



Board of Pilotage Commissioners – Tug Escort Rulemaking

Workshop #3



Agenda

1. Rulemaking overview and scope
2. Summary of Workshop 1 and 2
3. Discussion topic- Ideas for escort alternatives



Why are we doing this rulemaking?

ESHB 1578 required the following:

- Escorts in Rosario Strait and waters east for small oil tankers, Articulated Tug Barges (ATBs), and towed barges (codified in RCW 88.16).
- By December 31, 2025, BPC, in consultation with Ecology, adopt tug escorts rules for small oil tankers, ATBs, and towed barges in Puget Sound.
 - This rule making must address the tug escort requirements in Rosario Strait and connected waters east and may adjust or suspend those requirements
- By October 1, 2028, and no less often than every ten years 10 thereafter, the BPC and Ecology consider the effects of these rules and determine whether an update is needed.



Rule Overview

What might this rulemaking do?

- The adopted rules could establish new escort requirements in Puget Sound and/or could adjust or suspend the existing escort requirements for Rosario and waters east
- Provide preventative measures to reduce the risk of a major oil spill.

Why tug escorts?

- Tug escorts for tank ships have been part of the marine safety system in Washington since 1975.
- Tug escorts can quickly assist vessels in distress and reduce the risk of a major oil spill. Small oil tankers, tank barges, and ATBs were not part of the escort requirements, leaving a gap in the safety regime.
- Oil spill prevention protects Southern Resident Killer Whale and other species, fishing, and public health.



Agency Coordination

BPC and Ecology signed an Interagency Agreement (IAA) in 2020

■ BPC role

- Outreach lead
- Government-to-government consultation
- Final decisions on tug escort requirements

■ Ecology role

- Rulemaking process
- Technical expertise
- Regulatory analyses
 - Administrative Procedures Act (APA)
 - State Environmental Policy Act (SEPA)
 - Regulatory Fairness Act (RFA)



High Level Timeline

Dates	Activity
February 2023	CR-101, rule announcement
March 2023	SEPA Scoping meeting
May 2023 – Dec 2024	Workshops with tribes, stakeholders, and interested parties
July 2025	CR-102, propose rule
December 2025	CR-103, adopt rule
January 2026	Rule effective



Past Workshops and Outreach

Dates	Activity
February 2023	CR-101, rule announcement
March 2023	SEPA Scoping meeting
May 2023 – Dec 2024	Workshops with tribes, stakeholders, and interested parties
July 2025	CR-102, propose rule
December 2025	CR-103, adopt rule
January 2026	Rule effective

Dates	Activity
May 17, 2023	Stakeholder Workshop #1: Decision Points & Reference List development
May 24, 2023	Tribal Meeting #1: Decision Points & Reference List development
June 21, 2023	OTSC: Escort Capabilities
June 29, 2023	Stakeholder Workshop #2: Escort Capabilities
July 13, 2023	Tribal Meeting #2: Escort Capabilities



Future Workshops and Outreach

Dates	Activity
February 2023	CR-101, rule announcement
March 2023	SEPA Scoping meeting
May 2023 – Dec 2024	Workshops with tribes, stakeholders, and interested parties
July 2025	CR-102, propose rule
December 2025	CR-103, adopt rule
January 2026	Rule effective

Dates	Activity
September 27, 2023	Stakeholder Workshop #3
October 3, 2023	Tribal Meeting #3
October 31, 2023	Public Information session #1
December 6, 2023	Workshop #4: Presentation of Tug Escort Analysis Results
December 7, 2023	Workshop #4: Presentation of Tug Escort Analysis Results – Tribal meeting
January 10, 2024	OTSC – Workshop #5
January 23, 2024	Tribal Meeting #5
January 25, 2024	Stakeholder Workshop #5



Scope - The rulemaking will amend WAC 363-116-500.

The rulemaking will:

- Describe tug escort requirements for the following vessels operating in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area:
 - Oil tankers of between five thousand and forty thousand deadweight tons.
 - Articulated tug barges (ATB) and towed waterborne vessels or barges greater than five thousand deadweight tons that are designed to transport oil in bulk internal to the hull.
- Specify operational requirements for tug escorts, where they are required.
- Specify functionality requirements for tug escorts, where they are required.



Scope continued

- Consider the existing tug escort requirements applicable to Rosario Strait and connected waterways to the east, established in RCW 88.16.190(2)(a)(ii), including adjusting or suspending those requirements, as needed.
- Describe exemptions to tug escort requirements, including whether certain vessel types or geographic zones should be precluded from the escort requirements.
- Make other changes to clarify language and make any corrections needed.



Past Workshops: Summary and Takeaways



Workshop 1 Summary

- Over 30 references are under review to inform this rulemaking including academic and research publications; pilotage documents; and Federal, State, and local regulations and reports.
- Decision Points include:
 - Which vessel types (small tankers, barges, ATBs) should be required to have escorts?
 - Which zones should the escort requirements apply in?
 - What capability requirements should escort tugs meet?
 - Should there be any exemptions?



Workshop 2 Summary, Tug capability ideas

- Horsepower
- Propulsion
- Tethering
- Pre-escort conference
- Certification
- Deck Fittings
- Bollard Pull
- Bollard Pull testing
- Escort equipment
- Auxiliary equipment



Workshop 2 Summary

Tug capability ideas for additional future consideration:

- Horsepower
- Propulsion
- Pre-escort conference
- Certification
- Deck Fittings
- Tethering
- Escort provider training and drills



Workshop 2 Summary:

Tug capability ideas that may not be a good fit:

- Bollard pull
- Bollard pull testing
- Escort equipment (render-recovery etc)
- Firefighting equipment



Questions from Workshop 2: Escort Performance Goal

Primary goal of tug escort rulemaking:

- Reduce the risk of an oil spill, which could eradicate our whales, violate the treaty interests and fishing rights of potentially affected federally recognized Indian tribes, damage commercial fishing prospects, undercut many aspects of the economy that depend on the Salish Sea, and otherwise harm the health and well-being of Washington residents.



Questions from Workshop 2: Past incidents

[Report of Vessel Traffic and Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area \(wa.gov\)](http://wa.gov)

Tank Barge incidents 2008 – 2017:

- 45 incident
- 26 out of 45 were oil spills. Most of these 26 occurred while moored.
- Of the remaining 19 non-spill incidents, tug escort could have further reduced oil spill risk for 7 of them.

ATB incidents 2008 – 2017:

- 20 incident
- 4 out of 20 were oil spills. All four of them occurred while moored.
- 16 out of 20 were non-spill incidents, tug escort could have further reduced oil spill risk for 4 of them.



Discussion Topic: Escort Alternative Ideas



Escort Alternative Ideas

1. Remove Rosario and waters east requirement (Pre – 2020)
2. Maintain Rosario and waters east requirement – no other change
3. Escorts for specific vessels in specific zones
4. Escorts for all vessel types in all zones
5. Escort service for all vessel types within # mins

Idea 1: Pre-2020 escort regime

- Remove RCW requirement for escorts in Rosario and waters east
- No escort requirement for:
 - Barges
 - ATBs
 - Oil tankers less than 40,000 DWT

Idea 2: 2023 escort regime

- Maintain RCW requirement for escorts of barges, ATBs, and oil tankers less than 40,000 DWT in Rosario and waters east
- No escort requirement outside of Rosario and waters east for:
 - Barges
 - ATBs
 - Oil tankers less than 40,000 DWT

Idea 3: Escorts for specific vessels in specific zones

Oil tankers of between five thousand and forty thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.

Articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.

Towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.

Idea 4: Escorts for all vessel types in all zones

Oil tankers of between five thousand and forty thousand deadweight tons; articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons; and towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.

Idea 5: Escort service for all vessel types within # mins

Oil tankers of between five thousand and forty thousand deadweight tons; articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons; and towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, to the extent that these waters are within the territorial boundaries of Washington, unless they are able to guarantee on-scene escort services within # minutes of

Other Ideas to consider?





Additional thoughts?

