



Department for Transport

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19 AUG 2013

Dear Sheryll

I am aware that you have taken a close interest in the recent tragic loss of seabirds contaminated with polyisobutylene (PIB). I said I would keep you in touch with our investigations. I have to tell you, however, that despite the very best efforts of the Maritime and Coastguard Agency (MCA)'s Enforcement Officers it has not been possible to identify the source of the contamination.

You will understand that a successful prosecution is dependent on knowing the precise ship that was the source of the pollution, including its nationality and ownership, establishing that the offence occurred within the UK's area of jurisdiction, and securing unequivocal evidence of a clear failure to follow the relevant rules and regulations. That is a complex jigsaw of information that needs to be pieced together against the background of a potential offence to which there were no witnesses and a time-lag between when it may have been committed and when its effects became apparent.

The MCA's investigation has been intelligence led and forensic. On the basis of tidal information and what was known about the location of the contaminated seabirds, experts could establish where and when the discharge of the PIB substance was most likely to have occurred. Analysis of the substance showed it had a molecular weight of around 1,300.

The form of the pollution indicated that tank washing was the most likely source. Information from the European Marine Safety Agency showed details of 59 chemical tankers in the area. Investigators reduced the list because they were only interested in those in ballast, and only those outward bound from the UK because tank cleaning operations (the most likely cause) are usually conducted on departure. Similarly, the list was further reduced to only include ships where voyages started in the UK or the near continent

(Netherlands, Belgium and France). That allowed the investigation to focus on 16 ships.

The investigation involved checks with many other authorities including the Dutch Water Police, the US Coastguard, the Portuguese Maritime Authorities, the InterPol Environmental Desk, the National Coastwatch Institute, local Harbour Masters, the European Chemical Trade Association, colleagues in HM Revenue and Customs and the maritime authorities in France, Belgium and the Netherlands. Part of the investigation talked to the known importers of PIBs into the UK, but it became clear in those discussions that this was related to material in drums and portable tanks rather than as a bulk cargo. The characteristics of the substance seen on the seabirds and in the sea meant that it was highly unlikely to have come from a portable drum or tank, and none have been reported as lost or missing.

On the basis of the information that the MCA has received and considered from all the relevant authorities, it has simply not been possible to identify the source of the pollution and there can be no prospect of a successful prosecution at this time.

In terms of action at the international level, further independent testing undertaken during the investigation of the samples obtained from affected seabirds, indicates that the product is a chemically distinct form of PIB from that commonly shipped. In light of that evidence, the UK will approach the International Maritime Organization (IMO) to discuss this PIB variant to determine whether it is being carried appropriately on ships. If the IMO concludes this is a new product that has not been assessed, then industry will need to submit an application to have it assessed before it can be shipped in accordance with MARPOL Annex II requirements.

I am writing in similar terms to the Devon Wildlife Trust, the RSPB, Dr Sarah Wollaston MP, Sarah Newton MP, and Richard Benyon MP.

Yours ever



STEPHEN HAMMOND

