

BAN Press Release: U.S. Ship Disposal Policy Called ‘Shameful’ following Export of ‘Exxon Valdez’ and ‘Delaware Trader’ to Indian Beaches

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Seattle, WA, June 22, 2012 – A U.S. flagged tanker called the “DELAWARE TRADER” was cleared by the U.S. Maritime Administration (MARAD) for scrapping on the notorious shipbreaking beach of Alang, India. It is expected to arrive in India within the next days. The authorization and export of the toxic ship comes on the heels of the recent Indian Supreme Court ruling which barred the U.S. built EXXON VALDEZ (now called ORIENTAL NICETY) from landing at Indian shipbreaking beaches due to suspected hazardous materials, such as asbestos and polychlorinated biphenyls (PCBs), used in the ship's construction. The EXXON VALDEZ is thought to be currently anchored off Mumbai, India. India's top court, international law and U.S. law will be tested once again when the DELAWARE TRADER soon arrives in India for breaking. Shipbreaking at Alang takes place under extremely dangerous and polluting conditions where workers labor on tidal sands to cut ships up by hand, exposing themselves to the risks of toxic chemicals, fires, explosions and falling steel plates. Pollutants are allowed to flow unimpeded into the marine environment. Meanwhile U.S.-based ship recyclers as well as environmental organizations such as the Basel Action Network, are wondering why the U.S. is allowing what is very likely to be illegal exports instead of recycling the ships at home and providing good American jobs. “It is very hard to imagine how easily our government can ignore the law, poison workers, and export good U.S. jobs, all at the same time,” said Colby Self of the Basel Action Network. “But it's happening, now and on a regular basis, with the Obama Administration's U.S. ship disposal policy. Ship recycling workers in Texas have been laid off, workers are injured and poisoned half-way around the world in substandard facilities, while our government breaks its own laws. It's shameful.” The DELAWARE TRADER was built in 1982 with a U.S. taxpayer-guaranteed loan – funds from the Title XI Federal Ship Financing Program. While this government backed loan has since been settled, the PCBs, asbestos and other hazardous materials used to construct the ship have not been properly addressed. The MARAD did notify the U.S. EPA of probable concerns with PCB contamination given the vessel's vintage, and reminded the EPA that the vessel's export could violate the U.S. Toxic Substances Control Act (TSCA). Under TSCA an export of any vessel containing regulated concentrations (PCBs >50 parts per million) in any material on the ship would be illegal. The EPA however ignored MARAD's warning and chose to simply look the other way, thereby authorizing the vessel for export to India for disposal with no assessment of PCB content in the ship. This export then is likely to be a violation of U.S. law. The export of the DELAWARE TRADER to India is also a breach of the United Nations Basel Convention, which prohibits the dumping of hazardous wastes on developing countries. While the U.S. is an active observer of Basel proceedings, the U.S. has still not formally ratified the Convention. Therefore, as a non-party state, the U.S. is not permitted to export waste to Basel-ratifying states such as India. Thus, U.S. ships that land on India's shipbreaking beaches violate the fundamental rules of the Basel Convention and are illegal under international law. Unlike the U.S. government, the Indian Supreme Court took notice when it moved to block the U.S. built EXXON VALDEZ last month after it arrived in Indian waters without first being pre-cleaned of hazardous waste. The top court's actions are consistent with multilateral decisions made in October 2011, when 178 parties to the Basel Convention met in Cartagena, Colombia to not only re-endorse the Basel Ban Amendment forbidding the export of hazardous wastes from rich to poorer countries, but also resolve that the Basel Convention must continue to prohibit the dumping of end-of-life vessels on developing countries. The global coalition of human rights and environmental organizations that comprise the NGO Shipbreaking Platform, urge the Government of India to block the DELAWARE TRADER from entering its waters and to uphold the principles of the Basel Convention in the same manner as the recent Supreme Court action against the U.S. built EXXON VALDEZ. The DELAWARE TRADER and the EXXON VALDEZ were both constructed at the same yard, and therefore likely contain similar hazards within their construction. The NGO Shipbreaking Platform also calls on the United States to take immediate steps to change its ship disposal policy so that such ships never again are exported to countries like India to exploit desperate laborers. *For more information: Mr. Colby Self Green Ship Recycling Campaign Director Basel Action Network cself@ban.org +001 206 250 5652*