24 understanding at the time he wrote that, a statement
 25 which you have admitted was inaccurate and not supported

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1 by any evidence?
 2 A. Well, I think the two things are different. I'm not
 3 deducing anything, I'm merely suggesting that if he is
 4 relying on his memory from ten years ago, he may not
 5 have the understanding now that he had at the time that
 6 he was writing certificates. I really don't know.
 7 Q. If we look at paragraph 25 of your third witness
 8 statement, that's at page 7 {BBA00010751/7}, you tell us
 9 something about the systems that are meant to be
 10 followed. You say:
 11 "The individual level of knowledge possessed by each
 12 member of staff is closely monitored by line management,
 13 both informally via daily interaction and more formally
 14 via annual appraisals against set objectives. As part
 15 of this [process], needs for further training are
 16 discussed and documented for achievement over the year
 17 to follow."
 18 Then you go on at 26:
 19 "Further, Project Managers and their management are
 20 assigned particular product areas in which to specialise
 21 as they build their experience – for example, there is
 22 a team that works only in the field of thermal
 23 insulation. In this way, knowledge can be built on more
 24 quickly, liaising with more experience colleagues
 25 working in the same team, as opposed to working across

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1 the full range of product covered by the BBA."
 2 Now, can you help us, was George Lee a specialist in
 3 thermal insulation?
 4 A. He worked largely in the field of thermal insulation, he
 5 was not an expert in thermal insulation in the way that
 6 some of his colleagues would have been.
 7 Q. I see.
 8 What about Mr Hunt? Was he an expert in the field
 9 of thermal insulation?
 10 A. No.
 11 Q. Do you consider that it's possible that Mr Lee may have
 12 included the phrase "will not contribute to the
 13 development stages of a fire" on page 1 of the
 14 certificate, which we've looked at, on the basis that
 15 he believed K15 to be a material of limited
 16 combustibility?
 17 A. If he believed that the material was of limited
 18 combustibility, I believe he would have included
 19 a statement to that effect in section 7 of the
 20 certificate. So I think it's unlikely it was on that
 21 basis.
 22 Q. I see.
 23 Have you at any stage been aware of confusion in the
 24 wider industry about the meanings of class 0 and limited
 25 combustibility?

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1 A. I'm not aware of any confusion between those two terms,
 2 they're both clearly defined within the approved
 3 documents.
 4 Q. Can we just look briefly back at another passage in
 5 Mr Lee's witness statement, so {BBA00010794/6}. If we
 6 go to paragraph 44(a), this is about whether or not the
 7 BBA was accredited by UKAS to interpret fire test data,
 8 and Mr Lee has answered:
 9 "Not to my knowledge. At the time of my employment,
 10 this would be the reason to obtain a fire opinion, as
 11 the BBA were not accredited to interpret fire [test]
 12 data."
 13 Now, is he right about that?
 14 A. No, I think he has a limited understanding of the
 15 accreditation process.
 16 Q. Yes. So, in fact, the BBA was accredited to interpret
 17 fire test data; yes?
 18 A. That's not really the way accreditation works. We are
 19 accredited to assess and certify products. The scope of
 20 that accreditation is limited by UKAS to certain product
 21 areas. Within those product areas, there are a wide
 22 variety of product parameters we are required to assess
 23 and understand. Fire is one of those, and so it is
 24 included under the accreditation, but it is not a direct
 25 part of the accreditation.

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1 Q. Can you explain why Mr Lee thought that the BBA were not
 2 accredited to interpret fire data?
 3 A. I think from what I've seen of his statement, he is
 4 consistently relying on memory and not giving answers
 5 that are credible.
 6 Q. I see.
 7 Let's move on now to section 7.2 of this issue 1 of
 8 the certificate on page 5, if we can go back to that
 9 {BBA00000038/5}, right at the bottom we can see
 10 section 7.2, it tells us there:
 11 "The product is classified as Class 0 or 'low risk'
 12 as defined in the documents supporting the national
 13 Building Regulations. The product, therefore, may be
 14 used in accordance with the provisions of ..."
 15 Then over the page {BBA00000038/6} it tells us:
 16 "England and Wales – Approved Document B,
 17 paragraph 8.4, Volume 1 and paragraphs 12.5 and 12.6,
 18 Volume 2 (see also Diagram 40)."
 19 So that's what we see about class 0 in this first
 20 issue of the K15 certificate.
 21 I want to ask you about what fire test data was
 22 provided by Kingspan at any stage to evidence the
 23 assertion that K15 had achieved class 0.
 24 If we can go first to one of the witness statements
 25 provided by Mr Brian Moore to the Inquiry at

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1 {BBA00011097/4}, this witness statement is dated
 2 18 November 2020. If we go to page 4 and look at
 3 paragraph 3(m), we can see that Mr Moore has been asked
 4 about the technical assessment by the BBA of K15, and in
 5 particular the assertion that K15 had achieved
 6 a classification of class 0. He states there, if we
 7 look at 15 and then 16:
 8 "15. Certificate 08/4582 and the First issue of
 9 Certificate 14/5134 stated that the product was a
 10 Class 0/'Low Risk' material. In order to demonstrate
 11 this, test reports are required to BS 476–6 and BS 476–7
 12 and no such reports are contained on any of the K15 file
 13 folders.
 14 "16. Instead, the classification for K15 was
 15 extrapolated from a series of fire reports on similar
 16 Kingspan phenolic products, including those of similar
 17 density and facing type."
 18 Then he says that copies of the reports are
 19 exhibited to his statement.
 20 Mr Moore was asked about this during his oral
 21 evidence, and I want to take you to what he said then.
 22 If we can go to the transcript at {Day107/167:7}, he is
 23 being asked about this exercise of extrapolation, and
 24 this is the answer he gives, picking it up in line 7.
 25 He says:

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1 "Well, if there are no Kingspan — if there are no
 2 fire reports to justify the class 0 statement, on what
 3 basis was the BBA including this in a certificate, was
 4 the question that I asked, and Mr Albon's view, a very
 5 experienced and senior person at the BBA, his view was
 6 that it was more likely than not that it was
 7 extrapolated from a series of fire reports on similar
 8 Kingspan phenolic products, including those of similar
 9 density, ie the material referenced at exhibit BM4.
 10 "You will recall that at the start of my statement
 11 I did clarify that wording as deduction, belief, rather
 12 than an absolute. There is a formula here that someone
 13 has extrapolated from a series of fire [test] reports."
 14 Now, can you help us, when did you first conclude
 15 that an extrapolation was likely to have taken place?
 16 A. When I was asked as part of the Inquiry's questions.
 17 Q. So was it the case that you looked back at the K15
 18 files, found no evidence of BS 476–6 and 7 testing, and
 19 therefore concluded that there must have been some form
 20 of extrapolation; is that right?
 21 A. It's a little more than that. There is no evidence of
 22 the necessary BS 476 test reports, but the project
 23 manager had placed within that specific technical folder
 24 a number of associated Kingspan fire test reports to
 25 those standards. They would only be on that folder if

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1 they had formed some part of the assessment of K15.
 2 There is nothing directly linking them to the
 3 conclusions drawn, but I inferred from the fact that
 4 they were placed on the file that an extrapolation had
 5 been made on the basis of those reports. That is
 6 an inference; I can't confirm that.
 7 Q. I see.
 8 Did you ever consider as an alternative possibility
 9 that those responsible for drafting the certificate
 10 simply accepted Kingspan's claim in their own marketing
 11 literature that K15 was class 0 and included that claim
 12 in the BBA certificate, without carrying out any
 13 extrapolation exercise?
 14 A. If that were the case, I don't know why the project
 15 manager would have placed these reports, which were
 16 collated from other assessments we had carried out, on
 17 this specific assessment folder.
 18 Q. Would it have been in accordance with the BBA's
 19 procedures at the time to have taken Kingspan's
 20 marketing literature and to replicate what was in that
 21 because that said class 0?
 22 A. Absolutely not. There should be a defined and
 23 documented technical assessment to back up any
 24 statements made in the certificate.
 25 Q. Did you actually check with either Mr Lee or Mr Hunt

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1 what had led to the inclusion of the class 0 statement
 2 in the certificate?
 3 A. No.
 4 Q. Just to be clear, you're not suggesting that you
 5 yourself ever carried out any such extrapolation in
 6 relation to K15 and class 0, are you?
 7 A. No, I'm not.
 8 Q. Now, going back again to your third witness statement,
 9 {BBA00010751/21}, and looking at the top of page 21 and
 10 Inquiry question 23(d), you were asked the following:
 11 "On what basis did you or any other employee or
 12 agent of the BBA consider it appropriate for the BBA to
 13 'extrapolate' in the manner described 'instead' of
 14 requiring the relevant test reports?"
 15 Your answer at 70 was:
 16 "I was not involved in this process and so am unable
 17 to comment on the details of the technical assessment
 18 made."
 19 Now, I'm not sure that was actually an answer to the
 20 question. Is this right: that you do not know for
 21 a fact that such technical assessment was actually made?
 22 A. There is no documentation on file to confirm that, so
 23 I can't be sure, no.
 24 Q. Can I ask you this: whether or not an extrapolation was
 25 actually carried out on this occasion, on what basis do

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1 you consider that it would ever be appropriate to
 2 extrapolate from test reports for various products to
 3 pronounce a classification to national class 0 for
 4 a different product?
 5 A. That would depend on the circumstances and the
 6 individual carrying out the assessment. It's not
 7 unknown for an insulation manufacturer to produce
 8 identical products for exactly the — excuse me, for
 9 different purposes. So it may be there is an absolutely
 10 identical product used for roofing and for cladding.
 11 Now, if we had a fire test report on that product and we
 12 knew for certainty that it was an identical formulation
 13 and specification, it might be appropriate to transfer
 14 that classification across. Equally, if we had a letter
 15 of opinion from a suitably qualified individual at
 16 a UKAS accredited fire laboratory that they had carried
 17 out an extrapolation, we might be prepared to accept
 18 that. But we would not carry out that type of technical
 19 judgement within the BBA.
 20 Q. Right. So taking this in stages, can we agree that
 21 there wasn't an absolutely identical product to K15 that
 22 you could simply take information for in this instance?
 23 A. I don't know.
 24 Q. When you say you don't know, did you check the
 25 products — I'll come to it in a moment — that you say

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1 were referred to on the file and check whether they were
 2 an absolutely identical product to K15?
 3 A. Well, I wasn't involved in the assessment process at the
 4 time, so, no, I wouldn't have done that.
 5 Q. No, and the file doesn't reveal any opinion being
 6 provided by a UKAS accredited fire laboratory, does
 7 it —
 8 A. No.
 9 Q. — suggesting an extrapolation?
 10 A. No.
 11 Q. If we look again at the evidence of Mr Moore, if we can
 12 go to the transcript at {Day107/170:17}, he says this:
 13 "Answer: I understood that it was not — it wasn't
 14 common, but it was not unusual, if there were products
 15 of a similar — of a very similar kind to each other,
 16 and if the performance was adjudged to be so similar to
 17 one that we'd already assessed, it was not unusual for
 18 the BBA to extrapolate its opinion from one product to
 19 a similar one. That was the core of the conversation.
 20 "Question: Is what you've just told us something
 21 that John Albon told you, or is it something you're
 22 telling us from your own knowledge and experience?
 23 "Answer: It is something that I'm saying arose in
 24 my conversation with Mr Albon based on his knowledge and
 25 experience across many, many years, more than me, at the

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1 BBA. To me that sounded — and I think this material
 2 was actually in the place where the fire test reports
 3 would be, in the particular folder, so it was — it was
 4 far from a — it wasn't a leap of faith; it was
 5 a reasonable deduction to be drawn, and that was the
 6 basis for the belief."

7 Now, is Mr Moore correct? He's saying that it
 8 wasn't unusual, if there were products of a very similar
 9 kind to one another and if the performance was adjudged
 10 to be so similar to one already assessed, for the BBA to
 11 extrapolate opinion from one product to a similar one.
 12 Do you agree with that?

13 A. I don't think that's inconsistent with the explanation
 14 I just gave. It would depend on the circumstances
 15 individual to the case.

16 Q. Mr Albon, I think it is inconsistent, because you said
 17 that if there was an identical product you would
 18 extrapolate, and Mr Moore here is referring to products
 19 of a similar or of a very similar kind. So which is it?
 20 Is it only where there is an identical product that you
 21 extrapolate, or is it where there is a similar or very
 22 similar product that you would extrapolate test data of
 23 this nature?

24 A. If it was identical, the BBA could make that judgement.
 25 If it was not identical and it was the similar scenario,

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1 I would expect us to obtain an expert opinion from
 2 outside of the BBA.

3 Q. Okay. So it sounds from what you're saying like
 4 Mr Moore was wrong that it was not unusual for the BBA
 5 to extrapolate from one product to a similar one; he is
 6 wrong about that, yes?

7 A. I think it depends what you mean by — what he means by
 8 "the BBA would extrapolate". We would potentially take
 9 a classification and use it, but it may be based on
 10 a judgement made by somebody from outside of the BBA.

11 Q. I see.
 12 Can you help us, in what other circumstances and for
 13 what other products or manufacturers have such
 14 extrapolations ever been carried out? Can you give us
 15 some context to this?

16 A. It's not uncommon that we have a fire test report that
 17 has a limited scope of applicability, for example. We
 18 might then ask our certificate holder to seek a letter
 19 of opinion from the organisation that carried out the
 20 fire test to expand that scope of applicability,
 21 for example for thickness of insulation. It may have
 22 a limited thickness within the scope of the fire test
 23 report, but the fire laboratory might be prepared to
 24 expand that thickness to match that which the
 25 certificate holder wants covered in the certificate.

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1 Q. Yes. Now, that scenario is not quite the same as what
 2 I'm trying to get at. I understand that if you have
 3 actually got an extrapolation carried out by
 4 a third-party assessor, that's a different thing. But
 5 going back to what the BBA itself does, can you help us,
 6 have the BBA ever carried out other extrapolations for
 7 other products or manufacturers like the one that we see
 8 referred to for K15 and class 0?

9 A. I'm not aware of our having done what you are
 10 suggesting, unless it was the scenario I explained
 11 previously where it was the same product being used for
 12 two different applications.

13 Q. So are you saying this is the only time you have ever
 14 come across this, the K15 situation and class 0, the
 15 only time you've come across an extrapolation from
 16 similar products?

17 A. Well, I don't know what the extrapolation was, that's
 18 the problem that I have. I don't know what work was
 19 done, because it's not documented on the file, so I find
 20 that difficult to answer.

21 Q. Do you consider that extrapolation is a process
 22 permitted by the BS 476-6 and 7 test standards?
 23 Mr Moore was not able to help us on that question and
 24 said he didn't know the answer. Can you help us?

25 A. It would certainly be beyond the competence of the BBA

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1 to carry out that. We would expect an expert fire
 2 opinion if we were to do something outside of what was
 3 defined within the fire test standards.

4 Q. I see.
 5 Do you know, did the BBA follow any particular
 6 guidance when carrying out these extrapolations?

7 A. Again, unless I know what extrapolation was carried out,
 8 no, we did not have a procedure for extrapolating
 9 fire test reports because I would not expect us to be
 10 doing that.

11 Q. Are you aware as to whether the BBA has ever had
 12 a discussion with a fire engineer external to the BBA
 13 about the concept of extrapolating test data from
 14 different products?

15 A. Not that I can recall.

16 Q. If we go back to your third witness statement at page 21
 17 {BBA00010751/21}, in the middle of page 21 you were
 18 asked at (e):

19 "On what basis did you consider that the BBA was
 20 entitled to describe as class 0 a product which had not,
 21 to the BBA's knowledge, achieved that classification?"

22 You tell us at 71:

23 "A technical assessment would have been made. There
 24 are reports on file relating to the insulation foam
 25 component used and various facers and I assume that

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1 these were used to make a fire engineering assessment of
 2 the likely performance of the K15 product."
 3 Now, you can take it from me that the reports to
 4 BS 476-6 and 7 which Mr Moore told us that he found in
 5 the test data area of the K15 file and are exhibited to
 6 his second witness statement -- what I'm going to do is
 7 just summarise those for you.
 8 What we see is an unfaced CFC free phenolic foam
 9 laminate test to BS 476-7 from August 1991; a K7 sarking
 10 board test to BS 476-7 from February 1993; K9 with
 11 a glass tissue not a foil facer tested to BS 476-6 from
 12 October 1993; K9 with a glass tissue not foil facer test
 13 to BS 476-7 from October 1993; K8 cavity boards with
 14 a glass tissue not foil facer tested to BS 476-6 and 7
 15 in a letter from July 1994; Kooltherm DL2000 with one
 16 aluminium face and one glass tissue face tested to
 17 BS 476-6 from October 2003; Kooltherm DL3300 with one
 18 aluminium face and one glass tissue face tested to
 19 BS 476-7 from October 2003; and finally, an assessment
 20 report to BS 476-6 and 7 on Kooltherm DL3300 with one
 21 aluminium face and one glass tissue face from
 22 December 2003.
 23 Now, I've summarised those test reports to you. Can
 24 you explain and help us, in the light of those, what led
 25 you to the assumption that those reports were used to

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1 make a fire engineering assessment as you describe it of
 2 the likely performance of the K15 product?
 3 A. The only basis on which I formed that impression was the
 4 fact that they had been placed on the file for K15.
 5 There would be no reason for them to be on the file
 6 unless they had been used. I would not be competent to
 7 make that technical judgement. I don't know on what
 8 basis that judgement was made.
 9 Q. Have you actually read those reports for the other
 10 Kingspan products yourself?
 11 A. I may have glanced at them when I put the file together
 12 for the Inquiry, but no, I didn't study them in detail.
 13 Q. Had some form of extrapolation been conducted, what
 14 consideration do you think ought to have been given to
 15 the fact that these reports were, some of them, very
 16 old? One of them was already 15 years old by 2008.
 17 Should that have been a consideration in any such
 18 assessment?
 19 A. The age of reports should always be a consideration.
 20 It's not to say because it's 15 years old it can't be
 21 used, but you would need a good case in order to be able
 22 to use a report that was that old.
 23 Q. What consideration should have been given to the fact
 24 that none of those products appear to have had the same
 25 facer arrangement as K15, ie foil facers on both sides

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1 of the phenolic core? What consideration should have
 2 been given to that?
 3 A. I think that would be for a suitably qualified fire
 4 expert to decide. It's outside my competence to judge.
 5 It may be that a judgement could be made on the known
 6 performance of those facers, but I don't know.
 7 Q. Mr Albon, you're the BBA's chief scientific officer. If
 8 it was outside your competence to judge, wouldn't it
 9 have been outside the competence of the project manager
 10 and the head of approvals who were considering this
 11 certificate at its time?
 12 A. I don't think they would have been more qualified to
 13 make a judgement than myself or other colleagues we have
 14 in the business. I don't know who made the decision and
 15 on what basis.
 16 Q. Does it follow from your answers that you can't tell us
 17 how that extrapolation exercise could have been done,
 18 that you can't take us through the steps as to how you
 19 would conclude that it can be classified to class 0?
 20 A. No, I can't.
 21 Q. Did you take steps to find out from Mr Hunt who was
 22 responsible for the technical sign-off of that first K15
 23 certificate and whether your deductions on the matter
 24 were correct?
 25 A. No.

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1 Q. Can we go to {BBA00011093}. This is a letter dated
 2 2 December 2004 to Ivor Meredith and it's signed, we can
 3 see at the top of page 2, by Simon Lloyd of the BBA.
 4 If we go back to the main part of the letter, we can
 5 see in the opening paragraphs that the letter is chasing
 6 a response to an earlier letter from 7 September 2004.
 7 It says:
 8 "On consulting our records ... we have not received
 9 a reply from you to our letter [of that date] ..."
 10 And at the second paragraph, he states:
 11 "We would like to point out that we are unable to
 12 proceed with the work, until we have received the
 13 information requested."
 14 Underneath that, Mr Lloyd has listed various
 15 outstanding pieces of information, including, just over
 16 halfway down the list, "Reaction to fire data" and
 17 "Surface spread of flame". Do you see that?
 18 A. Yes.
 19 Q. It is apparent from your witness statement and that of
 20 others at the BBA that there was no fire test data to
 21 BS 476-6 and 7 provided to the BBA on K15 prior to
 22 issue 1 of the certificate. Do you agree with that?
 23 A. Yes.
 24 Q. As far as you were aware, when did the BBA first receive
 25 test data showing tests to BS 476-6 and 7 for K15 which

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1 would confirm a class 0 classification ?
 2 A. I don't think we ever did.
 3 Q. No, that seems to be the position, but we just wanted to
 4 confirm it with you: that you never actually received
 5 test data to those parts of 476-6 and 7?
 6 A. I think I've seen Euro classification data, but I don't
 7 recall seeing a BS 476 set of reports.
 8 Q. Did you ever consider that there might be a reason that
 9 that data was not forthcoming from Kingspan when
 10 requested?
 11 A. I was not involved at this stage of the assessment.
 12 I think my initial involvement was when we had the C
 13 category to the Euro classification system.
 14 Q. Whose responsibility would it have been to ensure that
 15 this fire test data had been received for K15 in
 16 October 2008 when the certificate was first issued?
 17 A. Initially the project manager and then, when the final
 18 certificate was reviewed prior to issue, by the
 19 individual making the certification decision.
 20 Q. Yes, and what about on 17 December 2013 for issue 2 of
 21 the certificate? That certificate carries your
 22 signature as head of approvals, doesn't it?
 23 A. Yes.
 24 Q. Was it your responsibility or somebody beneath you to
 25 ensure that that fire test data had actually been

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1 received for K15?
 2 A. The content of the certificate was entirely my
 3 responsibility. However, it's not part of normal BBA
 4 procedure to go back and repeat the initial assessment
 5 as part of a re-issue. During a re-issue, we focus on
 6 the changes that we are making to the certificate. We
 7 don't go back to the original first principles
 8 assessment that was carried out for the first issue of
 9 that certificate.
 10 Q. I see. So that error was made and it just wasn't picked
 11 up in later issues of the certificate; is that correct?
 12 A. Yes.
 13 Q. But should it have been? Should someone have checked at
 14 the time of issue 2 in December 2013 that there was
 15 in fact that test data available?
 16 A. That would not form part of our normal procedures. We
 17 would expect that the statements made on a certificate
 18 can be justified.
 19 Q. Can you help us as to why it's not made clear in any of
 20 the K15 certificates that that class 0 classification
 21 has been reached by way of an extrapolation from similar
 22 products?
 23 A. I don't believe that would be significant. If the
 24 product can achieve a class 0 rating, it can achieve
 25 a class 0 rating. It's a black and white can or cannot.

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1 It does appear in this case that we cannot justify the
 2 fact we made that statement.
 3 Q. Are you aware now that during the lifetime of this
 4 certificate Kingspan had obtained test results which
 5 in fact showed that K15 was not able to achieve class 0?
 6 A. I have seen that reported as part of this Inquiry, yes.
 7 Q. Are you able to accept, as Mr Hunt did, in relation to
 8 issue 1 and amended issue 1, that this was a very basic
 9 failure of due diligence on the part of the BBA?
 10 A. Yes.
 11 Q. You told us that when you signed off on issue 2 of the
 12 certificate, you had already become concerned about the
 13 assertion on page 1 of the certificate about not
 14 contributing to the development stages of a fire. In
 15 those circumstances, why did you also not check the
 16 other assertions in the certificate before it was
 17 re-issued?
 18 A. I think there is a difference between an inappropriate
 19 and misleading wording and a statement based on fact,
 20 given the criteria contained within the approved
 21 documents. I had no reason at that point to believe we
 22 did not have the necessary supporting information on
 23 file.
 24 Q. I see. So you're saying at the time you would draw
 25 a distinction between inappropriate and misleading

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1 wording as compared with a statement based on fact; yes?
 2 A. I think the wording is subjective, the statement on
 3 class 0 was objective, and I had no reason to believe we
 4 would not have that data on file.
 5 Q. So it didn't occur to you, once you had found one major
 6 error with the certificate, to check that there weren't
 7 others?
 8 A. I would have read, I hope, the rest of the certificate.
 9 I regret the fact I did not pick up that misleading
 10 wording on the front page.
 11 Q. But what about the class 0 statement?
 12 A. As I've said, there was no reason to suppose we wouldn't
 13 have had that information on file.
 14 Q. Right. So you don't regret signing off on that?
 15 A. Yes, I regret not doing it, but I don't think I would
 16 have been expected to go back and check it. I think it
 17 was a reasonable assumption to make that those reports
 18 would be there to enable us to make that statement.
 19 MS GRANGE: I see.
 20 Mr Chairman, I think that would be a good moment for
 21 our afternoon break, if that suits you.
 22 SIR MARTIN MOORE-BICK: Yes. How are we doing? A question
 23 I keep asking you, I know, but still, I'll ask it again.
 24 MS GRANGE: Yes, we're doing well. If we do go into
 25 tomorrow, it won't be by very much, and I'll do my best

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1 to see if I can conclude the remaining questions today.
 2 But these topics are important and I don't want to feel
 3 like I'm rushing them, so ...
 4 SIR MARTIN MOORE—BICK: No, no, I'm not seeking to rush you,
 5 I'm just enquiring. All right, thank you very much.
 6 Mr Albon, we will have our short break at this
 7 point. Today will be a bit tighter, we will come back
 8 at 3.35, please. All right?
 9 Please don't talk to anyone about your evidence on
 10 the break. Okay?
 11 Thanks very much, see you later.
 12 (3.22 pm)
 13 (A short break)
 14 (3.35 pm)
 15 SIR MARTIN MOORE—BICK: Welcome back, everyone. We're ready
 16 to continue with Mr Albon's evidence, if he is there.
 17 So the first question is: are you there, Mr Albon,
 18 can you see me and hear me clearly?
 19 THE WITNESS: Yes, I'm here.
 20 SIR MARTIN MOORE—BICK: Good, thank you very much. And
 21 you're ready to go on, I hope?
 22 THE WITNESS: Yes.
 23 SIR MARTIN MOORE—BICK: Thank you.
 24 Now, Ms Grange, when you're ready.
 25 MS GRANGE: Yes, thank you, Mr Chairman.

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1 Yes, Mr Albon. Now, thinking back to that first K15
 2 certificate in October 2008, it's right, isn't it, that
 3 no initial assessment or audit as to the manufacture of
 4 K15 had been carried out prior to that certificate being
 5 produced; yes?
 6 A. Yes.
 7 Q. If we look at your third witness statement,
 8 {BBA00010751/22}, and I want to look at what you say at
 9 paragraph 74, just focusing on the first four lines of
 10 that paragraph, you say:
 11 "For an assessment of a new product for a new
 12 client, it is normal practice to carry out an initial
 13 factory inspection. However, in this case, Kingspan
 14 held other Certificates for very similar products, that
 15 were manufactured in an identical way, using the same
 16 foam insulation and very similar facers."
 17 Now, just pausing there, how would anyone at the BBA
 18 know that the K15 was manufactured in an identical way
 19 to other similar products if there had been no
 20 assessment of the manufacture or production process for
 21 K15?
 22 A. The assessment of production is based on an internal BBA
 23 document known as a quality plan. We would have had
 24 a quality plan for production at Kingspan's factory
 25 covering all of the then certified products, and as part

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1 of the assessment of K15, we would have updated the
 2 quality plan to also include the K15 product. From
 3 a desktop examination, it would have been clear that the
 4 same raw materials, the same manufacturing line, the
 5 same quality control procedures, the same equipment and
 6 the same staff would have been involved in the
 7 production of K15 as had previously been certified for
 8 these other Kingspan certified materials.
 9 Q. Right. You say from a desktop examination it would have
 10 been clear that the same raw materials, the same
 11 manufacturing line, the same quality control procedures,
 12 the same equipment and staff would have been involved;
 13 how would the BBA know that from a desktop examination
 14 if they hadn't actually gone and seen the manufacture
 15 and production process themselves?
 16 A. Well, we would have seen the manufacturing process for
 17 these other products, because we inspect and audit the
 18 factories on a six-monthly basis. So we would have had
 19 a very high level of familiarity with the factory
 20 environment. Post-certification, the surveillance would
 21 commence for K15 and the assessment process was
 22 validated by the fact that when the auditor was in the
 23 factory, it was confirmed that the process was as
 24 described in the quality plan document.
 25 Q. I see. Are you effectively saying that an assumption

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1 would have been made prior to the first issue of this
 2 certificate that the manufacturing process was identical
 3 for K15 as it was for other Kingspan products? Is that
 4 what you're saying?
 5 A. No, it would have been documented on the basis of
 6 information provided by the manufacturer and assessed by
 7 the project manager as part of the update of the quality
 8 plan document.
 9 Q. So you would take it on trust that what Kingspan was
 10 telling you about its manufacturing process was correct;
 11 yes?
 12 A. It would have been informed by existing knowledge and
 13 experience of the process, and it would have been
 14 validated as part of normal surveillance process
 15 immediately post-certification.
 16 Q. Yes, but that's after the issue of the certificate. I'm
 17 focused on what happens before the certificate is
 18 actually issued. What I'm asking is whether you take on
 19 trust Kingspan's assertions that the manufacturing
 20 process is identical?
 21 A. There is no physical validation until the first
 22 surveillance visit, but there would be a very high
 23 degree of confidence based on a previous knowledge of
 24 these type of materials.
 25 Q. Yes, I see.

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1 Can you help us, in what other circumstances has
 2 this occurred? Have other manufacturers had such
 3 assumptions being made about their products without
 4 there actually having been a surveillance visit?
 5 A. I wouldn't use the term "assumption", I think it's
 6 a considered technical judgement. But, yes, that
 7 principle has been applied in other processes.
 8 Q. When you say the principle has been applied in other
 9 processes, can you give us some examples of products or
 10 manufacturers where similar assumptions have been made
 11 about the manufacturing process being similar to other
 12 products?
 13 A. It may be applied in situations where it is a very
 14 large scale piece of equipment, it is very difficult to
 15 vary the process parameters, such as damp proof
 16 membranes.
 17 Q. I see.
 18 Now, in relation to that desktop assessment or
 19 desktop exercise which you say took place on this
 20 occasion relating to the BBA quality plan, by whom was
 21 that exercise carried out? Who did that desktop
 22 assessment?
 23 A. It would have been initially the project manager.
 24 Quality plans are signed by a line manager. The title
 25 of those managers has changed over the years, but it

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1 would have been assessed and checked by a line manager.
 2 Q. I see. So would it have been carried out by George Lee
 3 and then checked by Christopher Hunt?
 4 A. I would expect so, yes.
 5 Q. Can you help us as to why we don't see any documentation
 6 to that effect on the file?
 7 A. No, I can't.
 8 Q. I want to ask you now about the amendments that were
 9 made to issue 1 of the certificate. If we can go to
 10 {BBA00000037/1}, we can see in the bottom left-hand
 11 corner of the certificate that it still carries a date
 12 of first issue of 27 October 2008, but underneath that
 13 date we see in very small print it says:
 14 "Certificate amended on 6 April 2010 ..."
 15 Do you see that?
 16 A. Yes.
 17 Q. So, just to be clear, this is still the first issue of
 18 the certificate but an amended version of it was
 19 produced; is that correct?
 20 A. Yes.
 21 Q. If we go back to your third witness statement,
 22 {BBA00010751/30}, and look at paragraph 111, you say:
 23 "Although the date of the Amendment is given on the
 24 Certificate as 6 April 2010, in fact it was not
 25 published until 12 July 2013 and was superseded by the

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1 Second Issue dated 17 December 2013."
 2 Now, just to be clear, did you read the amended
 3 issue 1 of the certificate before it was published in
 4 July 2013?
 5 A. No, I don't think so.
 6 Q. I think you have told us that from documents on the
 7 file, the best guess you have is amended issue 1 was
 8 published on 12 July 2013; is that correct?
 9 A. If that's the date I gave, yes.
 10 Q. Can you help us, what was the reason for the delay of
 11 over three years between the amendment date,
 12 6 April 2010, and the publication date? Can you help us
 13 with that?
 14 A. I'm sorry, I don't know.
 15 Q. Isn't that an extremely long time for the certificate to
 16 be awaiting publication?
 17 A. Yes.
 18 Q. Is this unusual in the experience of the BBA?
 19 A. Yes, amendments are only intended to allow very minor
 20 changes to a certificate. It should be
 21 a straightforward process.
 22 Q. Can you help us as to what was happening with the
 23 certificate between April 2010 and July 2013 as far as
 24 you are aware? Was it simply sitting waiting to be
 25 published or was something else going on?

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1 A. As far as I can recall, I wasn't involved, so I don't
 2 know.
 3 Q. Can you help us as to what it was, what happened in
 4 July 2013, which actually resulted in the certificate
 5 finally being published?
 6 A. Again, I'm sorry, I don't know.
 7 Q. I want to go back a little in time and ask you about
 8 an exchange with Kingspan that occurred shortly after
 9 the publication of the first version of the certificate,
 10 issue 1, without amendments.
 11 The BBA wrote to Kingspan on 24 December 2008, so
 12 only two months after the certificate was first
 13 published, proposing some amendments to the wording.
 14 If we can look at some emails on that, if we go to
 15 {KIN00002093/2}, there is an email there from George Lee
 16 to Gareth Mills on 24 December 2008 at 9.50, copying in
 17 Mr Hunt, about Kingspan Kooltherm K15 rainscreen
 18 insulation board. Mr Lee begins by saying:
 19 "Hi Gareth,
 20 "We have recently received a number of comments on
 21 the K15 certificate in relation to the clarity of
 22 wording used as part of this certificates fire section.
 23 "In response to this we have a suggested amendment
 24 to the text which we wish to make. This amendment we
 25 will make at no cost to yourselves and as an improvement

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1 to the certificate , which I hope you will agree will
 2 improve how this certificate will read in the future.”
 3 Now, have you seen that correspondence previously,
 4 prior to looking at it for the purposes of the Inquiry?
 5 A. Not that I recall , no.
 6 Q. Can you help us as to what comments had been received by
 7 the BBA about the clarity of wording used as part of the
 8 fire section?
 9 A. No.
 10 Q. Have you ever asked anyone else in the BBA about that?
 11 A. No.
 12 Q. If we look at the third paragraph of this email where we
 13 then have some bullet points, George Lee sets out the
 14 changes that he proposes to the certificate , and in the
 15 third line down we can see that in relation to the "Key
 16 factors assessed" point, "Behaviour in relation to
 17 fire", he wishes the certificate to be amended to state:
 18 "The boards are classified as Class '0'. The boards
 19 will not contribute to the development stages of
 20 a fire ."
 21 Then this is the new part:
 22 "The product has been tested to BS 8414–1 for
 23 a specific construction on masonry walls."
 24 So that sentence in the certificate is what's new.
 25 That's making clear it's been tested to BS 8414–1 for

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1 a specific construction on masonry walls.
 2 Now, can we agree that that amendment to specify
 3 that K15 could be used over 18 metres with one specific
 4 build—up only on masonry walls was a fundamentally
 5 important amendment, wasn't it?
 6 A. It certainly improves the clarity , yes.
 7 Q. Yes, and to set this out on the front page of the
 8 certificate would have made absolutely clear to the
 9 reader the limitation on the use of K15 over 18 metres
 10 to one specific configuration; do you agree?
 11 A. Yes.
 12 Q. Were you aware, when you came to be involved in this
 13 certificate , that the BBA had proposed its amendments to
 14 clarify the use of K15 over 18 metres as early as
 15 December 2008?
 16 A. No.
 17 Q. Were you at any stage aware of any role that Kingspan
 18 might have played in delay in issuing the amended
 19 version of issue 1?
 20 A. No, when I came to this certificate it was in the final
 21 stages of the second issue. I was not aware of the
 22 correspondence prior to that.
 23 Q. Do you agree that Mr Lee, if he didn't get a speedy
 24 response to this email suggesting amendments to improve
 25 the clarity of the wording, ought to have chased this up

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1 with Kingspan as a matter of urgency?
 2 A. I agree this is an improvement, and I agree it should
 3 not have been allowed to delay for three years without
 4 knowing the details, but I have to reiterate that no one
 5 should be making a judgement on the fitness for purpose
 6 of the material on the basis of one statement on the
 7 front page.
 8 Q. I see.
 9 Let's go to amended issue 1 again, so that's
 10 {BBA0000037/5}, and look down to section 7, "Behaviour
 11 in relation to fire".
 12 Now, this section has changed in this amended
 13 issue 1. It still states that the product is classified
 14 as class 0 or low risk , that's the same, in 7.1, as
 15 defined in the documents supporting the national
 16 Building Regulations, but then this bit has changed, it
 17 says:
 18 "The product, therefore, made be used in accordance
 19 with the provisions of ..."
 20 Then for England and Wales it's got Approved
 21 Document B, and you can see that for volume 2 of
 22 Approved Document B it now says not only that
 23 paragraphs 12.5 and 12.6 are there, but also 12.7. So
 24 it's now saying the product therefore may be used in
 25 accordance with the provisions of 12.7 of volume 2 of

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1 ADB.
 2 Now, going back to your third witness statement and
 3 page 31 of that {BBA00010751/31}, question (a) there at
 4 the top of the page, there is a short question:
 5 "Why was reference to paragraph 12.7 added to this
 6 section?"
 7 You say this at paragraph 113:
 8 "As above, I was the not involved in the preparation
 9 of this Certificate , but I believe that this reference
 10 to 12.7 relates only to the product's use in masonry
 11 construction. Section 12.7 states that any insulation
 12 product used above 18m must be a material of limited
 13 combustibility, but also that this restriction does not
 14 apply to a masonry cavity wall construction which
 15 complies with Diagram 34 in Section 9 of the Approved
 16 Documents. Since the Certificate covered the use of
 17 both masonry cavity wall and rainscreen systems, the
 18 product could be used in a suitable masonry construction
 19 without height restriction , provided the requirements of
 20 Diagram 34 were met."
 21 Now, I'm going to come to ask you about the
 22 substance of that answer in moment, but can I just ask
 23 you this: first , when did you come to form the belief
 24 that the reference to 12.7 in amended issue 1 related
 25 only to the product's use in masonry construction?

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1 A. When I was asked to prepare this witness statement.
 2 Q. And what led you to form that belief? Where did you get
 3 that from?
 4 A. From my knowledge of the product and the approved
 5 documents. I believe my suggestion is the only way in
 6 which that statement could be correct.
 7 Q. I see.
 8 If we look within this third witness statement at
 9 page 49 {BBA00010751/49}, paragraph 191, you make the
 10 point very confidently there, if we look at that. In
 11 the first five lines you say:
 12 "As described in point 35 above, the statement
 13 relating to the use of the product in accordance with
 14 the provisions of clause 12.7 of Approved Document B
 15 Volume 2, related exclusively to its use in masonry
 16 construction. It did not cover the product's use as
 17 part of a rainscreen cladding system, for which above
 18 18m, a material of limited combustibility rating was
 19 required by the documents supporting the national
 20 Building Regulations."
 21 So just to be clear, this is in fact your view
 22 formed at a later stage -- is this right? -- of what the
 23 author or person approving amended issue 1 might have
 24 intended; yes?
 25 A. Yes, I was not involved in drafting that statement.

1 Q. Have you spoken at any stage to either George Lee or
 2 Chris Hunt about what their reasoning was at the time
 3 for including this reference to 12.7 in amended issue 1?
 4 A. No, neither individual worked for the BBA and I was
 5 aware that both were being asked to provide their own
 6 witness statements, so I did not think that would be
 7 appropriate.
 8 Q. George Lee in his witness statement did not appear to be
 9 able to offer any reason as to why this reference to
 10 12.7 of Approved Document B was added to amended
 11 issue 1, and that would tend to suggest, would it not,
 12 that he might not have had in mind the reasoning that
 13 you now suggest?
 14 A. It's difficult for me to know what Mr Lee had in mind
 15 when he drafted that certificate, but I'm not suggesting
 16 that was his intention, that's the only way in which
 17 I can see that that clause would be correct.
 18 Q. Yes. Can we just look at Mr Hunt's oral evidence on
 19 this, transcript at {Day109/56:13}, he is asked:
 20 "Question: What do you mean, it may have been
 21 related to masonry cavity walls? Can you explain?
 22 "Answer: Well, having thought about it more
 23 recently again, obviously, with the -- you know, looking
 24 at the certificates and the available files and ...
 25 I think that that reference was probably related to

1 masonry cavity construction, because that reference
 2 appears in Approved Document B, there is that reference
 3 to masonry cavity walls and masonry external walls are
 4 mentioned in this certificate .
 5 "Question: Yes. That is something that you have
 6 considered fairly recently may have been the reason for
 7 the inclusion of that wording; is that right?
 8 "Answer: Yes, but it seems to me now that that was
 9 also likely -- the likely situation at the time."
 10 Now, Mr Hunt does not appear to know for certain
 11 what the reason was for including that wording. Can you
 12 help us with this: does the BBA keep records of
 13 significant amendments made to certificates and the
 14 reasons why such amendments are made?
 15 A. We do now. In this case, the records are sparse.
 16 Q. Based on BBA procedures at the time, should there have
 17 been a record as to why this amendment was being made in
 18 amended issue 1?
 19 A. Yes. This goes beyond what I would normally expect to
 20 see carried out under an amendment. I would expect to
 21 see more documentary evidence than is in fact on file.
 22 Q. Yes, so just to be clear, you would expect to see some
 23 written document setting out the rationale for adding in
 24 clause 12.7 of Approved Document B into this amended
 25 issue of the certificate; yes?

1 A. No, not at that level of detail. I would expect to see
 2 key technical decisions documented. We do not explain
 3 the rationale behind every single clause in
 4 a certificate .
 5 Q. But this was a significant amendment, wasn't it?
 6 A. I don't think it's particularly significant, is it?
 7 It's an addition to one clause that's available in the
 8 approved document.
 9 Q. Well, let's look at it. Were you aware in April 2010 of
 10 the wording of paragraph 12.7 of Approved Document B?
 11 A. Yes.
 12 Q. Let's bring that up. This is the 2006 edition at
 13 {CLG10000007/96}. There we have clause 12.7 and it's
 14 headed "Insulation Materials/Products":
 15 "In a building with a storey 18m or more above
 16 ground level any insulation product, filler material
 17 (not including gaskets, sealants and similar) etc. used
 18 in the external wall construction should be of limited
 19 combustibility (see Appendix A). This restriction does
 20 not apply to masonry cavity wall construction which
 21 complies with Diagram 34 in Section 9."
 22 Now, do you agree that, other than masonry cavity
 23 wall construction, the whole thrust of that paragraph is
 24 that all insulation products being used in the external
 25 wall construction of buildings with a storey over

1 18 metres should be materials of limited combustibility?
 2 A. Yes. This product is not of limited combustibility, and
 3 the certificate does not state that it is of limited
 4 combustibility.
 5 Q. Well, how, then, if it's not a product of limited
 6 combustibility, could K15 be used in accordance with
 7 paragraph 12.7 of Approved Document B, which is what
 8 this certificate said?
 9 A. I think it's capable of misinterpretation. The only way
 10 in which it could satisfy would be for the masonry
 11 cavity wall construction. But if this product was of
 12 limited combustibility, the BBA certificate would very
 13 clearly state that in the fire section. I think it's
 14 an enormous leap to go from compliance with 12.7 to
 15 inferring that a material is of limited combustibility.
 16 Q. How is that an enormous leap, when that is the entire
 17 thrust of paragraph 12.7, Mr Albon?
 18 A. Well, it's not the entire thrust, because it goes on to
 19 state, "This restriction does not apply to masonry".
 20 I agree it's potentially misleading, but once again, you
 21 have to read the whole certificate, and if you had gone
 22 on to read or the specifier had gone on to read the fire
 23 section in its entirety, it does not state, "This
 24 material is of limited combustibility", and if it was,
 25 the BBA would explicitly state that it was.

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1 Q. But it also doesn't state, "This material is not of
 2 limited combustibility", does it?
 3 A. It's completely impractical to state every single thing
 4 that a product isn't. Our process is to state what
 5 a product is, and it's not sensible to infer that it is
 6 something that the BBA does not state it is.
 7 Q. Yes, but you're saying that had the certificate been
 8 read in its entirety, the reader would have realised
 9 that this reference in 12.7 was only to an exception in
 10 12.7; yes?
 11 A. Yes, I accept if taken in isolation that clause is
 12 potentially misleading, but it should not be taken in
 13 isolation.
 14 Q. Yes, but what I'm interested in is what was it elsewhere
 15 in the certificate that would have informed the reader
 16 that the product was not of limited combustibility when
 17 there's no such statement anywhere else in the
 18 certificate?
 19 A. As I said, I think it is completely impractical to state
 20 what a product isn't, we can only state what a product
 21 is. It's not non-combustible either, and we don't state
 22 that. We do say, without sufficient evidence at the
 23 time, that it's class 0. We go on in a later edition to
 24 say that it's category C. But at no point do we say
 25 it's of limited combustibility.

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1 Q. I see. So are you saying that a reader of this
 2 certificate would not be led to conclude by reference to
 3 that 12.7 reference that this product was of limited
 4 combustibility?
 5 A. I think that clause is potentially confusing and I would
 6 expect a reader then to look for further confirmation
 7 that it is of limited combustibility. Not finding that,
 8 they would conclude that it is not of limited
 9 combustibility.
 10 Q. I see.
 11 Do you agree that to have added paragraph 12.7 onto
 12 that BBA certificate for K15 was misleading, and
 13 potentially dangerously so, given that K15 was
 14 a combustible phenolic foam?
 15 A. I agree it's misleading. I don't agree it's dangerous,
 16 because, again, you should read the whole certificate
 17 and it does not state that that product is of limited
 18 combustibility.
 19 Q. I see.
 20 Let's go to your third witness statement at this
 21 point, {BBA00010751/33}, paragraph 125. Here you are
 22 being asked at 44 why the reference to 12.7 of Approved
 23 Document B was subsequently removed in the next issue of
 24 the BBA certificate for K15 dated 17 December, ie
 25 issue 2. You say this at 125:

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1 "The Certificate wording was changed as part of
 2 a general BBA policy of not repeating information given
 3 within Building Regulations within the main text of the
 4 document. For this reason, all references to Approved
 5 Documents and Mandatory Standards were removed from this
 6 section as part of the Second Issue – the revision did
 7 not relate to 12.7 alone."
 8 Then going on to paragraph 126, you say:
 9 "The opportunity was taken to revise the wording in
 10 line with other BBA insulation Certificates, as the
 11 style and format had evolved since the issue of the
 12 Certificate in 2008. It is BBA policy to maintain
 13 consistency of approach for a given product type and
 14 this often means rewording of sections during
 15 Certificate [Reviews]."
 16 In other words, is it right that your evidence is
 17 that the removal of the reference to 12.7 of ADB was not
 18 specific to that particular section, but simply part of
 19 a wider process of stylistic change which happened to be
 20 going on at the time? Is that right?
 21 A. Yes. At the time I was not aware of the perceived
 22 significance of that reference to 12.7. I did become
 23 aware of that at a later point with correspondence with
 24 MHCLG, but at that point this certificate had,
 25 I believe, already been re-issued.

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1 Q. I see.
 2 Well, let's look at that exchange of correspondence
 3 now between you and Mr Brian Martin from the DCLG in
 4 respect of amended issue 1 of the certificate.
 5 If we can go, please, to {BBA00000178/3}, this is
 6 the beginning of the chain. It's an email from
 7 Mr Brian Martin, you can see, from
 8 communities.gsi.gov.uk to you, copying in Guy Bampton
 9 and Nick Price, and the subject is, "Safety concerns
 10 regarding BBA certificate 08452". He says:
 11 "Dear John
 12 "I'm not sure we have met. I am currently the
 13 official at DCLG responsible for Part B of the Building
 14 Regulations.
 15 "[It] has come to my attention that BBA cert 08452
 16 2008 included advice that the product in question
 17 satisfied paragraph 12.7 of volume 2 of Approved
 18 Document B. Para 12.7 provides that insulation
 19 materials used in external walls should be materials of
 20 limited combustibility. It would appear however, that
 21 the product in question is not a material of limited
 22 combustibility.
 23 "I am also aware that cert 08452 has recently been
 24 revised and that this reference has been removed.
 25 "I am concerned that the original certificate may

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1 have been issued in error. As this is a serious safety
 2 matter, I would appreciate it if you could investigate
 3 and advise me of the outcome of your investigation as
 4 soon as possible. Could you please also acknowledge
 5 receipt of this email.
 6 "Best Regards
 7 "Brian Martin."
 8 Now, can you help us, what was your reaction when
 9 you received this email?
 10 A. I think I was on leave when this email was sent, and it
 11 was redirected to my colleague Jon Denyer, who handled
 12 the immediate investigation in my absence. When
 13 I returned from leave, Jon and I discussed and
 14 I responded from that point. So I wasn't aware of
 15 this -- the receipt of this initial email at the time.
 16 Q. Okay. So when you did become aware of this email, when
 17 you returned from leave, what was your reaction to it?
 18 A. I was concerned. Clearly, this was an issue I was
 19 previously unaware of. I was aware of Brian Martin as
 20 an experienced professional responsible for Approved
 21 Document B, and of course I was concerned that he had
 22 these issues.
 23 Q. Yes. Do you accept that Mr Martin doesn't appear to
 24 have considered the possibility that the reference to
 25 12.7 was in fact a reference to the exception for

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1 masonry in 12.7?
 2 A. Well, at this point I wasn't really aware of the nature
 3 of his concern, but no, it doesn't mention masonry
 4 construction.
 5 Q. No, he's read it and he has assumed that the reference
 6 to paragraph 12.7 is stating that this product can be
 7 considered a material of limited combustibility; yes?
 8 A. He's not stating that, he's asking us to explain the
 9 text of the certificate.
 10 Q. Well, he's saying very clearly in the second paragraph,
 11 isn't he:
 12 "Para 12.7 provides that insulation materials ...
 13 should be materials of limited combustibility. It would
 14 appear however, that the product in question is not
 15 a material of limited combustibility."
 16 So he is concerned about the thrust of
 17 paragraph 12.7; yes?
 18 A. Yes.
 19 Q. Did you agree when you read this with Mr Martin's view
 20 that this was a serious safety matter?
 21 A. Without knowing the basis of his concerns, I couldn't
 22 draw a conclusion, but he had stated it is a potentially
 23 serious safety matter, so yes, I was very concerned.
 24 Q. Well, can I ask it this way: once you knew the basis of
 25 his concerns, did you agree with him that this was

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1 a serious safety matter?
 2 A. I don't think I ever found out the basis of his
 3 concerns.
 4 Q. Sorry, I don't understand that answer. Aren't the bases
 5 for his concerns very clearly set out in this email?
 6 A. I never had a conversation with Brian Martin on this
 7 subject. We twice offered to meet with MHCLG and they
 8 declined our invitation.
 9 Q. Are you saying that you didn't understand the basis of
 10 his concerns based on this email and a reading of
 11 amended issue 1 of the certificate?
 12 A. I understood the question he was asking me, yes, and we
 13 responded with an explanation. I did not understand the
 14 background that had caused him to raise this concern.
 15 Q. I see.
 16 Let's look at your response to Mr Martin. It comes
 17 five days later on 16 July. We can see it in the email
 18 above on page 2 {BBA00000178/2}, timed at 12.14, if we
 19 could go to that.
 20 Now, I'll read it to you in a moment, but can you
 21 remember, had you discussed Mr Martin's email with any
 22 colleagues before you sent this response --
 23 A. Yes.
 24 Q. -- five days later on 16 July 2014?
 25 A. Yes. As I've explained, my colleague Jon Denyer carried

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1 out an investigation , aided I think by
 2 Gayetree Ramkorun, and I believe the three of us
 3 discussed it . Certainly Jon and I discussed it .
 4 Q. So you discussed it with Jon Denyer and you think with
 5 Ms Ramkorun? It's Ms, isn't it?
 6 A. Yes.
 7 Q. So you think the three of you discussed it before you
 8 sent this email; is that correct?
 9 A. I'm sure I discussed it with Jon Denyer. I can't be
 10 sure about Gayetree.
 11 Q. Can you help us, what was the nature of those
 12 discussions? What did the three of you discuss?
 13 A. The wording of the certificate , the basis for it ,
 14 justification for it or otherwise, and consequences.
 15 Q. What consequences did you discuss based on the wording
 16 of the certificate ?
 17 A. Was that certificate still valid? Was the wording still
 18 in place? Were there other certificates of the same
 19 type that had the same wording that were valid? How did
 20 the event come about? Who came up with the wording?
 21 And what was the likelihood of that wording occurring in
 22 future certificates ?
 23 Q. I see.
 24 As you have explained and as you also tell us in
 25 your witness statement, you said that your colleague

1 Jon Denyer conducted an initial investigation . Can you
 2 help us, what did Mr Denyer's investigation consist of?
 3 What did he do?
 4 A. It 's difficult for me to recall . He certainly would
 5 have read the certificate , looked at the basis for the
 6 statement made, presumably discussed it with colleagues
 7 who had drafted it . I'm afraid I don't remember the
 8 full details .
 9 Q. Can you help us as to what his findings were? Because
 10 you tell us at paragraph 184, page 47 of your third
 11 witness statement {BBA00010751/47}, that your response
 12 to Brian Martin was guided by information generated by
 13 the investigation . Can you help us, what were his
 14 findings that that investigation had generated?
 15 A. That that statement was open to interpretation and
 16 potentially misleading.
 17 Q. Right.
 18 If we go back to that email that you write to
 19 Mr Martin {BBA00000178/2}, let's look at your response,
 20 so you say:
 21 "Brian
 22 "Re: [that certificate , and you quote the number and
 23 the title].
 24 "Thank you for your mail regarding the above
 25 Certificate .

1 "The amendments made on 6th April 2010 to
 2 Certificate 08/4582 included a new reference to
 3 paragraph 12.7 of Approved Document B. This was not
 4 intended to imply that the product was of limited
 5 combustibility and, as you have observed, was removed in
 6 the subsequent reissue dated 17 December 2013.
 7 "The reference to paragraph 12.7 seems to have been
 8 an unfortunate, and rare, oversight that would not
 9 escape the internal checks and measures that BBA
 10 currently operate. A review of other Certificates has
 11 confirmed that this has not been reproduced elsewhere."
 12 Now, I just want to pause there.
 13 We've just been through your witness statement, and
 14 we've just heard your evidence on the point, where
 15 you've told us that the reference to 12.7 of ADB was
 16 inserted into the certificate due to the potential use
 17 of the product in masonry cavity wall construction, and
 18 you've told us that the reference to 12.7 was only
 19 removed as a result of coincidental and wider changes in
 20 the formatting applying to all references to the
 21 Building Regulations and the guidance. So that's what
 22 you've told us in your statement and in your evidence,
 23 but here in the email we've been looking at, you tell
 24 Mr Martin that the inclusion of 12.7 was an unfortunate
 25 and rare oversight which was subsequently removed.

1 Can you help us, why do you tell him that in this
 2 email?
 3 A. Firstly , if I said in my witness statement that this was
 4 inserted because it was intended to cover a masonry
 5 construction, I apologise, that wasn't the intention .
 6 That is the only way I can see that that statement would
 7 be correct . I think there is a difference .
 8 Q. Yes, I see.
 9 A. In terms of the specific reference , it was removed as
 10 part of a policy . If that policy had not been in place,
 11 it would have been reviewed and I think it would have
 12 been removed on the basis that it was potentially
 13 confusing. That judgement was not made because of the
 14 policy that overrode it .
 15 In terms of my statements to Brian Martin, I think
 16 it was included in error because it is potentially
 17 misleading, and that was, as I described there,
 18 unfortunate and I think a rare oversight .
 19 Q. I see. So I think you're telling us -- is this
 20 right? -- that the inclusion of it was an unfortunate
 21 and rare oversight, and all you're doing in your
 22 statement is speculating about how that reference might
 23 potentially have been at least partly correct; is that
 24 right?
 25 A. Yes.

1 Q. Why do you say in your email that it would not escape
 2 the internal checks and measures that the BBA were
 3 operating in July 2014? Can you help us with that?
 4 A. Yes. At that point, we would not be making changes of
 5 this type by amendment. Amendments should only be for
 6 very straightforward and simple non-technical
 7 corrections to a certificate. For that reason, there
 8 was a lower level of checking and oversight applied to
 9 an amendment than would have been the case for
 10 a re-issue of the certificate.
 11 In addition, since this amendment was instigated in
 12 2010, we had put in place additional levels of checking
 13 and additional levels of management within the
 14 organisation which meant it was significantly less
 15 likely that this type of oversight could recur.
 16 Q. I see.
 17 What was the review of other certificates that you
 18 refer to in your email? You can see in the third
 19 paragraph down you say:
 20 "A review of other Certificates has confirmed that
 21 this has not been reproduced elsewhere."
 22 A. We checked to see there were no other rainscreen
 23 insulation certificates that would parallel K15 and in
 24 which we could have made the same mistake, and there
 25 wasn't.

1 Q. What do you mean by "no other rainscreen insulation
 2 certificates that would parallel K15"? What do you mean
 3 by that?
 4 A. Well, as I've tried to explain in this email, we have
 5 a system of leader certificates, whereby any certificate
 6 of a given product type should have, as far as is
 7 technically possible, the same technical wording so they
 8 are consistent and comparable. So we looked to check
 9 there were no other rainscreen insulation certificates
 10 where we might expect to see this same wording.
 11 Q. I see. Who carried out that review?
 12 A. Either Jon Denyer or me, I can't remember.
 13 Q. I see. We will come back to that in a moment.
 14 Could I just ask you: can you tell us, why did you
 15 not mention the diagram 34 masonry exception to
 16 Brian Martin in this email? Can you explain that?
 17 A. I think we had accepted that this wording was open to
 18 misinterpretation and was an error. I don't think there
 19 would have been any value in trying to qualify that.
 20 At the time I wrote this email, the certificate had
 21 been re-issued with new wording. It was no longer
 22 current. We didn't understand the background and the
 23 nature of his concerns, other than the email, which is
 24 why the BBA's chief executive and I offered to meet with
 25 Brian to discuss this, to better understand his

1 concerns. He chose not to take up that invitation and
 2 we offered a second time, and again he chose not to meet
 3 with us.
 4 Q. Yes, I understand. But can you explain, what is the
 5 value, as you've tried to do today and in your witness
 6 statement, of qualifying that statement now if that
 7 wasn't a position that you took with Mr Martin back
 8 then?
 9 A. Well, I think in my response to the questions of the
 10 Inquiry, I've been dealing with the situation from 2008
 11 up until mid-2017. This was in relation to a specific
 12 certificate that had only been in place for a matter of
 13 months and had since been re-issued so that the wording
 14 was no longer current.
 15 Q. I see.
 16 Going back to this review of other certificates,
 17 when had that taken place? Was that between your return
 18 to the office and your response to Mr Martin on
 19 16 July 2014? Can you help us with that?
 20 A. Yes, it would have been.
 21 Q. How could you be certain that the error had not been
 22 reproduced elsewhere without a wider form of
 23 investigation?
 24 A. There are a very limited number of certificates of this
 25 type. The BBA has records of all of those certificates.

1 We identified them and we checked all of them. I think
 2 there was only one other at the time.
 3 Q. I see.
 4 Can we go now to {BBA00004224/3}, this is a series
 5 of internal BBA emails on this subject. If we start at
 6 the bottom of page 3, and Mr Denyer's email to you and
 7 Ms Ramkorun on 15 July at 9.40, we can see he writes:
 8 "Paragraph 12.7 of Approved Document B requires
 9 insulation above 18 m to be of limited combustibility,
 10 unless it is contained within a masonry cavity wall
 11 complying with diagram 34."
 12 Then over the page to page 4 {BBA00004224/4}:
 13 "While the Certificate contains a lot of sub
 14 sections that are clearly taken from cavity wall
 15 insulation Certificates, it may not have been the
 16 intention to imply that use of the product within
 17 masonry cavity walls is within the scope of the
 18 Certificate. I can't find anything on Jobcon FS relating
 19 to the amendments made on 6th April 2010 and signed off
 20 by Chris Hunt. This may also be the first and only
 21 rainscreen insulation board."
 22 Then he proposes a draft reply, and he sets out that
 23 draft reply to Mr Martin, which essentially you adopt
 24 when you reply to Mr Martin; do you agree?
 25 A. Yes.

1 Q. Mr Denyer was at the time a senior scientist within the
 2 BBA; that's right, isn't it?
 3 A. Yes.
 4 Q. If we move up the chain to the next email on page 3
 5 {BBA00004224/3}, we can see you send an email to
 6 Ms Ramkorun at 9.21 on 16 July 2014. So note the time,
 7 16 July 2014, 9.21. You say:
 8 "Gayetree
 9 "I need to know urgently (ie today) whether this
 10 error has slipped into any other Certificates of this
 11 type. Could you get someone to check this please.
 12 "Thank you and sorry for the lack of notice."
 13 Now, did the review of other certificates that you
 14 referred to in your email to Mr Martin take place on
 15 16 July between this email, 9.21, and when you sent your
 16 email to Mr Martin, which was at 12.14 on the same day?
 17 A. Clearly it must have done. There was, I thought, only
 18 one other certificate of this type. From Jon Denyer's
 19 email, it appears that this was the only certificate of
 20 this type. So the check would not have taken very long.
 21 Q. I see. But you say that was nevertheless a thorough
 22 review, do you, taking place in around three hours?
 23 A. If it was identified there was no other certificate of
 24 this type, it would not have taken very long to
 25 establish that.

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1 Q. Now, staying with this email chain, on page 2
 2 {BBA00004224/2} we see that Ms Ramkorun responds to your
 3 urgent message at 9.55, so about 35 minutes later on the
 4 same day, and she says:
 5 "Hi John
 6 "As discussed this was a first of its kind. That is
 7 a certificate for the insulation only in a cladding
 8 system without actually covering the cladding system and
 9 hence perhaps required fire test for fitness for
 10 purpose. We have offered Kingspan another contract for
 11 similar purpose. But in any case it will follow the
 12 current version which has the proper fire wording as
 13 explained in the next paragraph.
 14 "Having said that, if you recall when we did the
 15 reissue last year we did agree that the fire statement
 16 was indicating cwi when actually it was not. So the
 17 wording got changed and any argument from client was
 18 sent to Exxovva[sic] for their expertise opinion. As
 19 attached.
 20 "My thoughts: Bearing in mind that the original
 21 certificate was a first of its kind and hence would have
 22 been commented by technical. I do know the pm who
 23 worked on it originally, used to be careless and it is
 24 easy to blame him. However other people have actually
 25 commented on the draft. Also the revision was done by

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1 somebody who was normally very dependent on technical
 2 and seems unlikely would have included reference to 12.7
 3 without checking first."
 4 Now, can you help us, what did you understand her to
 5 mean when she refers to the "proper fire wording" in the
 6 third and fourth lines of the first paragraph of that
 7 email? So she says:
 8 "But in any case it will follow the current version
 9 which has the proper fire wording as explained in the
 10 next paragraph."
 11 A. I would assume that means the wording in the second
 12 issue.
 13 Q. So wording that does not include the statement that it
 14 may be used in accordance with 12.7; yes?
 15 A. Yes.
 16 Q. What was meant by CWI in the second paragraph? Can you
 17 see the second paragraph, second line, she says:
 18 "Having said that, if you recall when we did the
 19 reissue last year we did agree that the fire statement
 20 was indicating cwi when actually it was not."
 21 Can you help us as to what that might mean?
 22 A. Cavity wall insulation.
 23 Q. I see. So she is saying, "last year we did agree that
 24 the fire statement was indicating cavity wall insulation
 25 when actually it was not"; yes?

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1 A. Yes.
 2 Q. Is she right to say that the K15 certificate was a first
 3 of its kind in the first line of the first paragraph?
 4 A. I believe it was, yes.
 5 Q. Can we take it as well that the reference to PM -- under
 6 "My thoughts", in the second italicised line, she says:
 7 "I do know the pm who worked on it originally, used
 8 to be careless ..."
 9 Do we take it that that's project manager?
 10 A. Yes.
 11 Q. Which project manager is Ms Ramkorun referring to there?
 12 A. Well, it's not clear. Do you want me to speculate?
 13 Q. Well, what did you understand when you received this
 14 email? Who was she referring to when she said, "I do
 15 know the [project manager] who worked on it originally,
 16 used to be careless"? What did you understand that to
 17 mean?
 18 A. Probably George Lee.
 19 Q. Yes.
 20 How would Ms Ramkorun know -- this is at the third
 21 line of that -- that other people have commented on the
 22 draft? She says, "[I do know that] other people have
 23 actually commented on the draft".
 24 A. I don't know. I don't know which draft she's referring
 25 to.

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1 Q. Yes, we don't have those or any version of this 1
 2 certificate with comments from others, nor do we know 2
 3 who might have commented on the draft. So you don't 3
 4 know either, no? 4
 5 A. Sorry, no, I don't. 5
 6 Q. Did you carry out any further investigation into who 6
 7 might have commented on or checked the draft? 7
 8 A. No. 8
 9 Q. Why not? 9
 10 A. As far as I was aware, it was George Lee and Chris Hunt 10
 11 who had worked on the amendment. Neither of those 11
 12 individuals were still employed in a technical capacity 12
 13 by the BBA. 13
 14 Q. So that was the reason why you didn't carry out any 14
 15 further investigation into those individuals; yes? 15
 16 A. Yes. 16
 17 MS GRANGE: Yes, Mr Chairman, I think that is an appropriate 17
 18 moment. Sorry that I have gone on a couple of minutes 18
 19 past 4.30. I'm doing well, and I anticipate tomorrow 19
 20 I would be around no more than 45 minutes, an hour, with 20
 21 this witness. 21
 22 SIR MARTIN MOORE-BICK: Right, thank you very much. 22
 23 MS GRANGE: We'll have to go into tomorrow. 23
 24 SIR MARTIN MOORE-BICK: Yes. 24
 25 Well, there we are, Mr Albon. I'm sorry we've got 25

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(continued)	

1 to ask you to come back tomorrow, I think not for too 200
 2 long, if that's any consolation, and I think you can
 3 expect to be away by lunchtime anyway.
 4 So we will stop there. We will continue, please, at
 5 10 o'clock tomorrow, and once again, I must ask you not
 6 to discuss your evidence or anything relating to it with
 7 anyone else over the adjournment. All right?
 8 THE WITNESS: Okay, understood.
 9 SIR MARTIN MOORE-BICK: Okay, thank you very much. Then we
 10 will see you at 10 o'clock tomorrow, please.
 11 THE WITNESS: Okay.
 12 SIR MARTIN MOORE-BICK: That's the end of today's business.
 13 Thank you very much.
 14 (4.31 pm)
 15 (The hearing adjourned until 10 am
 16 on Tuesday, 23 March 2021)
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