

## Press Release

STRICT EMBARGO 00.01 FRIDAY SEPTEMBER 2

### **Britain is the “Dirty Man of the high seas”**

The UK government is now the only nation bordering the North Sea not to have ratified a vitally important agreement which would safeguard Scotland’s seas and waterways from pollution by alien organisms.

Britain’s signature alone would usher in a new era for their global protection. But Whitehall’s procrastination over the International Maritime Organisation’s (IMO) convention on ballast water control, prevents it coming into force, leaving weaker protection measures in place. This has been revealed not by the European Commission, MEPs or foreign governments; but by a Highland community group in its fight against a major environmental threat on its coastal doorstep.

There are plans for 8.4 million tonnes of crude oil to be transferred annually between tankers lying at anchor at the mouth of the Cromarty Firth, near precious environmental sites and in waters where dolphins live and breed. Concerns are increasing that 2 million tonnes of untreated ships ballast water will be released when this could be avoided.

Local residents also fear an oil spill would herald an environmental catastrophe in the firth and out into the greater Moray Firth.

Cromarty Rising is the local pressure group established in the Black Isle community, to fight the Cromarty Firth Port Authority’s (CFPA) application to conduct the oil transfers. It has received high powered expert guidance on marine conservation, the oil industry, shipping and environmental law. This has established that North Sea neighbours France, Germany, the Netherlands, Belgium, Denmark and Norway have already ratified the newest IMO Convention which has been adding signatories since 2004. Yet the UK Government has failed to sign up, deeming it acceptable to continue to allow untreated ballast water from merchant shipping to pollute our seas, estuaries and rivers.

A Cromarty Rising spokesman explained that ballast water was needed as temporary weight by empty oil tankers to keep them stable. They load up with sea water, around 30% cargo weight, before heading out to the high seas. When the ship arrives at a port terminal for its next load, it will pump out the ballast water and be ready to fill up its crude oil tanks again. He said this can endanger local waters.

“If a ship takes on ballast water in one part of the world then releases it elsewhere, it discharges a diverse range of organisms within the sea water. These include bacteria, pathogens, eggs, cysts and larvae of non-native aquatic species”.

According to the website of the UK’s Joint Nature Conservation Committee (JNCC), ‘introductions and transfer of non-native marine species to their non-native environment mainly occurs by the transport and discharge of ballast water.’ IMO is also fully committed to eliminating these risks. However, the now dated IMO standards (IMO D1) only require that a ship should change ballast water during its journey and these have failed badly in the past causing irreversible damage.



Killer Shrimp - *Dikerogammarus Villosus* (image by The Environment Agency)

The UK Non Native Species Secretariat released a current alert for Killer Shrimp which are an example of a predatory non-native species. There is a requirement to report any sightings.

SEPA advice was ignored.

“You don’t have to take our word for it”. Listen to what Scotland’s statutory environmental watchdog said. During a minuted meeting on the licence for ship to ship oil transfers in Scapa Flow in Orkney on 28th January 2015, the Scottish Environment Protection Agency (SEPA) described IMO D1 standard as ‘not acceptable under any circumstances’.

“But the Maritime and Coastguard Agency (MCA), which is acting as regulator for such oil transfers, considered SEPA input as ‘subjective, not objective.’ So the licence was awarded with untreated ballast water discharges accepted.”

The newest IMO convention (IMO D2) would finally require all ballast water to be treated before being dumped in order to prevent the spread of potentially harmful alien or non-native species, bacteria and pathogens which are carried in untreated ballast water.

The convention will come in force when 30 IMO Member States, representing 35% of the world shipping tonnage have ratified it. On 2nd August 2016 the status was 51 IMO Member states have ratified representing 34.87 per cent of global merchant shipping tonnage. The convention is therefore currently 0.13 per cent short of becoming international law.

The UK is the world’s tenth largest merchant shipping nation with some 40.7 million deadweight tonnage, representing 2.6% of the world total. If Great Britain were to ratify the convention it would become worldwide law.

Black Isle councillor Craig Fraser said

“How can we have any confidence in the MCA or the UK Government to take our concerns about oil transfers seriously, when they continually frustrate other nations’ efforts to fight the threat of marine pollution posed by ballast water? The Cromarty Firth ship-to-ship oil transfer licence indicates discharging 2 million tonnes of untreated ballast water when the local Nigg oil terminal has the capability to treat this safely”.

Ian Blackford, SNP MP for Ross, Skye and Lochaber said he was

“deeply disappointed by the UK’s apparent intransigence as a major maritime nation and would pursue the matter with the government”

Note to editors:

The MCA regulate all ship to ship oil transfers in UK waters, however they have no written authority to do so within **The Merchant Shipping (ship to ship transfer) Regulations 2010**.

Successful prosecutions for ballast water damage have been made around the world.

*NRDC v. EPA*, No. 13-1745 (2d Cir. 2015)

<http://law.justia.com/cases/federal/appellate-courts/ca2/13-1745/13-1745-2015-10-05.html>

Cromarty Rising are a local pressure group established to fight the CFPA application to undertake ship to ship oil transfers. [www.cromartyrising.com](http://www.cromartyrising.com) also contains links to a petition site.

IMO Status of Conventions Excel spreadsheet (accessed 15/08/2016).

<http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>

The Cromarty Firth Port Authority is a trust port, established by statute. It does not have shareholders, instead it is required to represent the interest of its stakeholders who include users of the firth as well as businesses and surrounding communities. So far the CFPA have refused to engage with a number of key stakeholders in relation to this application.

The application to transfer oil is worth around £750,000 per annum to the CFPA – the value of the Inner Moray Firth has been calculated to be worth over £250 million to the local economy.

The Inner Moray Firth is designated as a Special Area of Conservation (SAC) due to its bottlenose dolphin population. The proposed anchorages are home to a high density area of bottlenose dolphins. There are separate concerns such as propellor strikes.

Representations, objections or concerns regarding this licence award have been made by

- [Scottish Wildlife Trust](#)
- [Scottish Environmental Protection Agency \(SEPA\)](#)
- [Association for the Protection of Rural Scotland](#)
- [Cromarty & District Community Council](#)
- [Highland Council](#)
- [Scottish Natural Heritage \(SNH\)](#)
- [Royal Society for the Protection of Birds \(RSPB\)](#)
- [Professor Paul Thompson](#)
- [Whale and Dolphin Conservation](#)
- [Fortrose and Rosemarkie Community Council](#)
- [Transition Black Isle](#)
- [National Trust for Scotland](#)
- [Nairn Community Council](#)

Authority for award of this licence rests with Chris Grayling, Secretary of State Transport, Westminster.

[www.cromartyrising.com](http://www.cromartyrising.com)

End of press statement.