



ISCO NEWSLETTER

The Newsletter of the International Spill Response Community

Issue 186 29th June, 2009

Email info@spillcontrol.org Web <http://www.spillcontrol.org>

ISCO DELEGATES AT FORTHCOMING IMO MEETINGS

ISCO President, David Usher, will represent ISCO at the IMO Council Meeting (29th June – 3rd July, 2009).

David Usher will also attend the OPRC-HNS Technical Group Meeting (TG9) over July 6-10, together with ISCO Secretary, John McMurtrie, ISCO Member of Council for the UK, Kevin Miller and Honorary Member of ISCO, Dr Douglas Cormack. ISCO has submitted an information paper to TG9, reporting on ISCO's work to collate information on HNS incident response and sub-sea oil recovery experience.

Dr Cormack will be presenting an information paper at the Marine Environment Protection Committee (MEPC) Meeting (July 13-17). His paper is on the Independent Training and Accreditation of Private Oil and HNS Spill Response Contractors.

EUROPE: PROTECTING EU CITIZENS FROM INCIDENTS INVOLVING CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR MATERIALS

The European Commission is adopting a Communication the EU *Action Plan* to strengthen chemical, biological, radiological and nuclear security (CBRN) in the EU. The overall goal of the CBRN *Action Plan* is to enhance the protection of the citizens of the European Union from incidents involving chemical, biological, radiological and nuclear materials. To achieve this goal, the *Action Plan* sets out over 130 measures which could be taken by various stakeholders (including the Member States industry).

The *Action Plan* focuses on three broad areas of action:

- prevention of unauthorised access to CBRN materials of concern;
- detection of CBRN materials;
- efficient response to incidents involving CBRN materials, preparedness to quick recovery.

Core elements of the CBRN Action Plan are:

- a risk-based approach to CBRN security in the EU leading commitment in tackling priorities;
- ensuring that CBRN materials are well protected and the potential for them being lost or stolen is limited;
- better exchange of information between Member States on CBRN security issues in order to react more swiftly to emerging threats;
- improving the use of detection systems across the EU;
- introduction of tools to save lives and limit damage to property in case of CBRN incidents.

The background:

Over the last 50 years, the vast majority of terrorist attacks around the world were committed with explosive devices or firearms. Nevertheless, there is a risk that terrorist organisations may choose to use chemical, biological, radiological or nuclear (CBRN) materials to commit their criminal acts.

The CBRN Action Plan contains a broad range of measures which will be implemented over the next 3 years. A number of tools will be used to facilitate implementation including providing financial assistance, preparing studies and organising meetings.

After the adoption of the Action Plan, a number of preparatory activities will first be undertaken to create a basis for more detailed future work. The preparatory activities will include the prioritisation of CBRN substances of highest concern, the identification of good practices Europe-wide and information exchange systems.

[Thanks to ISCO Member of Council for UK, Kevin Miller, for forwarding this press release from the EU]

SOUTH AFRICA: 21 CONTAINERS LOST OFF WESTERN CAPE



A container washed up on Camps Bay is just one of 21 lost by Safmarine Meru, the global shipping company said on Thursday.

A large crane was used to remove the container, which is thought to contain a form of the chemical Cresol, according to Cape Town's Disaster Risk Management.

The company was however unclear on what that specific container held, saying only that three of the 21 lost containers hold "Class 6.1 non-marine pollutants (Cresylic acid)", in a statement on the incident. Class 6.1 goods are usually defined as poisonous. Cresylic acid is used in disinfectants and household cleaners, amongst other things.

Safmarine has appointed Svitzer Salvage to locate and recover the lost containers.

You can read the complete report at -

[http://www.news24.com:80/Content/SouthAfrica/News/1059/630d26c92154429e94ec36201500fd6f/25-06-2009%2007-06/21 containers lost in SA waters](http://www.news24.com:80/Content/SouthAfrica/News/1059/630d26c92154429e94ec36201500fd6f/25-06-2009%2007-06/21%20containers%20lost%20in%20SA%20waters)

U.S. COURT REMANDS SPAIN'S PRESTIGE CLAIM

The following report has been received from *The Maritime Advocate Online*.

"News reaches us via our daily reading that an appellate court in the US has reversed a lower district court ruling in January last year that dismissed Spain's \$1bn lawsuit against ABS and remanded the case back to the district court for further ruling.

The decision by Judge Laura Taylor Swain of the US District Court for the Southern District of New York ruled in January of this year that Spain's pursuit of the case in the US was precluded by the International Convention on Civil Liability for Oil Pollution, to which the country and flag state Bahamas are signatories. Judge Swain said her court lacked the jurisdiction necessary to adjudicate Spain's damage claims. The judge had ruled on ABS' motion filed two years earlier for summary judgement under the CLC, based on ABS' stance that as the deemed agent of the Prestige owner, ABS enjoys immunity from all damages arising out of Spain's lawsuit and should be allowed to avail itself of the CLC limits just as a shipowner would."

Spain contended that such immunity is restricted to servants or agents of the shipowner including crew; pilots; charterers; salvors; or persons taking preventive measures. ABS is an independent contractor and not a servant or agent, and hence is undeserving of the exemption, Spain believes. Spain's legal team is led by Squire, Sanders & Dempsey attorneys Brian Starer and Juan Anduiza.

The eight-page order from the US Court of Appeals for the Second Circuit that sends the case back to the district court observes: "Spain principally contends that the CLC cannot divest a federal court of subject matter jurisdiction because the United States has not ratified that treaty. We agree."

However, the ruling goes on to add: "That does not mean, however, that the district court is required here to exercise its jurisdiction. On remand, it may consider whether principles of forum non-conveniens or international comity support a discretionary decision not to exercise jurisdiction."

The appellate court has further instructed the lower court to “conduct a conflicts-of-law analysis to determine which law governs this case” should it conclude that dismissal under forum non-conveniens or international comity is not warranted.

A separate part of the appellate court verdict has reinstated the ABS counterclaims against Spain in the matter of Spain’s own negligence in handling the casualty.

Spain brought the action against ABS in 2003, for its alleged negligence in certifying the 1976-built, 81,564 dwt tanker Prestige as fit. The tanker sank off the Spanish coast in November 2002, causing environmental damage for which compensation was sought.”

CANADA: GOVERNMENT TAKES ACTION TO PROTECT ENVIRONMENT WITH CHANGES TO THE MARINE LIABILITY ACT

The Government of Canada has delivered on its promise to take further steps to protect our environment from the risks of marine transport, Canada's Transport Minister, John Baird announced today (June 25).

Bill C-7, legislation to make amendments to the Marine Liability Act, received Royal Assent on June 23, 2009. The Marine Liability Act is the principal legislation dealing with the liability of shipowners and ship operators in relation to passengers, cargo, pollution and property damage.

Highlights of the new Act, which will modernize Canadian maritime law and bring it in line with modern international shipping, include:

- protecting Canadians against the financial consequences of oil spills by tripling the amount available to victims and bringing Canada in line with its major trading partners. This means that the compensation in Canada would triple from about \$500 million to \$1.5 billion for a single incident;
- making it possible for Canada to proceed with ratifying two international conventions (the Supplementary Fund Protocol and the Bunkers Convention) that address significant gaps in the liability and compensation regime for pollution damages from ships;

Read the complete report at: <http://newsblaze.com/story/2009062514140200001.cc/topstory.html>

USA: OHMSETT OIL SPILL RESPONSE AND STRATEGIES TRAINING

Ohmsett – The National Oil Spill Response Test Facility will hold an Oil Spill Response and Strategies Training Course September 21-25, 2009. This week long hands-on training session will take place at the Ohmsett facility, located in Leonardo, NJ.

Taught by first-class instructors from Texas A&M University National Spill Control School, the course is designed with oil spill response personnel in mind. It is the only program where students practice hands-on oil recovery operations in the test basin using real oil. Students will learn the decision-making and responder skills essential to efficient oil spill response/recovery operations.

The program also incorporates NIMS Incident Command Systems training, Series I-100 and I-700 using the Incident Management Handbook and ICS forms, all of which are integrated into a table-top spill response exercise the last day of the training.

Upon completion, students will receive a certificate of completion which includes the 8-hour HAZWOPER refresher.

Registration and payment forms, as well as a brief description of the course and agenda, can be found on the Ohmsett website at <http://www.ohmsett.com/Training.html>.

For more information, please contact Susan Cunneff at 732-866-7185 X12 or send e-mail to scunneff@ohmsettnj.com

Ohmsett’s mission is to increase oil spill response capability through independent and objective performance testing of equipment, providing realistic training to response personnel, and improving technologies through research and development.

CEDRE: TECHNICAL DATA SHEETS FOR OIL SPILLS ON LAND

A comprehensive set of 30 data sheets (English and French language) can be downloaded from the CEDRE website at <http://www.cedre.fr/en/response/response-on-land/cleanup.php> These cover just about everything from shoreline flushing to pruning of oiled vegetation.

TECHNOLOGY: ROBOTIC TASKS FOR CBRNE INCIDENT RESPONSE



Robots can significantly impact the CBRNE Response activities by providing directed, specific, first-hand information prior to and during hot zone entry. Hot zone entry is not permitted until there is a preliminary hazard identification, responders don PPEs, decontamination facilities are established, etc. Rapid robot deployments will provide additional information and assist in directing the response. This project identified requirements for eight robotic CBRNE incident response tasks that were developed from a Cognitive Task Analysis (CTA), an Information Flow Analysis (IFA), and direct responder feedback. The CTA captured unobservable cognitive processes, decisions, and judgments representing expert performance. The CTA also identified a hierarchy of HRI user levels and the CBRNE response areas most appropriate for robots. The IFA focused on the path of information through the CBRNE response system, including how the information is used and transformed. The IFA also identified important information flow bottlenecks. The identified tasks, when implemented with robots, must provide the same or similar information to that provided by human responders to the decision-making command hierarchy. The identified robotic tasks can significantly impact the response capabilities when the robots are designed and developed properly. We believe that it is necessary to formally analyze and understand how humans conduct their response tasks and apply the analysis results to robot design and development. This approach is a departure from traditional robotic development; however, the application of CTA to other domains has demonstrated dramatic improvements in the resulting technology.

[The above is an excerpt from an article by Curtis M. Humphrey in the current edition of HazMat News published by HazmatLINK Ltd. Visit <http://www.hazmatlink.com/newsarticles.html> to access the complete article.]

VIKOMA SUPPLY FOUR BOOM SYSTEMS FOR QATAR PETROLEUM'S NEW SPILL RESPONSE BASES

Four Vikoma complete boom systems will shortly be shipped to the State of Qatar as part of Qatar Petroleum's expanding network of oil spill response bases in the country.

Vikoma has supplied a large range of oil spill response equipment to Qatar Petroleum over the past 2 years including: four of Vikoma's iconic Komara 20 skimmer systems, complete with GP10 powerpacks and V190 lobe pumps; 750 meters of neoprene Shoreguardian boom; 1500 metres of Vikoma Sentinel, two containerised TC3 dispersant systems for helicopter spraying over large areas; and four specially designed 84 kilowatt zone type diesel-hydraulic powerpacks. Vikoma has also carried out specific training for personnel to ensure that a spill response operation can be carried out quickly and efficiently.



The latest order is for four rapid booming systems, each comprising 200 meters of Flexi 900 fence boom on trailer mounted reels will provide easily transportable spill containment ability for Qatar petroleum. The boom systems have been specially designed for fast deployment in port & harbour areas, they are very easy to deploy with minimal manpower and will be used in conjunction with Vikoma Komara skimmers to recover any spilled oil,

quickly and effectively thereby avoiding operational downtime and protecting the marine environment and coastline

The Oil Spill & Emergency Response Department at Qatar Petroleum is committed to safeguarding the local environment and are presently establishing 5 strategically placed oil spill response bases which can respond to all types oil spills incidents

Mike King, Managing Director of Vikoma, expanded, "Vikoma have worked with Qatar Petroleum on a number of projects and are very proud to supply the latest order of boom." "As a company, we are dedicated to providing high quality, innovative and reliable equipment and we believe that it is these factors which help us to win business from world class companies such as Qatar Petroleum".

Legal disclaimer: Whilst ISCO takes every care to ensure that information published in this Newsletter is accurate, unintentional mistakes can occur. If an error is brought to our attention, a correction will be printed in the next issue of this Newsletter.