HOUSE OF COMMONS

# Transport Committee

## Oral evidence: Transocean Winner incident and emergency towing vessels, HC 817

Monday 21 November 2016

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Watch the meeting

Members present: Mrs Louise Ellman (Chair); Robert Flello; Karl McCartney; Huw Merriman; Will Quince; Iain Stewart; Graham Stringer; Martin Vickers

Questions 1 - 90

### Witnesses

I: Leo Leusink, Chief Operating Officer, Fleet and Operations, ALP Maritime Services B.V., David Wells, Chief Executive Officer, Aqualis Offshore Ltd, Sir Alan Massey KCB CBE, Chief Executive, Maritime and Coastguard Agency, Hugh Shaw, Secretary of State's Representative for Maritime Salvage and Intervention, and Dave Walls, Operations Director, Transocean.

# Examination of witnesses

Leo Leusink, David Wells, Sir Alan Massey KCB CBE, Hugh Shaw and Dave Walls.

Q1 **Chair:** Good afternoon and welcome to the Transport Select Committee. I know that a number of you have travelled a long way to be here today, particularly Mr Leusink, who has come from the Netherlands. We thank all of you for coming today to talk to us. Could you give us your names and organisations for our records, please?

***Hugh Shaw:*** I am Hugh Shaw, the Secretary of State's representative for maritime salvage and intervention.

***Sir Alan Massey:*** I am Sir Alan Massey, the chief executive of the Maritime and Coastguard Agency.

***Dave Walls:*** I am Dave Walls, operations director of Transocean.

***Leo Leusink:*** I am Leo Leusink, operations and fleet director of ALP Maritime.

***David Wells:*** I am David Wells, chief executive of Aqualis Offshore.

Q2 **Chair:** Thank you. We are aware that the Maritime Accident Investigation Branch is currently investigating the circumstances involved in the grounding of the Transocean Winner rig. We are not attempting to replicate what is currently under way. The reason we have asked you to come here today, and we are grateful to you all for coming, is so that we can understand some of the issues surrounding what happened a little more and the involvement all of you have had in different ways and that we can start to think about some of the policy issues that surround not just what happened but this sort of incident. We are grateful to you for coming today. It is very helpful to be able to understand more about what happened and the policies connected with it. I would like to start by asking Mr Wells a question. Could you tell us what the key considerations were in deciding how to move the Transocean Winner rig?

***David Wells:*** We were appointed as a marine warranty surveyor to look at the movement of the rig from Norway down to Malta. There are several elements to the kind of work we do, which is effectively to ensure that the risks of the operation fall within industry accepted envelopes. Our starting point is for the wet towage: to make sure that the vessel integrity was good for that voyage at that time of year. The second section was to ensure that the tug doing the towing operation was sufficient for the operation. The third part was to make an inspection of the units, to make sure that the towing gear and the vessels were in the right condition for towage.

Q3 **Chair:** We understand that rigs of this type can be towed in the water or fixed to a specialist heavy transport vessel. Why was the decision taken in this case to tow it in the water?

***David Wells:*** It was at the request of the rig owner. He wanted to look at wet towage as opposed to dry transportation. Both options are available. I suspect that the decision was commercial, because dry transportation is much more expensive than a wet operation.

Q4 **Chair:** It was the decision of the rig owner. Would that have been subject to any sort of assessment? Mr Walls, can you help us with that?

***Dave Walls:*** Yes, it would be. Currently, the cost is a factor but not the primary factor. There are a number of considerations between dry tow and wet tow, and manned and unmanned in fact. I do not think there is any right solution or answer; it is just different risk profiles.

One consideration for dry tow is availability. There are probably only three or four vessels in the world that could dry tow something like the Winner. With the Winner also, some preparatory work must be done prior to its being loaded on to a dry vessel. There are thrusters below the rig, for example, and they need to be removed. There is an entire risk profile in the diving work that must be done to prepare for a dry tow. Overall, by far the most common method of towing rigs is wet.

Q5 **Chair:** In this case, or in other cases, when the rig owner says which way they want it to be done, would that automatically be carried out or would there be an assessment made? Is there any provision for an assessment to be made first as to what is most appropriate, or would it just be an instruction to the contractor?

***Dave Walls:*** Yes, there would be an assessment. There are a number of guidance notes from flag states, the IMO—International Maritime Organisation—and the coastguard, for example. We follow their particular guidance based on the type of tow we use. The wet tow is by far the most common, not just for rigs but for any vessel. Dry tow is probably where we ended up with the Winner. If your rig does not have the stability that you would normally inherently have, you would probably look for a dry tow. Generally, wet tows are the most common.

Q6 **Chair:** Mr Wells, do you want to say any more about that?

***David Wells:*** No. In our position as a third party, they propose to us that they want to do a wet tow. If we had some major concerns about it, we would discuss that with them. If we felt strongly against it, we would recommend not to do it.

Q7 **Chair:** If you felt you were strongly against it, you would say something.

***David Wells:*** Correct. Yes.

Q8 **Chair:** Have there been instances when you have recommended changes and they have been rejected by the owner?

***David Wells:*** Not normally. In general, the industry knows when you can wet tow and when you should dry tow. There are two ways of looking at

it, but in general the most sensible solution is normally proposed in the first instance.

Q9 **Chair:** You said normally, but has it ever happened that you said you want to do it—

***David Wells:*** No, we have never had to refuse a wet tow or recommend a dry tow based on information given to us. It is normally self-apparent that one is acceptable, and we can go along with it.

Q10 **Robert Flello:** I want to ask a question around the towing issue. As I understand it, the tow cable broke. Is that correct? I do not mind who answers the question. Is it the case that when the rig was being towed a tow line broke?

***Leo Leusink:*** Yes, in the end, when we reached the coast, we had a tow line failure.

Q11 **Robert Flello:** Was there just a single tow line attached to the rig?

***Leo Leusink:*** Yes, it is just a single tow line. The tow line was in good order and condition.

Q12 **Robert Flello:** If it was in good order and condition, why did it break?

***Leo Leusink:*** We are still working on the investigation internally, but from the first results, looking at the remaining towing gear left on board, it appears that she had bottom-touched and some of the outer wires were damaged. When loads were on the tow line again, it stretched and broke.

Q13 **Robert Flello:** Is it common just to use a single tow line? Is that what normally happens?

***Leo Leusink:*** Three weeks before this tow, from Stavanger, we did a complete annual check of our towing gear, including a breaking test, and it was over 440 megatonnes. For this type of tug, you need twice the bollard pull, which is 218 times two.

Q14 **Robert Flello:** It is a single tow line, but it is doubled up, effectively to double the forces through it, or halve the forces through it.

***Leo Leusink:*** Yes, according to the standard towing guidelines for the whole world.

Q15 **Robert Flello:** Is it normal just to use a single tow line but multiplied to give the towing forces you want?

***Leo Leusink:*** There are standard guidelines, and it is proven in the industry that two times the bollard pull is sufficient. Normally, you do not reach those loads at all. In extreme weather conditions, yes, it happened. Although we had a lot of peak loads, we touched the integrity of the towing gear.

Q16 **Robert Flello:** You just mentioned the peak loads. That is the point when

it gets dangerous. Given the weather conditions, why wasn't an additional tow line attached? Why was the decision not to have a back-up or a safety line attached?

***Leo Leusink:*** Normally, you always tow on a single tow line. You have a spare towing wire readily available for a tow line failure. In this case of course we had a tow line available. That is standard practice.

Q17 **Robert Flello:** In terms of doubling the tow line to give twice the force, does it ever get tripled or quadrupled to improve the towing forces?

***Leo Leusink:*** No. In the industry, the standard is two times. DNV GL, for example, years ago asked for 2.2. That was changed two years ago and now it, too, is twice the bollard pull of a ship. We are talking about a ship with a bollard pull of more than 100 tonnes.

Q18 **Robert Flello:** Finally, in terms of the integrity of the ship where the tow line is connected to the vessel doing the towing, what are the maximum forces that can be put through at either end?

***Leo Leusink:*** It is 400 tonnes—the holding power of the winch.

Q19 **Robert Flello:** In this case, the rig is also 400 tonnes.

***Leo Leusink:*** Yes.

Q20 **Chair:** Are a lot of rigs moved in this particular area?

***Leo Leusink:*** Yes.

Q21 **Chair:** It is quite common. Is it a very difficult route?

***Leo Leusink:*** No. We had no problems with the route. We looked at it and we determined, together with our client and the marine warranty surveyor, that the voyage was feasible. We proposed the route to avoid the Dover strait with its heavy traffic, especially in the summer time.

Q22 **Chair:** Mr Walls, there has been some questioning of the decision to move the rig when such stormy conditions were forecast. Do you think that is a fair comment?

***Dave Walls:*** I can understand why the question would be asked. Prior to leaving Stavanger, we said we needed a certain weather window of 72 hours—three days' duration—before we left, which we had. The reason we had that was that we had built in hold points where we could, should the master decide, seek shelter. I can understand why the question was asked.

Of course, we now have the benefit of hindsight. When the master was faced with the weather, he had to make a decision. With hindsight, we could probably say that we wished it was a different decision, but he was making a decision in real time in consultation with his own office. I understand why the question was asked, but it is not uncommon to move rigs at that time of year. We follow the guidelines about where we would be most likely to encounter bad or severe weather. That would ordinarily

be the Bay of Biscay. We constructed the rig move and the tow around how long it would take us in the likelihood of getting across the Bay of Biscay in favourable weather. There are always going to be times on a voyage when we rely on the master looking at the weather in real time and making a decision. Yes, I understand why the question was asked, but even with the benefit of hindsight, it was perfectly reasonable to leave Stavanger when we did.

Q23 **Chair:** Was the issue of the availability of an emergency rescue tug part of the consideration? Did you think about what might happen?

***Dave Walls:*** No. Let me qualify that a little. When we look at risk profiles, we broadly look at prevention and mitigation. We do not want to get ourselves into a position where we need an ETV or we need to grapple for the secondary tow line. We look clearly at prevention. In our mitigation, I do not think we would rely on an ETV in the event that we found ourselves in difficulty. I do not think that would be part of our risk assessment.

Q24 **Graham Stringer:** I want to take you back to the earlier questions that Louise asked. What is the cost profile of a dry tow and a wet tow?

***Dave Walls:*** Very broadly, it would be somewhere in the region of $600,000 for a wet tow and maybe double that at $1.3 million or $1.4 million for a dry tow.

Q25 **Graham Stringer:** That is a significant difference. Can you give us a profile of the risk in terms of a dry and a wet tow? I take it that a dry tow is safer, or less risky.

***Dave Walls:*** Again, I understand why you may think that. I do not think safer is the right word.

Q26 **Graham Stringer:** Perhaps less risky is a better term.

***Dave Walls:*** There are different risk profiles. If we have a dry tow, the rig needs to be prepared to get on board the vessel. In the case of this particular rig, it would have meant that we needed divers in the water for some period of time, so we would introduce a risk that we do not have with a wet tow. With a dry tow, we have a much narrower weather window to load on and load off. On the voyage itself, the dry tow is much more susceptible to wind and wave than a wet tow, because there is such a large sail area for the rig. There are some considerations to a dry tow.

Q27 **Graham Stringer:** In your original answer, you said that one of the questions was availability and that there were not many vessels that could do the dry tow. Were the dry vessels available at the time?

***Dave Walls:*** At the time we decided on the wet tow?

**Graham Stringer:** Yes.

***Dave Walls:*** I honestly couldn't say if there were or not. I do not think there was consideration at the time of a dry tow, when a wet tow was

available, and because we thought, and still do, that the overall risk profile was low.

Q28 **Chair:** Mr Wells, when you made your assessment, what sort of assessment did you make about the availability of an emergency rescue vehicle?

***David Wells:*** We do not normally bring emergency towing vessels into the thought process. We are normally self-sufficient, so we have a main towing arrangement, and should there be a failure, there is always an emergency towing arrangement for a tug to come back and pick it up. It is not very common to have emergency towing vessels on the various coastlines with rigs, and it was not part of the consideration.

Q29 **Chair:** What kind of assessment did you make when you were looking at the risks in all of this? You knew about what kind of emergency towing rescue was available. What was the assumption you made?

***David Wells:*** Sorry, can you repeat the question?

**Chair:** What kind of assumption did you make in assessing the risk? You knew what sort of emergency rescue vehicle was available and you knew where it was. What kind of judgment did you make?

***David Wells:*** An emergency towing vessel is not part of the consideration.

Q30 **Chair:** It is not part of your assessment at all.

***David Wells:*** Not normally. We try to be self-sufficient.

Q31 **Chair:** When you are assessing risk, you do not think about the availability of an emergency rescue vehicle at all.

***David Wells:*** No. There are always vessels available on the spot market. You can always get extra vessels, if necessary, at short notice. We did not consider the emergency towing vessel.

Q32 **Chair:** Would anyone else like to comment on that? Is that in any of your considerations? Mr Walls, can you help us? You know what the theoretical availability is, but is that part of your consideration?

***Dave Walls:*** Is what a part of my consideration?

**Chair:** The availability of an emergency towing vessel.

***Dave Walls:*** We did not consider it. There are maybe two reasons for that. One would be, as David said, that, even if we considered it, what would be the likelihood that it would be available should we need it? It could be deployed elsewhere, for example. I do not think even today that it would be a consideration. It may be something that would be useful or helpful should it be available, but I do not think we would use it in our assessment as being available.

Q33 **Chair:** Has that always been the situation?

***Dave Walls:*** We have never considered an ETV as part of the risk assessment. If I can clarify a little, we are primarily looking at prevention. We do not want to be in the position where we are trying to recover in bad weather. We do not want to get there in the first place. That is where our primary focus is. Having said that, we are always going to look at mitigation. This particular vessel was a DP2; it has no single point of failure. We had an emergency tow line on the aft that we could have grappled with the ALP Forward. I am not sure in this particular instance that an ETV would have made a significant difference to the risk profile.

Q34 **Iain Stewart:** I want to follow up on that. Is that a standard practice in this industry, not just looking at your particular instance in that particular location but around the world? If that sort of transportation was happening, would the availability of an ETV form part of the risk profile?

***Dave Walls:*** I could not say for sure, but I have no knowledge of its forming part of a risk profile anywhere else.

Q35 **Iain Stewart:** Can any of the other panellists comment on that? What would be normal in this sort of transportation? Would the availability of an ETV within a reasonable timeframe be a central consideration, or does that not happen?

***David Wells:*** For me, no, an ETV is not part of our thought process. If we need a second vessel, we pick one up from the spot market.

***Leo Leusink:*** Nor is it part of our risk assessment. Of course, it depends; in such a situation, you ask for assistance, and we as ALP Maritime asked through MCA for Herakles to come to give support. I cannot tell how, but we asked for it. The vessel was too far away in Kirkwall. The situation was better when it was in Stornoway.

Q36 **Chair:** It would be better.

***Leo Leusink:*** Yes.

Q37 **Chair:** A lot better.

***Leo Leusink:*** She had to run into the sea in a south-westerly storm with high seas and the current against her. It would be better for us if it was close by.

Q38 **Huw Merriman:** This follows on the same lines. In this instance, you did not have any need for an ETV in that particular sense, but is there a requirement from those who operate the ETV always to be aware of movements that might be considered risky?

***Sir Alan Massey:*** If I can speak for the Maritime and Coastguard Agency, no. If we are pre-notified, or if vessels are going through areas that have a notification requirement—Pentland firth is an example—of course we take note, but, by and large, commercial movements like that are not notified to us. We might be able to read them on the automatic

identification system and, generally speaking, we monitor the traffic that goes around. If there is something risky happening and something is going wrong, we depend entirely on the master of the vessel getting in touch with us to say that there is a problem. Then we respond accordingly.

Q39 **Huw Merriman:** Excuse my ignorance, but this is a new area for me. Doesn't that defeat the object of having an ETV? If there is something risky going on, surely one would think it was in close proximity just in case something went wrong.

***Sir Alan Massey:*** The ETV is a strategic asset. You do not commit it until you know you need to commit it to something. You have to make an assessment of the risk attached to a particular scenario at any one time. Even if we had a dozen ETVs, you would still have to make some judgment about where best to deploy the asset you have. We depend on ships' masters giving us an indication of what the severity of a scenario is.

Q40 **Huw Merriman:** But in circumstances where they have no requirement to notify you, it is all a bit disconnected in that sense. Would you agree?

***Sir Alan Massey:*** It is connected, through the means of talking, as between the person responsible for the safety of that vessel and its tow, who is the master, and the authorities ashore, which might be able to lend assistance in one way or another. In the case of the Maritime and Coastguard Agency, we have a tug available around the north of Scotland. We were notified of the issue. The vessel sailed within 18 minutes of the notification, so we went off at best effort. The next question is what could our tug have done, and the answer is that we do not know yet, because we have not gone through the investigation. I put it to you that there was a perfectly good salvage tug on the scene that was bigger and more powerful than our own ETV, and it could not do anything about the rig, so I would be very surprised to discover that our ETV would have made any difference.

Q41 **Robert Flello:** Mr Walls, I may have misheard, so this is an opportunity for you to correct me if I was wrong. I thought I heard you say that there was a secondary tow line aboard the tug vessel and there were other means of lashing the rig to the tug. Do you know why the master of the tug ship, in those circumstances, would not have seen the weather change coming his way and therefore taken the decision to attach a second line? Why would he not have done that just as routine practice?

***Dave Walls:*** Thank you for an opportunity to clarify that. There was a second line that was an emergency tow line. You could not have both connected at the same time. If the primary fails, which it did, there is a secondary that the tug can grapple and attempt to connect to.

Q42 **Robert Flello:** The tugs do not, as a matter of routine, ever have available to them a second tow line that they can deploy; it is only ever in an emergency if the primary fails.

***Dave Walls:*** Yes. They actually have a secondary tow line, but again the tug—Leo would be better at explaining this than I am—has its primary tow line on a winch. Should that part, they have a secondary tow line that they can attach, but they could not attach them both. Likewise, if there is a secondary emergency tow line connected to a buoy on the aft of the rig, the tug could grapple and get hold of that. They could not both be connected at the same time.

Q43 **Robert Flello:** Is that something that has never been the case? Have tugs never had a secondary line? Has there never been a call for it?

***Dave Walls:*** It is the case that you would have two tugs on two lines.

Q44 **Robert Flello:** But would an individual tug never have a secondary line? They see bad weather coming and they think, "Well, the primary line should be fine, but it is a single point of failure. Therefore, let's have something as back-up". They have never thought about that.

***Dave Walls:*** Not to my knowledge.

Q45 **Chair:** Who did the tug boat crew contact for assistance, Mr Leusink? How does it work?

***Leo Leusink:*** I was informed by the master of ALP Forward around noon on 7 August. I informed him two hours later when I saw the way things were sitting immediately to inform the coastguard. In the meantime, I was also contacted by MCA and pollution and environmental protection. They informed me that they had a tug available, an ETV. At that moment, we asked the officer to send the vessel as soon as possible. That was the way we started.

Q46 **Chair:** Could the rig have been prevented from running aground?

***Leo Leusink:*** No. We were that close to the coastline. To be honest, I was looking at the AIS and hoping she was running free of it. We went out to the deep water route, and suddenly I was informed by the master and by the coastguard that the line had snapped and she was drifting. We had no time to recover it. The emergency towing gear connected to the rig was away. We could not get it back because it was wrapped around the bracing of the rig due to the speed at the stern. We were not able to recover the rig any more. We were completely hampered.

Q47 **Chair:** Sir Alan, you will know from previous occasions that our predecessor Committee discussed these issues and expressed a lot of concern about the change in emergency towing vessels. You will know what the concerns of the Committee were at that time. What circumstances would there have to be for you to say that you think it was a mistake to reduce the number of emergency towing vehicles? What would have to happen?

***Sir Alan Massey:*** Madam Chair, this is in the realms of speculation, but we would have to have evidence that one was actually insufficient for the range of tasks for which it was intended and employed. The evidence that

I have to hand at the moment, from five years of operating a single ETV around Scotland, is that one has been adequate. It has been used on five occasions over the five years to give a tow. On all the other occasions—something like 15—there has been commercial towage or peer-to-peer towage by other vessels that were perfectly adequate for the task. Our judgment, back in 2011, to reinstate a single tug, has been vindicated up to now. As you said, Madam Chair, we cannot prejudge the outcome of the investigation, but I do not yet see anything that looks like evidence to suggest that a second tug in Stornoway would have made any difference at all.

Q48 **Chair:** In 2013, when our predecessors looked at the issue, the Government told us that the emergency towing vessel response times from the northern isles to the Western Isles were between eight and 10 hours, depending on the weather conditions, and that had been assessed as appropriate by independent consultants. In this case, it took 18 hours. That is a massive difference, isn't it? That is the information we have.

***Sir Alan Massey:*** Yes, it was just under 18 hours this time. That is really not surprising because they were sailing into the teeth of a storm force 10 and seas of 10 metres, which is phenomenal for that time of year. As a matter of fact, for the sea area of Hebrides, as used in weather forecasts, on average over the last five years there has been only a single gale day—a force 8, in other words—in the Hebrides area in the month of August. It is really very unusual for there to have been 10 metre seas and 40-knot plus winds over a sustained period at that time. That will have slowed down the tug, but then again, we did not have enough notice of the issue being a severe issue.

In those sorts of weather conditions, there are very few things that a tug can do once you have reached the stage where something has got into perilous water, it has lost its tow, the tow has parted and it is heading for the shore. It is extremely difficult. I am not a tug operator, but any mariner would recognise that, in those sorts of sea states and wind conditions, you are on the back foot from the start. It is an extreme example of a maritime casualty.

Q49 **Chair:** But isn't all of this looking at situations that are unusual and unpredictable? Isn't that the nature of an emergency?

***Sir Alan Massey:*** There arise circumstances in which, whatever you have done in terms of contingency planning, you simply will not win. We plan for the best contingencies. Of course, there is always a risk involved. It is a judgment call as to how many tugs you have and where you station them.

This year we commissioned a detailed study by Lloyd's offshore consultants into what sort of ETV we should have, where it should be stationed and how it should be operated. They came back with extremely useful recommendations that largely vindicated the line we had taken. They recommended a certain bollard pull towage capability, a certain size

of crew and a certain speed—all things we had taken into account in the past. The one thing they recommended that, in truth, we had not done previously was to make the tug patrol a little bit more around its area rather than staying, as it has done, in the Orkney area, and that we should perhaps look at weather conditions and traffic densities and then move the tug around. That is something we will do as the new contract is let.

Q50 **Chair:** That is what you are intending to do.

***Sir Alan Massey:*** That is fully our intent, and it is the basis on which we are seeking to contract with a towage company.

Q51 **Chair:** Does anyone else have any views on that? Would it be helpful, if it remains as just one ETV, to move it around or perhaps relocate it to Stornoway? Would any of you like to give a view on that from what you know at the moment?

***Leo Leusink:*** From my point of view, it makes sense to move the vessel towards locations where the bad weather conditions are, and run along the weather patterns to other locations. Troubles always start in bad weather conditions, so, yes, I agree.

Q52 **Chair:** Mr Wells, do you have a view on that?

***David Wells:*** There are always going to be circumstances when an ETV will be useful. This is a very extreme case when things went badly wrong and there was not time to recover. There will inevitably be times when one will be useful. Moving around is definitely more sensible than staying in port.

Q53 **Chair:** Mr Walls, do you have a view?

***Dave Walls:*** My view is always that the more defences we have, the better. In relation to Sir Alan's point, it really depends on whether the tug could have made a difference. Could the ETV have made a difference had it got to the location? Maybe we will understand more about that once we see the MAIB report. If the answer is yes, it could have made a difference, it would make sense to look at an additional layer of defence.

Q54 **Chair:** We are told that an additional ETV would cost between £2 million and £3 million. If that is the case, should the private sector be ready to fund that, or be levied to fund it? Do you think that would be fair?

***Dave Walls:*** By private sector, do you mean OG UK—Oil & Gas UK? I am not quite sure who you mean by private sector. If there is a benefit, yes. If there is no benefit, it does not matter what the cost is. There needs to be some sort of cost-benefit analysis. If it makes sense and there is some benefit to an ETV, that is something for industry rather than for me. It is maybe for OG UK and some of the maritime bodies to look at.

Q55 **Chair:** Does anyone else have views on funding and who should fund it if there is a need for another one?

***Sir Alan Massey:*** In the course of last year, we had a number of stakeholder meetings with Scottish authorities to decide what we wanted to do in terms of renewing the contract for the tug. One thing we asked a sub-group to look at in particular was whether there might be alternative sources of funding, rather than simply Government paying for one or more tugs. Would there be some way by which European funding might be made available, or indeed whether some funding might be generated from those who are most at risk from any sort of marine accident? They did a very thorough study. I am afraid they came back with nothing to offer. We have also considered whether the industry should be approached direct, or even perhaps whether some sort of levy should be placed on the industry who use the waters, but that violates one of the principles of the United Nations convention on the law of the sea. It is quite difficult to find a way of doing that.

Q56 **Graham Stringer:** I have an obvious question. An investigation is being carried out, but is there anything that you think could have been done differently, with the benefit of hindsight?

***Dave Walls:*** With the benefit of hindsight, we should have had very clear guidelines—it is almost a contradiction in terms—about what could invoke the call between the master, ALP and Transocean. With the benefit of hindsight, we would have had a discussion much sooner as to whether we should have called the ETV. We would have had a discussion much sooner as to the correct course of action for avoiding the weather.

Once we found ourselves in the position where we had lost the tow line, frankly there was very little we could have done. The benefit of hindsight is prevention, so that we did not get ourselves into that position. We could have done that, and in fact we will have very clear trigger points on a voyage to trigger a call between the master, ALP, or whoever the towage company is, the marine warranty survey and us, the rig owner, to clearly define and decide the way forward.

Q57 **Chair:** Who takes the decision and what is the process? Is it the master of the vessel?

***Dave Walls:*** Ultimately, yes.

Q58 **Chair:** Is the master dependent on getting information from somebody else outside? How does it work?

***Leo Leusink:*** It is the master who makes the decision to call in assistance. In this incident, I was the one who instructed the master to inform the coastguard. Everything went very well. We were drifting along the coast and the reefs off Lewis island. The captain was confident that he was passing Lewis island, but at around 6 or 7 o'clock the wind changed and shifted to the west, and later to the north-west. We came back to the coastline, and at that stage, it was too late. Having ourselves two ETVs working, we put them in position. We knew exactly what was happening. You have to be very fast to intervene. At the moment when

we had the tow line failure, there was nothing to do. It was a matter of one and a half or two hours in darkness.

Q59 **Chair:** Mr Shaw, when were you first involved in the incident?

***Hugh Shaw:*** I was made aware just before 22.30 on the Sunday, the 7th, the night before the grounding itself. I was basically told that there was a tug in tow and that the master was having difficulty keeping the weight on the tow. I was subsequently told during the night that the tow had parted, and the rig was moving towards the Isle of Lewis.

Q60 **Chair:** Your particular concern is about potential environmental damage. What did you think would happen? What was the potential for damage at the time you heard about this?

***Hugh Shaw:*** As has been stated, initially, there was some thought that the rig itself might miss the island, but once we were made aware that that was unlikely, I was given an approximate position of where it was likely to ground. From that point, I tried to ascertain what was on board. I knew that it was an unmanned rig, so there was no risk to persons on board the rig itself. I was trying to look at what might be in the path of the rig as it was driven ashore. I was trying to get an understanding of what pollutants, if any, were on board the rig, and then to make sure that the appropriate authorities were aware of what we were going to be faced with, in this case the following morning, when the rig came into Dalmore bay.

Q61 **Chair:** If an emergency towing vehicle had been on the scene more quickly, do you think that would have made things better?

***Hugh Shaw:*** As has already been said by a number of people, it would have been extremely difficult to make that connection. I know there were many attempts to go in to try to pick up the emergency line. The fact that the rig was unmanned always made things extremely difficult. If the emergency line was tangled up, there was no other capability. One gets to the stage where putting the tug in closer and closer to the rig starts to endanger the crew trying to rectify the situation. There is a point of no return when the attempt has been made and there is a risk to safety that we are not prepared to exceed. At that stage, there is really nothing further that can be done.

Q62 **Chair:** What sort of powers do you have? What can you do to change the situation or influence how it is addressed?

***Hugh Shaw:*** Some will say that my powers are extremely wide ranging, but in a circumstance like this—as was said by the tug owner—we are talking about a matter of hours for the rig to run ashore. On my side, I was looking ahead. I was looking at the worst case scenario and what we were going to be dealing with in the aftermath with the rig ashore. I wanted to make sure that the appropriate people were alerted by the Maritime and Coastguard Agency. We were starting to consider mobilising to the island to deal with the problem itself.

As to physically preventing the rig grounding, nothing further could be done even with the intervention powers. Everything was being done. We are talking about the ETV. We are talking about the vessel on the scene. As a matter of course, the Maritime and Coastguard Agency also contact tug brokers. There may be a likelihood that other large vessels or tugs are transiting the area or are nearer the casualty scene. All those checks are made in the background to see if there is anything physically that can be done.

The other thing we looked at was using airborne assets. Was there any possibility of putting somebody down on to the rig itself with the means to fire a line back from the rig to the tug? Again, the conditions far exceeded the safety limits for the helicopter to fly out to the rig that night.

Q63 **Chair:** The rig remained in the Hebrides for about two months after the incident. Various reasons have been given for that. Could you have done anything to shorten that time?

***Hugh Shaw:*** No, I do not think so. The rig weighed just over 17,000 tonnes and had grounded on a very exposed and remote part of the UK. She was grounded for two weeks. She was re-floated within that period, which I thought was quite remarkable, bearing in mind that during the first week we had difficult conditions. There were dangers for people trying to board the rig even to carry out the initial assessments. From that point, we got an understanding of what pollutants were on board. There were a number of things we had to do. We wanted to remove as much of the fuel oil from the rig as we could before attempting the re-float. We obviously had to mobilise, through the salvors, a lot of equipment for the use of Transocean and Smit Salvage, as it was in this case, to help with the operation. Obviously, we were looking at mobilising larger vessels to help to remove the rig from the beach. It was a lot of work. I think the two weeks was a quite remarkable achievement. I feel that everything that could have been done was done in that first two weeks.

It was then a matter of towing the vessel round to Broad bay on the eastern side of the island. A decision was made by Transocean at that stage that if the rig was stabilised, rather than continue with another wet tow with a single tug, a semi-submersible heavy lift ship would be brought in. Much of the time after that, leading up to the end of the two-month period, was preparing for the rig to be floated on to the heavy lift ship and waiting for the ideal weather conditions to carry out that exercise. The two months may appear quite a long time, but a considerable amount of work was carried out within that period.

Q64 **Chair:** Could an emergency towing vehicle have done more to prevent the problem of pollution if there had been a bigger spill? There was a spill, wasn't there?

***Hugh Shaw:*** Yes. From our understanding, two fuel tanks were ruptured during the grounding itself. There were 53 cubic metres of diesel oil lost that morning—approximately 50 tonnes of diesel oil. In the weather conditions, most of it evaporated or dispersed extremely quickly. If there had been an emergency tug in the area, yes, it could have been carrying counter-pollution equipment, but it would be fair to say that, even on day one, Transocean had contracted the organisation Briggs Marine. They brought in an immense amount of counter-pollution equipment and a number of vessels. They were the ones that Transocean retained at the incident until the moment the rig actually left the island.

One of the difficulties in using the emergency tug for counter-pollution work is that it would have been extremely difficult to bring her into the shallower water to do some of the counter-pollution related work that the smaller boats from Briggs were able to do. From a counter-pollution aspect, we had more than sufficient equipment brought in by Transocean itself to deal with any potential threats.

Q65 **Chair:** Mr Walls, is it right that there was a small leak of fuel from the rig in October? Are you aware of that?

***Dave Walls:*** We had a small leak from the tanks that were already ruptured when the rig grounded. As Mr Shaw said, there were some 53 cubic metres of diesel in those two tanks. The fuel leaked when we were de-ballasting the rig back to float on to the Hawk. It was some residual fuel that was left in the tanks. The Briggs Marine counter-pollution vessels had booms deployed all the way around the rig because we considered that there was a likelihood that there would be some residual fuel inside the tanks. We had controls in place just in case we did see it, and we did in fact see some. It was all cleared.

Q66 **Graham Stringer:** I want to go back to the beginning. Again, it is a very obvious question. You said that storms in August in this area are infrequent. When the rig set off, or was being towed, what was the Met Office saying about weather conditions? When did the Met Office change the forecast and how much notice was there of that?

***Dave Walls:*** When we set off—I do not recall the exact details; maybe one of the others will—we had a three-day window of very benign weather. From that point on, we were always looking forward 72 hours. It was when the rig came around the north-west coast of Scotland that the weather forecast from the Met Office changed. That was the first indication, which was probably 72 hours before the rig got into difficulty.

Q67 **Graham Stringer:** During the 72 hours' notice that the weather conditions were going to deteriorate quite badly, was there anything that could have been done in that period?

***Dave Walls:*** Yes, I think there was. This goes back to my previous response. Had we had very clear trigger points, where all the stakeholders were involved in a discussion to continue, there may have been some different decisions made. We, Transocean, saw daily weather

reports. In fact, once we were in discussion, via the ALP office, with the master, the master was actually seeing weather that was worse than on the forecast. Even with the forecast we saw, the master was experiencing something different. The short answer to your question is yes, I think there is something that could have been done.

Q68 **Graham Stringer:** What would that decision have been? When the Met Office changed the forecast and it was clear that things were going to deteriorate, what decision should have been taken at that point, in your view?

***Dave Walls:*** I need to clarify our decision. The discussion may have been: should we heave to or should we seek shelter? Ultimately, the master would make the decision. He in fact made the decisions on the day, but if there had been more people involved in the discussion perhaps that might have made a difference.

Q69 **Graham Stringer:** How long does it take to get from Norway to Malta?

***Dave Walls:*** It was 21 days; 3,000 miles.

Q70 **Robert Flello:** I want to return to the issue of single points of failure. What happens to a tug if the engine packs up? Is it dead in the water, or is there a back-up engine?

***Leo Leusink:*** Do you mean from the rig?

Q71 **Robert Flello:** In general. If a tug is under tow and the engine packs up, what happens?

***Leo Leusink:*** The tug was surveyed and was in 100% condition.

Q72 **Robert Flello:** With the greatest of respect, so was the tow cable. What happens if the tug's engine packs up?

***Leo Leusink:*** We have a DP2 system on board, which means that we have redundancy both in the engines and the generator and electrical board. When you have one or two engines falling out, the other two will maintain the power. Normally, one at a time, you can switch on the rest of the engines again.

Q73 **Robert Flello:** That is presumably because in the past there was an incident when it was discovered that having just one set of engines or whatever on board was not a very sensible thing to do, so there was something built in to look at that.

***Leo Leusink:*** We were looking further than that. We wanted to be an offshore support vessel with full redundancy to work in live fields as well. They need DP2. You are not allowed to come in with just a towing vessel.

Q74 **Robert Flello:** Again, it is because there is a move away from having a single failure point. If there is something that can go wrong, there is always a back-up. That is basically what you are saying.

***Leo Leusink:*** Yes.

Q75 **Robert Flello:** Are there any other single points of failure? It is not the engines. They are clearly not a single point of failure.

***Leo Leusink:*** Yes, the rudder, of course.

Q76 **Robert Flello:** Yes. Satellite weather systems.

***Leo Leusink:*** Yes.

Q77 **Robert Flello:** Basically, the tow cable is the only single point of failure at the moment.

***Leo Leusink:*** The towing line, yes, but, as was explained already, we have the back-up of an emergency towing line.

Q78 **Robert Flello:** But you still have to attach it. There is physically only one connection between the two vessels.

***Leo Leusink:*** We have only the emergency pick-up line from the rig, and it was situated on the stern of the rig.

Q79 **Robert Flello:** But it did not work.

***Leo Leusink:*** You cannot tow on it at the same time, no.

Q80 **Robert Flello:** But there was no physical connection. It is a very poor comparison, and I am not a particular fan of caravans, but if the towing line on a caravan fails, the brakes come on because there is another cable that makes that happen. I know that you cannot put brakes on rigs, but there is a back-up. That is my point.

***Leo Leusink:*** I appreciate your thinking. They have looked at it in the past—maybe you can help me a little bit in that respect. Having a second line as stand-by is not the best, because when you have a tow line failure, the tow will run out. There will be high loads on the tow line and then it can snap. You see it with double tows, with two tugs. When one tug has a tow line failure, most of the time the second tug will have the same if it is not anticipated in time.

Q81 **Robert Flello:** Clearly, it is not the first time that there has been an issue in terms of losing connectivity. If you have a double tow, as you have just said, and one of the tugs fails, the other one is almost certainly bound to fail because of the pressures and forces on the tow line.

My final point is this. Obviously, in the aviation industry, whenever there is an issue, they pull it to pieces and look at what the underlying problems were and then look to solve them. One of the things with aircraft, as I understand it, is that whenever they are flying along they are always looking for the nearest emergency airfield that they could set down on. Does a ship's master not have an awareness of what other vessels are in their part of the sea, so that if they get into trouble—which they are not expecting to, but if they did—they already know what is around them that they could perhaps call on for help?

***Leo Leusink:*** No. In our industry, we are self-sustainable. We help ourselves in all difficulties. In this matter, when we were going along the coast of Lewis island, we heard from the coastguard at a certain moment. That is the only back-up we had at the time.

Q82 **Robert Flello:** The ship's master, on any ship, does not really have any information about what else is in the sea around them.

***Leo Leusink:*** No, but you trust your coastguard and back-up system. That is something we have. During the towing route, we do not look at which vessels are available. Normally, you have commercial vessels. Mr Wells, mentioned that you hire in a tug. Our commercial department checked everything that was available. The nearest tug was the Herakles. I ordered them to send it down at the first moment, but it was too far away. You cannot put vessels in place when you are passing by.

Q83 **Robert Flello:** I am not suggesting you do. With one exception, the nearest I have ever come to detailed travel on sea is probably the ferry. If you are setting sail somewhere, or indeed if you are driving from Stoke-on-Trent to Westminster in your car, you have an idea of where the stopping stations are. I do not understand why a ship's master would not be aware of what else was out there in case they got into trouble.

***Leo Leusink:*** We have a towing plan. We have ports of refuge and places of shelter.

Q84 **Robert Flello:** But not what other vessels are on the sea.

***Leo Leusink:*** No.

Q85 **Huw Merriman:** I want to ask about the availability of the emergency towing vessels and why there is one in Scottish waters but none any longer covering the Dover straits or the south-western approaches.

***Sir Alan Massey:*** The answer is that a judgment was taken in 2010 that, while it was convenient to have four Government-funded tugs around the UK, in reality, there was plenty of capacity within the commercial market to provide commercial towing assets for any vessels that required them under emergency conditions. Again, that has been borne out by experience, to the extent that of the several dozen cases where a tow has been required in the west, south and east of the UK, it has been provided by commercial towage. In fact, one of the tug operators to my left made exactly that point. They would normally go to the spot market, which is the commercial market, to look for emergency towage requirements when they come up.

Q86 **Huw Merriman:** Given that, why would you even bother having one at all?

***Sir Alan Massey:*** We did a reassessment of the risk around Scotland. It was a combination of a number of factors. Weather was one and environmental sensitivity was another, and with the actual availability of real commercial towage assets, it all came together to make it fairly

demonstrable that, unless there was a Government-funded tug in that vicinity, there would not really reliably be anything else. That is why we ended up with a single tug in the north-west of Scotland.

Q87 **Huw Merriman:** Sir Alan, you said yourself, although you are not pre-empting the findings, that there is already something better there commercially than the ETV could offer anyway; and that it took 18 hours to get to it. In a way, it renders the ETV in Scotland as not much more than pointless.

***Sir Alan Massey:*** I would not agree with that. The specific circumstances of this case were that it was an extreme case in extreme weather. There was a big tug on station—in fact, the one whose tow had parted—right next to the rig, and that was not able to do anything about the rig drifting on to land either in terms of pushing against it, which you would not dream of doing, or even picking up the emergency cable. In those circumstances, our ETV, which is a lot smaller than the ALP Forward, would have been able to contribute nothing. Over the past five years, it has offered and taken ships in tow. At least on one occasion, that was a decisive intervention. On other occasions, it was helpful. To that extent, it has vindicated the Government's judgment that there should be one tug around Scotland. Our task now is to make sure that it is positioned to best advantage in every circumstance.

Q88 **Chair:** Sir Alan, there is now one tug in Scotland. There used to be two. What are the circumstances where you would start to review that and think that maybe it should go back to two rather than one? You said that everything has been okay up to now, but how much personal and/or preventable environmental damage would there have to be before you thought that two should have been retained?

***Sir Alan Massey:*** That is a great question. It is an extremely difficult one. We are trying to make the very best of the asset that we have, and it is a judgment call as to where it is best stationed. It is also a judgment call as to how many of these things you actually need. We made the judgment back in 2011 that zero was the wrong answer. One was a workable answer, provided that we took all the risk assessment into account and made a sensible balance of the real hazards against the likelihood. Let us not forget the value for money for the taxpayer. The judgment was taken then that one tug was the right answer. Over five years, that has been vindicated by circumstances.

It would take a very unfortunate coincidence of some very bad luck to make us go back and say, "If we just had a second tug that would have been okay." It is in the realms of speculation. I think what we are doing is sound common sense, backed up by a consultant's risk assessment that was done last year, so it is very fresh. We will always of course keep it under review, but the plan is to re-let the contract for a new term based on all the Lloyd's offshore consultants' recommendations. We will use our best efforts, including of course the improvements we have made

to the coastguard and its ability to foresee these sorts of things, so that we can somehow square the circle.

Q89 **Chair:** Mr Shaw, are there any changes you would like to see in terms of your powers or the powers of any of the other authorities or people here in preventing things like this happening, or dealing with them in the way that you do?

***Hugh Shaw:*** On the prevention side, as stated, there would be little more I could have offered. From a response point of view, I felt that it was an incident that went well. I established the salvage control unit in Stornoway. We met 58 times. We had meetings up there, and there was widespread consultation on the island. I was given invaluable support by both Scottish and UK Governments. From that side of the equation, I am hard pushed to come up with something where I think there could be much improvement. Obviously, we will be having a full review of the incident.

On a personal note, for me to exercise my powers as the SOSREP, I need the ability to be left to get on with the incident itself without any political interference. This was a first-class example of where both Scottish and UK Governments, and the local authority—I dealt with a number of MSPs and elected members—all stood back and gave me the opportunity to work with the team. The incident itself took 67 days to resolve. Bearing in mind where the rig had grounded and the challenges we had—and apart from the initial loss of oil, where there was little we could do—on the grounding itself, there was a good outcome with no lasting impact on the environment. We would struggle to do things differently faced with the same sort of incident again—certainly on the response side.

Q90 **Chair:** Is there anything else that other members of the panel would like to tell us or add?

***Dave Walls:*** I reiterate what Mr Shaw said. The rig was on the beach at Dalmore for two weeks. It was re-floated on the very next spring tide. We could not have done it any sooner. I would also like to go on the record to say how much Transocean appreciated the support from the local community in particular, but also from the Western Isles Council and all the UK and Scottish Government bodies. They were supportive throughout the entire recovery process, and significantly alleviated a testing and difficult situation.

**Chair:** Thank you very much for coming and helping us to assess what happened, and to look at broader policy issues.