

## ISU salvors respond in Katrina aftermath

**ISU salvors participated in the emergency response in the wake of the devastation of Hurricane Katrina, which struck the US Gulf Coast in late August. This catastrophe, closely followed by Hurricane Rita, produced severe damage over large areas of several States. The Mississippi was closed to deep draught vessels and many major ports were shut down. ISU salvors responded to vessel groundings and recovered drill rigs evacuated as Katrina approached.**

The Katrina Emergency Response Command Post was established in Alexandria, Louisiana. US salvor Donjon's survey team arrived on-scene in a USCG helicopter. The first task was to survey stranded barges in the New Orleans area. Donjon was lead salvage contractor for Katrina, as required under its US Navy Salvage and Related Services Contract.

SMIT Salvage obtained Lloyd's Forms on two bulk carriers in ballast when Katrina struck. The Chios Beauty and Patrizia D'Amato grounded in the Mississippi. They were refloated on September 3 and September 11 respectively. Nippon Salvage were co-salvors in the Patrizia D'Amato case. Meanwhile, other SMIT teams recovered two drilling rigs, the DD1 and Arctic 1. They broke loose and ran aground during the Katrina emergency. SMIT teams also responded to the jack-ups Ocean Warwick and Hercules 25.

The Katrina salvors also included Svitzer/Wijismuller, who completed the salvage of the bulk carrier Polyhronis on September 9. The vessel had grounded



Donjon derrick barge Chesapeake 1000 lifting and refloating fishing vessels in the Venice area.



Katrina aftermath: several rigs evacuated as the hurricane approached were recovered by ISU salvors.

in the Mississippi, just west of New Orleans.

Florida-based Titan's first brush with Katrina came on August 25, when the Hurricane knocked out all power and communications at this salvor's offices. Four days later, Katrina demanded Titan's largest ever salvage response. The initial efforts supported search and rescue activities.

Titan was fully mobilised on the Mississippi. At this time the company also performed an operation unrelated to the Katrina event – the refloating of

the grounded tanker Baltic Captain 1. Hurricane Rita then arrived and Titan's response included an operation ending in redelivery of the bulk carrier Greta R. In total, over a seven-week period Titan refloated 48 vessels, ranging in size from hopper barges to the Greta R.



Greta R: one of the refloatings performed by Titan.

### ISU UPDATE

#### ■ Salvage qualifications

Delegates attending the ISU's 51st General Meeting – held in Seattle during late September – adopted proposals to develop criteria for defining qualifications for professional salvors. The criteria will take account of access to salvage assets and the high level of expertise required for successful salvage.

#### ■ SCRs for all LOFs?

Cargo underwriters have proposed an extension of the SCR (Special Casualty Representative) system to all Lloyd's Form cases. At present, SCR attendance on-scene is confined largely to SCOPIC salvage operations. This proposal is being considered by the ISU. It is on the agenda for the next SCR Committee meeting.

#### ■ Echoes of Milford Haven

The UK intends to issue a regulatory order providing salvors and other responders with limited defence against the strict liability provisions of the Water Resources Act, the law used to impose a huge fine on

Milford Haven Port Authority following the Sea Empress spill in 1996. This would allow a defence when the salvor's action, whilst resulting in some pollution, was taken with the aim of avoiding a greater spillage.

#### ■ Fixed cost arbitration

A new Fixed Cost Arbitration Procedure (FCAP) has been introduced in response to ISU proposals. FCAP took effect in May. It applies to the smaller salvage cases and operates on a documents-only basis. Full details are available on the Lloyd's website: [www.lloydsagency.com](http://www.lloydsagency.com).



Sea Empress: regulators applied strict liability law.

## ASSOCIATES' NEWSROUND

### ■ New Associate Members

The ISU has welcomed five new Associate Members during this year: Besso Ltd (UK), Dockwise Shipping N.V. (the Netherlands), Marina Haronitaki & Associates Law Office (Greece), Richards Butler (UK) and, most recently, DV Howells Ltd (UK). This increased the number of ISU Associate Members to 35. DV Howells recently won a contract to store equipment and run teams to be activated by the UK government in the event of a major spill.

### ■ Tanker pollution down

During Nor-Shipping 2005 in June INTERTANKO Chairman Stephen van Dyck said that tanker tonne-miles had increased by nearly half over the past 10-15 years, whereas accidental oil pollution from tankers had fallen by two-thirds. INTERTANKO is now at the forefront of the Poseidon Challenge – a new initiative expanding the “chain of responsibility” and bringing together tanker owners, charterers, ports and terminals, other industry sectors and Coastal States and Flag States. Details of the Poseidon Challenge can be found on INTERTANKO’s website: [www.intertanko.com](http://www.intertanko.com).

### ■ Enterprise and Zeppelin

Dockwise tackled an unusual job this August – transporting a Zeppelin NT airship from Amsterdam to South Africa. The heavy lift vessel Enterprise accommodated the airship – the lightest cargo ever carried by Dockwise. This contrasts with the company’s heaviest cargo to date, the 59,500 tonnes Thunder Horse production platform transported last year.

### ■ Bulk carrier casualties

Intercargo issued its 2004 Casualty Report in May. Five bulk carriers of over 10,000 DWT were lost last year. This continued a 10-year decline in vessels and lives lost. Nevertheless, 13 seafarers died as a result of the 2004 losses. Copies of the report (priced GBP 30) are available from: [rob.lomas@intercargo.org](mailto:rob.lomas@intercargo.org).



Mumbai-based ISU member Underwater Services Co. refloated the dumb barge Rajgiri in September. The barge was laden with 420 tonnes of lube oil. The operation was completed without pollution.

## Congratulations to BIMCO

BIMCO, a global organisation with 2,500 members in 123 countries, celebrated its centenary this year. The centenary General Meeting was held in Copenhagen during May. Honorary President Helmut Sohmen used the

occasion to deliver some straight-talking on the relationship between the industry, regulators and other interests. He said: “We should accept as a premise that our critics are not always wrong in principle, misguided in motivation or erring in their professed goals.”

## SCOPIC: finding a way forward on rates review

The on-going discussions between ISU and the International Group of P&I Clubs on a review of the SCOPIC tariff have yet to reach a final conclusion.

Both parties are agreed that there should be a provisional 10% increase on the personnel rates with effect from January 1, 2006. However, the Group’s agreement to the increase in personnel rates is subject to conditions relating to the portable equipment rates and tug tariff which the ISU is unwilling to accept.

ISU put forward proposals to the International Group in early November. These were considered to be both constructive and non-confrontational. In particular the ISU proposal suggested that the parties should work to find an acceptable methodology for the rate review, and for such method to be in place, with a review of portable equipment and tug rates to be completed before the end of 2007.

Subject to resolving those issues, ISU, in recognition of the previously expressed wishes of the Group, was willing to agree to a three yearly review of the tariff.

The ISU proposal also dealt with other issues relating to clarifying the relationship of SCOPIC to the 1989 Salvage Convention, the independence of Special Casualty Representatives (SCRs), statistical data and the capping of revenue in respect of portable salvage equipment owned by the salvor. At the time of writing, a reply is awaited from the Group.



Mrs Jacqueline Rusby, wife of Senior Salvage Officer Keith Rusby, named the Groupe Ocean tug Ocean K. Rusby after her husband (centre). To the right is Groupe Ocean President Gordon Bain.

## ISU presses case for Environmental Awards

**The ISU is to consult with the shipping and insurance communities on its proposal for Environmental Awards for salvors. Environmental Awards would create a new and sorely-needed revenue source.**

ISU President Hans van Rooij says: "We have been discussing this concept for some time. We are now ready to move



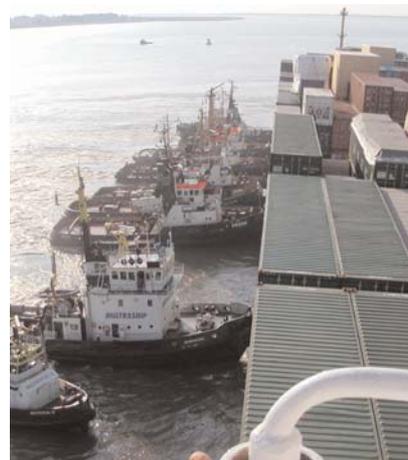
A close-up of the Prestige clean-up: unpleasant working conditions on the beach.

forward, having received a mandate from the membership. During the ISU's recent General Meeting in Seattle, we agreed an important policy statement on rewards for environmental salvage."

Explaining the background, Hans van Rooij adds: "We must inject more funds into the salvage industry if we are to maintain and enhance the pollution prevention services provided by salvors. The current reward system barely recognises the environmental benefits of salvage."

The options for change are to be explored in talks with shipowners, P&I Clubs and underwriters, governments and inter-governmental organisations. The challenge is to find a means of funding Environmental Awards. One possibility is to create a new role for the existing spill compensation funds. Another possibility is the creation of a new fund for this specific purpose. Environmental Awards could be introduced through a revision of Lloyd's Form, provided the funding issue can be resolved.

Hans van Rooij adds: "We have no pre-



Tugs push against the container vessel Fowairet, which suffered hogging damage and hold flooding after running aground in September on the Scheldt. Multraship and URS were joint salvors.

conceived ideas other than the belief that, in the final analysis, funding should be the responsibility of the ultimate beneficiaries of the pollution prevention services provided at a global level by our members. Certainly, we believe that the full weight of funding should not fall on the shipping industry and its insurers."

### MEMBERS' NEWSROUND

#### ■ Welcome to Tecnosub

The ISU has welcomed Tecnosub Internacional S.A. of Spain as a Full Member. The addition of Tecnosub brings the number of ISU Full Members to 52. Tecnosub recently opened a new Group office in Portugal. This operation, known as SPMP, is based at Rua Dr. Francisco Sa Carneira 336, 4450-676 Leça de Palmeira. Tel: +351 22 99 66 527. Email: spmp@tecnosub.net

#### ■ New tugs ordered

Tug Malta has ordered two ASD tugs from Damen. The first of the newbuildings, a 3111 type, 68 tonnes bollard pull tug, will be handed over at Rotterdam in February. The second newbuilding, a 2411 tug (also 68 tonnes bollard pull), is under construction in Vietnam and is scheduled for delivery in December 2006. Meanwhile, Thessaloniki-based Gigilinis has acquired a 4,200 bhp tug from fellow ISU salvor Remolcadores Ultragas, Chile. The newly-acquired tug has been named Captain Michalis. Gigilinis now operates a fleet of eight tugs.

#### ■ Crowley buys Titan

Crowley Maritime has acquired Titan, the Florida-based salvor founded by CEO David Parrot in 1980. Both companies are ISU members. David Parrot has just stepped down as ISU Vice-President but continues as a member of the ISU Executive Committee. Parrot and Titan President Dick Fairbanks will remain in post for at least five years. The intention is to further develop Titan's international activities. Crowley recently appointed John Douglass as Senior Vice-President and General Manager for a newly-combined division which includes marine escort services and salvage operations.

#### ■ Multraship buys Bourgas

Terneuzen-based ISU member Multraship has acquired the Bulgarian towage and salvage operator Bourgas Tug Services. BTS is a local salvage and harbour services provider with a fleet of four tugs (rated at up to 4,300 bhp). The aim is to develop Multraship's presence in the Black Sea. The

company opened offices in Romania and Bulgaria in 2000.

#### ■ URS/Fairplay tug order

ISU member URS of Belgium and Hamburg-based tug operator Fairplay have ordered four new tugs from Astilleros Armon, Spain. Two of the newbuilds, due for delivery in February and August 2007, will work primarily at Hamburg and Rotterdam. The remaining two will join the URS fleet at Zeebrugge. These ASD tugs have a length (O/A) of 25 m and a bollard pull of 60 tonnes.

#### ■ SMIT wreck removals

SMIT began two major wreck removals during August. They included the Everise Glory, off Singapore. This operation will involve the big sheerlegs Asian Hercules II. The second project concerns the ferry Royal Pacific, which capsized in July at Kaohsiung. The 1,000 tonnes sheerlegs SMIT Cyclone is required for this project.

## ISU UPDATE

### ■ New ISU Vice-President

Salvors meeting in Seattle during September for the ISU's 51st General Meeting elected Arnold Witte (right), CEO of US salvor Donjon Marine, as Vice-President. Arnold Witte succeeds Titan CEO David Parrot as ISU Vice-President. David Parrot will continue to serve as a member of the ISU Executive Committee.



Arnold Witte is a Past President of the ISU (1995-98) and is also Immediate Past President of the American Salvage Association. He played a major role in the negotiations which led to the adoption of the SCOPIIC salvage remuneration system in 1999.

The meeting in Seattle also confirmed the appointment of



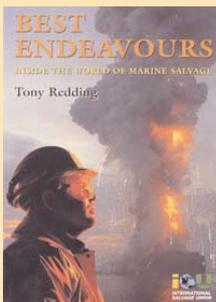
Michael Lacey as ISU Secretary-General. He succeeds David Randell, who has retired. Michael Lacey will combine

the office of Special Advisor with that of Secretary-General. There is now a new UK contact point for the ISU:

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Email: isu@marine-salvage.com

### ■ "Best Endeavours"

This unique book on the human aspects of marine salvage was published in September of last year. Best Endeavours has been selling well. Copies may be ordered from ISU Secretary-General Mike Lacey, on: +44 (0) 20 7645 9104. Price: £27.50 (Full Members and ISU Associates, £22.50), plus postage.



*Tsavliris Salvage recently completed the removal of the wreck of the ro-ro Arion. This vessel grounded on the Aegean island of Chios during a storm last February. The 40-day operation required two floating cranes.*

## Salvors defend freedom of action

The threat of marine pollution from ship casualties has led to a proliferation of "misguided regulatory policies", ISU Secretary-General Michael Lacey told the International Marine Claims Conference, held in Dublin during late October. He told delegates: "The warning signs are there for all to see. The European Parliament pushed aside industry views and supported the criminalisation of marine accidents. The

IMO has been taken in by the STS proposals from Spain and Mexico. Canada has introduced new laws providing for criminalisation. France has a new regime allowing draconian penalties for pollution. Salvors will fight for their freedom of action, but they will not succeed without active support from shipowners, insurers and other interested parties."

## New STS restrictions could hamper salvage

**The ISU has called for the ship-to-ship transfer of cargo and bunkers from casualties to be exempt from new STS controls now being considered by the International Maritime Organization (IMO).**

These proposals have been put forward by Spain and Mexico. The IMO's Marine Environment Protection Committee agreed in July to consider amending the MARPOL Convention to introduce new STS restrictions. This is now graded a "high priority" project by IMO, with 2007 set as a target date for completion.

ISU President Hans van Rooij says: "The main justification for these proposals is said to be the need to give Coastal States more control over routine STS operations, performed beyond the territorial sea. The involvement of Spain, however, raises some questions, following that country's refusal to grant a safe haven for the tanker Prestige. The ISU is concerned that these new measures might be used to justify the refusal of legitimate requests for shelter.

"Spain and Mexico have argued strongly for new powers to restrict or ban STS operations in Special or Particularly Sensitive Sea Areas. The salvor's freedom to perform an STS on a laden tanker at a sheltered location is an essential means of protecting these vulnerable areas.



*STS: proposed new controls could be abused.*

"If Coastal States with a reputation for knee-jerk response to ship casualties are granted these powers, I have no doubt they will use them to deny refuge to casualties."

## Wider and tougher rules for salvage in US waters

There have been some important new developments on the US salvage scene. On August 8 the deadline passed for the approval of response plans for vessels other than tankers – the outcome of a decision to extend OPA 90 tanker-related requirements to non-tankers.

Several ISU members have responded to the rapidly changing US regulatory environment. For example, SMIT Salvage and Donjon have joined forces to offer OPA 90 compliance services. In addition, SvitzerWijsmuller Salvage has joined the ICall team of US salvor Resolve and National Response Corporation.

New US regulatory requirements are in prospect for salvage, firefighting and emergency lightering. There is now a growing emphasis on integrated salvage and spill response services. Under OPA 90, tanker owners have long been required to pre-contract with Oil Spill Removal Organisations. Later, it was decided to require pre-contracts with salvors who are recognised by the USCG as satisfying certain criteria concerning their response capabilities.

In February of this year the USCG issued interim guidance on the expansion of the requirements to cover non-tank vessels. These new rules under OPA 90 have yet to be drafted. Meanwhile, non-tankers may continue to operate provided they are covered by USCG-approved response plans. Vessels with a fuel capacity of over 2,500 barrels must have a plan which states that a pre-contract is in place to respond to a worst case discharge. Vessels carrying heavy fuel oils are subject to more onerous requirements.



Gigilinis recently acquired the 4,200 bhp tug Captain Michalis.

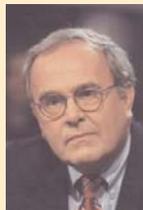


Pollution prevention: SvitzerWijsmuller Salvage provided environmental services during an operation off the Dutch coast involving the part-sunken general cargo vessel Michelle. This vessel was laden with 5,000 tonnes of coal when it was involved in a collision on August 26. The vessel was refloated, moved out of the fairway and then allowed to settle again, following the removal of heavy fuel oil from the wreck.

### INTERNATIONAL MONITOR

#### ■ Criminal sanctions

The European Parliament's decision, taken earlier this year, to endorse proposals to criminalise marine accidents could have serious consequences for salvors responding to casualties in European waters. ISU President Hans van Rooij (right) says: "It is deeply disturbing to see political horse-trading take precedence over commonsense and natural justice. As things stand, seafarers caught up in a major accident or spill will be subject to criminal proceedings, regardless of fault. The salvor, unfortunately, is likely to be in the same position under the EU Directive on Ship-Source Pollution. The new EU regime, founded on criminalisation, may make it impossible to mount a response to worst case events – the very situations where timely action can prevent an accident turning into a catastrophe."



#### ■ Wreck Removal Convention

Work is progressing towards the convening of a diplomatic conference to adopt the draft International Convention on Wreck Removal. This instrument would extend the powers of Coastal States to take action to remove wrecks posing hazards in the Exclusive Economic Zone. Significant issues have yet to be resolved, including:

scope of application, determination of a hazard and financial liabilities. A diplomatic conference is expected next year or in early 2007.

#### ■ ITOPF spill response

Representatives from the International Tanker Owners' Pollution Federation (ITOPF) attended 22 incidents in the 12 months to February 20 2005, 13 of which involved vessels other than tankers. According to ITOPF, whilst the number of incidents attended was relatively high, serious spills continue to decline in numbers. The most serious cases in the period were the Vicuna (Paranagua, Brazil) and Athos I (Delaware Bay, USA). For more information, visit ITOPF's website: [www.itopf.com](http://www.itopf.com)

#### ■ IMO backtracks on refuge

The ISU has expressed disappointment at the IMO's failure to give priority to work on outstanding issues concerning places of refuge. Several contentious issues were not addressed by the IMO's International Guidelines on Places of Refuge – in the interests of rapid adoption. Questions concerning financial liability, for example, were referred to the IMO's Legal Committee. Earlier this year, however, the committee set aside CMI proposals to move ahead with this important work. These matters remain on the committee's programme, but little progress is likely in the foreseeable future.

## New French ETVs enter service



*Abeille Bourbon: the new defender of the Brittany coast.*

### CONFERENCE DATES

- **Salvage & Wreck Conference 2005**, December 14-15, London: ISU Legal Adviser Archie Bishop will present a paper entitled "Recognising the true value of salvors' environmental services". This will examine the options for introducing a remuneration system rewarding both property recovery and pollution prevention. It will also explore the possibilities for funding Environmental Awards. For more information on this conference, contact: Caroline Chapman, Lloyd's List Events – +30 210 621 2362.
- **Interspill 2006**, March 21-23, London: ISU President Hans van Rooij will present a paper entitled "How the salvor can reduce the shipowner's risk exposure and liabilities". This paper will consider Lloyd's Form's function in the context of responsibilities and liabilities and outline the dynamics of the relationship between owner, salvor and shore authorities. The paper will conclude with some observations on best practice. For more information on this conference, contact: Roger Mabbott, UK Spill Ltd: +44 (0) 1794 516617.



#### Salvage World

This publication is produced by the International Salvage Union. ISU Members and Associates are invited to submit material for publication. All contributions should be forwarded to Mike Lacey, ISU Secretary-General, on  
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**The Bourbon newbuild standby tug Abeille Bourbon took up station at Brest during the second quarter of this year. The 200 tonnes bollard pull tug has succeeded the Abeille Flandre as the Emergency Towing Vessel (ETV) protecting the Brittany coast.**

Rapid reaction is a key success factor in this role. Accordingly, the 21,700 bhp, 80 m Abeille Bourbon has a maximum speed of 19.5 kts and can maintain high speeds even in hostile weather.

Bourbon is the parent of ISU salvor Les Abeilles International. Under a contract with the State, ETVs are available to cover the Atlantic, North Sea/Channel and Mediterranean coastlines on a 24/7 basis.

Over the past 25 years Abeille Flandre has been involved in over 800 operations, salvaging 214 vessels and rescuing over 7,000 seafarers. In 16 cases this tug successfully intervened in circumstances which might otherwise have ended in catastrophic pollution. Abeille Flandre is now operating from Toulon, having joined the ETV Carangue in the task of covering the Mediterranean coast. Under State salvage arrangements, all ETVs are held ready to respond within 40 minutes of an alert.

Abeille Bourbon is the first of two new ETVs ordered in response to a November 2003 contract for standby salvage services. The second vessel, Abeille Liberté, is based in Cherbourg and has just commenced operations. This tug succeeds the Abeille Languedoc, which now operates along the Atlantic seaboard.



*CPT Salvage organised beach-cleaning parties along a remote and rocky shore near Valdiva, Chile, following the loss of the ro-ro Porvenir. Three seafarers died when this vessel grounded and broke up during a storm in August. Around 400 cu m of contaminated material was recovered from the shore.*

### UK ship detentions

The UK's Maritime & Coastguard Agency (MCA) issued a bulletin in September stating that 15 foreign flag ships were detained in UK ports during July, having failed Port State inspections. A total of 150 inspections during the month exposed 107 vessels with deficiencies. Fourteen had over 10 deficiencies. One Liberian-flagged reefer had 36 deficiencies and this ship was detained for seven days. Another vessel, a Maltese-flagged bulk carrier, had 30 deficiencies.



*In the shallows: the Russian-owned general cargo vessel Helena II grounded off Cape Kodomari, Japan, in February of this year. This vessel broke in two and became a total loss. Nippon Salvage removed oil from the wreck. This operation was completed in April. During this year Nippon Salvage operations also included the righting and refloating of the sand carrier Eiko Maru, following a collision and sinking at Chiba Port, and the LPG tanker Takasago 2. The latter stranded heavily off Izu, Japan, in late March. The casualty was refloated in mid-April, following a challenging discharge of 700 tonnes of LPG.*