

MINUTES OF A MEETING HOSTED BY DALGETY BAY & HILLENDE COMMUNITY COUNCIL

On Saturday 21st January 2017 in Dalgety Parish Church Halls

PURPOSE

The meeting was requested by Mr Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

The purpose of the meeting was to discuss the contamination and resultant remediation work currently being undertaken at the foreshore adjacent to the Dalgety Bay Sailing Club.

PREAMBLE

Baskut is an international attorney specializing in toxic chemical-related matters. He currently serves as the UN Special Rapporteur on human rights and hazardous substances and wastes, holding what is informally known as the UN Human Rights Council's mandate on "toxics."

ATTENDEES

Baskut Tuncak, Special Rapporteur

Frederike Jansonius, Assistant to Mr Tuncak

Dr Paul Dale, Radioactive Substances Unit - SEPA

William Allan, Vice-chair DB&HCC

Peter Franklin, DB&HCC

Roy Green, Secretary DB&HCC

Colin McPhail, Former Chair DB&HCC

David Williams, Treasurer DBSC

Maire McCormack, Scottish Chair of Friends of the Earth

Mark Ruskell, MSP

Mags Hall, Parliamentary Assistant to Mr Ruskell

MEETING

W Allan started the meeting, requested by Tuncak's office, by inviting introductions from all attendees and requesting Mr Tuncak to explain the reason for his visit.

Mr Baskut Tuncak told the meeting that he currently serves as the UN Special Rapporteur on human rights and hazardous substances and wastes, holding what is informally known as the UN Human Rights Council's mandate on "toxics." In his role of Rapporteur he has the mandate to visit countries and report on issues related to the human rights aspects of the control and disposal of hazardous substances and wastes. The process in brief involves visiting the site, meeting with stakeholders over a two week period and at the end of it produce a report. In the case of his UK visit he will present some of the findings publicly on 31st January on rights to health information and remediations. Implementation of recommendations will be up to the governments.

Dr Dale then gave a short history of the situation with the contamination we have here on the Dalgety Bay foreshore. He explained that because Rosyth is a nuclear site it was subject to

monitoring and the surrounding area including Dalgety Bay was included as part of the overall background monitoring. When radium was detected on the foreshore it was immediately ascertained that it could not have come from Rosyth. Further investigation led to the discovery of particles origination from incinerated aircraft parts and luminescing. This manifestation was not seen as a significant health hazard until 2011 after a storm at the end of 2010 when the coast line edge was eroded, exposing significant numbers of particle that could cause a radiation burn if they came into contact with skin. At this time, further signage was erected warning of the hazards to health. Initial work had shown that the sources were largely insoluble and would pass through the digestion system causing the minimum of harm. Further investigation on the sources recovered in 2011 showed these to be much more soluble so significantly more dangerous if ingested.

Negotiations then started with MoD for a programme of remediation.

Mr Tuncak asked how long it took to negotiate a solution with MoD.

Dr Dale said that it was a gradual process over a number of years.

Mr McPhail gave a brief summary of the events from 1990 to the present day and stressed the inherent persistence and long term effect of the contamination because of its half-life of 1600 years. There had been numerous meetings with the Scottish Government, Fife Health Board, SEPA, and MoD. Mr McPhail said that MoD had originally rebuffed the claims but further investigation concluded that the contamination was from incinerated aircraft parts that had been dumped on the foreshore. Mr McPhail told of the support from the then local MP, the Right Honourable Gordon Brown. Eventually a remediation method was agreed and the responsibility for ensuring it happens was accepted by MoD.

Dr Dale stressed that SEPA could have followed a formal path of considering designation as Radioactive Contaminated Land, but it was in all parties' interests that this was avoided or used as a last resort. He noted that MoD had agreed to provide remediation that exceeded what would have been required had the site been designated radioactive contaminated land, which SEPA welcomed.

Aerial photographs showed that the coast line had advanced out into the estuary during the war due to dumping. This has been eroded gradually back and as a consequence the radioactive particles have been exposed.

Mr Williams asked what impacts Mr Tuncak is interested in. He replied food, water, air and housing.

Mr Williams said that up until 2011 it was low impact on the sailing club's activities but the new information that became available at that time raised the potential liabilities of the DBSC. There was a 20% drop in membership and some officials had resigned their post due to the potential liabilities involved. The club had to take measures to rebuild membership and guard against liabilities, including incorporation. There are still issues to be resolved because the contamination is not being removed. The DBSC does not want to be left with residual liabilities.

Dr Dale said that SEPA would continue in its role to assist the community with advice and the removal of contaminants.

It was also stated that media attention can have a negative effect on the community in terms of how it is regarded from outside the area.

On the subject of food, Dr Dale pointed out that the foreshore was not a shellfish harvesting area and so shellfish should not be used for food. The new restrictions put an extra band on top of the existing restrictions to stop contaminants getting into the food chain.

C McPhail made reference to other similar sites. Dr Dale said these were land locked and there was no other similar contaminated site on a foreshore in Scotland which SEPA was aware of.

Mr Tuncak asked if SEPA had easy access to the necessary MoD information and records. Dr Dale said these were difficult to find but not inhibited by MoD. It was down to lack of adequate historical records. Initially MoD did not know that dial painting had been carried out at Donibristle.

Mr Williams pointed out the DBSC Ltd is a small member body with limited ability to access specialist resources required to address the issues involved in this and provide reassurance to members and officials who have statutory responsibilities to fulfil.

Dr Dale stated that SEPA cannot protect the DBCS Ltd business, but through its monitoring of removal activities it is protecting the members.

Mr Tuncak asked Mr Williams if he was confident that the remediation will go ahead. Mr Williams said that the DBSC is reasonably confident it will go ahead, but without a binding commitment, there is always a risk that changes to the political, economic or constitutional environment might preclude completion. Dr Dale said there had been delays but as long as it takes, SEPA will always looking out for public safety. He stressed that the voluntary solution provides more in the way of effective remediation and infrastructure than SEPA would have required as a regulator.

We then went to the foreshore at the DBSC and Dr Dale showed Mr Tuncak's party the eroded shoreline, where the particles had been found and the limit of where the movement of the tide carried them.