

## The Not-So “Magic Pipe”

*Story by Lt. Cmdr. Kevin Lynn, MSU Savannah, Ga.*

Marine inspectors from Marine Safety Unit Savannah, Ga., embarked the motor vessel, *Marseille Star*, to conduct a random port state control inspection October 18, 2007. What they found over the next nine days led to the conviction of a shipping company and two crewmembers for falsifying documents, as well as, fines totaling \$780,000 against the company responsible for the M/V *Marseille Star*.



*A flexible hose believed to have been used as the “magic pipe.” USCG photo*

After arriving from overseas with its load of containerized cargo, the five-member Coast Guard inspection team began examining the 726-foot vessel. It was after an oil discharge hose was discovered in the engine room that concern arose regarding the legitimacy of the vessel’s pollution prevention program. Initial evidence indicated the hose may have been used as a “magic pipe” to facilitate an illegal discharge of oil at sea. This observation quickly led to an expansion in the scope of the inspection aimed to determine the vessel’s compliance with the International Convention for the Prevention of Pollution from Ships, also known as a MARPOL exam. As a result of the discovery of modifications to the bilge hoses and piping arrangements, the vessel was detained under the MARPOL convention until a vessel surveyor was able to certify the modifications were compliant with international regulations.

Recognizing the potential for criminal activity existed surrounding a possible illegal discharge of oil at sea, the Seventh Coast Guard District legal staff, local Coast Guard Investigative Service and Field Intelligence Support Team were quickly called in for assistance. Critical evidentiary components were collected, which included oil samples from various tanks, fixed and temporary piping systems, and deck and oil record logs. With evidence in hand, MSU Savannah’s Chief of Prevention, Lt. Cmdr. Brian McCaul, and representatives from CGIS and D7 Legal approached the United States Attorney’s Office for the Southern District of Georgia to seek prosecution for alleged falsification of the vessel’s Oil Record Book.

On July 2, the U.S. Department of Justice reported that guilty pleas were entered in the U.S. District Court in Savannah by the shipping company, Ofer Ltd., for “using a false document and failing to properly



*The hose used to bypass pollution prevention systems was connected here after this section of piping was removed. USCG photo.*

maintain a ship's log book in violation of federal law." Additional guilty pleas were entered by the Marseille Star's chief engineer as well as another crewmember for "making misleading statements to Coast Guard inspectors."

The shipping company has been sentenced to three years probation, participation in an environmental compliance and monitoring program and was fined \$780,000. Both crewmembers were sentenced to one year probation and ordered out of the United States.

"This case was definitely a challenge – it was like putting a puzzle together before we found out how the hose was being used" said Petty Officer 2nd Class David Thornes, a marine safety technician at MSU Savannah and Marseille Star inspection team leader.



*The M/V Marseille Star. (Photo courtesy of Seahawk)*

"It took a great deal of time and effort by many different people, but the outcome of the case made the work well worth it."

**USCG**