



turn back the toxic tide

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August 26, 2009

Mr. Mathy V. Stanislaus, EPA Assistant Administrator for Solid Wastes
Ms. Michelle DePass, EPA Assistant Administrator for International Activities
Mr. Frank McAlister, Solid Waste
Mr. Michael Bellot, Enforcement

USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Mathy Stanislaus, Ms. Michelle De Pass, Mr. Michael Bellot, and Mr. Frank McAlister:

The EPA must act today to halt the export of the recently reflagged ships Anders and Bonny until such time as tests are conducted to determine whether the ships contain regulatory levels of PCBs which would be a violation of the Toxics Substances Control Act. THESE SHIPS ARE SCHEDULED to SAIL from NORFOLK TODAY AND TOMORROW. THEY WILL SAIL WITHOUT AN EPA ORDER REQUIRING PRIOR TESTING.

In a conversation with Frank McAlister yesterday, it was clear to BAN that the EPA was going to take a calculated risk that the ships were unlikely to possess PCBs and therefore they would exercise discretion to not require the owners to test the ship. This flies in the face of precedent set under the Bush administration to test the USS Crescent City (aka Artship), the SS Oceanic, the MV Sanctuary, and most recently the Horizon Crusader.

The evidence of likely PCBs is compelling and therefore we cannot understand this decision. It appears to be based on politics or economics and not on science or the facts which are:

1. In the famous RAND report, prepared for the US Navy in 2001, entitled "Disposal Options for Ships" (available upon request from BAN), tests were carried out on various ships in the MARAD and Naval fleets for PCBs. Six ships were tested that were built in 1979 and 1980, the years that the Anders and Bonny were built. Of the 6, two were found to contain either liquid or solid PCBs at regulatory levels.

John A Moore, 1979 - NO
Kidd, 1979 - NO
Estocin, 1979 - Yes

Merrimack, 1980 - Yes
Yellowstone, 1979 - NO
Monongahela, 1979 - NO

Further, a careful reading of the RAND report indicates that some of the tests of the ships that were negative above were not in fact tested for solid PCBs and thus may very well have tested positive were the proper tests carried out.

From Page 110:

*22. PCBs. These are PCB data derived from four PCB analysis databases provided by NAVSEA 00T and from a 1997 MARAD report. A yes (Y) indicates that samples of solid and liquid materials in the ship were taken and that materials containing 50 parts per million or more PCBs were found. A no (N) indicates that samples were taken and no materials containing 50 parts per million or more PCBs were found. A dash indicates that no samples were taken. Note that an entry of Y or N does not indicate that ship-to-ship sampling was uniform. **Most N [no] entries are for ships in which only liquids were sampled. Liquids (most often lubricants and hydraulic fluids) rarely contain PCBs above 50 parts per million. See Appendix C for a discussion of PCBs in ships.***

However ignoring for the moment this very important fact, we still have 1/3rd of the tested ships from a government database indicating high levels of PCBs. BAN asks, what is the basis for discounting this data? What kind of risk assessment is EPA using that discounts a probable violation of 33%? It is unconscionable to not require testing given this available data.

2. According to the Christian Science Monitor somebody at EPA erroneously believes that because the ships were built in Denmark and that Denmark had banned PCB use as of the build dates of 1979 and 1980, that there is unlikely to be a problem. In fact, these are not correct statements. According to a definitive document on PCBs for the Baltic States, created by the Helsinki Commission, <http://www.pops.int/documents/guidance/NIPsFinal/helccomplev.pdf> , **Denmark did not ban use until 1986**. It is clear from the reading of the section on Denmark in this document that new proposed patents for use were closed in 1977, but Denmark continued to allow the use of existing patented products such as gaskets, flooring, insulation, cables etc. containing PCBs until 1986. Bear in mind that many uses of PCBs in solid matrix form were not recognized by regulators despite widespread use in products.

3. Further the EPA official cited in the Christian Science Monitor stated that because the ships were retrofitted in the US in 1982, that they would have been repainted with non-PCB containing paints. It must be understood that repainting of vessels rarely implies removing paints to the bare metal. Rather, PCB paints would simply have been painted over and would still exist on the ship and still be subject to the TSCA ban. Further it is more likely the cabling and the gaskets which would not all have been replaced in a retrofit and these are the most likely items to contain the PCBs.

4. With respect to the issue regarding the reliability of the new owners, BAN has discovered that despite a letter having been sent on supposed Star Maritime letterhead vowing that the ship would

be further used and not scrapped we submit the following:

A. Star Maritime should not be confused with Star Maritime Acquisitions Corp. or Star Bulk Carriers. Rather Star Maritime is a mailbox company that was set up in Delaware in 2007. It was subject to taxes of but 75 dollars to the State of Delaware, has not filed a 10K with the Security Exchange Commission and there is no records for this company other than what is reported in the Delaware incorporation database. It appears not to be doing business of any kind other than serving as an address. The letterhead however is very telling in that it lists as coordinates the Delaware registered agent for the company, required by law, if the company does not have a physical address in Delaware, and it lists a UK address of United Eastern Trading with the email of demo@unitedeastern.co.uk. Further the letter is signed by Suryakant Pai (for Star Maritime). Suryakant Pai is the chief financial officer of the famous ship scrapping cash buyer Mohammed Tahir Lakhani, the owner and CEO of United Eastern and the director of the Dubai Trading Agency. <http://www.nhstevents.com/events/article525107.ece> The business of Mr. Lakhani is ship demolition, not shipping of cargo. One might wonder why Suryakant Pai is signing a letter for Star Maritime, the ships new owner and why they would not sign the letter themselves. One might also wonder why there is no physical address for Star Maritime in the USA when in fact the ship was supposed to be sold ONLY to US entities according to the law. One might wonder also why the letterhead appears to have been fabricated on the spot. This is because Star Maritime is most probably nothing but a shell company for United Eastern. Inside informers that have informed both BAN and Lloyd's List have indicated that the scrapping deal has already been penned between Mr. Lakhani and the Shipbreaking magnate Mr. Lokman in Chittagong Bangladesh.

EPA must realize that this deal which they have become complicit in, is a ruse to take former ships under the employ of our Navy and send them straight to the beaches of South Asia where they are likely to cause occupational disease, injury and death for which the US may be liable. This will be the first time since the Clinton Administration that the US government is willingly sanctioning and aiding and abetting the dumping of US flagged ships (as of days ago) on the infamous shipbreaking beaches of South Asia.

We understand these ships are set to sail today. We demand immediate action to prevent this outcome. If these ships sail without testing, we request a meeting in Washington with yourselves to discuss the basis for this very damaging decision made by the Obama Administration. Such a decision would be a devastating blow to the advancement of environmental enforcement and global environmental justice.

Sincerely yours,

Jim Puckett
Executive Director, Basel Action Network



STAR MARITIME CORP.

Ref:SMC:SSP:26

24th August, 2009

The Maritime Administration,
US Department of Transportation,
1200, New Jersey Avenue, S.E.
West Building, 2nd Floor.
Washington, D.C. 20590

&

The United States Environmental Protection Agency,
1650, Arch Street,
Philadelphia, Pennsylvania 19103-2029

Dear Sir/Madam,

RE: Bonny and Anders

The undersigned, Star Maritime Corp (the "Owner"), is the owner of each of the MV Bonny (ex 1st LT. Alex Bonnyman, U.S. O.N. 680897), SKN 1001856, registered and flagged in St Kitts and Nevis (the "Bonny"), and the M/V Anders (ex PFC James Anderson Jr, U.S. O.N. 679513), SKN 1001 857, registered and flagged in St Kitts and Nevis (the "Anders", collectively with the Bonny, the "Vessels"). We understand that there are certain rumors being circulated to the effect that the Owner is currently planning to scrap these Vessels. These rumors are unfounded. We reiterate to you that the Owner currently plans to employ the Vessels in the cargo trade. The Owner has taken steps and incurred significant expenses since acquiring title to these Vessels on July 15, 2009 to prepare the Vessels for trade.

Since acquiring title to these Vessels the Owner has incurred and/or has committed expenditure estimated to be around USD 2,272 Million for the Vessels which includes the cost of putting the Vessels in class, bunkering, crewing, Hull & Machinery and P & I Insurances, crew insurance, agency fees, port dues and other related expenses.

Please note that the technical managers of the Vessels are C. B. Marine Limited, London (address: Neckinger Mills, Ground Floor West, 162-164 Abbey Street, Bermondsey, London SE1 2AN), (the "Managers"). For any aspects relating to the Vessels, please feel free to call Mr. Steve Huty or Mr. Steve Dawson of C. B. Marine Limited, on Tel: +44 845 0344 300 Fax: +44 (0) 20 7117 1830 (email: SH@cbmarine.co.uk; ESD@cbmarine.co.uk).

Registered Office : 160 Greentree Drive, Suite 101, City of Dover, County of Kent, Delaware 19904

Correspondence Address: C/o. United Eastern Trading (U.K.) Ltd, 66-68 Bell Street London NW1 6SP
Email: demo@unitedeastern.co.uk



STAR MARITIME CORP.

:2:

Any suggestion by any party that the Vessels are currently intended to be scrapped are refuted and we invite you to contact our Managers should you have any questions regarding the operation of these Vessels.

Thanking You.

Yours truly

For Star Maritime Corp.



(Suryakant Pai)

Attorney in fact.

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