

Information relating to the 'Ghost Ships' originally transported from the USA to Hartlepool, UK

Date released: 23/3/2005

Information released: the following emails were released in response to a request for information relating to contacts between the Health and Safety Executive (HSE) and the United States government about United States interest in exporting obsolete vessels containing asbestos to the United Kingdom:

Emails exchanged between Julie Gorley, U.S Department of State Bureau of Oceans and International Environmental and Scientific Affairs; and Helen Smart, Health and Safety Executive, Asbestos Policy Unit.

- [Email dated 22/05/2003 from Julie Gourley to Helen Smart](#)
- [Email dated 27/05/2003 from Helen Smart to Julie Gourley](#)
- [Email dated 27/05/2003 from Julie Gourley to Helen Smart](#)
- [Email dated 27/05/2005 from Julie Gourley to Helen Smart](#)
- [Email dated 28/05/2005 from Helen Smart to Julie Gourley](#)

"Gourley, Julia L (OES)"

<GourleyJL@state.gov>

22/05/2003 19:54

To: helen.smart@hse.gsi.gov.uk

cc:

Subject: U.S. interest in exporting obsolete vessels containing asbestos to the U.K.

Helen:

I was referred to you by Keith Froud of the UK Environment Agency. The U.S. Government is in possession of a large number of obsolete vessels, many of which require dismantling in the near term. The U.S. Maritime Administration and the U.S. Environmental Protection Agency, in consultation with the U.S. Department of State, are exploring many options for the ultimate disposition of these ships, one of which is to possibly export a number of them to the AbleUK ship yard in Teeside, North Yorkshire, England. We have been in discussions with the Environment Agency about this, and they suggested that we might talk to the Health and Safety Executive regarding the asbestos on-board many of the ships, given that the UK regulates the import of asbestos (if I understand correctly).

I wonder if it would be possible for you to join in a conference call next week with me and several of my colleagues at MARAD and EPA, and perhaps also Keith and/or Roy Watkinson of the Environment Agency? We would like to understand the UK's regulations that we would need to comply with in exporting these ships. MARAD will explain to you our situation and will have some questions for you about how we should proceed if a final decision to export the ships is rendered (any decision granting export permission would require the exercise of enforcement discretion by EPA because the U.S. has an export ban on PCBs at 50ppm or greater, and these ships likely contain high levels of PCBs).

We would like to suggest next Tuesday, May 27 or Wednesday, May 28 at 3:00pm your time, if either of those days and that time would work for you. Would you be so kind as to return my e-mail with your availability, or some alternate dates/times if these do not work for you? I would be most appreciative.

Thank you, Helen. I look forward to talking with you about this very interesting project. Take care.

Julie Gourley
Office of Environmental Policy
Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State
Washington, D.C. 20520
USA

Helen Smart

27/05/2003 09:09

To: "Gourley, Julia L (OES)" <GourleyJL@state.gov>
cc: Tracy Phillips, bill.macdonald@hse.gsi.gov.uk
Subject: Re: U.S. interest in exporting obsolete vessels containing asbestos to the U.K.

Dear Julia,

Thank you for your e-mail. I am sorry for the delay in replying, but due to public holidays here I was not at work on Friday or Monday to pick up your message.

Briefly, the regulatory situation in the UK is that the importation of asbestos, even for disposal, is prohibited. However the Health and Safety Executive have the power to grant exemption certificates in specific circumstances. I am in the process of briefing my superiors about the Able UK request for consideration for exemption.

I would be happy to discuss this with you, however, as I have only just received your e-mail and would need to discuss the case with colleagues, I would ask if we could delay the conversation until the end of the week, perhaps Friday 30 May?

Please let me know if this would be possible for you.

Helen Smart
Asbestos Policy Unit
HSE, Rose Court
x 6244

"Gourley, Julia L (OES)"

<GourleyJL@state.gov>

27/05/2003 22:36

To: Helen.Smart@hse.gsi.gov.uk
cc: Tracy.Phillips@hse.gsi.gov.uk, bill.macdonald@hse.gsi.gov.uk,
roy.watkinson@environment-agency.uk.gov,
keith.froud@environment-agency.uk.gov
Subject: RE: U.S. interest in exporting obsolete vessels containing
asbestos to the U.K.

Helen:

Many thanks for getting back to me. It was also a public holiday here yesterday; in fact, it's difficult to get back into the swing of things!

I believe Friday, May 30 would work well for us. We would like to propose the time of 10:00am our time (3:00pm your time) for the call if that works for you. And if we could invite Keith and/or Roy to join us, if you are available, that would be very good as well.

At our end we will have:

Michael Carter
Office of Environmental Policy
U.S. Maritime Administration (aka "MARAD")

Curt Michanczyk
Office of Ship Disposal Programs
U.S. Maritime Administration

Elliott Gilberg
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

Patti Whiting
Office of Solid Waste
U.S. Environmental Protection Agency

and myself (details below).

Thank you for clarifying that asbestos is prohibited from import into the UK. Keith and Roy suggested that we should chat with you since our ships that are proposed for export to AbleUK would almost certainly contain asbestos in some form or another.

MARAD and EPA toured the AbleUK facility a few months ago and were quite impressed with it. MARAD has received a proposal from a private sector company wishing to export a number of "non-retention" ships in our National Defense Reserve Fleet (NDRF) to AbleUK. The MARAD/EPA team undertook the site visit as part of the U.S. Government's process for seeking good, environmentally sound options for the NDRF vessels requiring near-term dismantling. It is our hope that we can work with you toward a mutually satisfactory agreement for addressing the asbestos issues.

I look forward to the call. Please let me know if the proposed time this Friday works for you, and we will arrange for a number of conference lines you can use to call into a central number that will connect us all. If you could please also let me know how many lines you would need at your end, that would be great.

Best regards,

Julie Gourley
Office of Environmental Policy
Bureau of Oceans and International Environmental and Scientific Affairs

U.S. Department of State
Washington, D.C. 20520
USA

Helen Smart

28/05/2003 10:38

To: "Gourley, Julia L (OES)" <GourleyJL@state.gov>
cc: keith.froud@environment-agency.gov.uk
Subject: Re: U.S. interest in exporting obsolete vessels containing asbestos to the U.K.

Dear Julia,

Following conversations yesterday with colleagues, I am writing to give you an outline of British Health and Safety Regulations regarding asbestos. I hope that you find this of use.

The Asbestos (Prohibitions) Regulations (as amended) 1999 state:

3. (1) "the importation into the United Kingdom of crude, fibre, flake, powder or waste amphibole asbestos and of any product containing amphibole asbestos is prohibited..."
- (2) "...the importation into the United Kingdom of crude, fibre, flake, powder or waste chrysotile and of any product containing chrysotile is prohibited..."

This means that in this case it would normally be prohibited to bring the ships into the UK. However exemptions can be issued in certain circumstances:

8. (1) "...the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons, or any product containing asbestos or class of such products from all or any of the prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time."
- (2) "The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to- (a) the conditions, if any, that it proposes to attach to the exemption; and (b) any requirements imposed by or under any enactments which apply to the case, - it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it."

We are currently considering the above criteria with regard to Able UK's request for an exemption certificate in this case.

Assuming that Able UK, as the contractors, are to be the ones bringing the ships into the UK, they will be responsible for abiding by the relevant Regulations and any conditions HSE may choose to place on them, should an exemption certificate be issued. As the client, the US government's health & safety responsibilities are restricted to ensuring that they have made all reasonable efforts to contract a safe and responsible company which abides by those regulations.

Once the ships are in dry dock in England, Able UK would be responsible, as employers, for abiding by the Asbestos (Licensing) Regulations 1983 (as amended) and the Control of Asbestos at Work Regulations 2002 (CAW). The former require a company intending to work with asbestos insulation, coating or insulating board to hold a licence granted by HSE and to abide by the conditions of that licence. The latter detail the employer's duties to undertake: assessment of the asbestos work, drawing up plans of work, information, instruction and training for employees, prevention or reduction of exposure to asbestos, use and maintenance of control measures, provision and maintenance of protective clothing, etc.

We are in the process of taking advice from our technical experts on the level of risk involved, the wording of any exemption certificate (and the conditions to be included within it) that we might issue.

I hope the above answers all your concerns, as I am not sure what further information we could add at this stage. However, if you still wish to hold the conference call we would, of course, be happy to go ahead on Friday as you suggest. In this case there will be two of us: Tracy Phillips and myself.

I hope this is helpful and I look forward to hearing from you,

best wishes,

Helen Smart
Asbestos Policy Unit
HSE, Rose Court
x 6244

"Gourley, Julia L (OES)"

<GourleyJL@state.gov>

27/05/2003 22:36

To: Helen.Smart@hse.gsi.gov.uk

cc: Tracy.Phillips@hse.gsi.gov.uk, bill.macdonald@hse.gsi.gov.uk,
roy.watkinson@environment-agency.uk.gov,
keith.froud@environment-agency.uk.gov

Subject: RE: U.S. interest in exporting obsolete vessels containing
asbestos to the U.K.

Helen:

After reading your very comprehensive and helpful information, we've concluded that we don't need a conference call afterall. If any issues arise in the future, we may want to talk to you then, but for now I think the information you gave us is all we need.

Thank you very much for your help. Have a nice weekend!

Julie Gourley

Office of Environmental Policy

Bureau of Oceans and International Environmental and Scientific Affairs

U.S. Department of State

Washington, D.C. 20520

USA