



Maritime and Coastguard Agency

NATIONAL CONTINGENCY PLAN FOR MARINE POLLUTION FROM SHIPPING AND OFFSHORE INSTALLATIONS

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LIST OF ACRONYMS

ARCC	Aeronautical Rescue Co-ordination Centre
BTA	British Tugowners Association
BTO	British Trust for Ornithology
CAST	Coastguard Agreement on Salvage and Towing
CCW	Countryside Council for Wales
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CIA	Chemical Industry Association
CPR	Counter Pollution and Response Branch
CPSO	Counter Pollution and Salvage Officer, MCA
DARD	Department of Agriculture and Rural Development
DCLG	Department for Communities and Local Government
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DGD	Dangerous Goods Division of DfT
DOE (NI)	Department of the Environment for Northern Ireland
DTI	Department of Trade and Industry
EA	Environment Agency
ECA	Emergency Controlling Authority
EHS	Environment and Heritage Service
ELO	Environment Liaison Officer
EMSA	European Maritime Safety Agency
EN	English Nature
EPC Regs	Offshore Installation (Emergency Pollution Control) Regulations
EG	Environment Group
ETV	Emergency Towing Vessel
FCO	Foreign and Commonwealth Office
FEPA	Food and Environment Protection Act 1985
FPSO	Floating Production Storage and Offloading
FRS	Fisheries Research Services
FSA	Food Standards Agency
FSAS	Food Standards Agency Scotland
GDS	Government Decontamination Service
GNN	Government News Network
GO	Government Office
HMCG	Her Majesty's Coastguard
HNSRT	Hazardous and Noxious Substance Response Team
HPA	Health Protection Agency
HPS	Health Protection Scotland
HSE	Health and Safety Executive
IMO	International Maritime Organization
IOPC Fund	International Oil Pollution Compensation Fund
ISO	International Standards Organisation
ITOPF	International Tanker Owners Pollution Federation Ltd
JNCC	Joint Nature Conservation Committee
LOU	Letter of Undertaking

LRF	Local Resilience Forum
MACC	Military Aid to the Civil Community
MAIB	Marine Accident Investigation Branch
MAPRT	Media and Public Relations Team
MCA	Maritime and Coastguard Agency
MCMP	Management Committee on Marine Pollution
MCEU	Marine Consents and Environment Unit of Defra
MCO	Marine Casualty Officer (MCA)
MED	Marine Environment Division of Defra
MFA	Marine Fisheries Agency
MFD	Marine and Fisheries Directorate of Defra
MEIR	Marine Emergencies Information Room
MIRG	Maritime Incident Response Group
MOD	Ministry of Defence
MOU	Memorandum of Understanding
MRC	Marine Response Centre
NGO	Non Governmental Organisation
NHS	National Health Service
NOTAM	Notice to Airmen
OCU	Operations Control Unit
OIM	Offshore Installation Manager
OPOL	Offshore Pollution Liability Association Limited
OPRC Convention	Oil Pollution Preparedness, Response and Co-operation Convention 1990
OREI	Offshore Renewable Energy Installations
P&I Club	Protection and Indemnity Club
RCC	Rescue Co-ordination Centre
RSPCA	Royal Society for the Prevention of Cruelty to Animals
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SAR	Search and Rescue
SASA	Scottish Agricultural Science Agency
SCR	Special Casualty Representative
SCG	Strategic Coordinating Group
SCAT	Shoreline Clean-up Assessment Team
SCOPIC	Special Compensation P&I Club Clause
SCU	Salvage Control Unit
SEEEC	Sea Empress Environmental Evaluation Committee
SEERAD	Scottish Executive, Environment and Rural Affairs Department
SEPA	Scottish Environment Protection Agency
SERS	Ship Emergency Response Service
SFPA	Scottish Fisheries Protection Agency
SNH	Scottish Natural Heritage
SOSREP	Secretary of State's Representative for Salvage and Intervention
SP	Shipping Policy Division of DfT
SPA	Special Protection Area

SRC	Shoreline Response Centre
SSPCA	Scottish Society for the Prevention of Cruelty to Animals
SSSIs	Sites of Special Scientific Interest
STOp Notes	Scientific, Technical and Operational Guidance Notes
STOPIA	Small Tanker Owners Indemnification Agreement
TDA	Temporary Danger Area
TEZ	Temporary Exclusion Zone
UKCS	United Kingdom Continental Shelf
UK Spill	United Kingdom Spill Association
UKHO	United Kingdom Hydrographic Office
UKOOA	United Kingdom Offshore Operators' Association
UNCLOS	United Nations Convention on the Law of the Sea 1982
USPCA	Ulster Society for the Prevention of Cruelty to Animals
WWF	World Wildlife Fund for Nature

1. SCOPE AND PURPOSE

Introduction

Associated with **Appendix A** (Roles and Responsibilities)

- 1.1 As a Party to the United Nations Convention on the Law of the Sea (UNCLOS), the United Kingdom (UK) has an obligation to protect and preserve the marine environment. This plan is one of the measures that the UK has taken to meet this obligation.
- 1.2 After saving human life, the key purpose of responding to a maritime incident is to protect human health, and the marine and terrestrial environment. A range of national and local agencies, some of which have more specific statutory duties than others, undertake the response to incidents that threaten to pollute the seas around the UK. **Appendix A** outlines the roles and responsibilities of the organisations that may become involved.
- 1.3 This plan parallels similar documents dealing with the UK Government's responsibility for saving life at sea¹, for search and rescue and for caring for survivors brought ashore. Plans prepared by coastal local authorities, harbour authorities, and operators of offshore installations underlie this national plan. These local plans provide detailed information on the local response to marine incidents and should describe arrangements for mutual support.
- 1.4 This plan co-exists with major incident and security plans operated by ships, ports and offshore installations. There needs to be a mutual respect between those in command and control of this plan and those in charge of all other relevant plans. This ensures that all of the plans can continue to function efficiently, whatever the circumstances.

Legal basis

- 1.5 The legal basis for this plan is section 293 of the Merchant Shipping Act 1995, as amended by the Merchant Shipping and Maritime Security Act 1997 and the Marine Safety Act 2003 and the Pollution Prevention Control Act 1999. Section 293 of the 1995 Act gives the Secretary of State for Transport the function of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of marine pollution.
- 1.6 Similarly, the Offshore Installations (Emergency Pollution Control) Regulations 2002, made under section 3 of The Pollution Prevention and Control Act 1999, provides powers for the Secretary of State for Trade and Industry to give directions and to take such other actions as may be necessary in respect of an offshore installation to prevent or minimise pollution or the threat of pollution.

¹ Cabinet Office's Emergency Response and Recovery Plan

- 1.7 This plan also meets one of the UK Government's obligations under the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (the "OPRC Convention"). The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 implement other obligations under the Convention. In particular, they require harbour authorities to have oil pollution emergency plans that are compatible with this plan. Harbour authorities must submit revised plans to the Maritime and Coastguard Agency (MCA) every five years, or earlier if a substantial change is required. MCA has published advice in their **Oil Spill Contingency Plan Guidelines for Ports, Harbours and Oil Handling Facilities**. Similarly, the Department for Trade and Industry (DTI) requires the operators of offshore installations to have an oil spill contingency plan approved under the OPRC Regulations 1998 and has issued guidance "Guidance Notes to Operators of Offshore Oil and Gas Installations (including pipelines)" to assist operators in their preparation.
- 1.8 Relevant to this Plan, the Civil Contingencies Act 2004 defines an emergency as "an event or situation that threatens damage to the environment only if it involves, causes or may cause contamination of land, water or air with biological, chemical or radio-active matter, or disruption or destruction of plant life or animal life"
- 1.9 The Civil Contingencies Act, in Section 2, places a duty upon Category 1 Responders to prevent an emergency, reduce, control or mitigate its effects, in relation to their functions and take any other action in connection with it. Therefore Category 1 Responders have a duty to comply with the Act if they have assessed that an emergency may seriously obstruct them in the performance of their functions, or they consider it necessary or desirable to take action and they cannot take that action without changing the deployment of resources or by acquiring additional resources. Category 1 Responders include local authorities, emergency services, some NHS bodies and some government agencies.
- 1.10 The MCA meets the requirements of its planning duty under the Civil Contingencies Act by maintaining a set of three emergency plans. These are the Business Continuity Plan, the Major Incident Plans (primarily SAR) and this National Contingency Plan for Marine Pollution from Shipping and Offshore Installations (NCP).
- 1.11 Local authorities in England and Wales have a general power under section 138 of the Local Government Act 1972 to act with respect to emergencies or disasters. Local authorities in Scotland have similar powers under the Local Government (Scotland) Act 1973.
- 1.12 Local authorities have prepared, and implemented, local response plans based on these powers. MCA advises them to submit revised plans every five years, or earlier if there is a substantial change.
- 1.13 In Northern Ireland, the Water (Northern Ireland) Order 1999 places a duty on the Department of the Environment to protect waterways from pollution

through the Environment and Heritage Service (EHS). The legislation also gives the Department wide ranging powers to prevent or remove polluting matter where it considers appropriate. The EHS prepares local response plans in the same way as local authorities do elsewhere in the United Kingdom.

Marine pollution

- 1.14 The scope of this plan matches the scope of the Secretary of State's powers of intervention. References to "marine pollution" therefore refer to pollution by oil or other hazardous substances. "Oil" means oil of any description (section 151 of the 1995 Act). "Other hazardous substances" are those substances prescribed under section 138A of the 1995 Act. They also include any substance that, although not so prescribed, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
- 1.15 Such pollution can result from spills of ships' cargoes carried in bulk or in packages, ships' bunkers and/or stores', and leaks from oil and gas installations and pipelines.

Area covered

Associated with **Appendix B** (International Assistance and Co-operation) and **Appendix C** (Maps of the UK Pollution Control Zone and MCA Regions)

- 1.16 This plan covers all incidents in, or likely to affect, the UK Pollution Control Zone² - that is, any part of the sea within the area designated under the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996, as amended.
- 1.17 The Isle of Man and the Channel Islands are responsible for their own counter pollution arrangements but may request assistance from the MCA in a major incident.
- 1.18 **Appendix B** summarises the bilateral and multilateral agreements on co-operation. MCA's Director/Deputy Director of Operations, and Counter Pollution Branch based at its headquarters in Southampton discharge all obligations under these agreements. MCA headquarters also informs other States of any pollution threat to their waters or shoreline, and co-ordinates any requests for international assistance.
- 1.19 A map illustrating the UK's Pollution Control Zone is at **Appendix C** with another map showing the MCA Regions and distribution of resources.

² This area includes the UK's internal waters, defined as waters inside the baseline of territorial waters, territorial seas, defined as 12 miles from the baseline; and the UK's pollution control zone, defined as 200 miles from the baseline or out to the nearest median line.

Purpose

- 1.20 The purpose of this plan is to ensure that there is a timely, measured and effective response to incidents. The owners and masters of ships and the operators of offshore installations bear the primary responsibility for ensuring that they do not pollute the sea. Harbour authorities are likewise responsible for ensuring that their ports operate in a manner that avoids marine pollution, and for responding to incidents within their limits. However, ships, offshore installations and harbour authorities may face problems that exceed the response capabilities that they can reasonably maintain (especially in the provision of counter pollution equipment). Similarly, coastal local authorities may face incidents that require equipment or expertise beyond their capabilities. Therefore, the MCA may need to use national assets in the response to a marine pollution incident.
- 1.21 This plan sets out the circumstances in which MCA deploys the UK's national assets to respond to a marine pollution incident to protect the overriding public interest. It also describes how MCA manages these resources.

Implementation

Associated with **Appendix D** (Intervention Powers – Shipping) and **Appendix E** (Intervention Powers – Offshore Installations)

- 1.22 MCA, an Executive Agency of the Department for Transport (DfT), has overall responsibility for the implementation of this plan. For this purpose, MCA exercises the functions of the Secretary of State (for Transport) under the 1995 Act, including the Secretary of State's intervention powers. Details of these powers are at **Appendix D**.
- 1.23 Regulations under the Pollution Prevention and Control Act 1999 created parallel powers for the Secretary of State for Trade and Industry in relation to offshore installations and pipelines. In reality, the Secretary of State's Representative (SOSREP) empowered to act in relation to shipping and offshore installations is the same person. In the absence of the SOSREP, designated personnel from the MCA and DTI are empowered to exercise the Secretary of State's powers. Details are provided at **Appendix E**.
- 1.24 The Government has appointed the SOSREP to provide overall direction for salvage, intervention and the prevention of marine pollution incidents involving ships or offshore installations that require a national response. The normal arrangement is therefore for the SOSREP to exercise operational control, as explained below. As recommended in Lord Donaldson of Lymington's report on Salvage and Intervention and their Command and Control, Ministers and senior officials should not attempt to influence SOSREP's operational decisions while operations are in progress. In Lord Donaldson's words, they should "back him or sack him".

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- 1.25 The SOSREP role does not include any responsibility for either at-sea or shoreline clean up activities. The responsibilities for these functions are described in full in **Appendices H and J**).
- 1.26 Action to prevent marine pollution remains a function of the UK Government. Nevertheless, the Scottish Executive, the Northern Ireland Departments, and the National Assembly for Wales (the “devolved administrations”) need to be closely involved when their areas are, or may be, affected. They have responsibilities for the marine environment and fisheries in waters adjacent to their coasts, and are concerned with the effects on coastal areas. MCA has signed an Operating Agreement with the Scottish Executive, and a Memorandum of Understanding with the Environment and Heritage Service (EHS).
- 1.27 This plan refers to the relevant units in the devolved administrations dealing with environmental and fisheries issues as the “devolved environment and fisheries departments”. For Wales, this includes the Department for Environment, Food and Rural Affairs (Defra) in respect of the fisheries functions where Defra acts on behalf of the National Assembly for Wales.

2. INITIAL INFORMATION MCA EXPECTS TO RECEIVE

- 2.1 An immediate response to reported marine pollution or a risk of significant pollution is important. Incidents at sea should be reported urgently by radio or telephone to an MCA Coastguard Rescue Co-ordination Centre (RCC³). If an incident occurs in a harbour, it should be reported to the harbour master who immediately informs a RCC. Operators of offshore installations immediately inform RCC Aberdeen, Yarmouth or Liverpool (whichever is the most appropriate), and the Department of Trade and Industry, Energy Resources and Development Unit of the Energy Group, of any spill of oil or other pollutants, of any quantity.
- 2.2 The MCA RCC contacts the ship or offshore installation to ascertain, among other things:
- the nature of incident (collision, loss of containment, etc.);
 - the number of people on board;
 - the type, size and name of the ship or installation;
 - the identity of the owner or operator;
 - the precise location, course and speed of the ship, and its proximity to other ships, offshore installations, shallow water and the shore;
 - information on the ship's cargo, stores or bunkers, and whether any are dangerous;
 - the structural and mechanical integrity of the ship or installation;
 - the weather, sea state and tidal conditions;
 - any assistance available to the casualty and the intentions of the Master or Offshore Installations Managers (OIM); and
 - any measures already taking place.
- 2.3 The RCC initiates any search and rescue response required. Then reports any pollution incident or a risk of significant pollution (whether or not known to involve oil or any other hazardous substance, and even if of unknown origin) to the duty counter pollution and salvage officer, with a copy to MCA Headquarters and the Marine Accident Investigation Branch (MAIB).
- 2.4 Any other organisation (for example, a local authority, harbour authority or environmental organisation) receiving a report of marine pollution of any quantity, or a threat of marine pollution, whether from a ship, offshore installation or unknown source, should send that information immediately to the RCC. The RCC contacts the duty Counter Pollution and Salvage Officer (CPSO).
- 2.5 Organisations sending information should make every practicable effort to identify, as a basis for decisions:
- the nature and quantity of the pollutant involved;

³ RCCs are sub divided into Maritime Rescue Co-ordination Centres (MRCCs) and Maritime Rescue Co-ordination Sub Centres (MRSCs)

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- its location;
- its source;
- the weather, sea state and tidal conditions in the area;
- state of incident, and
- events and actions so far.

3. ESTABLISHING THE LEVEL OF RESPONSE

Associated with **Appendix F** (Temporary Exclusion Zones and Temporary Danger Areas)

3.1 For the purpose of planning, tiers are used to categorise oil pollution incidents. The tiered approach to oil pollution contingency planning identifies resources for responding to spills of increasing magnitude and complexity by extending the geographical area over which the response is coordinated:

Tier 1 Local (within the capability of one local authority, harbour authority or EHS)

Tier 2 Regional (beyond the capability of one local authority or EHS)

Tier 3 National (requires national resources)

3.2 When the MCA duty Counter Pollution and Salvage Officer (CPSO) is notified of an incident, the CPSO decides if a regional or national response is warranted. In the event of an incident involving an offshore installation, the duty DTI Environmental Inspector⁴ consults with the duty CPSO. This plan lays down no rigid criteria for triggering a regional or national response. However, the CPSO may trigger a national response if:

- a shipping casualty gives rise to the risk of significant pollution requiring a salvage operation;
- there is a spill of oil or any other hazardous substance at sea from a ship that requires the deployment of sea borne or air-borne equipment to contain, disperse or neutralise it;
- there is a spill of oil or any other hazardous substance from an offshore installation that requires the deployment of seaborne, or air-borne equipment by MCA to contain, disperse or neutralise it which the operator of the installation does not have the capacity to deploy (after allowing for mutual support arrangements agreed with other operators);
- there is a spill of oil or any other hazardous substance within the area of a harbour authority that requires the deployment of national resources under national control to contain, disperse or neutralise it, or other action beyond the capacity of the harbour authority and local authority or EHS concerned (after allowing for mutual support arrangements with neighbouring harbour authorities or local authorities); or
- a local authority or EHS requests the deployment of national shoreline equipment under national control because the action is beyond the

⁴ It is the responsibility of this Inspector to make contact with the operator to establish the facts and, if necessary, attend the operator's Emergency Response Centre to monitor the actions of the operator.

capacity of the local authority or EHS after allowing for any mutual support arrangements with neighbouring authorities.

- 3.3 In a regional response, the CPSO may deploy regional MCA equipment and facilities to support the harbour authorities' contracted tier 2 responders, or local authorities (or, in Northern Ireland, the EHS). A local response is appropriate in all other cases. In a local response, MCA has no role other than to maintain records of any pollution for statistical purposes.
- 3.4 The CPSO considers the following actions – some of which involve the deployment of regional MCA resources, whereas other actions engage national MCA equipment and facilities:
- ordering aerial surveillance of the ship, if possible with an experienced observer;
 - arranging for inspection of the ship by an MCA surveyor or other qualified person;
 - putting on stand-by or deploying:
 - dispersant spraying aircraft and ships,
 - oil recovery equipment,
 - cargo transfer equipment,
 - booms, or
 - ETVs or other tugs;
 - establishing the availability of salvage and lightening ships;
 - moving the ship to shelter;
 - using statutory powers of intervention;
 - obtaining specific weather forecasts;
 - requesting control of airspace in vicinity of the casualty; and
 - establishing a temporary exclusion zone (TEZ). (**Appendix F** contains information on TEZs.)

Action taken after initiating a national or regional response

- 3.5 When a threat of significant pollution justifies a regional or national response, the CPSO immediately informs the Director and Deputy Director of Operations, and SOSREP of the incident. These individuals may decide to supplement the response or stand down a national response. The CPSO ensures that MCA keeps a record of actions taken and decisions made.
- 3.6 In relation to incidents involving ships, MCA takes the lead in providing UK Government Ministers with situation reports. DfT's Shipping Policy Division takes the lead in providing policy advice, consulting colleagues in DfT, other government departments and the devolved administrations as appropriate.
- 3.7 In relation to incidents involving offshore installations, the Energy Resources and Development Unit of the Department of Trade and Industry (DTI) takes the lead in providing both operational and policy advice. MCA or the DTI, as appropriate, also give situation reports to officials of the devolved

administration affected or potentially affected, so that they can similarly advise their Ministers.

3.8 Thus, when MCA triggers a regional or national response, it arranges for the following to receive situation reports:

- the offices of the Secretary of State for Transport, the Minister for Transport, the Secretary of State for the Environment, and the Parliamentary Under-Secretaries handling maritime and environmental issues (by fax or e-mail);
- the DfT Duty Press Officer (by telephone, via the MCA Public Relations Office);
- Shipping Policy and Ports Divisions of DfT, the Energy Resources and Development Unit of the DTI, Defra, and the devolved environment and fisheries departments, as appropriate (by telephone, fax or e-mail);
- affected local authorities;
- Centre for Radiation, Chemical and Environmental Hazards of the Health Protection Agency (HPA) (if there is potential or actual risk to public health); and
- those organisations that provide the core members of the Environment Group (see Section 9).
- The MAIB's Duty Co-ordinator

3.9 In incidents involving an offshore installation, the duty Environmental Inspector or the DTI Strategic Adviser (see Section 5) arranges for the Secretary of State for Trade and Industry to receive situation reports.

3.10 The remainder of this plan sets out the framework for a national response.

4. SETTING UP THE NATIONAL RESPONSE UNITS

- 4.1 In managing the counter pollution response to an incident, the hierarchy of aims is:
- first, to prevent pollution occurring;
 - second, to minimise the extent of any pollution that occurs;
 - third, to mitigate the effects of that pollution.
- 4.2 Separate, but linked, response units direct operations. There may be units to control salvage operations (the Salvage Control Unit (SCU)), action at sea (the Marine Response Centre (MRC)), action in the area of each harbour authority involved, and action on shore (the Shoreline Response Centre (SRC)). An Environment Group provides environmental and public health advice to all of these units. Not all incidents require all these response units. However, the arrangements for managing the incident must allow for the possibility of salvage operations, action at sea and action on shore taking place simultaneously.
- 4.3 In some cases the SCU may be co-located with the MRC with SOSREP taking control of the salvage operation, and the at sea counter pollution operations under the control of the Head of Counter Pollution and Response Branch (CPR) or the Deputy Director of Operations.
- 4.4 In the case of an incident involving an offshore installation, an Operations Control Unit (OCU) is established to monitor operations to contain any potential pollution within the installation and its reservoir. The Unit only assumes control, if and when, SOSREP issues a direction.
- 4.5 The accommodation for each unit should have sufficient telephone lines to enable full liaison with outside bodies. Photocopier, fax and e-mail facilities are essential, although noisy equipment should be located in a separate room. Fixed VHF equipment would be desirable. Television, DVD and video facilities are extremely useful for playing back recordings from aircraft and helicopters, as well as monitoring local and national coverage of the incident. Wall space to display charts and situation boards is essential.
- 4.6 Those holding responsibility for keeping the situation boards continuously updated should be aware that their objective is to present a summary of the current situation and response actions being taken. A well-prepared set of situation boards and annotated charts greatly assists the preparation of:
- press briefing notes;
 - briefing for Ministers and elected representatives; and
 - briefing for incoming relief staff.
- 4.7 Each of the units need support from an Administration Team responsible for the general management of the unit and providing personnel for:
- communication links between the units;

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- the distribution of messages within the units;
- keeping records of messages and expenditure;
- taking minutes during meetings to record decisions;
- typing services;
- updating situation boards and charts; and
- providing catering to the units.

4.8 The relevant MCA RCC acts as a communications hub and provides communication support for all response centres.

5. SALVAGE

Associated with **Appendix G** (Salvage)

The role of SOSREP and the SCU for shipping casualties

- 5.1 If there is a threat of significant pollution the RCC contacts the salvor or, if not yet appointed, the master or owner of the ship, and the harbour master, if the incident is in a port or its approaches, and offers assistance. The RCC states that intervention powers may be exercised and instructs those in command of the vessel to give the SOSREP information. This information must include:
- whether the owner has appointed a salvor and, if so, its name and contact details;
 - the broad nature of the contract between owner and salvor;
 - information on the intentions of the salvor; and
 - any other important information that has not yet been gathered.
- 5.2 Simultaneously, as a pollution prevention tactic, the RCC may also task the nearest MCA contracted emergency towing vessel (ETV) to proceed to the area.
- 5.3 It is for the SOSREP to decide whether the salvor has the capability to carry out the necessary salvage actions, in terms of experience, personnel, and material. The SOSREP decides whether it is necessary to set up a SCU. If the size of the incident merits the establishment of a SCU, the SOSREP travels to the scene at an appropriate time.
- 5.4 The members of the SCU are:
- the SOSREP;
 - the Salvage Manager from the salvage company appointed by the shipowner;
 - the harbour master, if the incident involves a harbour or its services;
 - a single representative nominated by agreement between the shipowner and the insurers (for both the physical property and their liabilities);
 - a counter pollution and salvage officer;
 - an Environmental Liaison Officer, nominated by the Chair of the Environment Group; and
 - if the SOSREP decides to appoint one, the SOSREP's personal salvage adviser.
- 5.5 In the event that the SCU is co-located with an MRC, the membership of the SCU needs to include the members of the MRC with MCA staff fulfilling more than one role.
- 5.6 The Director/Deputy Director of Operations controls the salvage operation from the Marine Emergencies Information Room (MEIR) at MCA headquarters while the SOSREP is en route to an RCC, or other appropriate

forward base, and until the SCU is established. The MCA also activates all members of MCA's CPR Branch necessary to assist in the response.

- 5.7 SOSREP uses all the information available to assess whether the actions proposed are in the public interest. One of these actions could be the consideration of appropriate places of refuge. SOSREP also considers what should happen if the current salvage plan goes wrong or the incident escalates in severity. The SOSREP is empowered to exercise intervention powers to whatever extent is required in the public interest and may take control of the salvage operation, by issuing directions. If SOSREP takes control of a salvage operation, all those involved act on directions issued. In other cases, the salvors operate by agreement with, or with the tacit approval of, the SOSREP, without the need to issue further directions.
- 5.8 Irrespective of any directions issued, MCA arranges for a written record of all decisions made by the SOSREP and sends copies to the other response units as soon as practicable.

Access to the casualty

- 5.9 If the SOSREP decides that it is necessary for the salvage operation, an On Board Salvage Team in addition to the SCU is established. This team normally comprises of the Salvage Master and crew, SOSREP's own representative and, if the shipowner wishes, a Special Casualty Representative (SCR). The SOSREP strictly monitors and, if necessary, controls access to the casualty, establishing any necessary protocols, through the SCR, with the security plan operated by the casualty in compliance with the International Ship and Port Security Code.
- 5.10 The SOSREP uses discretion in limiting access. Every additional body increases the potential problem of rescue, and every additional person increases the risk of confusion as to what the Salvage Master and his crew are doing.
- 5.11 The SOSREP's own representative keeps the SOSREP fully informed of developments on board and monitors compliance with any directions issued to those on board. The SCR may discuss the handling of the casualty with the Salvage Master and reports to his colleague in the SCU. However, none of those on board have any power of direction.
- 5.12 Additionally, the SOSREP may allow others with a clearly defined and beneficial role access to the casualty. For example, the SOSREP may grant a single special representative of hull insurers, or a single special representative of cargo owners and insurers, access to the casualty, i.e. the SCR.
- 5.13 Similarly, as soon as it is judged that the situation is safe, the SOSREP grants access to one or more inspectors of the Marine Accident Investigation Branch (MAIB). MAIB has a statutory duty to investigate accidents falling within its

jurisdiction and prompt access to witnesses and to other evidence on board greatly facilitates the work of these technical investigators.

The role of the SOSREP for offshore installations

- 5.14 Incidents occurring at an offshore installation fall under the remit of the installation's oil spill response plan. In general, when there is a release of oil from an installation, the tasks of containing and responding to the oil on the water are identical to when a ship spills oil.
- 5.15 The offshore installation manager is in control of implementing the emergency plan at the installation, while on shore, the company activates its Emergency Response Centre. The role of the Emergency Response Centre is to support the installation manager offshore and the duty DTI Environmental Inspector attends the Centre if circumstances demand.
- 5.16 The company has a duty to implement its plan to contain the spill and minimise the environmental damage caused. There is unlikely to be a need to exercise the Secretary of State's powers of intervention. Nevertheless, in a major spill, or where there is a threat of significant pollution, the duty DTI Environmental Inspector, or duty MCA CPSO, informs the SOSREP who monitors the progress of the incident as it is being managed at the operator's Emergency Response Centre. In consultation with the duty DTI Environmental Inspector, SOSREP decides whether to establish an Operational Control Unit (OCU). If an OCU is established the duty DTI Environmental Inspector informs the operator and initiates action to set up the OCU. As set out in **Appendix E**, the SOSREP is empowered to exercise intervention powers on behalf of the Secretary of State for Trade and Industry to what ever extent is required in the public interest and may take control of the incident, by issuing directions. If the SOSREP takes control of an incident, all those involved act on directions issued.
- 5.17 The approved oil spill contingency plan for the installation must identify the location for the OCU and this needs to be in close proximity to the operator's Emergency Control Centre. This OCU requires the same support and structure as an SCU and similar links to other operational units engaged in other tasks including search and rescue, at sea clean up and shoreline clean up, as appropriate. The administrative support required by the OCU will be provided by the DTI and the MCA.
- 5.18 In addition to the SOSREP, the members of the OCU are:
- the duty DTI Environmental Inspector;
 - the Emergency Operations Manager, a role defined in the operator's oil spill contingency plan, acts as a link between SOSREP and the Emergency Response Centre where there is a line to the Offshore Installation Manager;

- the Operator's Representative, a role defined in the operator's oil spill contingency plan, represents the interests of the owner, operator, contractors and liability underwriters of the offshore installation;
- a CPSO supports the SOSREP, and in the absence of the SOSREP, the duty DTI Environmental Inspector;
- an Environmental Liaison Officer, nominated by the Chair of the Environment Group, advises the SOSREP on the environmental implications of any proposed actions;
- the DTI Strategic Adviser provides the SOSREP with advice on the importance of the installation to strategic supplies and other matters of public interest; and
- A specialist or technical advisor to the SOSREP, either from the operator, the DTI or an independent source, provides advice as circumstances require.

5.19 Again, there needs to be timely written records of all the SOSREP's decisions. All response units should receive copies of these as soon as practicable. Also, where the SOSREP and OCU do not accept the advice provided by the Environment Group they should record the reasons in writing and pass this to the Environment Group and any other response units formed.

Offshore Renewable Energy Installations

5.20 This plan also recognises the increasing number of offshore renewable energy installations (OREI) that are appearing around the UK coast. It is considered that any major event involving an OREI would most likely be a response to a vessel adrift or one that had collided with the installation. OREIs, and windfarms in particular, could potentially impede aerial spraying activities and operators need to be aware that the DTI and/or the MCA has the power to instruct OREIs to shut down in the event of a significant pollution incident using the powers of the SOSREP.

5.21 Offshore renewable energy installations are regulated by the Energy Resources and Development Unit of the Department of Trade and Industry or, if they are within the territorial sea of UK waters adjacent to Scotland, the Energy and Telecoms Division of the Scottish Executive. Their installation in the sea requires various consents or licences. In the case of England and Wales, some of these are issued by Defra's Marine Consents and Environment Unit (MCEU).

6. AT SEA RESPONSE

Associated with **Appendix H** (Counter Pollution Operations at Sea)

Marine Response Centre

6.1 In almost all cases involving a national response, whether ship or offshore installation related, MCA establishes a Marine Response Centre (MRC) at the nearest RCC, or suitably equipped port operations room. Depending on the complexity of the salvage operation it may be co-located near the SCU. When a separate MRC is established the Deputy Director of Operations or the Head of CPR takes control of it as soon as they arrive at the scene. Until then, the counter pollution and salvage officer has control of the MRC. It contains the following persons, although some of MCA staff may play more than one role:

- a CPSO or Counter Pollution Officer⁵, to manage sea borne and air borne operations;
- where a ship is involved, an MCA officer to manage cargo transfer operations;
- a MCA Logistics Officer, to organise the deployment of the equipment needed and control all MCA financial commitments;
- if the incident involves a harbour or its services, a representative of the harbour authority;
- an officer of the relevant fisheries department, to advise on the impact on fisheries and to liaise with fishing organisations. Where the relevant fisheries department is part of the Scottish Executive, or is the Department of Agriculture and Rural Development for Northern Ireland, this officer also acts as liaison officer with the devolved administration. If the incident involves waters designated under the Government of Wales Act 1998, the MRC also contains a liaison officer nominated by, or on behalf of, the relevant Assembly Secretary of the National Assembly for Wales;
- a local authority officer (or, in Northern Ireland, an officer of the EHS), to act as liaison with the Shoreline Response Centre;
- an Environmental Liaison Officer (ELO) nominated by the Chair of the Environment Group; and
- an MCA Public Relations Officer, to liaise with the DfT Press Office and the media.

6.2 The Deputy Director of Operations or Head of CPR nominates other members of MCA Counter Pollution Branch staff to assist in the response.

Options for the clean up operation

6.3 The nominated Head of the MRC (subject to any instructions from SOSREP in a salvage operation) decides on actions to contain, disperse, or neutralise

⁵ A Counter Pollution and Salvage Officer (CPSO) is a specific role within the MCA and a Counter Pollution Officer could be one of these officers, or another member of the CPR branch.

pollutants, and to remove potential pollutants from the scene. These decisions include the following methods of response:

- assess and monitor;
- dispersant spraying operations;
- mechanical recovery operations; and
- cargo transfer operations.

The aim of any clean up operation is to minimise the damage (environmental, ecological, amenity or financial) that the spill would cause. The MRC decides between the options for clean up bearing in mind the following:

- the limitations on the effectiveness of at sea clean up techniques;
- the distance from shore of the casualty;
- the type of spill;
- the weather conditions and currents;
- the time needed to deploy resources to the scene.

6.5 **Appendix H** outlines counter pollution procedures.

Dispersant spraying

6.6 The manufacture and use of dispersants and other oil treatment products is subject to regulation. Details of the controls are at **Appendix I**.

Introduction of fishing restrictions

6.7 Under Part I of the Food and Environment Protection Act 1985 (FEPA), Departments or Agencies with food safety responsibilities can prohibit the taking of fish and edible plants from a designated sea area. They may do this when the consumption of contaminated food from that area could present a health risk to consumers. They may therefore restrict fishing, on a precautionary basis, if resources are, or are likely to become, contaminated.

6.8 Under Regulation 7 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 Local Food Authorities can issue a Temporary Prohibition Order if it is satisfied that the consumption of live bivalve mollusks or other shellfish (echinoderms, tunicates or marine gastropods) taken from a designated shellfish harvesting area (including a relaying area) is likely to cause a public health risk. The Temporary Prohibition Order shall prohibit the placing on the market or the gathering of any such mollusks or other shellfish from the specified area.

6.9 The Food Authority is usually the Environmental Health Department of the Local Authority or the Port Authority. A Temporary Prohibition Order may be made for a period of 28 days and may not be extended beyond that time unless Ministers or designated officials give their consent.

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Termination of FEPA orders

- 6.10 FEPA orders can last until such time as it can be shown that there are no food safety issues. Once it is felt that restrictions can be lifted this is done through a revocation order. The revocation order might lift all restrictions or lift only some restrictions depending upon the circumstances.

7. HARBOUR RESPONSE

Powers of harbour authorities

- 7.1 For an incident occurring inside the harbour authority's jurisdiction, the harbour master is in control of the incident response from the outset. All harbour masters have powers to direct the time and manner of a ship's entry into, departure from, or movement within a harbour. This gives a harbour master the power to regulate day to day movements within the harbour. However, it does not permit the harbour master to prohibit or insist upon entry.
- 7.2 Some harbour authorities have powers to issue general directions. Unlike the harbour master's powers, these powers are not ship and movement specific. Neither do they enable the harbour authority to prohibit or insist upon a ship's entry or departure. However, the Dangerous Vessels Act 1985 does permit a harbour master to prohibit entry or require departure from a harbour. The harbour master may do so if, in his opinion, the condition of that ship, or the nature of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to the safety of persons or property or risk that the ship may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other ships. The harbour master must have regard to all the circumstances and to the safety of any person or ship.

Roles of the harbour master and the SOSREP

- 7.3 It is envisaged that many incidents will be handled entirely adequately by implementing the local contingency plan and through the combined efforts of the harbour master, salvors, ship owners and crew, and MCA staff from the region. In such cases the SOSREP may not need to issue any directions. But the SOSREP will be monitoring the decisions and actions being taken and ensuring that they are being taken in the light of a full knowledge of the relevant environmental sensitivities and an understanding of the effects that might ensue.
- 7.4 The statutory powers of the Secretary of State do empower the SOSREP to take over command of all operations in certain circumstances. One example could be where there is an urgent need of a place of refuge for a vessel in order to lessen the risk of pollution or in the interests of safety. In such a case the SOSREP may override the authority of the harbour master. The SOSREP can exercise the same power in dealing with the owner of any coastal facility, privately owned or otherwise. Where possible the SOSREP endeavours to put the notice of intervention in writing, however if this is not immediately possible, confirmation is provided when circumstances permit. Furthermore, the control exercised by the SOSREP need not be total. It can be limited to requiring certain general courses of action to be adopted or avoided. This control need not take the active form of giving directions. It can be in the form of monitoring the proposals for, and progress of operations to ensure that the wider public interest is being safeguarded.

- 7.5 The SOSREP, in most cases, seeks to work with the harbour authority to resolve incidents. The SOSREP can use the intervention powers in support of the harbour authority's management of the incident.
- 7.6 Where the SOSREP is of the opinion that giving a direction to a harbour master would not be likely to achieve the desired result, or where a direction has been given, and has not achieved a sufficient result, the SOSREP may instigate such action as deemed necessary to achieve the desired outcome. In this situation the SOSREP will normally authorise another agency or organisation (e.g. police, Royal Navy etc) to take the required action directly. Action at this level is considered most unlikely in respect of a port or harbour. However it could involve taking over operations and facilities and involve all persons or organisations acting on the SOSREP's directions. In these circumstances any person who obstructs operations could commit a criminal offence.

Command and control centre

- 7.7 The command and control centre (or SCU) is located either at the port's own operations room or at the nearest RCC. Some ports can cope with large salvage operations. In these ports, the SOSREP may view it as an advantage to exercise control using port facilities. The harbour master is a member of the SCU and it may be beneficial to maintain their presence at the port so that they can keep control of other activities within the port. The decision whether to use the port or Coastguard facilities for the control centre should be predetermined in the local plan taking account of many factors, including:
- the availability and range of communications equipment (radio link with the casualty, salvors, and emergency units on scene, spare telephone lines, e-mail facilities, faxes etc);
 - the need for ancillary equipment such as radar equipment for the control of port traffic;
 - the availability of local knowledge of environmentally sensitive areas, bathymetry, port resources to supplement rescue, salvage and counter pollution efforts;
 - size of building and number of rooms available (large rooms for press briefings and communications, quiet rooms for decision making by the SCU);
 - the availability of support staff; and
 - location (ease of access, available parking).

Division of responsibilities for clean up

- 7.8 The responsibilities for the clean up of pollution within the jurisdiction of a harbour authority, whatever the source of the pollution, are as follows:

Location of pollution	Responsibility for clean up
on the water	harbour authority
jetties/wharves/structures	harbour authority
beach/shoreline owned by the harbour authority	harbour authority
shoreline (including land exposed by falling tide)	local authority/EHS

Shore based spill

7.9 Although this National Contingency Plan is for marine pollution from shipping and offshore installations, it should be noted that the MCA supports the environmental regulator (EA, SEPA or EHS) with appropriate resources in the event of a large shore-based spill affecting the UK waters.

8. SHORELINE AND ON SHORE RESPONSE

Associated with **Appendix J** (The Shoreline Response Centre)

Shoreline Response Centre

- 8.1 In the early stages of an incident the local authority or EHS establishes a Tier 1 or Tier 2 response (see paragraph 3.1). The detail is contained in their own contingency plan. When the threat of pollution to the shoreline exceeds the capability of the most affected local authority or EHS, and MCA initiates a national response, that local authority (or authorities) or EHS sets up a Shoreline Response Centre (SRC).
- 8.2 Each local authority's own contingency plan (and, in Northern Ireland, the EHS contingency plan) should detail the mechanisms for escalating the response in accordance with the tiered response concept and should specify how to set up the SRC in the light of its own practices and organisation. These plans also contain the necessary authorisations by each local authority to enable the designated officer directing the SRC to take decisions on behalf of the other local authorities concerned.⁶
- 8.3 An SRC needs to contain representatives of all the local authority services that may need to participate in the clean-up operation, and representatives of all local and port authorities that may become involved. In addition, it contains an Environmental Liaison Officer (ELO) nominated by the Chair of the Environment Group.

Local authority/EHS contingency plans

- 8.4 The local authority/EHS contingency plans⁷ should include the following or a cross reference to where such advice can be located :
- the mechanisms for escalating the response in accordance with the tiered response concept; guidance on what equipment and personnel is at the disposal of the SRC, including neighbouring local authority resources;
 - arrangements for establishing working accommodation and catering arrangements for members of the SRC and Environment Group and other groups involved in the incident who may need to be in the area away from their own base;
 - arrangements for handling liaison with the SCU, the MRC and the Environment Group; and other groups involved in the incident;
 - arrangements for handling the media, including the logistics of their presence;
 - temporary, intermediate and final storage sites and routes for the recovery, reuse or final disposal of waste⁸;

⁶ Section 101 of the Local Government Act 1972 and section 84 of the Local Government (Scotland) Act 1973 provide for such authorisations.

⁷ See also the [Civil Contingencies Act 2004](#) and associated regulations and guidance.

⁸ The Environment Agency for England and Wales recognises the need to develop strategic plans for the temporary storage and treatment of waste prior to recovery, reuse or disposal. The Environment Agency ensures that all strategic plans are in compliance with the Agency's work instruction entitled

- maps, clearly depicting sensitive sites, access points, terrain types etc;
- guidance on the health and safety of workers involved in preventive measures and clean-up activities;
- a mechanism for assessing the economic impact of the incident on the affected area in general should also be in place; and
- local authorities and EHS should be aware of all the financial implications⁹ of coastal pollution and actions that can be taken for cost recovery.

8.5 Further advice is at **Appendix J**.

Hazardous substances

8.6 Some marine incidents may release hazardous substances that have the potential to threaten public health as well as cause at sea and shoreline pollution. In such cases, MCA expects the NCP to run in parallel with, and dovetail into, existing protocols and major incident plans normally invoked when there is an incident involving hazardous substances onshore. Under nationally agreed arrangements for dealing with disasters the police initially co-ordinate the land-based response and may establish a Strategic Co-ordinating Group (SCG) at a previously agreed location should they decide the scale of the incident warrants such an action. MCA nominates a representative to attend the SCG meetings providing a link to the maritime response units. More details are at **Appendix J**.

8.7 In 1974, local authority associations agreed that shoreline county councils would extend their oil spill contingency plans, in consultation with district councils, to cover emergencies arising from hazardous substances washed ashore.¹⁰

Radioactive materials

8.8 MCA's response to an incident involving a ship carrying radioactive materials generally follows the same principles as its response to any other pollution incident. However, if a ship operated by British Nuclear Fuels plc or by its subsidiary, Pacific Nuclear Transport Limited, is involved in an incident, the special arrangements agreed between the MCA and those companies apply.

8.9 Radioactive Material Transport, Dangerous Goods Division (DGD) in DfT is the UK's Competent Authority responsible for approving package designs for the transport of radioactive materials. Packages containing radioactive material are designed to demanding international standards. DGD maintains expertise in package design and development and should be informed in the event of any incident involving the transport of radioactive materials.

['Regulation of the management of beached oily waste following the implementation of the National Contingency Plan' and the MCA's STOp 1/2003 Notice entitled 'Guidance for the operation of the Technical Team, Waste Management Sub Group within a NCP Shoreline Response Centre'](#).

⁹ [Including recovery of costs incurred in responding to the incident and the economy of the area in general](#)

¹⁰ See joint DOE circular 123/74 and Welsh Office Circular 201/74, and SDD Circular 75/1975 as amended or added to by SDD Circular No 28/1981 and SOEnD Circular No 35/1992.

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8.10 See **Appendix H** for more information.

9. ENVIRONMENTAL ADVICE AND MONITORING

Associated with **Appendix K** (Environment Group)

- 9.1 The response to any maritime incident in the UK requiring a regional or national response involves the establishment of an Environment Group. All those involved in operations at sea (including salvage) and shoreline clean up need timely environmental advice. The Environment Group advises on **environmental** aspects and **public health** impacts of the incident and associated response operations both real and potential. The Group is a common facility, that provides comprehensive advice to all response units. Most importantly, the Group membership must represent **all environmental and public health interests considered to be at risk**.
- 9.2 The role of the Environment Group itself is **purely advisory** but the Departments and Agencies from which individual members are drawn, continue to exercise their statutory powers. On some occasions these powers operate via the individual present on the Environment Group and on other occasions via other members of that organisation. For example, while the formal dispersant approval process is outside the remit of the Environment Group and, in compliance with statute, continues to be made by Defra/SEERAD/EHS, after consultation with the appropriate statutory nature conservation body, discussion about the wisdom of continuing dispersant use in any incident could take place within the Group. The statutory nature conservation body (or fishery authority in the case of EHS) should consult locally with members of the standing Environment Group. Paragraph 9.7 describes the obligations on the response units to consult with the Environment Group.
- 9.3 As well as provision of expert advice based on immediately available and pre-prepared data and information, there may also be a need to encourage the collection of real time environmental data by the relevant government agencies. Such environmental data may provide accurate baseline data of vulnerable environmental features immediately before impact of the pollution plume, so that risks can be identified and the damage can be quantified. The Group also needs to track the success of preventive and counter pollution measures throughout the incident, and to begin to assess the overall long-term environmental impact. The Group is therefore dependent on timely provision, from each response unit, of all relevant information on the fate and behaviour of pollutants, and each units' forecasts, plans, actions and outcomes.
- 9.4 It is the responsibility of the MCA to initiate the process for the formation of the Environment Group. The core membership of the Group comes from the relevant statutory nature conservation agency, environmental and rural affairs department (including fisheries), environmental regulator, local public health body and (in the case of incidents beyond territorial waters) the Joint Nature Conservation Committee (JNCC). The Group may also include a representative from MCA. The Group may also consider that a representative

from a relevant local authority or national park authority with appropriate skills may be beneficial. The Group chair is selected as appropriate.

- 9.5 In the simplest incidents, the chair acts as a conduit of advice (probably by telephone) to the SOSREP and all activated response units. The chair is also free to offer any environmental advice without seeking confirmation by a specialist member of the Group if confident that the advice is sound. That advice does not necessarily represent the view of the chair's parent organisation and does not exempt them from any future enforcement activities. The chair also decides when it is necessary to convene the Environment Group at the scene of the incident and appoints an Environment Liaison Officer for each response unit established. The complexity of an incident may require of the chair different skill sets according to the technical and, or managerial, expertise required. It is for the Standing Groups, in their planning process, to determine criteria on what qualities are required of the chair in a range of circumstances, i.e. whether the incident is minor or major, relatively simple to more complex.
- 9.6 As the incident develops in terms of magnitude and/or complexity, the chair and core members decide whether to expand the Group's membership to include representatives of other relevant bodies, such as public health (if not already a core member), animal welfare groups or other non-governmental organisations (NGOs) in order to ensure the provision of expert advice appropriate to a specific incident. The role of the Chair in a major and/or complex incident will most likely be more managerial in nature, in that case the Chair does not represent their parent organisation but the wider environmental good.
- 9.7 Response units are instructed to make all reasonable efforts to consult the Environment Group, or its chair, about any proposed action that is likely to have lasting impact on the environment. If time does not permit the response unit to consult before acting, it must circulate a written report to the Environment Group and all other response units as soon as possible after the action (or decision) has been taken. This report must detail the actions taken, the reasons for taking them, and their anticipated outcome.
- 9.8 The Environment Group should record its advice in writing and circulate it to the response units as soon as practicable. Where a response unit does not follow such advice, it is instructed to record the reasons for not doing so, and to inform the group, as soon as practicable.
- 9.9 If a marine pollution incident is expected to have a significant impact on the marine environment, or the shoreline, the Environment Group will promptly make arrangements to begin to monitor and assess the impact in the longer term. Standing Environment Groups, as part of their planning process should consider the collection and collation of appropriate baseline data in order to facilitate early implementation of assessment of environmental impacts and agree a formal methodology in how such studies should be organised.

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- 9.10 **Appendix K** gives further details of how the Environment Group is to be established, its terms of reference, membership and functions.

10. MEDIA

Associated with **Appendix L** (Working with the Media)

Introduction

10.1 A major maritime incident is of immediate interest to the local media and, depending on the scale and nature of the incident, will result in national and international media attention. It is in the public interest and the interest of all concerned to keep the media informed as fully and as regularly as possible. Failure to consider the media response at an early stage may have serious implications for the management of the whole incident.

Media team and designated press officer

10.2 From the outset of an incident, MCA ensures that it has an adequate media response team in place, working to a Designated Press Officer. One of the team's roles is to liaise on behalf of MCA and the SOSREP with the press and other Government press offices (for example, the DfT and DTI press offices). In particular, it is the task of the Designated Press Officer to advise the MCA and the SOSREP on media relations, to arrange press conferences, and to issue regular news bulletins.

10.3 It is essential that the media team ensure that the media do not interfere with the operational activity of the emergency services or harass casualties.

10.4 Further details of the suggested procedure for dealing with the media from the outset of a major incident are at **Appendix L**.

Ministerial and VIP visits

10.5 It is inevitable that, in the case of a major or high profile incident, a Minister will wish to visit the scene. A designated MCA senior officer will escort Ministers or other VIPs on such occasions - whether from central Government, a devolved administration or a Government Agency - at all times.

10.6 The media team must consider how to accommodate a Minister and any Ministerial press conference on site and advise DfT and/or DTI Press Office accordingly. The media team may be under resourced and have difficulty in coping with both the media response and the VIP visit. Consideration should be given at an early stage to enlisting the assistance of the nearest Government News Network (GNN) office to handle either the visit or to help with the incident media response. See also **Appendix L**.

Liaison with other government departments and agencies

- 10.7 The media team must establish and then maintain a line of communication with the DfT and/or DTI Press Offices to keep them informed of the progress of an operational response. In addition, appropriate officials must stand ready during the course of the response to provide any advice or draft statements requested by Ministers or Press Office.

- 10.8 In the case of an incident occurring in an area covered by a devolved administration or within a port, the media team must establish and maintain a line of communication with the press office of the devolved administration, harbour authority or local authority/EHS to keep them informed of progress. The media team should also look at the possibility of forming a joint press office or media centre.

11. FINANCE

Associated with **Appendix M** (Liability and Compensation for Pollution Damage) and **Appendix N** (Cost Recovery and Record Keeping)

- 11.1 Dealing with marine pollution incidents can be a protracted and expensive business. Initially the costs of such operations fall on those undertaking them. Under current legislation¹¹, those incurring expenses as part of the response operation later seek to recover them from those responsible for paying compensation. **Appendix M** contains a brief summary of compensation regimes that may assist in the recovery of those costs. **Appendix N** contains guidance on the procedure that should be followed when claiming compensation.
- 11.2 It is essential that, from the outset, a Financial Controller is appointed and that all participants keep records of how, when, and why, they respond. These records are needed to support claims for cost recovery and to show that the actions taken were proportionate and reasonable for the threat from pollution and the risks to safety. **Appendix N** also provides further guidance on the level and type of records that should be retained.
- 11.3 It is vitally important that financial systems are in place, as part of contingency plans, in advance of an incident.

¹¹ Sections 153 and 154 of the Merchant Shipping Act 1995 as amended

12. ENFORCEMENT FOLLOW UP / PROSECUTION

12.1 This section of the NCP refers to procedures in place within the MCA and DTI only and other regulatory bodies may choose to carry out their duties by the use of different methods.

Maritime and Coastguard Agency

12.2 The appointed regulatory body for each piece of legislation has a general duty to carry out enforcement activities when necessary. In carrying out its general duty to enforce the legislation, an enforcement authority may wish to secure evidence for possible use in court if it has reason to believe that an offence has been committed. The gathering of such evidence must not interfere with the operational activities of the salvors and other emergency services.

12.3 The MCA's Enforcement Unit investigates reports of Breaches under the Merchant Shipping Act 1995 if, for example, one of the following is suspected:

- Pollution by oil and its products;
- Collision at sea;
- Grounding.

12.4 The Merchant Shipping Act 1995 not only covers at sea activities but also covers estuarial pollution in certain cases

12.5 An investigation by the MCA may lead to one of the following possible outcomes:

- No Further Action;
- Notice of Concern;
- Formal Caution;
- 'Conditional Caution' (Note: this form of closure is not yet in force);
- Prosecution.

12.6 The decision to open an investigation is determined by a number of factors. The investigation establishes the facts which in turn, inform which of the above actions is taken.

12.7 The MCA is a signatory to the Attorney General's agreement between prosecuting authorities and as such the Enforcement Unit liaises with other enforcement and prosecuting authorities, including the police, in order to ensure evidence is secured and appropriate offences are considered when determining the outcome of any investigation. They also, in conjunction with those authorities, determine which of them is best placed to be the lead authority.

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- 12.8 Similarly, the DTI's Offshore Inspectorate Unit seeks to ensure that operators/permit holders comply with the legislation relating to offshore installations. Notifications of offshore environmental incidents can relate to, inter alia, oil in produced water discharges, oil and chemical spills and in connection with the use of chemicals. In deciding a proportional response for each notification a number of factors are taken into account, in line with the department's Investigation Policy. Thereafter, any enforcement action will likewise be in line with the department's Enforcement Policy.
- 12.9 An investigation by the DTI may lead to one of the following possible outcomes:
- No further action;
 - Warning letter;
 - Issue of Enforcement or Prohibition Notice;
 - Prosecution;
 - Revocation of Production Licence.