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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESCO MARINE INC.,

Plaintiff,

Civ. S- 11-1353 KJM GGH

vs.

SS PACIFIC STAR,

Defendant.

ORDER

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On November 2, 2011, the United States Marshal filed a memorandum requesting clarification of whether sale of the vessel should proceed on November 7, 2011, in light of a report by the Environmental Protection Agency, based on an inspection of the vessel on April 6, 2004, in which high levels of PCBs were detected. This report came to the attention of the Marshal by way of an email from an EPA representative, pointing out that the Toxic Substances Control Act prohibits distribution in commerce of this vessel for purposes of use or export.

It is doubtful that the mere sale of the vessel *per se* constitutes “use” or “export.” But in any event, despite the invitation of the court to do so, the EPA has not sought to intervene in this action, and its informal email to the Marshal does not require action on the part of the court.

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Accordingly, IT IS ORDERED that:

1. The sale of the vessel SS Pacific Star shall proceed on November 7, 2011 as ordered.

2. The Clerk of the Court is directed to serve this order on Valerie Duran at the U.S. Marshals Service, and the U.S. Environmental Protection Agency at the following email address: [Rollins.Christopher@epamail.epa.gov](mailto:Rollins.Christopher@epamail.epa.gov).

DATED: November 3, 2011

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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