

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

BASEL ACTION NETWORK, a Sub-  
project of the Tide Center and  
SIERRA CLUB,

Plaintiffs,

v.

MARITIME ADMINISTRATION; Capt.  
William G. Schubert, in his official capacity  
as Administrator;

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY; Michael Leavitt  
in his official capacity as Administrator

Defendants.

Civ. No. 03-02000-RMC

MICHAEL C. CARTER'S DECLARATION  
IN OPPOSITION TO PLAINTIFFS=  
MOTION FOR SUMMARY JUDGMENT  
AND IN SUPPORT OF ITS CROSS-  
MOTION FOR SUMMARY JUDGMENT

DECLARATION OF MICHAEL C. CARTER

I Michael C. Carter, Director, Office of Environmental Activities for the Department of Transportation, Maritime Administration, have personal knowledge of the facts herein stated or received such information in the course of my official duties.

1. On July 29, 2004, the Maritime Administration hand delivered a "PETITION AND APPLICATION OF THE MARITIME ADMINISTRATION FOR TOXIC SUBSTANCES CONTROL ACT SECTION 6(e) EXEMPTION FOR THE EXPORT OF MATERIAL POTENTIALLY CONTAINING PCBs" (Petition) to:

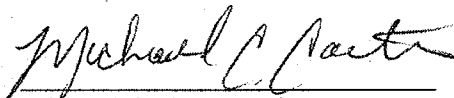
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

2. The Petition requests that the United States Environment Protection Agency (EPA) exercise its authorities under Section 6(e) of the Toxic Substances Control Act, §§2601 *et seq.* (TSCA) with regard to the recycling of MARAD vessels in the United Kingdom. EPA is requested to issue the necessary rules to permit the export for "disposal" of polychlorinated biphenyls ("PCBs"). 15 U.S.C. §2605(e). To the extent necessary, the petition also requests that the rules exempt any "processing," "use," "manufacturing," and "distribution in commerce" incident to such disposal.
3. The Petition is made with respect to the 36 vessels located in the National Defense Reserve Fleet facility on the James River at Fort Eustis, Virginia. All of these vessels are owned and operated by the United States of America. MARAD seeks TSCA approval to export these vessels for recycling and, to the extent necessary, disposal, to the facilities of Able U.K.,

Limited (AbleUK), located in Teeside, UK. Under the TSCA rule sought, the vessels will be dismantled at AbleUK's Graythorp dismantling dock facility. Attached hereto is a copy of the Petition.

I do hereby declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated July 30, 2004

A handwritten signature in cursive script, appearing to read "Michael C. Carter".

Michael C. Carter, Director  
Office of Environmental Activities  
United States Maritime Administration