



FINANCE AND ECONOMICS COMMITTEE

11th November 2004

Harbours and
Airport
Committee:
Airport Fire
Ground
remediation -
Deed of
Settlement.
1080/30(109) ✓

T.O.S.
C.I.Aud.
H.A.C.(2)
States (2)
Pub.Ed.

A10. The Committee considered a Treasury paper, dated 4th November 2004 [Agenda Item B7 refers], concerning a report and proposition of the Harbours and Airport Committee in respect of a settlement proposal which had been negotiated with the manufacturers of fire fighting foam used at the Airport Fire Ground in the early 1990's.

Having noted the background to the present situation, the Committee recognised that a copy of the proposed Deed of Settlement, dated 4th October 2004, had been circulated to all States members by the Harbours and Airport Committee under cover of a letter dated 12th October 2004. The Committee recalled that the Deed of Settlement was a highly confidential document as the proposed settlement was subject to a confidentiality agreement.

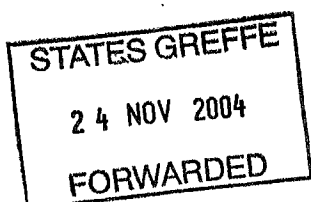
The Committee noted that the proposition sought the approval of the States to a settlement proposal that would result in the States receiving the sum of £2.6 million by way of a third party contribution to offset the costs incurred in remediation and reinstatement works in respect of the Airport Fire Ground totalling an estimated £4.81 million, together with a further £1.64 million which had been expended on investigation, professional advice and associated costs, bringing the total overall cost to £6.45 million.

The Committee recognised that the direct negotiations with the foam manufacturer had been led by H.M. Attorney General and the Airport Director with appropriate specialist legal support. The manufacturer had indicated that it would vigorously defend any legal action taken against them and it was recognised that preparation for such action would involve the States in considerable, but as yet unquantified, expense. The Committee also noted legal advice which had been provided to States members at a briefing held on 15th October 2004. The Committee noted other relevant clauses contained in the Deed of Settlement and considered their likely financial impact should the States agree to the terms of the Deed. The Committee further noted that, at the abovementioned briefing, the Medical Officer of Health had commented on the levels of pollutants found in the St. Ouen's aquifer and their potential long-term adverse impact on human health.

Having noted that the Deed of Settlement appeared to provide the best achievable financial outcome for the States, the Committee further noted that it would not be binding until ratified by the States and that such ratification was required by 31st December 2004.

The Committee decided to comment on the proposition, as follows -

“The Finance and Economics Committee has considered carefully the financial implications of the proposal against alternative courses of action available and supports the proposition of the Harbours and Airport Committee on financial grounds.”



The Greffier of the States was directed to send a copy of this Act to the Harbours and Airport Committee.



Deputy Greffier of the States

1080/30(109)



HARBOURS AND AIRPORT COMMITTEE

6th December 2004

Airport: Fire
Training
Ground
remediation -
Deed of
Settlement.
1080/30(109) ✓

A2. The Committee noted Act No. A10 dated 11th November 2004, of the Finance and Economics Committee regarding the proposed Deed of Settlement with the manufacturers of the fire fighting foam used at the Fire Training Ground.

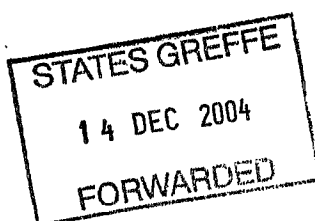
The Committee, having noted that the Finance and Economics Committee supported the proposition on financial grounds, was advised that the Environment and Public Services Committee had also agreed to support the proposed Settlement.

A.D.

The Committee noted the position accordingly.

A handwritten signature in black ink, appearing to be 'A. M. ...'.

Greffier of the States



1080/30 (109)



HEALTH AND SOCIAL SERVICES COMMITTEE

14th January 2005

Harbours and
Airport
Committee:
Jersey Airport
Fire ground
Remediation -
Deed of
Settlement
(P.176/04).
1080/30(109) ✓

C.E.
H.A.C.(2)
Pub.Ed.
States (2)

A1. The Committee, with reference to its Act No. A6. of 3rd December 2004, considered draft comments which had been prepared in response to the report and proposition of the Harbours and Airport Committee entitled "Jersey Airport Fire ground Remediation - Deed of Settlement" (P.176/04) which had been lodged "au Greffe" on 19th October 2004.

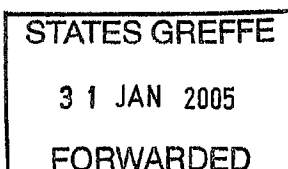
The Committee recalled that independent toxicological advice had been sought in relation to the above. It noted that it had been concluded from the same that as the toxicity of perfluorooctane sulphonate (PFOS), a chemical used in fire-fighting foams, was not properly understood the long-term impact upon human health was, at present, unknown. Consequently, should the nature of the problem posed by PFOS prove to be greater at some future date any opportunity to take legal action against the manufacturer would be lost if the States of Jersey decided to adopt the above report and proposition.

The Committee, having been advised that it was likely that scientific knowledge would develop significantly in relation to PFOS in the next ten years, concluded that it could not support the report and proposition of the Harbours and Airport Committee. Therefore, the Committee approved the comments which had been prepared and requested that these be presented to the States on 18th January 2005.

The Greffier of the States was requested to send a copy of this Act to the Harbours and Airport Committee.

Arnellis

Deputy Greffier of the States





HARBOURS AND AIRPORT COMMITTEE

9th February 2005

Airport: Fire
Training
Ground: Deed
of Settlement.
1080/30(109) ✓

A.D.
G.O.S.

A8. The Committee, with reference to its Act No. B1 of 6th December 2004, received an oral report from the Airport Director concerning the settlement with the manufacturers of the fire retardant foam which had polluted St. Ouen's Aquifer.

The Committee recalled that on 18th January 2005, the States had approved its report and proposition entitled 'Jersey Airport: Fireground Remuneration - Deed of Settlement' (P.176/2004), and had ratified the Deed of Settlement. The Committee was advised that the said Deed of Settlement had now been signed by the Greffier of the States and had been forwarded to the Company's lawyers, along with letters from the President and H.M. Attorney General.

The Committee agreed that copies of the Deed of Settlement and the accompanying correspondence should be archived at the States Greffe and the Greffier of the States was requested to make the necessary arrangements.

Greffier of the States

