

2019 Legislation: Reducing Threats to Southern Resident Killer Whales by Improving the Safety of Oil Transportation



Photo credit: Chris Teren via <https://sanjuans.org/2019/07/26/philips66actionalert/>

WHY? A catastrophic oil spill could cause potentially irreversible damage to the endangered Southern Resident Killer Whales and other species, damage commercial fishing, violate tribal treaty rights, and cause severe economic and public health consequences in Washington State.

ESHB 1578 (The Act) provides a measured approach to preventing a catastrophic oil spill in Puget Sound by closing important safety gaps related to vessels carrying oil in bulk. The Act requires tug escorts for certain categories of oil-laden tank vessels in Rosario Strait and connected waters to the east, effective September 1, 2020. Additionally the Act directs the Board of Pilotage Commissioners (BPC/Board) and the Department of Ecology (Ecology) to undertake multiple initiatives including:

- Identifying and defining geographic zones
- Completing a synopsis of changing vessel traffic trends
- Consultation with tribes, other government entities, and stakeholders
- Developing and maintaining a model to quantitatively assess current and potential future risks of oil spills in Washington waters and reporting those findings to the Legislature
- Developing and adopting rules for tug escorts in the Puget Sound for oil-laden vessels, with future periodic reviews.

The Act allows for the BPC to enter into an interagency agreement with the Department of Ecology for technical assistance with this work, including rulemaking. The risk model developed by Ecology will inform decisions on tug escorts by the BPC.

CONTACT Jaimie Bever, Executive Director

BeverJ@wsdot.wa.gov | (206) 515-3887 | www.pilotage.wa.gov

View the Department of Ecology's Focus Sheet on 2019 Legislation at

<https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Spills-Prevention-Preparedness-Response/Legislative-work>

ESHB 1578 TUG ESCORTS & ERTV PORTFOLIO

By December 31, 2025, the BPC, with technical assistance from Ecology, must adopt rules implementing tug escorts in Puget Sound for oil tankers between 5,000 and 40,000 deadweight tons, as well as articulated tug barges (ATBs) and towed waterborne vessels or barges greater than 5,000 deadweight tons. The rulemaking applies by zone to waters east of Discovery Island Light south to New Dungeness Light and all points in the Puget Sound area.

Deliverables

- Interagency Agreement with Ecology
- Tug escort requirement interpretative statements
- Geographic zone identification to inform analysis
- Synopsis of changing vessel traffic trends
- Ecology risk model
- Modeling analysis for tug escorts & ERTVs
- Tug escort rules
- Periodic review of tug escort rules



Vessels identified in ESHB 1578. Left: a 17,000 DWT oil tanker (photo M.L. Jacobs), a Crowley ATB (photo Crowley.com), Right: a towed oil barge (photo Sause.com)

BPC and ECOLOGY will work together to:
<ul style="list-style-type: none"> • Develop project plans to accomplish the requirements of The Act • Coordinate communication, consultation, and outreach activities • Provide technical assistance to plan and prepare for activities
Project-specific Responsibilities:
<ul style="list-style-type: none"> • Rosario Tug Escort Implementation (by September 1, 2020) BPC – outreach, interpretive statements, and enforcement ECOLOGY – provide technical assistance
<ul style="list-style-type: none"> • Geographic Zone Identification (by September 1, 2020) BPC – lead process and make final decisions to identify and define zones ECOLOGY – provide technical assistance
<ul style="list-style-type: none"> • Synopsis of Changing Vessel Traffic Trends (by December 31, 2021) BPC – develop scope and review, approve and submit final synopsis to the Legislature ECOLOGY – provide technical assistance, develop synopsis
<ul style="list-style-type: none"> • Develop and Maintain Risk Model (by September 1, 2023) BPC – provide technical assistance ECOLOGY – develop and maintain risk model, and consult with tribes and stakeholders
<ul style="list-style-type: none"> • Report to the Legislature Regarding Emergency Response Towing Vessel (by September 1, 2023) BPC – provide technical assistance ECOLOGY – assess whether an emergency response towing vessel (ERTV) will reduce oil spill risk and deliver report to the Legislature
<ul style="list-style-type: none"> • Analysis of Tug Escorts Using Risk Model (by September 1, 2023) BPC – develop and approve analysis scope ECOLOGY – provide technical assistance, perform analysis and outreach activities, write and submit summary to the Legislature
<ul style="list-style-type: none"> • Conduct Tug Escort Rulemaking (by December 31, 2025) BPC – making final decisions regarding tug escort requirements and adopt rules, and provide technical assistance ECOLOGY – lead rulemaking process and outreach efforts, and conduct regulatory analysis