Public attention in the United Kingdom really became focused on the impact of major oil pollution in March 1967 when the tanker TORREY CANYON hit the Seven Stones rocks, between the Isles of Scilly and Lands End. She was carrying 117,000 tonnes of Kuwait crude oil. Some 30,000 tonnes escaped straight away and a further 20,000 tonnes over the next 7 days. After the failure of an attempt by salvors to drag her off the rocks another 50,000 tonnes was lost. Finally she was bombed to burn off the 20,000 tonnes or so still on board.

The UK was effectively unprepared for a disaster on this scale and the spraying of industrial detergent on shore to minimise pollution of the coasts created more problems than it solved. However the incident soon faded in the public conscience – after all there was human error involved and little chance of the same situation reoccurring.

This became the first of the modern drivers towards the present UK Government response to incidents involving pollution.

The pace was quickened when in 1993 the tanker BRAER discharged 84,700 tonnes of cargo and 1,600 tonnes of HFO into the seas around the Shetland Islands.

This led to a review by Lord Donaldson into the UK’s means of protecting itself from the threat of pollution from merchant shipping and to placement of the first UK Government Emergency Towing Vessels (ETVs).

Lord Donaldson conducted a further review into the powers of State intervention and the command and control and salvage response following the SEA EMPRESS disaster in 1996.
The past three years has seen:

- The birth of a single Government Agency, the Maritime and Coastguard Agency (MCA), to address all aspects of marine regulation and incident response.
- The introduction of a Secretary of State’s Representative for Maritime Salvage and Intervention (SOSREP).
- Development of Government owned / operated response capability.
- Development of pro-active state intervention into maritime incidents and salvage.
- The introduction of a new National Contingency Plan.
- The introduction of new state powers of intervention for the offshore oil and gas industry.

THE STRUCTURE OF MARITIME INCIDENTS

Given the developments referred to above, the UK response to incidents can be thought of as three phased:

1. Prevention
2. Immediate Response
3. Longer term response

PREVENTION – DEALING WITH POTENTIAL INCIDENTS

The best way to respond to pollution incidents is to stop them from occurring in the first place. This is traditionally achieved by better and more effective regulation of shipping.

We are now in a situation where the UK has the powers and the means to respond to “developing situations” in order to prevent potential incidents and accidents from happening.

The MCA is able to maintain 24-hour readiness for a response through the Coastguard network. Almost invariably the first point of contact in a marine emergency is to the Coastguard.

The Coastguard’s first priority will always be to respond to threats to life and limb. They will undertake the role of co-ordinating all other responders. These are likely to include Lifeboats, police, helicopters, military etc – any agency which is helping with the search and rescue (SAR) activities. To enable them to exercise this co-ordination in a large incident they will set up a committee called the Major Incident Liaison Team (MILT) at the Coastguard Marine Rescue Co-ordination Centre which is responding to the incident.

The counter pollution response is embedded into the Coastguard system.
The Counter Pollution and Response Branch, like the Coastguard service, is part of the MCA under the control of John Garner, deputy Director of Operations and deputy Chief Coastguard.

The Unit includes three Regional Operations Managers, Counter Pollution and Salvage (ROM, CP&S) based in regional centres and at MCA Headquarters in Southampton.

At any time, night or day, one of these officers is on duty and will be contacted by the Coastguard Service in relation to any incident where there is risk of pollution.

In most cases this will be negligible and most reports are of small oil slicks and vessels, which have lost power or suffered minor damage and present no real threat to the environment. In these cases the action may be as simple as keeping a watching brief and, if there are signs that a more serious situation may develop, giving a “heads-up” to myself or the MCA’s Deputy Director of Operations in readiness.

In all cases, in the first instance, it is the ROM, CP&S or Coastguard Watch Manager who has to decide on what level of response is required and activate it. The response level may be classed as “Local” “Regional” or National” with each level requiring the mobilisation of greater and more expensive resources.

As mentioned in most cases incidents are small but examples of more onerous ones would be:

- A shipping casualty, which poses, risks of significant pollution and requires a salvage operation.
- A spill of oil/hazardous substance at sea from a ship which requires the use of seaborne or airborne equipment to contain or disperse it.
- A spill from an offshore installation which requires more resources than the operator has the capacity to deploy.
- Spill within a harbour authority area that requires deployment of resources or action which is beyond the capacity of the harbour Authority.
- A Local Authority requests the deployment of national shoreline equipment.

To support the work of these officers they have the ability to mobilise various equipment and resources:

- **Emergency Towing Vessels (ETVs)**
  
  There are now four of these vessels stationed all year round in strategic locations around the United Kingdom. This follows a comprehensive review of ETV provision by an MCA team published early last year.
FAR TURBOT is stationed in the Dover Strait and funded by a joint Anglo / French arrangement. The others, all funded by the UK are ANGLIAN PRINCE in the Minches, FAR SKY in the Southwest Approaches and ANGLIAN MONARCH at Fair Isle.

There are also current negotiations ongoing with the Irish Government about joint funding of another ETV in the Irish Sea area.

Each of the present ETVs is of the Anchor Handling Towing and Supply (AHTS) design. FAR TURBOT is currently stationed in the Dover Straits. She has a large after deck, which can accommodate survivors, salvage equipment, or as a platform for deploying counter pollution equipment.

She also has a powerful fire fighting capability and can sustain over 130 tonne bollard pull.

- **Coastguard Agreement for Salvage and Towing (CAST)**

The MCA also has call-off agreements (CAST) with various tug and salvage organisations around the coast, which can be activated subject to the vessels being available.

- **Stockpiles**

Part of the MCA’s stockpiled equipment is held at Milford Haven. The list of salvage equipment includes:

  - Cargo Transfer Equipment (ship to ship)
  - Inert gas generator, pumps, fenders, intrinsically safe lighting
  - Communication systems
  - Chemical transfer equipment, chemical resistant pumps, hoses and protective equipment, BA sets etc.

Counter pollution equipment is also dispersed around the country:

  - At-sea stockpiles of equipment are held at Milford Haven and Dundee
  - On-shore pollution stockpiles of equipment are based at Southampton and Inverness
  - Stockpiles of dispersants are held in 10 other locations around the UK

As stated most of our “incidents” consist of vessels which are not underway for some reason - often because they are effecting engine repairs.

The first response, normally undertaken by the ROM, CP&S, will be to assess the potential for the situation to deteriorate. They will usually despatch the nearest ETV towards the vessel as a safety precaution. As an additional measure the Coastguard will also interrogate tug
brokers to get information on other tug availability. At this point I will have been given no more than a heads-up on the situation.

The Master / owners will now be asked to state their intentions. They will be informed that the government has sent a tug to stand by them and that they are still free to enter into any salvage/towage arrangement with whosoever they wish. If, however the amount of risk which they pose to the UK is deemed to increase they are informed that there may be intervention and directions issued by the SOSREP.

This formula of words seems to be better than any manufacturer’s manual for getting engines to restart!

Many would-be incidents have been dealt with in a similar manner before the situation gets too far out of hand.

**IMMEDIATE RESPONSE - EMERGENCY RESPONSE TO AN INCIDENT AT THE TIME IT IS HAPPENING.**

The initial response by Government, salvors and other responders is likely to be completely different to the downstream activities of removing a source of threat and cleanup.

It is often said, and oh so true, that the actions taken within the first minutes, or hours, of an incident occurring are likely to have far reaching effects down-the-line.

The activity at this time is usually centred on assisting any active responders, such as the Master and crews or a Harbour Authority, to try to minimise and contain the impact of an incident which is happening at the time.

At this time a salvage contract may not have been signed, but this would not stop us from giving information on tug availability, tracking down expertise in any particular aspect of the incident (e.g. chemical cargoes) or mobilising equipment from the MCA stockpiles.

If there is a salvor we will usually try to assist his staff to travel to the incident and have used MCA helicopters in this respect on a number of occasions.

Experience has shown that there are inherent dangers in becoming involved in response from a distance and with little on-site information available – particularly in the situation where there is a Harbour Authority or other experienced agency or organisation actively responding on site. The most common form of intervention at this time has been to require information on the owner’s intentions, or to direct that a contract for salvage be entered into.

The time for close monitoring and the potential to take control are down the line at this point.

Other activity will be centred on mobilising others and myself to the proposed control centre, which could be anywhere from part of a harbour master’s offices to a Coastguard MRCC.
This often involves the logistics of sourcing aircraft or other forms of transport, booking accommodation.

At some point as a situation continues to escalate there will come a time to activate the National Contingency Plan and this will in turn lead into the third phase of the response. Activation of the Plan, or part of it, is normally done by myself where there is a salvage aspect to the incident, or the MCA in respect of pollution. When it is done there is a cascade system which ensures that all required personnel are alerted and mobilised to their place of activity.

LONGER TERM RESPONSE - SALVAGE AND CLEAN UP

After the initial pandemonium whilst an incident breaks there follows a time of organised response. By this time the full potential for pollution will have become apparent and there is need to establish the means of containing and preventing pollution, removing the source of pollution and cleaning up pollution that has occurred. In the United Kingdom the means by which these activities are implemented and managed are set out in The National Contingency Plan for Marine Pollution from Shipping and Offshore Installations.

THE NATIONAL CONTINGENCY PLAN (NCP)

The system assumes that there are four distinct theatres of operational activity in a major marine pollution incident:

- Search and rescue
- Salvage
- Clean-up at sea
- Clean-up of the shoreline

It is predicated on the assumption that there will be separate multi-disciplinary units, created for each incident, to deal with each of these functions as required.

SOSREP

It specifies that in the case of salvage activities ultimate control over all operations is the responsibility of a single designated Secretary of State’s Representative for purposes of maritime salvage and intervention (SOSREP).

The SOSREP can not abdicate his responsibility. Whether or not he has exercised any intervention powers at all he must be in no doubt whatsoever that he is in charge and will be held responsible for the outcome of all plans and decisions.
Put simply - to ignore a situation is not an option.

The powers of Intervention with which the SOSREP is invested could indeed not be more far reaching. They are however presently wider for response to pollution than for safety. They provide that the SOSREP can direct a person to take, or refrain from taking “any action of any kind whatsoever”. Indeed, if the SOSREP is not convinced that the person Directed can, or will, take the action then he may cause the action to be taken himself – even if this includes the total destruction of a vessel.

The legislation also creates criminal offences for non-compliance with a Direction. It should be noted here that Directions can only be given to specified persons, normally those owning or in charge of a vessel or a port or harbour authority.

OPERATIONAL RESPONSE UNITS

The separate “response units” were set out in the Donaldson Review and now form the corner stones of the UK National Contingency Plan.

- **Major Incident Liaison Team (MILT)**

  For purposes of search and rescue there is a Multi-Incident Liaison Team led by the Coastguards.

- **Salvage Control Unit (SCU)**

  Salvage Activities are the responsibility of SOSREP who is supported by a Salvage Control Unit. The SCU comprises a small group of specified persons who alone can represent key interests such as the salvor, the casualty owners, or a harbour authority. It also includes any advisors that are felt necessary e.g. a specialist independent salvage advisor or a chemical cargo’s specialist. The SCU however is not a committee – at all times the final decisions will be the sole responsibility of SOSREP.

- **Marine Response Centre (MRC)**

  In a national level response the at-sea clean-up activity is directed and co-ordinated by the Marine Response Centre. This is likely to be established at the nearest appropriate Coastguard station. It may be set up in harbour authority buildings if pollution lay within a port jurisdiction. In a national incident the MCA Deputy Director of Operations will control the MRC.

- **Shoreline Response Centre**

  When the threat of pollution to the shoreline exceeds the capability of the most affected local authorities, or Environment and Heritage Service (EHS) of the DoE (in Northern Ireland), and the MCA indicates a national response is required, those local authorities, or
EHS, will set up a Shoreline Response Centre. The purpose of an SRC is to provide an organisation through which local authorities can discharge their responsibilities for preventing and mitigating pollution of the shoreline.

THE ENVIRONMENT GROUP

In any maritime incident in the UK requiring a regional or national response there will be an Environment Group formed. The core membership of the Group comes from the relevant statutory nature conservation agencies, fisheries department, environmental regulator, and (in the case of incidents beyond territorial waters) the Joint Nature Conservation Committee. They may also incorporate specialist interests such as persons with local knowledge etc. The Group will advise the operational groups above on environmental aspects and impacts of all operations. It is a common facility providing comprehensive advice to the operational units through nominated Environmental Liaison Officers.

HANDLING THE MEDIA

Part of the MCA response to all incidents is to handle media interest. To this end a team of professional PR and media handling officers are employed. Considering the extent of the MCA’s remit it is not difficult to imagine that these officers are kept constantly busy – if it’s not rescuing a dog from a cliff, it’s a missing vessel, a helicopter rescue or covering the prosecution of the owner of an unsafe vessel.

The guiding principle espoused by the Donaldson Review is that key operational personnel should not have to undertake media interviews during operations. Thus the only time that I personally will appear before the media is either at the end of operations – to report on another success story, or when things have gone badly wrong and the media need to speak to “the person in charge who got it wrong”!

During a major incident the MCA’s media team will quickly establish a media centre and will collate available material for delivery to the media from there. They will also organise regular press releases to keep the media absolutely up-to-date. They will also provide “talking heads” for the media who are briefed on the current state of operations and can respond to questions. If you don’t give the media accurate and up-to-date information in the form in which they want it – they will make their own version up and transmit it.

USING THE NCP

The current version of the NCP was published in January 2000. By then it had already been tested a number of times in incidents and of particular importance – during the first of four subsequent major National Maritime Exercises.

DALRIADA took place in the Clyde estuary and involved real ships, responders and equipment. Since then there have been further such exercises:

- HUMEX  Humberside  Feb 2000
- KERNOW  Falmouth  Oct 2000
We have now held the first ever major incident exercise with the offshore industry. This was Exercise DISCOVERY that was held in Aberdeen at the end of January 2002.

Since the role of the SOSREP was established there have been:

- Over 250 incidents in which the SOSREP has been directly involved at some stage
- 29 Notices of Intervention served during live incidents
- 18 SCUs established in response to incidents
- plus a further 7 SCUs established during major national and international exercises

**OTHER ASPECTS OF THE UK RESPONSE**

**GOVERNMENT FUNDED SALVAGE – THE MCA AS SALVOR**

Lord Donaldson drew the conclusion that the MCA should play a much larger part in operations in response to a threat of significant pollution.

To enable it to fulfil this role the MCA has the ability to mobilise various equipment and resources as mentioned previously i.e. ETVs, CAST tugs, stockpiles of salvage and counter pollution equipment.

Lord Donaldson’s recommendation that the MCA should play a larger part than hitherto bore fruit in September 1999 when the MV SONIA, carrying 5,300 tones of grain, limped into Sandown Bay off the Isle of Wight and announced to the world that she was sinking.

SONIA had suffered from the fracture of a salt-water inlet pipe leading to flooding of her engine room and eventually complete loss of power. She was sinking slowly, but surely, and she contained 447 tonnes of bunker fuel. The impact of this on the shore would have been dramatic to say the least.

Yet there was no salvage interest in the vessel. Eventually she was recovered by the use of a naval harbour tug from Portsmouth, salvage equipment from the MCA’s own stockpiles in Milford Haven and the use of a pre-contracted tug operating, initially, under the Coastguard Agreement for Salvage and Towage (CAST).

During refloatation the SOSREP ordered that oily water from the engine room be pumped overboard. Illegal perhaps – but this whole operation cost well under half a million pounds - the cost of clean-up of the spilled bunkers would have made this amount seem trifling.
A more interesting case of central and local government working together explored new grounds in salvaging the MV LAGiK, which was stranded and blocking the River Nene and the approaches to Wisbech Harbour in Lincolnshire England. LAGiK was abandoned by her owners and the task of removing the wreck and pollutants was taken up by the Government, through the MCA, and the local Harbour Authority in partnership. The cost of the project was around £1.25 million and the partners have joined in legal action for recovery.

This underlines a most important aspect of government salvage – cost recovery. The MCA has come forward in leaps and bounds in this area during the last two years. Nowadays we are seeking letters of understanding from P&I Club representatives at the scene of the control unit within a day or so of an incident. And, I am pleased to say, getting them. We are also becoming more pro-active in seizing sister ships and assets in advance of payment.

COASTAL STATES AGREEMENTS

Bonn Agreement

In addition to the UK National Contingency Plan, within the Northern European area there are a number of international agreements between various coastal states. These are aimed at ensuring a consistence of approach and support and co-operation between states in the event of major disasters.

The major counter-pollution interstate agreement in our region is the Bonn Agreement. This is signed up to by the States of:

- Belgium
- Denmark
- EC
- France
- Germany
- Netherlands
- Norway
- Sweden
- And the United Kingdom

Essentially the agreement is to ensure intergovernmental co-operation dealing with pollution and in particular aerial surveillance co-ordination by sharing information.

The thirteenth meeting of the Contracting Parties was held in Rotterdam last September. This meeting effectively paved the way for the accession of Ireland to the Agreement.

Thus the area covered by this agreement will range from the area south of the Channel covered by the similar Lisbon Agreement to include the Norwegian pollution control zone.
The Mancheplan and Norbrit Agreements

Within the Bonn Agreement area there are two further interstate agreements which set out provision for a joint response by the Contracting States and also how the use of state intervention may be utilised when one or other’s interests are threatened.

The Mancheplan is signed by France and the United Kingdom and provides for a joint response to Search and Rescue (SAR) and counter pollution activities by both states.

The Norbrit Agreement between Norway and the United Kingdom is more focussed on counter pollution.

Within both agreements there is provision for States to provide lists of stockpiles and specialist equipment which could be made available for use during incidents.

Importantly also the plans provide that, subject to certain considerations, the known, or suspected, position of a casualty or polluted area in relation to the demarcation line between the contracting states determines which national authority will co-ordinate the SAR or pollution response activities.

This State will become Action Co-ordinating Authority (ACA) and will take on the responsibility for the co-ordination of joint operations.

The second State will become the Action Liaison Authority (ALA) and takes on the role of co-ordinating the provision of assistance to the ACA.

There may also be circumstances where the second State may wish to assume the role of ACA such as when that nations interests are most directly threatened by the incident or where the greater part of the resources likely to be involved actually belongs to the second state.

The effectiveness of these plans was more than adequately demonstrated at the time of the ERIKA incident when the UK responded to a request from the French to provide helicopters and surface recovery equipment and staff.

The Mancheplan was also invoked when the chemical tanker IEVOLI SUN sank in the Cherbourg TSS some 10.5 miles north west of the Channel Island of Alderney. This enabled the UK and France to agree very quickly to a plan which the French the leading responder in a joint operation with full support from the UK.

PLACES OF REFUGE

Providing shelter for a casualty is in fact part of every port state’s obligations. Thus the requirement to offer a place of refuge is not by any means a new burden on maritime states.

That EU Member Coastal States should be required to take measures to receive ships in distress in Ports of Refuge has been clearly raised through the ERIKA II package, and through the CASTOR incident.
I’m sure that everyone will agree that in any situation the overriding considerations are those of safety and risk to human life, both of those on board a casualty and of those who may find themselves near enough to be affected by it.

It is with the safety of innocent people in mind that we all recognise that in most cases it would be preferable for incidents to be dealt with at sea. However we must also recognise that the search for calmer waters may inevitably require a casualty to move into a sheltered bay or roadstead.

In my opinion everywhere should be regarded as being a place of safety. Some places have more to offer than others do but, in extremis, everywhere may have something to offer.

The issue is rather like establishing a battlefield hospital. The analogy being a battle against marine pollution as opposed to a battle between two armies.

- Both kinds of battle can occur anywhere and at any time.
- Battles have no respect for areas of outstanding natural beauty or for architectural merit.
- Just as almost any building can be commandeered as a temporary field hospital, almost any place in the vicinity of a ship in distress can be commandeered as a place of refuge.
- No person in their right mind is going to volunteer to play host to either type of battle on, or adjacent to, their property interests.

There are certain aspects of any place that can enhance its attractiveness as a place of refuge such as:

- The degree of shelter from prevailing weather
- The absence of hazards to navigation
- The presence of gently shelving, soft sand, beaches
- The availability of handling facilities such as wharves, jetties, tugs and repair services.

Similarly there can be factors, which militate against such use. A particular location may have a high sensitivity to pollution from certain combinations of ship and cargo. For instance in the case of crude oil pollution, greater damage will be sustained by a salt-water marsh than by rocks exposed to the scouring effects of the ocean.

The concept of a MEHRA indicates that some areas have indeed been identified as being such locations. However even a MEHRA should be regarded as being a place of refuge for some ships when lives are at risk or when the pollution potential is minimal.
I believe there can be no pre-conceived ranking of places of refuge because of the transient and varied nature of each incident and the time parameters affecting the value of a location as a place of refuge - not least the location of the incident and the wind direction.

The UK considers that the “agony of the moment” choice of a place of refuge will be more robust if it can be demonstrated that the decision is supported by assessment. That assessment being one in which the event specific information is “plugged into” a generic analysis that has had careful review beforehand. The emphasis should be, as ever, on preparedness in the interests of minimising adverse consequences.

Finding places of refuge may require co-operation between coastal states with adjacent Pollution Control Zones because marine pollution does not respect these boundaries. It would be folly for neighbouring states not to share information on places of refuge. Who knows, it may be in the interests of both States for a ship seeking refuge in the Pollution Control Zone of one State to be given access to a place of refuge in the jurisdiction of another State, if that were a better location.

Therefore the UK believes that it would be helpful if coastal states could agree a common basis for the generic analyses so that, when event specific information is included, the best place of refuge can be offered to a ship in difficulty, recognising that it may lie in the jurisdiction of another State.

The topic was discussed at the IMO at the 47th meeting of the Sub-Committee on Safety of Navigation. A Working Group was set up and the UK will contribute to that work.

The issue is also covered in a draft EU Directive that is approaching its final approval stages. The Council has adopted a common position on the Directive, and the next stage at the time of writing will be the European Parliament’s second reading, which is scheduled for March 2002.

The new “Directive establishing a Community vessel traffic monitoring and information system for maritime traffic” will place an obligation on member states to designate ports of refuge. In view of the current system in use in the UK the UK will treat this in as flexible manner as possible.

THE SCOPE FOR PARTNERSHIPS WITH THE SALVAGE INDUSTRY

Earlier in this paper I have made reference to the significant stockpiles of salvage and counter pollution equipment held in the UK by the MCA.

We are beginning to find that salvors are making use of this equipment as a readily available source of supply (remember that in some cases equipment may have already been mobilised to a site before formal salvage arrangements have been concluded).

We believe that there is scope here for the industry to meet with the MCA and negotiate mutually beneficial commissioning and supply arrangements. Who knows, perhaps we could
face the possibility of joint ownership, or even a membership regime similar to those in place for the supply of counter pollution equipment to the offshore industry?

**CONCLUSION**

The NCP in itself is no more than a paper document. It is as only as good as the last time it was used and then only as good as the people, agencies and organisations, which input into making it work. In short our response to incidents requires:

- Positive commitment by all parties and respect for each other's role.
- Seamless working between different faculties e.g. environmental interests with salvors, salvage operations with legal, investigative and enforcement agencies.
- The presence of resources to avert, or delay, disaster and to provide assistance to persons involved.

The NCP reflects this philosophy. It is a living document, which is there to provide guidance rather than a prescriptive approach to incidents. Already we have shown that the model can as easily be used in its entirety as broken into constituent units tailored to meet particular circumstances.

Already we are working towards updating it to include the fruits of lessons learned.

The state response through the MCA has also changed. In all theatres there is now strong leadership and guidance. Changes to our approach have enabled swift, positive and decisive responses to be made in all areas. The option to delay, not take a decision or to refer issues to a committee have been removed.

This positive and structured approach has, I believe, led to vastly increased credibility and that translates into confident willing working partnerships with other organisations.

The SOSREP with all his powers is now being seen more as a pragmatic working partner rather than a source of interference. The SOSREP is there to keep the state's hand on the tiller and to enable the best response, in terms of environmental protection, to be formulated and enacted with the minimum of delay or external complication.

Fears that such a role would lead to unwarranted involvement in the affairs of Harbour Masters, salvors and others are now being dispelled as we work and learn together.

Robin Middleton  
Secretary of State’s Representative  
Maritime Salvage and Intervention, UK.