

Questions and Answers from the February 4, 2025, Kickoff Meeting

- **Where will information (presentation, recording, notes, etc.) be posted after this meeting?** Ecology's Best Achievable Protections website will be updated with today's meeting materials and other information as we continue the best achievable protections process: <https://ecology.wa.gov/regulations-permits/plans-policies/contingency-planning-for-oil-industry/best-achievable-protection>
- **When is the deadline to submit responses to [the survey](#)?** Survey submissions submitted prior to February 28th will be used to help identify subject areas and form Technical Advisory Committees. However, we will keep the survey open throughout the BAP process to gather input and feedback that may be useful during rule writing.
- **How can an individual participate on a Technical Advisory Committee?** Our goal is to find a mix of people with the right skill sets, knowledge, and experience to join the committees. Committees may consist of members from government agencies, Tribes, academia, non-governmental organizations, and the regulated industry. After forming a technical advisory committee, qualified individuals will have the opportunity to join by contacting Sean Orr (sean.orr@ecy.wa.gov).
- **What is the difference between a Technical Advisory Committee and a Workgroup?** They are the same thing. It is a group of subject matter experts created to research a subject area with a goal of providing the Ecology rule writing team with an informed recommendation.
- **Can I put several suggestions into one form, or should I do one submission per suggestion?** Please submit one idea per submission. There is no limit on the number of suggestions you can submit. Ideally, each submission would be tied to one discrete portion of the rule to be updated (i.e. 173-182-XXX).

- **What is the difference between working through the Technical Advisory Committees or simply filling out a petition form to revise or add a new rule?** There is a process and a form to use if an individual wished to request a rule be updated. However, WAC 173-182 and 173-186 are regularly updated as required by RCW 88.46.180. Working through the BAP process, or participating on a technical advisory committee, you are informing the rule making process by providing input and information to the ecology rule making team.
- **Are their specific rules that were adopted in 2020 and can I see what was updated to use as a model for new suggestions?** The following previous rulemaking documents (from 2019) may help contextualize how Ecology has conducted rulemakings in the past for WAC 173-182 and 173-186 and what updated language looked like in the past. In addition, the current rule (173-182-130) includes phase in language, which details the expectations for roll-out timelines for each part of the rule updated or newly adopted.

These examples do not constrain us going into the future but do show the variety of updates we last implemented.

Rule Implementation Plan (2019):

<https://apps.ecology.wa.gov/publications/documents/1908028.pdf>

Concise Explanatory Statement (2019):

<https://apps.ecology.wa.gov/publications/documents/1908027.pdf>

Final Regulatory Analysis (2019):

<https://apps.ecology.wa.gov/publications/documents/1908026.pdf>

Preliminary Regulatory Analysis (2019):

<https://apps.ecology.wa.gov/publications/documents/1908017.pdf>

- **Do the suggestions or survey entries have to be based purely on technical developments?** NO. While the BAP process includes a review of new and evolving technologies, it also includes an assessment of planning standards in our contingency planning rules (WAC 173-182 and WAC173-186) that describe staffing levels, training procedures, and operational methods for oil spill responses. The BAP process is really designed to look at the contingency planning rules in their entirety. It is not limited to technologic advancements. Clarifying rule language, new best practices or procedures, technologies, changes in oil movement, response equipment inspection data, or lessons learned from spills may be incorporated into the current rule update. Suggestions collected during the BAP process will inform the scoping of the rule update scheduled to open later this year.
- **Are we only updating one part of WAC 173-182? Or the whole rule?** WAC 173-182 and WAC 173-186 are part of the BAP process. The scope of the updates will be set by the Ecology rule team and will be announced later this year.
- **Does BAP trigger an environmental justice assessment per HEAL Act.?** The BAP process does not trigger an environmental justice assessment, but the associated future rule update would.
- **If I don't want to submit an idea, but I want to be an SME, how do I get on the SME list? How do I know which workgroups need SMEs when the technical committees form in March?** Email Sean.Orr@ecy.wa.gov your areas of subject matter expertise.
- **When will the rule making announcement happen?** The formal rulemaking announcement is scheduled for the Fall of 2025. The BAP process is the pre-rule writing information gathering period. Workgroups will research their assigned subject areas and provide recommendations to the Ecology rule writing team.

- **What does the “scope” in a rulemaking mean?** The scope is a list of target area that the rule update will focus on. It is set by the Ecology rule writing team. The scope helps keep the rule writing process manageable and on track. Once the scope is set, we must remain focused on those areas of the rule and cannot stray from the original intent of the rule update.