

Media Briefing

Immediate Release:

THE CAMPAIGN TO STOP THE US GHOST FLEET

Why does Friends of the Earth oppose the deal?

Friends of the Earth was asked by local people to become involved in the campaign to stop the ships being sent to Teesside. We oppose the deal because:

The US has the facilities and expertise to deal with its own waste;

The ships are a serious environmental hazard;

There has been no consultation with local people;

There have been no adequate assessments of the environmental risks posed in the UK;

The deal has involved environmental and health laws being waived on both sides of the Atlantic;

These ships should not have been sent on a hazardous journey across the Atlantic;

The ships may pose a threat to the internationally protected wildlife environment on Teesside (this needs to be assessed);

The deal will set a precedent which may lead to ghost fleet vessels being sent to developing countries for disposal where there will be fewer environmental and health safeguards.

Background

The US ghost fleet is made up of more than 100 ex-navy auxiliary vessels that have been moored on the James River in Virginia for decades, which are, according to the US Government, which owns the vessels, "rotting and disintegrating".

In March 2000 the Office of the Inspector General (US Department of Transport) investigated the state of these ships and reported that:

"The vessels are deteriorating, contain hazardous substances and pose an immediate environmental threat" and "Environmental dangers associated with MARAD's old, deteriorating ships are increasing daily. These vessels are literally rotting and disintegrating as they await

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disposal. Some vessels have deteriorated to a point where a hammer can penetrate their hulls. They contain hazardous substances such as asbestos and solid and liquid polychlorinated biphenyls (PCBs)."

(Office of the Inspector General, Dept of Transport, USA, March 2000).

Because of the environmental threat posed by these ships, some of which date from the 1940s, the United States Marine Administration [MARAD] - which owns the boats - concluded that there was a degree of urgency in removing the obsolete vessels for dismantling. In 2001, MARAD produced a formal 'Report to Congress' which reported that:

"Some of the vessels are in a state of advanced deterioration and the fleet sites are located in sensitive estuarine habitats, including wetlands, posing significant environmental risk and impact".

In 2002, MARAD produced a further Report to Congress concerning the state of the ships, which concludes:

"MARAD is gravely concerned about the environmental threat that currently exists with our highest risk vessels, and with the increasing threat as all obsolete vessels continue to deteriorate."

Against this backdrop, President Bush overturned a law by his predecessor Bill Clinton, preventing the ships being sent abroad for disposal because of concerns over the environmental risks they pose.

Able UK won a contract to dispose of 13 of the James River ghost fleet. Eleven of these ships are formally designated by MARAD as being amongst the "40 worst condition vessels" precisely because of the threat that they pose to the environment (including three of the four boats currently en route to the UK).

According to the Trans-frontier waste shipment notice (which is needed to export the ships, which are classified as waste) issued to the Environment Agency by the US Marine Administration, the 13 ships contain between them 5,000 tonnes of heavy fuel, diesel oil, and oily water [1]. Leakage of these oils into sensitive wildlife areas is the greatest risk from these pollutants.

The ships collectively contain almost 700 tonnes of PCBs of which 400 tonnes are in the first four ships. These PCBs are in a solid state. The risk of these "leaking" from the ships is therefore negligible. However, should the ships break up in water then, over time, the PCBs could be released into the aquatic environment. They could also be released during the dismantling operation. The potential risks involved from PCBs have not been assessed because no full environmental impact assessment has been carried out. PCBs are extremely toxic.

The ships also collectively contain 1,402 tonnes of asbestos of which more than 600 tonnes are contained in the first four ships (average of 156 tonnes each). The UK Health and Safety Executive granted a waiver permitting relating to the import (normally banned) of asbestos for this project.

Threats to Teesside wildlife

The threat to wildlife has yet to be fully examined – this is why Friends of the Earth has called for a full environmental impact assessment. The Able UK site is adjacent to internationally important wildlife sites (see below). Friends of the Earth and other conservation groups have called for a full Environmental Impact Assessment before the ships are allowed near these sites and before the dam (necessary for the dry dock) can be built. These ships have been rusting in an American river for a long time. Most of them have been identified by the US authorities as being amongst the 'worst condition vessels'. We must not take any steps that could result in damage to these internationally protected wildlife sites without the most

rigorous environmental assessments.

The wildlife site most at risk is Seal Sands:

Status: Site of Special Scientific Interest (SSSI), part of specially protected area (SPA) and part of internationally protected Ramsar Site. "Teessmouth Flats and Marshes" are of international importance and meet the criteria for designation under the terms of the European Community Directive 79/409/EEC on the Conservation of Wild Birds and for inclusion on the list of Wetlands of International Importance under the Ramsar Convention. Seal Sands are the only extensive area of inter-tidal mudflats for 200 miles. The mudflats attract more than 20,000 birds with internationally important concentrations of various birds. Knot and Redshank are the most important species of wading birds using Seal Sands as their main feeding ground during the winter months. The mudflats are feeding grounds for dunlin, oystercatcher, ringed plover, curlew, bar-tailed godwit, lapwing, grey plover and turnstone.

Chronology of key events

Following a legal challenge in the US by two US environmental groups (the Sierra Club and the Basel Action Network), nine ships in the contract were held back in the United States where they will now remain, at least until the spring.

As early as **10 September**, almost a month before the boats set sail for Teesside, Friends of the Earth warned UK authorities that not all of the necessary permissions were in place to enable Able UK to dispose of the boats. On **30 September** Friends of the Earth submitted detailed evidence to the US Federal Court setting out the fact that the necessary permissions were not in place. This included (but not limited to) not having planning permission to build a dry dock. The UK Environment Agency says that it also informed Able UK and MARAD "on 3, 8 and 10 October 2003 that the permissions were not in place, and advised against sailing" [2]. On 6 October Hartlepool BC informed Able (and Able's lawyers) that planning permission for the construction of a dry dock bund was not in place and said that "if [Able] require dry dock facilities in order to undertake the proposed work, then the requisite planning approvals are not in place, and [Able] should therefore refrain from transporting the ships until permission for the necessary works has been granted." All of these warnings were ignored and the first two ships, Canisteo and Caloosahatchee, were allowed to leave on the **6 October**.

The following day (**7 October**) Hartlepool Borough Council confirmed that Able did not have planning permission for a dry dock by way of a media statement. MARAD responded by sending two more boats - Compass Island and Canopus - on 17 October.

Friends of the Earth also maintained that a modification to Able UK's waste management licence had been unlawfully granted by the UK Environment Agency, and applied to the High Court for a judicial review on **30th October**. On **31 October**, before the case could be heard, the Environment Agency wrote to Friends of the Earth saying that it had now reviewed the modification of the licence and decided that it could not stand. The Agency also declared that the Transfrontier Shipment of Waste Notification was now invalid, and that the shipment was therefore unlawful.

On Monday 3 November, Environment Minister Elliot Morley told the House of Commons that the ghost ships had been advised to return to the US. He said "*I understand that the first two ships are north-west of the Azores...the other two are about a quarter of the way across the Atlantic*" [2]

The following day, Hartlepool Borough Council voted unanimously to call on Transport Secretary Alistair Darling to use his powers to re-route the ship. But the US authorities refused to tell the ships to return. The Department responded by saying that its powers only to the seaworthiness of the ships.

On **Tuesday 4 November** Barbara Young (Chief Executive of the Environment Agency) appeared on Newsnight stating that the second two ships should immediately turn around and stating that the Agency had formally requested MARAD to do so.

On 5 November, Friends of the Earth went to court formally to quash the modification to Able's waste management licence. It was revealed in Court that not only was the modification now invalid, but that the original licence did not even cover the disposal of ships. Able objected to the formal quashing of the modification, and the judge ruled that no work could be done on the ships until at least 8 December when the case would be heard again. A further legal challenge by local residents has been scheduled for the middle of December.

On 7 November, Environment Secretary Margaret Beckett said that as the first two boats were now so near the UK, weather concerns now meant it would be "*impractical*" for them to return immediately to the US. They would be allowed temporary storage in Hartlepool "*pending their return to the US at the earliest opportunity*" [3].

Boats three and four continue to head towards the UK.

What happens next ?

European and international law states that if the waste (i.e the ships) does not have a properly prepared and equipped destination to go to, it must be returned to the country of origin. This is currently the clear position of the UK Government.

In the meantime, Friends of the Earth is demanding answers to several crucial questions, including:

- Why were these vessels allowed to leave the US before all the necessary permissions were in place and despite MARAD having explicitly been warned that the permissions were not in place?
- Why did the Environment Agency wait until 31 October 2003 before formally stating that the licences granted by them were invalid when they had written to MARAD four weeks earlier warning that this might be the case?
- Why did the US authorities refuse to order the return of the boats to the States when formally asked to do so by the UK Government? And where were the boats when they were first told that they had to turn around?
- Why did the Environment Agency fail to spot that the waste management licence held by Able UK did not cover the disposal of ships?

More information on the ghost ship fleet can be found at www.foe.co.uk

1. A recent Marine Environmental Risk Assessment for Able UK (September 2003) states that the average quantity of oils on the thirteen ships is 272 tonnes and the average quantity of oily ballast water on the ships is 221 tonnes

2. EA position Statement on US Waste Ships

3. Hansard 3 November 2003

4. DEFRA news release: 7 November 2003