



House of Commons
Environment, Food and Rural
Affairs Committee

**Dismantling Defunct
Ships in the UK:
Government Reply to
the Committee's
Report**

Second Report of Session 2004–2005

Report, together with formal minutes

*Ordered by The House of Commons
to be printed 19 January 2005*

Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

Current membership

Mr Michael Jack (*Conservative, Fylde*) (Chairman)
Ms Candy Atherton (*Labour, Falmouth and Camborne*)
Mr Colin Breed (*Liberal Democrat, South East Cornwall*)
David Burnside (*Ulster Unionist, South Antrim*)
Mr David Drew (*Labour, Stroud*)
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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at

www.parliament.uk/efracom

A list of Reports of the Committee in the present Parliament is at the back of this Report.

Committee staff

The current staff of the Committee are Matthew Hamlyn (Clerk), Fiona Mclean (Second Clerk), Jonathan Little and Dr Antonia James (Committee Specialists), Marek Kubala (Inquiry Manager), Louise Combs and Jim Lawford (Committee Assistants) and Anne Woolhouse (Secretary).

Contacts

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Contents

Report	<i>Page</i>
1 Report	3
2 Appendix	5
Formal minutes	14
Reports from the Committee since 2001	15

1 Report

1. The Environment, Food and Rural Affairs Committee reported to the House on *Dismantling Defunct Ships in the UK* in its Eighteenth Report of Session 2003–04, published on 11 November 2004 as HC 834. The Government's Reply to the Report was received on 17 January 2005. The Reply is appended to this Report.

2. We are grateful to the Government for its reply. Our report laid emphasis on the UK taking a leading role on this issue, but the Government's reply does not indicate that, in every case, it has responded to this challenge. In this context, we request that Defra make regular reports to the Committee on the work, mentioned in its reply, which the UK is now undertaking on ship dismantling. We would be grateful to receive the first of these reports before the House adjourns for the Easter Recess.

Appendix: Government reply

Introduction

This reply to the Committee's report is submitted on behalf of Government by the Department for Environment, Food and Rural Affairs. This response addresses the points as they are laid out in the report's conclusions and recommendations.

We welcome the Committee's report. The dismantling of ships is a technically complex process which is potentially harmful to the environment and human health. Given the presence of hazardous components typically found within end-of-life vessels, it is vital that effective environmental and health and safety controls are in place, and enforced, during the dismantling operation.

At an international level it is accepted that there is uncertainty about the relevant controls for the dismantling of such vessels and there is an urgent need to establish a specific enforceable control framework. Current practices in the majority of the world's ship dismantling yards are unacceptable and must change. International action is needed to introduce minimum controls and management and quality standards for dismantling operations.

The establishment of the Joint Working Group of the International Maritime Organization, the Basel Convention and the International Labour Organization on ship scrapping is a welcome first step. It brings relevant interests together for the first time, and Government hopes that this group will identify elements for an enforceable global control framework, preferably to be delivered through an established mechanism such as the International Maritime Organization (IMO).

The introduction of tighter maritime safety controls mean that an increasing number of vessels will need to be dismantled over the next ten years. Controls should not be discussed in isolation from capacity. Current predictions of arisings indicate a significant lack of capacity to undertake dismantling work in a manner that is both environmentally sound and maintains high standards of health and safety. We hope that the Joint Working Group will consider capacity issues in parallel with discussions on controls.

As a member of the Joint Working Group, the UK Government will be actively promoting progress towards a long-term solution. In the short-term we will publish a Marine Guidance Note providing advice to UK-flagged vessels on implementation of the IMO Ship Recycling Guidelines. Government is also developing a UK Ship Recycling Strategy to ensure that all UK Government-owned vessels are dismantled in an environmentally sound manner. The Strategy will also examine capacity issues, looking for ways to encourage the establishment of dismantling facilities in the UK. It will also feed into the wider work to develop a UK Sustainable Shipping Policy which will promote and encourage environmentally sound and sustainable practices within the UK shipping industry.

How are defunct ships currently dealt with?

Recommendation 1

The lack of suitable dismantling facilities in developed countries is a significant barrier to responsible ship dismantling. At present, even if a ship owner based in the United Kingdom wished, or was required, to dismantle a ship here, appropriate facilities for larger vessels do not exist. Given the economic advantages of dismantling facilities in Asia, and the difficulties faced by companies such as Able UK, there is little incentive for companies here to develop ship dismantling facilities. (Paragraph 18)

We agree with the Committee's conclusion. The ship dismantling market is currently distorted in favour of poorly managed, low cost facilities in developing countries. Even if facilities are established in the UK, they will not be able easily to compete economically with facilities overseas. This underlines the importance of developing international standards. Standards developed at the international level will harmonize the economic costs of providing safe and environmentally sound ship dismantling thus reducing market distortion and supporting high quality dismantling capacity within Europe and the wider OECD to compete more effectively with facilities elsewhere.

Existing legislation and guidelines regulating ship dismantling

Recommendation 2

Since the European Community Waste Shipments Regulation includes a ban on export of hazardous wastes to developing countries, the regulation forbids the export of ships that are classified as hazardous waste to developing countries. We welcome this development. (Paragraph 26)

The Waste Shipment Regulation transposes an amendment to the Basel Convention (the 'Basel ban') whereby hazardous waste must not be sent from OECD countries to non-OECD countries. Where an end-of-life vessel falls within the definition of waste, as set out in the Waste Framework Directive, such controls will apply. The Environment Agency is the competent authority for these controls in England and Wales.

The Committee's report highlights the difficulties in applying transfrontier shipment of waste controls to movements of end-of-life vessels destined for recycling, in particular the fact that controls can be circumvented in a number of ways. Our own legal analysis has also shown situations where enforcement of these waste controls would conflict with provisions of the UN Convention on the Law of the Sea (UNCLOS).

Recommendation 3

The Government, as a member of the International Maritime Organisation and in its role as upcoming president of the G8 and the European Union, should work to ensure that the International Maritime Organisation gives priority to producing an internationally binding agreement which sets out how ships should be dismantled. Such an approach must avoid the difficulties associated with the current tortuous arguments which try to determine when a ship becomes waste. We urge the Government to encourage the International Maritime Organisation to concentrate its work on a best practice agreement which applies at the point of dismantling. The Government should seek to ensure that the International Maritime Organisation does not allow itself to be side-tracked into the difficulties of agreements which try to adjudicate on how international waste transfer arrangements affect the way in which ship dismantling is conducted. (Paragraph 30)

Government agrees that a solution needs to be developed through the IMO. While the Marine Environment Protection Committee of the IMO has recently made good progress towards implementing the IMO Ship Recycling Guidelines, in particular developing a reporting scheme, developing the format of a ship-recycling plan and identifying elements of the Guidelines which could be made mandatory, a legally binding instrument is likely to be required in the longer term.

The recently established Joint Working Group will look at existing guidance on ship dismantling within its three member organisations with a view to identifying gaps and overlaps. It provides an opportunity to identify long-term solutions that include control elements which address the concerns of the member organisations. In the short term the IMO should progress work to implement its guidelines.

The UK takes on the G8 Presidency in 2005 and Presidency of the European Union in the second half of the year. While the environment, in particular climate change, will be one of the priority issues for our G8 Presidency, it is not intended that discussions on ship dismantling will feature at this stage. The global problems of ship dismantling require an international solution developed and agreed by flag states and ship recycling states. While the G8 and the European Union include some of the major flag states, they do not represent major recycling states. The Joint Working Group offers a more comprehensive and suitable membership for progressing this matter.

Nevertheless, we are keen to see progress on this issue. We will therefore review the merit of G8 and EU discussions on this issue after the first meeting of the Joint Working Group, ahead of the 53rd session of the Marine Environment Protection Committee of the IMO in July 2005.

Given the range of international discussions on the application of international waste controls to movements of end-of-life vessels that are already planned, or taking place, Government does not see value in establishing additional discussions on this issue.

However, future discussions must focus on practical solutions that provide an enforceable control framework.

Recommendation 4

Given the international nature of the shipping industry, any action or regulation to address ship dismantling will be effective only if it is agreed at an international level. Furthermore, if an initiative is really to work, it would have to be taken under the aegis of the International Maritime Organisation in order to circumvent the problems associated with ships changing flag and owners declaring their intention to dismantle a vessel only once it is on the high seas. (Paragraph 38)

We agree with the conclusion of the Committee that in effect a legally binding international solution is required. Any international solution must involve the IMO, and must address the fact that while states have the power to make laws obliging the ships flagged to them to go for responsible ship dismantling, under international law shipowners may legally re-flag their vessels with another state.

Recommendation 5

We therefore warmly welcome the decision to form a joint working group of the Conference of the Parties to the Basel Convention, the International Maritime Organisation and the International Labour Organisation. We urge the Government to ensure that it has meaningful input into the deliberations of the working group. We hope that the working group will clarify when a ship is to be regarded as waste and how best to apply the principles of international waste legislation to those parts of a defunct vessel that cannot be re-used or recycled. (Paragraph 39)

Given the unique, global, nature of the shipping industry, application of transfrontier shipment of waste controls do not provide an effective, enforceable, control framework, as the controls can be circumvented. Nor do they address the issues of health and safety of the workers and others involved in shipbreaking. Government would prefer that the Joint Working Group focus on identifying practical solutions that can meet the interests and requirements of its three member organisations. We expect that any such solution will need to be taken forward through the IMO.

Recommendation 6

We note the Minister's hope that the United Kingdom will be included in the working group and urge the Government to seek to play as active a role as possible in it. (Paragraph 40)

The United Kingdom was confirmed as one of five regional representatives for the Basel Convention on the Joint Working Group. We intend to play an active role in the group in order to expedite its work and push for progress on this matter as soon as possible.

Principles of responsible ship recycling

Recommendation 7

We take the view that it would be extremely difficult to assign responsibility for the way in which a ship is dismantled to any but the current owner. However, the current owner, regardless of how long they have owned the ship and regardless of whether they bought the ship as a going concern or with the intention of selling it for scrap, should be responsible for ensuring that the ship is dismantled to internationally acceptable standards of health, safety and environmental protection. (Paragraph 45)

Government agrees that responsibility for dismantling of end-of-life vessels should rest with the last ship owner. An enforceable international control framework for end-of-life vessels would provide a level playing field for ship dismantling standards worldwide.

However, we are concerned that any new controls will push old vessels onto flags which may not fully implement controls on ship dismantling or other relevant international obligations. Any new control framework will need to address this issue.

Recommendation 8

We accept that it may be difficult for smaller ship owning companies to assess the quality of dismantling facilities and we therefore recommend that the Government consider how an international standard could be developed, which could be used to certify qualifying dismantling yards. (Paragraph 46)

It is not clear yet what types of controls would most effectively provide a level playing field at the international level for ship dismantling. The development of an international standard for sustainable ship dismantling against which yards can be certified is one way of assisting smaller ship owning companies in their choice of facility. The establishment of such a standard and certification scheme could take many years given the technical complexity of the issue and the political sensitivities. Nevertheless, this is an option that should be considered by the Joint Working Group.

Recommendation 9

For us, the most important consideration in deciding where a ship should be dismantled is that the level of health and safety protection for the workers and the environmental protection at ship dismantling facilities meet the highest standards; as stated above, we believe that such standards should be stated in an internationally binding agreement which sets out a clear statement of minimum standards of ship dismantling, regardless of where the dismantling takes place. The Government should work to ensure that the International Maritime Organisation gives priority to producing such an agreement. It is clear that the majority of large vessels are dismantled under wholly inadequate conditions on beaches in Pakistan, India and Bangladesh; it is unacceptable that OECD-based companies, who are also members of

the International Maritime Organisation, should continue to permit their vessels to be dismantled in this way. (Paragraph 53)

Government agrees that there is a need for clear minimum environmental and health and safety standards for ship dismantling. We will consider what action or guidance can be taken/given to prevent owners of UK-flagged vessels from beaching their end-of-life vessels as part of our work to develop the UK Ship Recycling Strategy and the UK Sustainable Shipping Policy.

Recommendation 10

As regards ship dismantling in the United Kingdom, the decision to grant or deny permission for ship dismantling facilities is clearly for the planning authority concerned and the environmental and health and safety regulators. However, it seems to us that the UK has the potential to establish an industry in ship dismantling which can be done safely and offer economic benefits to the communities in which it is carried out. (Paragraph 54)

Government is keen to see the establishment of high quality ship recycling facilities in the UK. Although each recycling proposal will continue to be considered by the regulators on a case by case basis under the current environmental, planning and health and safety legislative framework, this should not impede the development of such facilities. We believe that the UK has the skills base and expertise to operate such facilities safely and that such an industry can offer economic benefits to surrounding communities.

Investment in facilities is a commercial matter, but we will seek to identify means of encouragement through our work to develop a UK Ship Recycling Strategy. We will also consider the merits and methods of issuing guidance to planning authorities, and other regulators, on this matter, as part of this work.

Action at the United Kingdom level

Recommendation 11

We welcome the Government's decision to produce a ship recycling strategy. The strategy's scope, as outlined by Defra, is commendable. We recommend that it also set out how UK Government policy will interact with and push forward the international agenda. (Paragraph 56)

Government agrees it is crucial to ensure work on the Strategy reflects and interacts with developments internationally, as steps to encourage the development of a viable UK ship recycling industry should not preclude the need for a wider international solution to the issue. One of the key objectives for the Strategy is to inform the UK Government's position for international negotiations on ship dismantling. Government is actively engaged in international discussions on ship dismantling (in the forums of the Basel Convention and the IMO) and will be one of five regional representatives of the Basel Convention on the Joint Working Group. It is expected that Joint Working Group discussions (the first of

which is to be held 15-17 February 2005) will work towards establishing and enforceable control framework for an internationally agreed regime on ship scrapping.

Recommendation 12

The need to eradicate irresponsible ship dismantling is urgent, all the more so because all remaining single-hulled tankers must be dismantled before 2015, many before 2010 and the oldest by the end of 2005. In this context, the Government should tell us how it will use its forthcoming presidency of the European Union and chairmanship of the G8 to encourage rapid international action to ensure these tankers are dismantled in a responsible way. (Paragraph 57)

Given the unique nature of the shipping industry, action to tackle ship dismantling must be addressed at the international level and controls must be discussed in parallel with capacity. In light of the international phase-out of single hull oil tankers the European Commission published a report on 'Oil Tanker Phase Out and the Ship Scrapping Industry' which looks at the implications of the accelerated EU phase out of such tankers. We will consider the findings of this report as part of our work to develop the UK Ship Recycling Strategy and assess whether there is merit in G8 and/or EU discussions during our respective presidencies.

Recommendation 13

Government has most direct control over the ships it owns, namely naval vessels. These should be dismantled in a way that does not harm the environment or people. We would welcome the development of a thriving ship dismantling industry in the United Kingdom, which dismantled all defunct state-owned vessels to the highest standards of health, safety and environmental protection. (Paragraph 58)

The primary focus of the Strategy is to establish national policy to ensure UK Government-owned vessels are recycled in accordance with acceptable environmental, health and safety standards. An audit of UK Government-owned vessels has shown that naval vessels constitute the majority of vessels which are classed as Government-owned, although there are numerous other fisheries, research and patrol vessels which are owned by government agencies. These vessels will be considered within the scope of the Strategy.

A 'UK only/first' policy for Government owned vessels is not legally viable in the light of the Government's commitments under the Government Procurement Agreement. Nevertheless, we will explore options for ensuring the dismantling of Government-owned vessels in an environmentally sound way with due regard for health and safety.

A separate study of ship recycling facilities in the UK is being commissioned to inform work on the Strategy. A key objective of the study is to identify both the technical and regulatory requirements to operate ship recycling facilities in the UK, and the facilities currently operational in keeping with these requirements. In addition, the study will

investigate how the development of such facilities may be encouraged by identifying possible sources of EU, national, regional and local assistance (including funding).

Irrespective of the assistance provided to those wishing to setup ship recycling facilities in the UK, the establishment of these facilities still remains a commercial decision undertaken by the relevant business entity.

Recommendation 14

We expect that the presence of such facilities would act as a catalyst to enable UK-based ship owners to have their commercial vessels dismantled here. However, we recognise that responsible recycling will impose a cost on ship owners and recommend that the Government explore ways of mitigating that cost. (Paragraph 59)

Ship-owners based in the UK do not necessarily have vessels registered to the UK-flag, and so the UK does not have regulatory control over such vessels. Nevertheless, we agree that the Government has an opportunity to lead the way in ensuring UK-owned ships are recycled in accordance with acceptable environmental, health and safety standards. Establishment of a ship recycling industry in the UK would encourage this and identifying potential sources of assistance and funding for those wishing to establish facilities is integral to the recycling facilities study being undertaken. However, the economics of ship dismantling cannot be overlooked in that ship owners would be likely to incur a cost to recycle responsibly in the UK, whereas in Asia they receive payment for obsolete vessels. While mitigating the costs the ship owner would incur by recycling in the UK is desirable, other solutions, such as greening/improving standards in Asia and encouraging responsible corporate practice in the shipping industry, are being considered. The Maritime and Coastguard Agency, in conjunction with the Institute of Marine Engineering, Science and Technology, will host a Sustainable Shipping Conference in February 2005 which it is anticipated will build upon these solutions and contribute to a Sustainable Shipping Policy.

Recommendation 15

We recommend that, pending greater international regulation of ship recycling, the Government consider how best to persuade UK-based ship owners to adhere to the IMO guidelines and ensure that their vessels are dismantled, and seen to be dismantled, with the minimum impact on human health and the environment. (Paragraph 60)

The Strategy will set out interim policy for the recycling of UK-flagged vessels, a cornerstone of which is recommended adherence to the IMO guidelines. In addition, the Government is shortly to consult on a Marine Guidance Note to ship owners with UK-flagged vessels recommending implementation of the IMO guidelines.

It is clear from recent meetings held with industry that a number of UK-based ship owners are already leading the way in supporting both the implementation of the IMO guidelines

and proposals that certain provisions of the guidelines be made mandatory. The Government supports the ongoing work of these ship owners and the IMO. In addition, it is anticipated that Joint Working Group discussions will move this agenda forward.

Department for Environment, Food and Rural Affairs
January 2005

2 Formal minutes

Wednesday 19 January 2005

Members present:

Mr Michael Jack, in the Chair

Mr Colin Breed	Joan Ruddock
David Drew	Alan Simpson
Patrick Hall	David Taylor
Mr Mark Lazarowicz	Paddy Tipping
Mr David Lepper	Mr Bill Wiggin
Mr Austin Mitchell	

The Committee deliberated.

Draft Report [*Dismantling of defunct ships in the UK: Government reply to the Committee's Report*], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 and 2 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

A paper was ordered to be appended to the Report.

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[Adjourned till Wednesday 26 January at half-past Two o'clock.]

Reports from the Committee since 2001

Session 2004–05

First Report The Draft Animal Welfare Bill HC 52–I

Session 2003–04

Nineteenth Report	Water Pricing: follow-up	HC 1186
Eighteenth Report	Dismantling Defunct Ships in the UK	HC 834
Seventeenth Report	Agriculture and EU Enlargement (<i>Reply, HC 221 Session 2004–05</i>)	HC 421
Sixteenth Report	Climate Change, Water Security and Flooding (<i>Reply, HC 101 Session 2004–5</i>)	HC 558
Fifteenth Report	The Departmental Annual Report 2004 (<i>Reply, HC 100 Session 2004–05</i>)	HC 707
Fourteenth Report	Sites of Special Scientific Interest (<i>Reply, HC 1255</i>)	HC 475
Thirteenth Report	Bovine TB (<i>Reply, HC 1130</i>)	HC 638
Twelfth Report	Reform of the Sugar Regime (<i>Reply, HC 1129</i>)	HC 550-I
Eleventh Report	GM Planting Regime (<i>Reply, HC 1128</i>)	HC 607
Tenth Report	Marine Environment: Government reply to the Committee's Report	HC 706
Ninth Report	Milk Pricing in the United Kingdom (<i>Reply, HC 1036</i>)	HC 335
Eighth Report	Gangmasters (follow up) (<i>Reply, HC 1035</i>)	HC 455
Seventh Report	Implementation of CAP Reform in the UK	HC 226-I
Sixth Report	Marine Environment (<i>Reply, HC 706</i>)	HC 76
Fifth Report	The Food Standards Agency and Shellfish (<i>Reply, HC 601</i>)	HC 248
Fourth Report	Environmental Directives (<i>Reply, HC 557</i>)	HC 103
Third Report	Caught in the net: Cetacean by-catch of dolphins and porpoises off the UK coast (<i>Reply, HC 540</i>)	HC88
Second Report	Annual Report of the Committee 2003	HC 225
First Report	Water Pricing (<i>Reply, HC 420</i>)	HC 121

Session 2002–03

Eighteenth Report	Conduct of the GM Public Debate (<i>Reply, HC 443 Session 2003-04</i>)	HC 220
Seventeenth Report	Biofuels (<i>Reply, HC 88 Session 2003-04</i>)	
	HC 929-I Sixteenth Report Vets and Veterinary Services	HC 703
Fifteenth Report	New Covent Garden Market: a follow-up (<i>Reply, HC 123 Session 2003-04</i>)	HC 901
Fourteenth Report	Gangmasters (<i>Reply, HC 122 Session 2003-04</i>)	HC 691
Thirteenth Report	Poultry Farming in the United Kingdom (<i>Reply, HC 1219</i>)	HC 79-I
Twelfth Report	The Departmental Annual Report 2003 (<i>Reply, HC 1175</i>)	HC 832
Eleventh Report	Rural Broadband (<i>Reply, HC 1174</i>)	HC 587
Tenth Report	Horticulture Research International (<i>Reply, HC 1086</i>)	HC 873
Ninth Report	The Delivery of Education in Rural Areas (<i>Reply, HC 1085</i>)	HC 467
Eighth Report	The Future of Waste Management (<i>Reply, HC 1084</i>)	HC 385
Seventh Report	Badgers and Bovine TB (<i>Reply, HC 831</i>)	HC 432
Sixth Report	Rural Payments Agency (<i>Reply, HC 830</i>)	HC 382
Fifth Report	The Countryside and Rights of Way Act 2000 (<i>Reply, HC 748</i>)	HC 394
Fourth Report	Water Framework Directive (<i>Reply, HC 749</i>)	HC 130
Third Report	The Mid-term Review of the Common Agricultural Policy (<i>Reply, HC 615</i>)	HC 151
Second Report	Annual Report of the Committee 2002	HC 269
First Report	Reform of the Common Fisheries Policy (<i>Reply, HC 478</i>)	HC 110

Session 2001–02

Tenth Report	The Role of Defra (<i>Reply, HC 340, Session 2002-03</i>)	HC 991
Ninth Report	The Future of UK Agriculture in a Changing World (<i>Reply, HC 384, Session 2002-03</i>)	HC 550
Eighth Report	Hazardous Waste (<i>Reply, HC 1225</i>)	HC 919
Seventh Report	Illegal Meat Imports (<i>Reply, HC 1224</i>)	HC 968
Sixth Report	Departmental Annual Report 2002 (<i>Reply, HC 1223</i>)	HC 969
Fifth Report	Genetically Modified Organisms (<i>Reply, HC 1222</i>)	HC 767
Fourth Report	Disposal of Refrigerators (<i>Reply, HC 1226</i>)	HC 673
Third Report	Radioactive Waste: The Government's Consultation Process (<i>Reply, HC 1221</i>)	HC 407
Second Report	The Countryside Agency (<i>Reply, HC 829</i>)	HC 386
First Report	The Impact of Food and Mouth Disease (<i>Reply, HC 856</i>)	HC 323