



Board of Pilotage Commissioners – Tug Escort Rulemaking



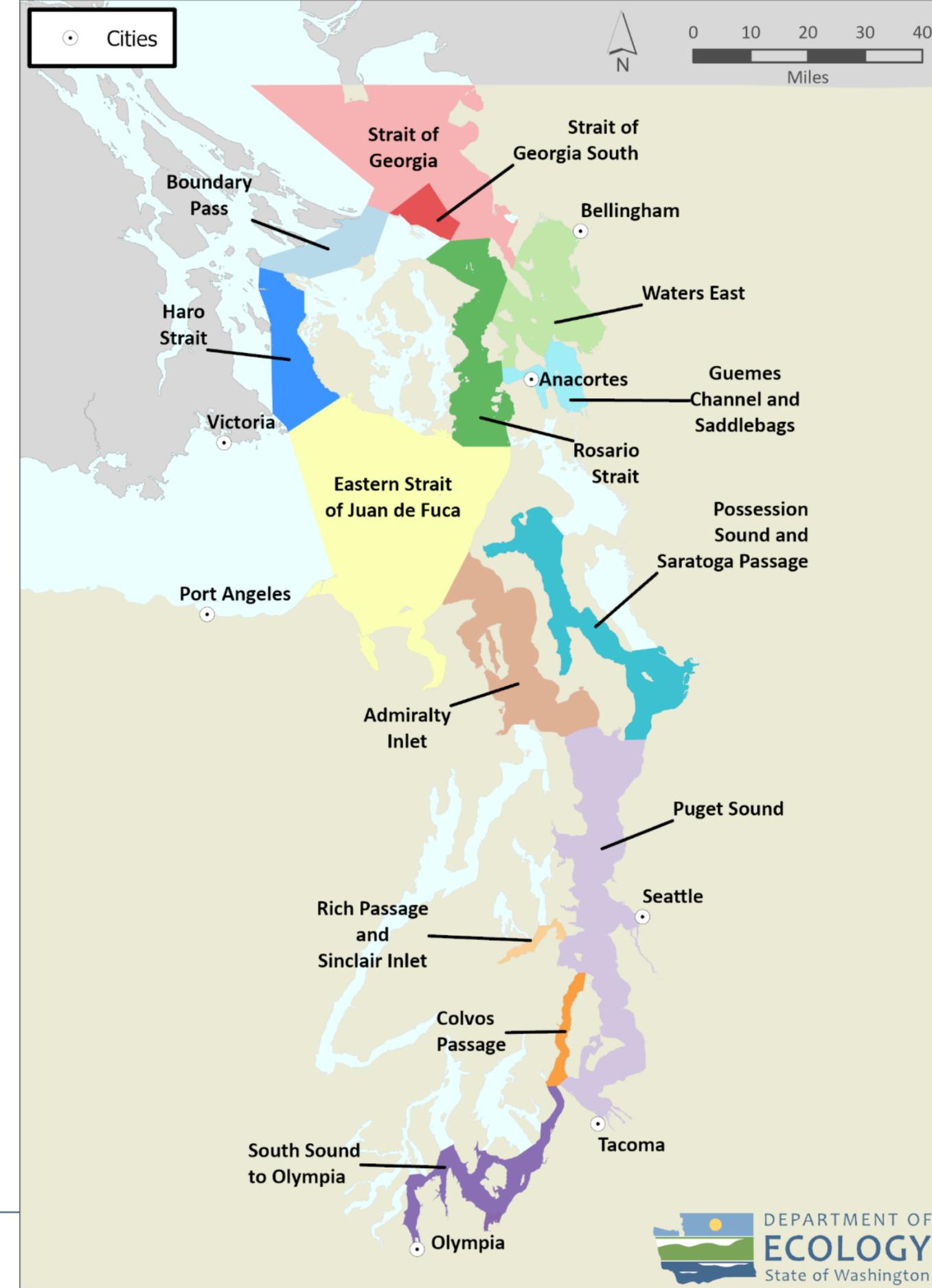
Agenda

1. Rulemaking overview and scope
2. Summary of Workshops
3. Next Steps



Tug Escort requirements in Washington waters

- Tug escorts for oil tankers have been an important part of the marine safety system in Washington state since 1975.
- Until 2020, tug escorts were only required for oil tankers above 40,000 deadweight tons (DWT).



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.



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.



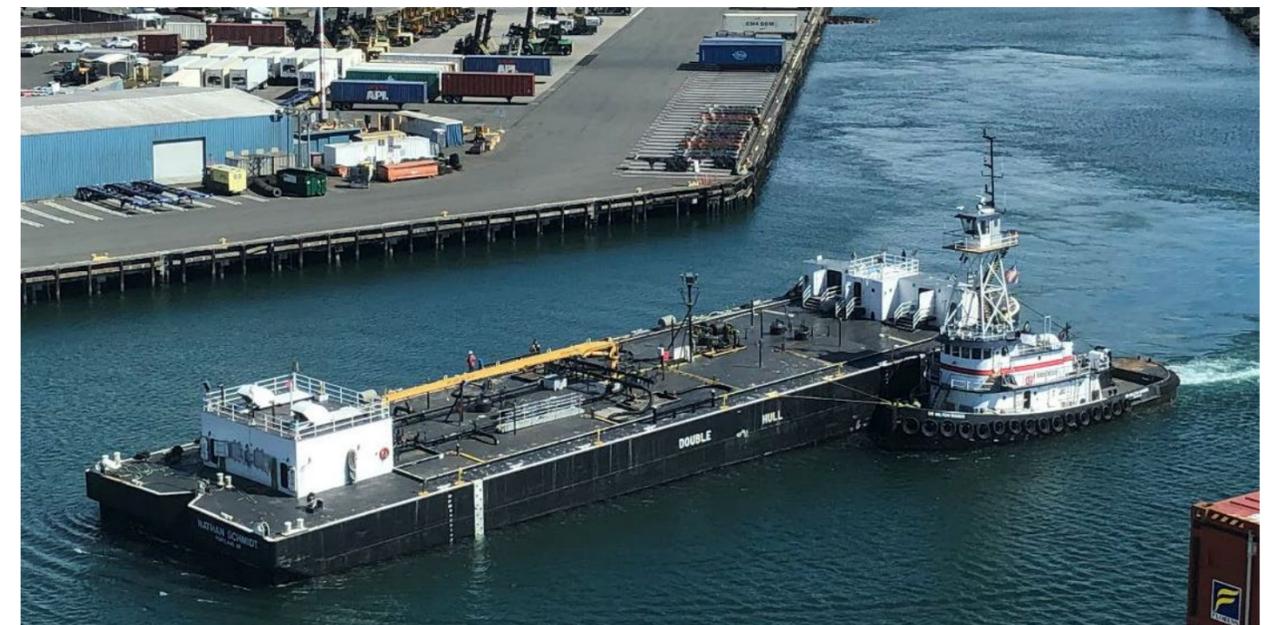
ATBs, tank barges, and oil tankers between 5,000 and 40,000 DWT



An oil/chemical tanker. This example is 557 feet long, 33,600 DWT, and can carry 10 million gallons of oil.



An articulated tug and barge (ATB). This example is 480 feet long, 18,000 DWT, and can carry 6.7 million gallons of oil.



A tank barge being towed alongside by a tug. This example is 240 feet long, 5300 DWT, and can carry 1.3 million gallons of oil.

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



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.



Rule 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

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



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



Workshop 3: 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





QUESTIONS?

Thank you!

