

ENVIRONMENTAL LAW FOUNDATION



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Judge Orders Carnival Cruise Line To Stop Illegal Dumping

Lawsuit settlement halts illegal ballast water dumping by cruise ships in California ports

Los Angeles, CA – In settlement of a lawsuit against cruise lines by environmental groups, Carnival Cruise Lines admitted to illegally dumping ballast water into California ports and was ordered by a judge to stop unlawful practices that threaten to spread aquatic invasive species to coastal waters. The lawsuit, filed in April 2002 in Los Angeles Superior Court, has succeeded in prohibiting four cruise lines from discharging untreated ballast water into California waters. The judge signed the order on Monday.

“If three-strikes applied to corporate criminals, Carnival’s CEO Micky Arison would be going to jail today,” said Teri Shore of Bluewater Network in San Francisco. Carnival is already under federal probation for violating environmental laws. “We are calling on the state to levy \$250,000 in civil fines against Carnival for its egregious violations.”

Diana Mann, Surfrider Foundation representative from the Port City of Long Beach California, said, "Carnival was arrogant in their disregard for the law. The cruise industry has been running dirty and cheap for years while fighting the public for their right to continue to pollute. We won this round. We established environmental law and order."

In separate settlements, three other cruise lines named in the April 2002 lawsuit vowed to follow state-mandated ballasting practices and spend a total of \$75,000 to research alternative ballast water management methods and technologies. Holland America, Princess, and Royal Caribbean admitted no past wrong-doing in the settlements.

Ballast water is the single largest source of invasive species found in California ports. It commonly carries exotic aquatic life that can invade local ecosystems and displace native species. Ballast water is seawater pumped into ships to ensure stability at sea, and discharged as needed, often in port when taking on fuel and fresh water.

State law passed in 2000 requires any ship sailing into California from outside the United States 200-mile coastal zone to hold or treat any ballast water. The law is currently being reauthorized and is being strengthened to cover coastwise vessel traffic.

With respect to Carnival, the parties have agreed to enter into a Judgment by Stipulation. To be clear, a Judgment by Stipulation is a court judgment that has the same effect as a judgment rendered after a trial.

The judgment in this case recites that Carnival has violated section 71204(a) of the Ballast Water Management for Control of Nonindigenous Species Act. Moreover, the judgment contains a prohibitory injunction that prohibits Carnival from continuing to violate the provisions of the Act. The injunction is in place for one year but may be extended for another year if the Court deems it necessary.

The Environmental Law Foundation, Bluewater Network, San Diego BayKeeper, and the Surfrider Foundation sued Carnival, Holland America, Princess, and Royal Caribbean cruise lines under California's Unfair Competition Law in Los Angeles Superior Court. Using records from the California State Lands Commission, the environmental groups' lawsuit claimed numerous violations of state ballast water laws by ships owned by Carnival, Holland America, Princess and Royal Caribbean that dock in Los Angeles, San Francisco and/or San Diego.

The groups noted that dramatic cruise industry growth threatens future invasions. More ships are expected to travel West Coast waters beginning this year as cruise ships are being repositioned following Sept. 11. Presently there are eight major cruise ship lines operating out of California, involving over 20 vessels. In 2002, there were approximately 280 port calls scheduled by those vessels in the ports of San Diego, Long Beach/Los Angeles, San Francisco, and Monterey. The cruise industry estimates a 25 percent increase in the number of vessels that will operate in the waters of the State over the next 10 years.

Carnival Cruise Line pleaded guilty in April 2002 to illegally dumping oily waters and falsifying records, paying an \$18 million fine. In 1999 Royal Caribbean paid the second of two multi-million dollar fines to the US Environmental Protection Agency for dumping oily waters at sea.