



Board of Pilotage Commissioners – Tug Escort Rulemaking

May 17, 2023

Workshop #1



DEPARTMENT OF
ECOLOGY
State of Washington

Agenda

1. Rulemaking overview and scope
2. Existing escort requirement
3. Rule inputs
4. Decision Points
5. Your Thoughts



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)



Timeline

Dates	Activity
February 2023	<u>CR-101, rule announcement</u>
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



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

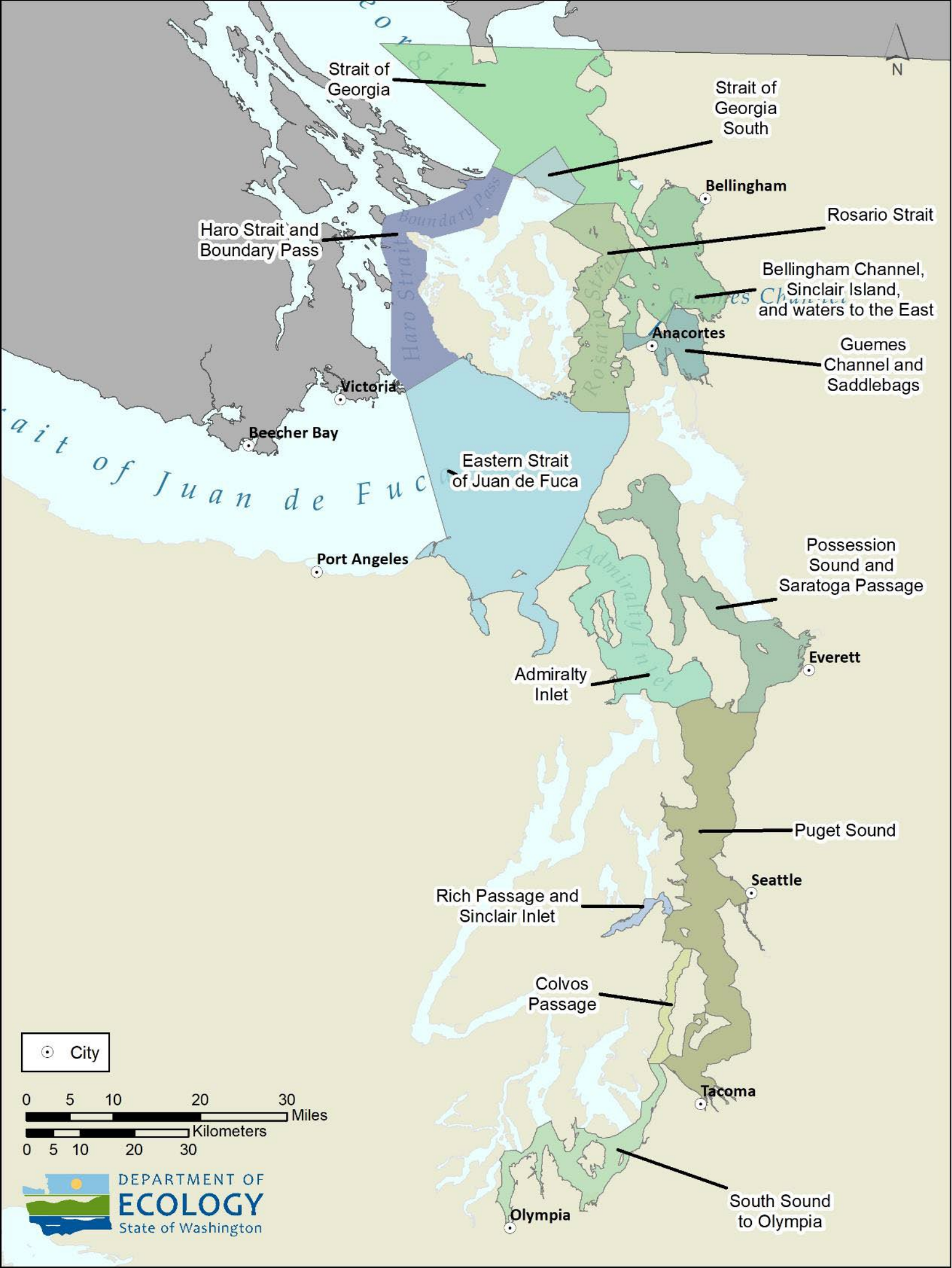
The rulemaking will:

- 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.

Geographic Zones



Existing RCW 88.16.190, Oil tankers—Restricted waters—Requirements

(1) Any oil tanker, whether enrolled or registered, of greater than one hundred twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light, unless authorized by the United States coast guard, pursuant to 33 C.F.R. Sec. 165.1303.

(2) (a)(i) An oil tanker of forty to one hundred twenty-five thousand deadweight tons may operate in the waters east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to the San Juan Islands and connected waterways and the waters south of Admiralty Inlet, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs that have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker.

(ii) Effective September 1, 2020, the following may operate in Rosario Strait and connected waterways to the east only if under the escort of a tug or tugs that have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of a forty thousand deadweight ton oil tanker: (A) Oil tankers of between five thousand and forty thousand deadweight tons; and (B) both articulated tug barges and towed waterborne vessels or barges that are: (I) Designed to transport oil in bulk internal to the hull; and (II) greater than five thousand deadweight tons.

(iii) The requirements of (a)(ii) of this subsection: (A) Do not apply to vessels providing bunkering or refueling services; (B) do not apply to a towed general cargo deck barge; and (C) may be adjusted or suspended by rule by the board of pilotage commissioners, consistent with RCW [88.16.260](#)(1)(c).

(b) An oil tanker, articulated tug barge, or towed waterborne vessel or barge in ballast or when unladen is not required to be under the escort of a tug.

(c) A tanker assigned a deadweight of less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW [88.16.170](#) and [88.16.180](#).

Existing WAC 363-116-500, Tug escort requirements for oil tankers

- (1) RCW [88.16.190](#)(2) requires the escort of a tug or tugs for all oil tankers 40,000 DWT or greater when not in ballast. For purposes of that provision only, deadweight tonnage shall be the maximum summer deadweight tonnage that was assigned to the vessel at the time of construction as reported in **Lloyd's Register of Ships**. Unless the vessel was structurally altered and remeasured to less than 40,000 DWT, this original deadweight tonnage shall be used for purposes of determining if the vessel requires the appropriate tug escort.
- (2) It shall be a violation of this regulation to provide pilotage services to an oil tanker not in compliance with this rule when the pilot has actual knowledge of the noncompliance.
- (3) Oil tankers found to be in violation of the provisions of this regulation shall be subject to the provisions of RCW [88.16.150](#).
- (4) The deadweight tonnage provision of this rule is to be used solely for determining the required use of a tug escort.

Rulemaking inputs



Rulemaking references list

(Harbor Safety Committees, state & federal regulations)

- [HSC Puget Sound Towing Vessels - Bollard Pull Testing - Standard of Care](#)
- [HSC San Francisco Harbor Safety Plan](#)
- [HSC LA/LB C.3 History of Tug Escort Guidelines](#)
- [California Code 14 851.23](#)
- [Massachusetts Requirements for Tugboat Escorts fact sheet](#)
- [33 CFR 168.50 \(b\)](#)
- [Best Available Technology for Tanker Escorts \(pwsrcac.org\)](#)
- [Tanker Escort System \(pwsrcac.org\)](#)
- Oregon Treaty of 1846

Rulemaking references list

(U.S. Coast Guard and WA State reports)

- Canada and US Agreement on Vessel Traffic Management for the Juan De Fuca Region
- [USCG Puget Sound PAWSA \(2017\)](#)
- [Regulatory Assessment: Use of Tugs to Protect Against Oil Spills in the Puget Sound Area, prepared for United States Coast Guard \(1999\)](#)
- [Washington SRKW Task Force \(2018\)](#)
- [Ecology Report of Vessel Traffic and Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area \(2019\)](#)
- [Study of Tug Escorts in Puget Sound, prepared for WA Dept of Ecology \(2004\)](#)
- Ecology Tug Escort Analysis Report (once available)
- Ecology ERTV Analysis Report (once available)

Rulemaking references list (Pilotage groups- BPC, PSP, PPA)

- [BPC Geographic Zones](#)
- [BPC Synopsis of Changing Vessel Traffic Trends](#)
- [PPA Notice to Industry: Escort tug rules for ships carrying liquids in bulk](#)
- [Pacific Pilotage Authority General Information For Agents Booklet Sep 2018](#)
- [Report on the findings of the Pilotage Risk Management Methodology PRMM to assess the Use of Escort Tugs in Haro St and Boundary Pass for Liquid Bulk Vessels, In Product, less than 40,000 SDWT](#)
- Puget Sound Pilots and Pacific Pilotage Authority MOU

Rulemaking references list

(Academic and research publications)

- [Standard Guide for Escort Vessel Evaluation and Selection \(astm.org\)](#)
- [Allan and Molyneux 2004 EscortTugDesignAndAlternatives](#)
- [Allan and Phillips 2013 An Evaluation of Local Escort and Rescue Tug Capabilities in Juan de Fuca Strait](#)
- [Allan and Phillips 2016 Summary of BAT requirements](#)
- [Marine Oil Spill Prevention, Preparedness, Response, and Recovery: World-Leading Examples \(2015, Nuka Research\)](#)
- [Merrick. 2002, Evaluation of Tug Escort Schemes Using Simulation Drifting Tankers](#)
- Gray2001. WorkBoat. Development of Tanker Escort Regulations in the US with Emphasis on the US Pac Coast
- Brooks and Slough, The Utilisation of Escort Tugs in Restricted Waters

Decision Point Examples – all zones

- Vessel types (small tankers, barges, ATBs) requiring escorts?
- Zone of escort requirement?
- Operations and capability requirements for escort tugs?
- Exemptions?

Decision Point Examples: Rosario & Waters East

- Maintain?
- Adjust?
- Suspend?

Decision Point Examples: admin/clarification

- Should deadweight tonnage continue to be defined as the maximum summer deadweight tonnage?
- Should reference to Lloyd's Register of Ships be updated to say Lloyd's Register?

Workshops and Outreach

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December 2025	CR-103, adopt rule
January 2026	Rule effective

Dates	Activity
May 17, 2023	Stakeholder Workshop #1
May 24, 2023	Tribal Meeting #1
June 21, 2023	OTSC
June 29, 2023	Stakeholder Workshop #2
July 13, 2023	Tribal Meeting #2
September 14, 2023	OTSC
September 27, 2023	Stakeholder Workshop #3
October 3, 2023	Tribal Meeting #3
October 31, 2023	Public Information session #1



Thoughts?

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