



Report of the Committee  
 under the Chairmanship of  
 Sir Brian Windeyer to inquire  
 into Lead Pollution from the  
 RTZ Smelter at South

*Presented to Parliament by the Secretary of State for the Environment  
 by Command of Her Majesty the Queen  
 July 1972*

C.I.S. REPORT

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A C.I.S. critique of the Windeyer Committee Report.  
 August, 1972



## WINDEYER WHITEWASH

We have called this C.I.S. critique of the Windeyer Committee report 'Windeyer Whitewash' for the following reasons.

1. The question of responsibility for the appalling conditions at Avonmouth is almost completely avoided.
2. Evidence is presented in inconsistent ways or not at all. Matters of utmost importance are glossed over.
3. A number of conclusions are unsupported by evidence or appear highly questionable.
4. The recommendations do not, in our opinion, go far enough to ensure that the situation will not recur.

We have also added our own list of recommendations.

A. With regard to the question of responsibility, the report unequivocally states "We consider that protection of the health of the workers is the responsibility of top management" (sec. 81) but this is only stated in the Recommendations Section. It might here be useful to place the facts in this context.

1. There was a considerable health hazard present from 1968 onwards. (Sec. 29 & 32)
2. The works Doctor "drew the attention of the top management of the parent company (RTZ) to the unsatisfactory conditions in No. 4 Complex on many occasions, latterly with considerable emphasis." (Sec. 43)
3. The Company refused to inform the workers of the true state of affairs. It was only under pressure from the Unions that any information was made available. (Sec. 46) (For a fuller critique of this section see under B)
4. "It was not until the latter part of 1971 that the Company decided that a major effort was needed to tackle the problem." (Sec. 17)
5. "The company for its part, had been wrestling with the two related problems of improving the performance of the plant by attacking the causes of break-downs and meeting MINIMUM standards of hygiene in the working environment". (Sec. 44)

It is perfectly clear from these various statements that RTZ top management not only completely failed to meet their responsibilities in the question of workers' safety, but also attempted to ensure that the workers remained in complete ignorance of their situation.

As regards other questions of responsibility, we would particularly draw attention to the Factory Inspectorate who "were increasingly concerned over this period

about the continuing failure to control the levels of lead-in-air in the working environment. They had made repeated representations to the Company and had several times considered whether to apply for a Court Order to close the plant. This action was not taken since on each occasion the Company showed itself ready to accept and implement the Factory Inspector's advice." (Sec. 42) In view of the continuance of hazardous conditions at the plant it would appear that either the advice was not in fact properly implemented, or that the advice was inadequate in the first place. In view of the statement in Section 77 "We consider that they have applied intelligently the requirements of the legislation and have carried out their duties conscientiously", we can perhaps assume that the advice was not properly implemented.

We should however point out here that the Factory Inspectorate was operating in a watchdog capacity, the overall responsibility lay with the Company.

**B.** The report fails to reproduce evidence which might have clarified many of the unanswered questions. In particular we would cite the following:-

**Section 8.** The variations in lead readings over the whole period should have been published to show in particular whether they diminished after Factory Inspectorate visits, what correlation there was between the figures and cases of lead poisoning (if any), and how much arose normally, and how much arose from mechanical breakdowns.

**Sections 35 & 36.** Although figures are presented in Sections 29 & 32 (for cases of lead poisoning and work suspension) no concrete figures are presented for the number of workers "found to have blood lead levels which were well in excess of 80mg/100ml". This is a most important point particularly taken in context with the figures from Sections 29 & 32.

**Section 43.** "The Works Doctor shared this concern because of the resulting excessive absorption of lead by workers. He drew the attention of the top management of the parent Company (RTZ) to the unsatisfactory conditions in No. 4 Complex on many occasions, latterly with considerable emphasis." It is most important here in apportioning responsibility between the Works Doctor and top management to know (a) The exact date when top management was first informed. (b) What action, if any, it took. (c) How often and in what terms the attention of top management was drawn to the health hazards.

**Section 46.** This is one of the most important sections of the report since it concerns the Company's role in releasing information. In particular we would draw attention to the concluding sentence which is curiously worded viz "The Company told us that they were advised by the Works Doctor not to give such disclosures on the grounds that it would be misleading except to a medical expert". Since the Works Doctor is cited as giving evidence to the committee, we regard it as curious that the report should find it necessary to preface the statement with "The Company told us" rather than to present it as a statement of fact. (We have contacted Dr. Faulkner Hudson on this matter and he totally refused to comment.) If in fact the Works Doctor did give such advice we regard that advice as highly questionable. There are two ways of withholding information, one is to say nothing, the other is

to present it in a totally unintelligible form. Having been forced out of the first position it would appear that the Company attempted to shelter behind the second.

Sections 65 & 66 being related to this point are very unclear. The report piously states "We hope that information about their blood tests will be readily given to all individual workers". It is impossible to tell from this whether the Company is prepared to make this information available or not, indeed the implication is that it is still not prepared to do so. Certainly it does not as yet appear to be standard group policy to judge from reports from Cockle Creek. (Ref. Sunday Times 25.6.72 "Employees are given regular blood tests, but are not told the results".)

**Section 78.** This is one of the most blatant examples of non-presentation of evidence since the report merely states "From the evidence presented to us, it seems equally clear that this hazard has been recognised and appropriate action taken to safeguard the public". The only piece of "evidence" actually mentioned is that the Company has acquired the farmland immediately surrounding the plant. The plant is not however entirely surrounded by farmland, on three of the four sides there are roads or other factories.

In connection with this we would strongly draw attention to the dangerous concentrations of toxic metals, particularly cadmium, found in edible shellfish taken from the Severn estuary (referred to in the Counter Information Services anti-report). Furthermore we would direct attention to Little and Martin's study of levels of lead, zinc and cadmium in the soil and vegetation around the Avonmouth smelter (published in the Journal of Environmental Pollution, Volume 3, Number 3). In view of the very high levels of contamination we find it difficult to see how the report can baldly state that "it does not seem to us of great significance for public health".

C. 1. As for the glossing over of matters of central importance we would in particular draw attention to Section 44. "The difficulties were seriously aggravated by frequent changes in local and higher management and in the lines of responsibility. THE REASONS FOR SUCH CHANGES DO NOT CONCERN US, but they were in our opinion, a major contributory factor in the unsatisfactory (sic) environmental conditions and deteriorating morale during the years from 1969 to 1971".

In our opinion the reason for the changes of management was the fact that the Avonmouth smelter was losing money. Certainly the only references in the Company's Accounts and Sir Val Duncan's speeches in the 1969-71 period to the changes of management are connected with the smelter's substantial losses. Closure of the plant would have meant an even greater loss to the group. In view of the Company's efforts to keep the plant open (Section 42) despite the health hazards we can only conclude that it placed money above the health of its workers thus compounding its admitted error in skimping the plant's initial construction.

2. Furthermore the report's statement that "there was no evidence of serious or lasting damage to health" has been "welcomed" by the Company. We would point out that very little is known about the long term effects of lead poisoning – a factor supported by the report (Section 88) with its demand for "more research into various problems associated with exposure to lead".

In this context we would draw attention to an article in The Times for 3.7.72, headed "Lead hazard 'worse than was thought' ". This report states: "The Government has to face two reports this week showing lead pollution to be a potentially greater health hazard, particularly for children, than was hitherto considered. One is a case study in The Lancet of four workers poisoned by organic or tetra-ethyl lead absorbed in scaling a tank that had contained leaded petrol. It records harmful effects that contradict some accepted ideas on the risks of contamination from the substance.

"The findings indicate serious loopholes in public health checks which rely on straightforward measurements of the level of lead in blood when industrial workers are examined. This is used as the main guide to the amount that has been absorbed and the nature of possible physiological changes.

"The second report, although still incomplete, contains clear evidence that children have been absorbing heavy metals dispersed by factories near their homes or playgrounds in many districts."

The article concludes: "The national survey of children investigated the lead discharged from industrial smelters or carried as fine dust particles in any other way. This included fathers returning home with dust-laden clothes or who had travelled in vehicles covered in contaminated dust. Accumulation of tiny amounts over long periods was involved."

"Another source of absorption is from crops contaminated by fallout from smelters near by. This was emphasized in a report last week on the lead levels in foodstuffs."

## Recommendations and General Comments

1. In view of the extremely sketchy nature of the evidence produced we regard it as extremely unsatisfactory that the hearings were held in secret. It is our belief that where such hearings are held in secret there is a much greater necessity for full disclosure of all available evidence. The only reason apparently that the hearings were private was in order to allow the report to be produced as swiftly as possible. If this was in fact the case we recommend that transcripts of the full evidence be made available.

2. We do not agree with the recommendation that the term "lead poisoning" be replaced by "lead absorption" for the following reasons.

(a) The substitution is a pretence that the accumulation of lead in a person is not harmful. It is central to the use of "poison" that is harmful to a living organism that absorbs it – which exactly describes the effect of large doses of lead (such as occurred at Avonmouth) on a human being.

(b) Because of the implication of injury "lead poisoning" carries a stronger emotional charge than "lead absorption". This has meant that the occurrences at Avonmouth have received much greater public attention than would otherwise have been the case, and the workers were more rapidly made aware of the risks they were being made to run.

3. We do not consider that the statement in Section 56 "They (the Company and its consultants) are now REASONABLY confident that lead-in-air concentrations can be reduced below the TLV in most areas UNDER NORMAL CONDITIONS" is satisfactory in view of the past history of Avonmouth. "Normal" conditions can hardly be said ever to have existed at Avonmouth.

In this respect we would draw attention to a report published in The Times for 28.7.72. "A visit was made to Avonmouth on July 24 by journalists at the invitation of the company as a preliminary to the expected publication of the report. One section of the plant criticised in the report, had a mechanical breakdown, and a question about the creation of billowing fumes by a worker raking slag from a zinc-lead separating unit produced the comment: "He should not be doing that". Also on the further question of protecting the workers we would question whether the suggestions in Section 53(a) which allow workers to continue work – even under "Particular supervision" (whatever that may be) – when the blood lead levels are excessive.

We also recommend that the workers should set up their own system for monitoring their blood lead levels in view of the dangers to which the management system has subjected them in the past.

4. From the evidence presented in the report it is difficult to assess the actual degree of pain and suffering caused. The report states that the only symptoms observed were mild. These include "tiredness; lassitude; constipation; slight abdominal discomfort or pain; anorexia; altered sleep; irritability; anaemia, pallor; and less frequently diarrhoea and nausea". (BMJ statement 23.11.68)

In view of the management's knowledge of the conditions which caused the 40 men to be admitted to hospital, we recommend that, if it has not already done so, compensation should be paid, by the Company, for any pain or suffering caused.

5. We would also recommend that it be made a criminal offence for the management of any company to knowingly expose its workers to dangerous work conditions without informing the workers of the risks to which they are subject and without making immediate and effective efforts to ameliorate any danger. We are aware that certain industries carry much greater risks than others in working conditions, it is of course those industries that require the strictest safeguards for the workers.

In conclusion we would like to draw attention to the fact that the report has by and large, been received totally without comment or criticism. Because a document bears the Royal Crest we do not think that therefore it should be considered sacrosanct or above criticism, nor is the fact that a commission is "independent" a necessary guarantee of its wisdom. Like all groups of human beings, ourselves included, it is subject to the prejudices of its members.