

The United Kingdoms Response and the National Contingency Plan

Recent Developments in the UK

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.



18-03-1967 – Torrey Canyon

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 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.



05-01-1993 - The Braer

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 few years have 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

The UK response to incidents can be thought of as three phases:

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

Phase 1: 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. (HMCG), almost invariably the first point of contact in a marine emergency is to HMCG.

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.

The counter pollution response is embedded into the Coastguard system and the Counter Pollution and Response Branch, like HMCG, is part of the MCA.

At any time, night or day, one of these officers is on duty and will be contacted by HMCG 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 the duty CPSO.

In all cases, in the first instance, they must decide 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.

The first response will be to assess the potential for the situation to deteriorate. They will usually dispatch the nearest ETV towards the vessel as a safety precaution. As an additional measure HMCG will also speak to tug brokers to identify the availability of other tugs.

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 the vessel 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 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.

Phase 2: Immediate Response – Emergency Response as the Incident Happens.

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 centered 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 an appointed Salvor the MCA will usually try to assist his team in their 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 further down the line at this point.

Other activities will be centered on mobilising SOSREP and his team to the proposed control centre, which could be anywhere from part of a harbour master's offices to a Coastguard RCC. 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 SOSREP 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.

Phase 3: 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.

The National Contingency Plan is available at:

http://www.mcga.gov.uk/c4mca/mcga07-home/emergencyresponse/mcga-pollutionresponse/mcga-dops_cp_environmental-counter-pollution/mcga2007-ncp.htm

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).

Worryingly, for SOSREP at least, the SOSREP can not abdicate his responsibility. Whether or not he 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 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 SOSREP can direct a person to take, or refrain from taking "any action of any kind whatsoever". Indeed, if 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.

- **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 co-ordinated by the Marine Response Centre. This is likely to be established at the nearest appropriate Coastguard RCC or it may be set up in harbour authority buildings if pollution lay within a port jurisdiction. In a national incident the MRC is under the control of the Head of Counter Pollution Branch or the Deputy Director of Maritime Services.

- [Shoreline Response Centre \(SRC\)](#)

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.

- [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. The Group will advise on environmental aspects and impacts of all operations and 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 SOSREP will personally 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.

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 consistency 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 focused 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 nation's 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.

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.