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## **CRITERIA FOR THE ADMISSIBILITY OF CLAIMS FOR COMPENSATION**

### **1. PREVENTIVE MEASURES AND PROPERTY DAMAGE**

Note by The International Tanker Owners Pollution Federation Limited

This paper is one of a series of three notes submitted by The International Tanker Owners Pollution Federation Limited. Whilst each note addresses, with the minimum of duplication, a specific subject area in relation to the Intersessional Working Group's mandate, many of the categories of claims are *inter-related* and so the notes should be considered together.

The emphasis in all three notes is on the technical issues which the Federation strongly believes should be the basis for the objective assessment of the admissibility of claims for compensation under the Civil Liability and Fund Conventions, notwithstanding that legal and other issues may influence the actual settlement decisions.

#### **1 Introduction**

1.1 "Preventive Measures", in the context of the Civil Liability and Fund Conventions, and the 1992 Protocols thereto, means any reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage. However, the main categories of claim considered in this paper under the heading of "Preventive Measures" are:

- The removal of oil from a damaged tanker.
- Clean-up measures, including the disposal of recovered oil and oily debris.

1.2 In both Conventions, "Pollution Damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures

and further loss or damage caused by preventive measures. The definition of "Pollution Damage" in the 1992 Protocols is not significantly different, in the context of this paper.

## **2 Preventive measures**

### **2.1 General considerations**

2.1.1 Whilst preventive measures are subject to the test of "reasonableness", the term is undefined in the Conventions. However, it is generally interpreted to mean that the measures taken or equipment used in response to an incident were, on the basis of a technical appraisal at the time the decision was taken, likely to have been successful in minimising pollution damage. As a general rule the measures should be expected to enhance the natural process of oil removal. The fact that the response measures turned out to be ineffective or the decision was shown to be incorrect with the benefit of hindsight are not reasons in themselves for disallowing a claim for the costs involved. A claim may be rejected, however, if it was known that the measures would be ineffective but they were instigated simply because, for example, it was considered necessary "to be seen to be doing something". On this basis, measures taken for purely public relations reasons would generally be considered unreasonable.

2.1.2 Because preventive measures may cause damage additional to, and separate from, that induced by oil contamination, it is necessary to also consider the implications or repercussions of a preventive measure itself before concluding whether it is reasonable or not. Such consideration is particularly important where the action of one party may cause damage or loss to another.

2.1.3 On occasion, government authorities may instruct commercial clean-up companies to utilise techniques with no regard as to whether or not they will be effective. This may result in a claim for clean-up costs that is not reasonable. As a consequence, commercial clean-up companies acting in good faith in responding to a spill may have difficulty recovering costs if the shipowner and the IOPC Fund were not party to the response decision. To safeguard their position in such cases, commercial clean-up companies acting on the instructions of a government authority would be well advised to have an appropriate contract in place.

2.1.4 The scale of any response should be in proportion to the size of the spill, the expected level of success, and the ability to direct and control operations effectively. Experience has shown that the key to a successful response is effective management and control of the clean-up operation. This is particularly true for shoreline clean-up which can involve the deployment of large numbers of people and considerable amounts of equipment over wide areas, calling for strict co-ordination and control. However, the size of the management team should not be disproportionate to the size of the work force and the geographical extent of the spill. Although military personnel are sometimes used in major spills, the rigid command structures they normally employ do not always lend themselves well to this type of operation.

2.1.5 There is sometimes a tendency to manage spills by committee, allowing all interested parties access to the decision-making process whether or not they are technically qualified to participate. This is not conducive to the rapid decision-making required in spill response and

leads to very large spill management teams and associated costs. It is preferable that the concerns of all interested parties in relation to response criteria are addressed during the preparation of a contingency plan.

2.1.6 Whilst it is stated in the Conventions that preventive measures themselves should be reasonable, no specific mention is made of the associated costs although it is generally held that these too should be reasonable. Such costs are normally established by comparison with current commercial rates or the costs of similar services.

## 2.2 Removal of oil from a damaged tanker

2.2.1 The removal of oil (cargo and fuel) from a tanker which has spilled oil, and is in grave and imminent danger of losing further oil which would create a serious risk of pollution damage, is generally regarded as a legitimate preventive measure under the terms of the Civil Liability and Fund Conventions. However, the extent to which the measures were for the purpose of removing the threat of an escape or discharge of oil, as opposed to salvage of the cargo, can be a difficult matter to resolve. The balance between the two can only be ascertained in the light of the circumstances of a particular incident.

2.2.2 Whilst it is possible to judge the feasibility, and to estimate the costs, of a salvage operation, it is much more difficult to predict the impact and likely consequences of a spill if it should occur. The various factors which need to be taken into account in deciding whether removal of oil from a damaged, stranded or sunken tanker is justified primarily on pollution prevention grounds include:

- the amount and type of oil onboard and its likely behaviour if spilled;
- the location and condition of the tanker;
- the prevailing weather and sea conditions and local currents;
- the likelihood of oil escaping and the probable rate of release; and,
- the proximity and nature of sensitive resources and the likelihood of these resources being damaged in the event of a spill.

## 2.3 Clean-up measures and disposal of recovered material

2.3.1 Most oil spill clean-up techniques have been in existence for a number of years and their practical limitations are well understood through world-wide experience of their use during actual incidents. It is therefore possible to draw up general criteria for each clean-up method which can be used as a basis for determining whether a particular response measure was appropriate and reasonable in a given spill. It is recognised that the boundary between reasonable and unreasonable is not always clear-cut even after a full technical evaluation has been made. Furthermore, a particular response measure may be reasonable early on in an incident but may become inappropriate after some time has elapsed due to the weathering of the oil or other changes in circumstances. It is therefore important that all clean-up operations are closely monitored by experienced personnel to assess their effectiveness on an on-going basis. Once it has been demonstrated that a particular method is not working satisfactorily, or it is causing disproportionate damage, it should be terminated as soon as possible.

### *Aerial surveillance*

2.3.2 Aerial reconnaissance is essential for an effective response to oil spills, both to locate and map the distribution of oil at sea and to improve the overall control of clean-up operations. Whilst most twin-engine aircraft with good all round visibility and suitable navigation aids are capable of carrying out such tasks offshore, helicopters are usually more suitable for coastal surveys. Aircraft equipped with remote sensors for detecting and mapping oil may also be valuable.

2.3.3 The criteria for selecting the most suitable aircraft include safety, the distance of the oil offshore, the aircraft range and endurance, and its ability to fly slowly at low level. Large transport aircraft or high performance military jets are generally not suitable for oil slick surveillance.

2.3.4 Finding oil and interpreting its appearance in terms of amount and type is often difficult and, whenever possible, trained and experienced observers should be employed. Information from overflights should be made available to all *bona fide* interested parties to avoid an unnecessary number of flights. Flights organised for the media and for other public relations purposes should not be considered as part of the preventive measures. The frequency of flights will usually be greatest during the early stages of an incident, subsequently decreasing as the situation becomes more stable, and terminating once the oil no longer poses a threat, either due to its distance offshore, or because it has stranded on shorelines and is no longer mobile.

### *Dispersants*

2.3.5 The action of waves on oil slicks can promote the natural dispersion of oil into small droplets which become mixed into the sea where they are available for eventual degradation by micro-organisms. In order to accelerate this process it is sometimes appropriate to use a chemical dispersant.

2.3.6 When determining whether or not to use dispersants, consideration should be given to the advantages and disadvantages by analysing the expected net benefit of their use. For example, the potential benefit gained by using dispersants offshore to protect coastal amenities, sea birds and intertidal marine life would, in most instances, far outweigh the disadvantages of some limited biological damage caused by introducing oil and dispersant into the water column. Conversely, dispersants should not be used in the vicinity of mariculture facilities or sea water intakes if this could increase the potential for damage through contamination.

2.3.7 As a general rule, dispersants are capable of dispersing most liquid oils with viscosities less than about 2,000 mPa s, equivalent to a medium fuel oil at 10-20°C. They are less effective with increasing viscosity, and are ineffective against oils with viscosities in the region 5,000-10,000 mPa s. Most heavy fuel oils and some heavy crudes are therefore unlikely ever to be dispersible even in tropical environments. Most oils which are initially dispersible soon become too viscous to disperse due to weathering processes such as evaporation and water-in-oil emulsion formation. The time available for effective dispersant spraying depends on the nature of the oil, the sea state and the ambient temperature.

However, it has been found in practice that most oils are not amenable to dispersants a day or two after being spilled.

2.3.8 Dispersants should be applied to floating oil with appropriate equipment capable of delivering the required amount of chemical. Typical dispersant-to-oil ratios are 1:2 for hydrocarbon based dispersants and 1:20 for concentrates. Experience has shown that diluting dispersant with water using fire fighting equipment results in excessive amounts of chemical being used. Whilst some wastage of chemical is inevitable during spraying operations, the dispersant to oil ratio should in no case exceed 1:1 for hydrocarbon based products and 1:5 for concentrates.

2.3.9 It is important that dispersant spraying is closely monitored and controlled to avoid misuse of dispersants and to assess the effectiveness of the technique. Dispersant spraying should not be undertaken during hours of darkness due to the difficulties in locating oil and accurately applying dispersant chemical.

#### *At sea recovery*

2.3.10 Attempts are often made to recover oil at sea using floating booms to contain and concentrate oil, prior to removing it with skimming devices. Unfortunately, this approach suffers from a number of constraints, not least of which is the fact that it is in direct opposition to the natural tendency of the oil to spread, fragment and disperse. In addition, wind, waves and currents, even when moderate, limit the effectiveness of collection systems at sea by making correct deployment difficult and causing oil to splash over the top of booms or be swept underneath.

2.3.11 When there is a good likelihood of success, the types and numbers of recovery systems employed should be appropriate to the size of spill, the nature of the oil, the prevailing weather and sea conditions, and the availability of logistic support to handle and process recovered oil and water. The effectiveness of offshore recovery decreases a few days after oil has been spilled, due to the tendency for oil to spread and become scattered over a wide area. Operations should be terminated as soon as there are no significant or recoverable amounts of oil remaining at sea, or the amount of oil being recovered will not significantly reduce the impact on shorelines or sensitive resources.

2.3.12 Booms should not be placed around leaking tankers unless there is a reasonable chance of containing the oil. There should also be a means of rapidly removing the oil from the water surface to prevent it escaping. Care should always be taken to minimise the risk of fire and explosion when volatile oils are involved.

2.3.13 Recovery operations should be closely controlled to ensure optimum efficiency of booms and skimmers. In the case of operations at sea, aircraft can be used to guide recovery vessels to the heaviest concentrations of oil and to monitor the overall performance of the operation. However, due to the difficulty of locating the oil, such operations should not be carried out at night.

### *Coastal protection*

2.3.14 It is sometimes feasible to use booms close to shore to protect sensitive areas like estuaries, marshes, amenity areas and water intakes. The types of boom employed should be appropriate for the intended purpose and the expected conditions.

2.3.15 Realistic protective booming strategies should be employed so that oil can either be contained or deflected. As a general rule, containment becomes ineffective if the tidal or residual current at right angles to the boom exceeds about 0.5 metres per second (1 knot). Angling booms to reduce the component at right angles tends to become impractical in currents greater than about 2 metres per second (4 knots).

2.3.16 Adequate recovery systems should be available to remove accumulated oil as quickly as possible. Booms should be tended constantly to ensure optimum performance and avoid unnecessary damage. After use they should be removed and cleaned as soon as possible, to prolong their life.

### *Shoreline clean-up*

2.3.17 Most coastal oil spills will result in pollution of shorelines despite efforts to combat the oil at sea and to protect the coastline. Shoreline clean-up is usually straightforward and does not normally require specialised equipment. However, the use of inappropriate techniques and inadequate organisation can aggravate any damage caused by the oil itself.

2.3.18 The most effective techniques consistent with minimal damage to the shoreline and its resources should be used. Earth moving equipment such as bulldozers and graders should only be used after very careful consideration of alternatives such as manual techniques, since the use of such equipment may cause erosion of shorelines and will inevitably lead to greatly increased quantities of material for disposal.

2.3.19 Once bulk oil has been removed, the overall benefits derived from further cleaning should be determined on the basis of the nature of the shoreline, the immediate importance of the area, environmental considerations, the time of year and the rate at which natural cleaning is likely to take place. In remote areas, secondary cleaning is rarely justified. There is a need to strike a balance between the desire to remove the oil, and damage caused by the clean-up operation itself. Aggressive clean-up techniques should not be used on fragile substrates in salt marshes or mangrove areas where the damage done by trampling of the root systems is likely to be worse than leaving the oil to degrade naturally. An exhaustive clean-up to remove all oil is generally only justified for high amenity areas. In the case of industrially polluted or previously impaired areas, cleaning to a higher standard than the pre-spill condition is hard to justify.

2.3.20 The cleaning of oiled breakwaters and sea defences often presents the problem that the oil penetrates deep into the structure. The structure can only be superficially cleaned, leading to the concern that it will act as a reservoir for oil leaching out over a period of time. A solution sometimes proposed is that sea defences constructed of tetrapods or rocks should be dismantled and then reassembled once the oil has been removed. This would normally be considered unreasonable: firstly, because the effects are unlikely to be prolonged, (probably no more than one season) since the process which caused the oil to penetrate the structure

will have ample opportunity to work in reverse; secondly, the costs involved are likely to approach or exceed the level of claims that such leaching might cause, for example, claims for clean-up and lost income resulting from low level contamination of a tourist beach.

2.3.21 Clean-up operations, particularly involving the use of heavy vehicles, can themselves cause unavoidable damage, for example, to sea defences and roads, despite precautions. The costs of repairs required as a direct consequence of reasonable clean-up operations are generally considered justifiable, taking into account the previous condition of the structure and normal maintenance and repair schedules.

#### *Disposal*

2.3.22 Most spill clean-up operations, particularly those on shore, result in the collection of substantial quantities of oil and oily debris, typically ten or more times greater than the amount of oil that reaches the shoreline. Ideally, the oil should be recycled, but this is rarely possible because it becomes mixed with sea water, sand, seaweed and other beach debris. A range of disposal techniques can be used, and in selecting the most suitable, account should be taken of the oil content of the waste, the overall amounts for disposal, and the availability of local disposal sites or treatment plants. In the event that there are a number of equally satisfactory options, the most cost-effective disposal solution should be chosen, subject to approval by the relevant waste disposal authority.

### 2.4 Wildlife rehabilitation

2.4.1 As a consequence of legitimate concerns for animal welfare, individual animals, particularly oiled birds, mammals and reptiles can sometimes be cleaned. The capture and rehabilitation of oiled wildlife requires trained personnel and inevitably causes the animals further distress. The work is normally carried out by special interest groups, often with the assistance of volunteers who establish cleaning stations close to the spill location. Cleaning is difficult and slow and should only be undertaken if there is a reasonable chance of the animals surviving the process.

2.4.2 Claims for reasonable costs associated with the provision of local reception facilities appropriate to the scale of the problem, materials, medication and food are normally considered justified, as are the food and accommodation costs of volunteers.

### 2.5 Financial considerations

#### *Personnel costs*

2.5.1 Government, military and public organisations not normally engaged in pollution response, but employed to combat a particular spill, would usually recover additional costs incurred for the period of the actual clean-up (e.g. extra transport costs, overtime, food, medical treatment). It is suggested that the normal salaries of the people directly and necessarily involved in the response operations should be met for the period of their involvement, in recognition of the fact that personnel are being taken away from their normal duties. However, these costs should be no greater than would have been paid for contracted labour, and with no addition of remote overheads.

2.5.2 In the case of government and public organisations established purely for pollution response, it is suggested that as well as direct costs associated with a spill, salaries and a proportion of annual overheads, corresponding strictly to the duration of the response to an incident, would also seem justified. This ensures that governments which maintain response organisations are not at a disadvantage compared with commercial contractors.

2.5.3 The costs of personnel contracted from commercial organisations should be assessed in the light of national market rates.

#### *Consumable items*

2.5.4 When reasonable quantities and types of dispersant, sorbent and other materials are consumed during an incident, claims based on replacement cost would generally be justified.

#### *Equipment, vessels and aircraft*

2.5.5 The capital costs of pollution equipment should be amortised over its expected in-use life to obtain a base daily rate while in use. A reduction of at least 50% would normally be expected during periods when the equipment is on-site but not in use (standby rate) to reflect lack of wear and tear.

2.5.6 In addition to base daily rates, allowance for storage and maintenance costs would appear reasonable, as would a fair profit margin in the case of commercial companies.

2.5.7 Once the hire period for a particular item of equipment extends beyond the point where the capital costs and overheads have been recovered, only direct operating costs should be reimbursed. The costs of cleaning and repairing re-usable equipment should be reimbursed, provided that the aggregate of the hire, cleaning and repair costs does not exceed the replacement cost of the equipment and related overheads.

2.5.8 Where equipment or material is reasonably purchased for the purpose of response measures, the acquisition cost should normally be allowed, subject to a deduction for the residual value of the equipment or resource after the incident.

2.5.9 Hire rates for vessels and aircraft should reflect normal market rates. A small reduction of the in-use rate may be appropriate for permanently manned vessels on standby to reflect, for example, saved fuel costs. If government-owned vessels, equipment or military aircraft are used to respond to an incident, the rates should not exceed those for commercially available equivalent resources which could have performed the same task.

### **3 Property Damage**

#### **3.1 General considerations**

3.1.1 An oil spill can result in physical damage to property. Examples include damage resulting from contamination of fishing gear and structures used to support mariculture; from the entrainment of oil into industrial water intakes; and, from oiling of fishing boats, pleasure craft and other vessels. When cleaning and repair is not possible, or the costs involved



exceed the costs of replacing the item, replacement may be justified, although allowance should normally be made for the age and pre-spill condition of the property. Compensation for replacement costs in excess of this depreciated value might be considered reasonable if repair or replacement could be anticipated to result in significant mitigation of other heads of claim, for example lost income, sufficient to offset any costs over and above the depreciated value of the item. An example of this is given in paragraph 3.2.2.

3.1.2 The assessment of *bona fide* claims for property damage is usually relatively straightforward and is based on the principle that the settlement of claims should not result in a claimant's economic position being any better or any worse than if the spill had not occurred.

3.1.3 Claimants should provide clear evidence of: i) the damage; ii) the quantum of the loss suffered as a result of the damage; and iii) proof that the damage was caused by the oil spilled in the cited incident. In the absence of adequate evidence in support of claims, they may be regarded as having dubious merit. The damaged items should be produced for inspection or, if this is not possible, claims should be accompanied by other evidence of the damage, for example, photographs. This is particularly true when, perhaps due to the passage of time between the damage occurring and a claim being formulated, direct evidence of the damage may no longer be available. For example, oiled nets may have been destroyed, oiled boats may have been cleaned. Claimants should therefore bring claims, or potential claims, to the attention of surveyors acting on behalf of the compensatory bodies as soon as possible following the incident in order to verify and quantify the damage through a joint survey.

3.1.4 Appropriate supporting documentation should also be provided, such as invoices for replacement items or for materials used in the cleaning and repair. Invoices for the original items can be used to substantiate both age and original value. Inadequate documentation almost inevitably leads to delays in the assessment and settlement of claims.

3.1.5 A link has to be shown between the damage and the incident. On occasions when the distribution of oil is well known and the property in question is clearly in the same vicinity, it may be sufficient simply to give the location where the damage occurred. Where some doubt remains, samples of the oil which caused the damage need to be retained for chemical analysis.

### 3.2 Illustrative examples

3.2.1 In order to demonstrate how the general principles have been applied in the past and to highlight some of the implications, specific examples of damage to property are set out below.

3.2.2 Flotation devices, lift nets, cast nets and fixed fish traps extending above the sea surface are more likely to be contaminated by floating oil whereas, lines, dredges, and bottom trawls are usually well protected, provided they are not lifted through an oily sea surface, or affected by sunken oil. As a result, replacement of oiled nets and other items of fishing gear is a common claim following an oil pollution incident. However, cleaning is often a viable alternative depending on the residual value of the nets or gear, taking into account their age. In a more extensive incident where a large number of nets may have been damaged, the unavailability of nets may lead to consequential loss of earnings. Once surface

oil is no longer posing a threat of further contamination, such losses can be minimised by getting the fishermen concerned back to work as quickly as possible. This might be done either by cleaning or replacement, depending on which can resolve the problem more quickly.

3.2.3 The problems may be more acute where net cages used for mariculture have been oiled and when additional clean nets are required in order to hold the stock while the soiled nets are cleaned or replaced. In some circumstances nets can be allowed to self-clean if the harvesting period is sufficiently far off. In other cases the nets will have to be cleaned sequentially, cage by cage, in much the same way as is done routinely for the removal of marine fouling. Routine maintenance of this nature may sometimes coincide with the removal of oil, providing the opportunity for minimising cleaning costs.

3.2.4 A problem arises when it is not possible to clean the nets, for example, in the case of fine mesh nets used for raising juvenile fish. Replacement costs are likely to exceed the depreciated value of such a net, especially if it is several years old. Although in principle the amount of compensation paid should not exceed the depreciated value of the net, this is often impractical. For example, a fisherman may not have the financial means to make up the difference between the depreciated value and the price of a new net. The lack of a replacement net may, therefore, result in his earning capacity being reduced so that his economic position is, in fact, worse than if the incident had not occurred.

3.2.5 Except in cases of severe contamination, cleaning of mariculture support structures should be undertaken *in situ*. Claims demanding the dismantling and reassembling of the facilities, in order to reach inaccessible pockets of oil trapped within the structure, are likely to lead to costs of the same order as building a new facility, often far in excess of the degree of damage which cleaning is designed to avoid i.e. the contamination of the caged stock. Oiled floats can generally be cleaned to a satisfactory level to ensure that there is no continuing release of significant quantities of oil. Any residual staining can be left to weather naturally since it does not affect the function of the floats. Again it may be possible to clean the oil in conjunction with the routine removal of marine fouling.

3.2.6 Oiled boats can usually be cleaned satisfactorily afloat using kerosene applied with rags. The more quickly the oil is removed, the less likely that there will be a residual stain. Staining can be a particular problem with Glass Reinforced Plastic (GRP) boats. Claims are often submitted for slipping and repainting but they are rarely justified. If it can be demonstrated that it was necessary and reasonable, then a settlement based on a claim of this nature should take into account any savings made in respect of the routine maintenance of the boat and any improvement to its general condition as a result of remedial work. Possible exceptions to this general rule are new buildings lying on slips which may become oiled and, depending on the level of preparation and coating applied, may require some special treatment in order to restore the condition of the hull. Claims for replacement of oiled mooring lines and some types of fender which cannot be easily cleaned are generally accepted in order to avoid additional damage resulting from secondary contamination of the hull or deck.

3.2.7 The costs of reasonable measures taken to clean an industrial facility contaminated by oil entrained into water intakes would generally be justified. Cleaning operations may involve the dismantling of filter screens or, in more serious cases, the removal of oil lodged

in condenser tubes. However, there is evidence from previous incidents that some types of industrial plant can tolerate a certain level of dispersed oil with little deleterious effect, as the oil is simply flushed through the system.

3.2.8 Shore facilities such as houses, caravans and cars have from time to time been physically contaminated by oil carried inshore as airborne oil particles. Where the resulting damage cannot be satisfactorily repaired through cleaning, then repainting has been considered an allowable cost. When considering such claims, account should be taken of any improvement in the condition of the property (and its value) as a result of remedial work and savings made in routine maintenance.

3.2.9 Oil blown onto arable and grazing land may also cause damage. Although crops cannot normally be replaced because of the fixed growing season, and so would become the subject of a claim for economic loss, fertilisers can be used to enhance the recovery of the land by accelerating the natural breakdown of the oil. The costs of fertiliser, for applying it and subsequently tilling the land would normally be justified. If such effects are prolonged on crops and grazing areas, additional claims to accommodate alternative land and livestock management patterns may also be valid.

#### 4. Conclusions

4.1 Criteria for determining the admissibility of claims for clean-up measures should be primarily based on an objective technical appraisal, taking into consideration the likely fate and effects of the spilled oil and the likelihood of success which can be expected from any response measures taken.

4.2 The costs of clean-up and disposal should be reasonable and based on current commercial rates or the costs of similar services.

4.3 Commercial clean-up companies instructed to undertake clean-up measures, with no regard as to whether or not they will be effective, may have difficulty recovering their costs.

4.4 Compensation for damage to property as a result of an oil spill should, to the extent possible, be based on the principle that the economic position of the claimant should be no better or worse than if the spill had not occurred.

4.5 When cleaning and repair of damaged property is not feasible, or the cost involved exceeds the replacement cost, replacement may be justified, although where possible allowance should be made for the age and pre-spill condition of the property.

4.6 Claimants should provide clear evidence of the damage, the quantum of the loss, and proof that it was caused by a particular oil pollution incident.

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