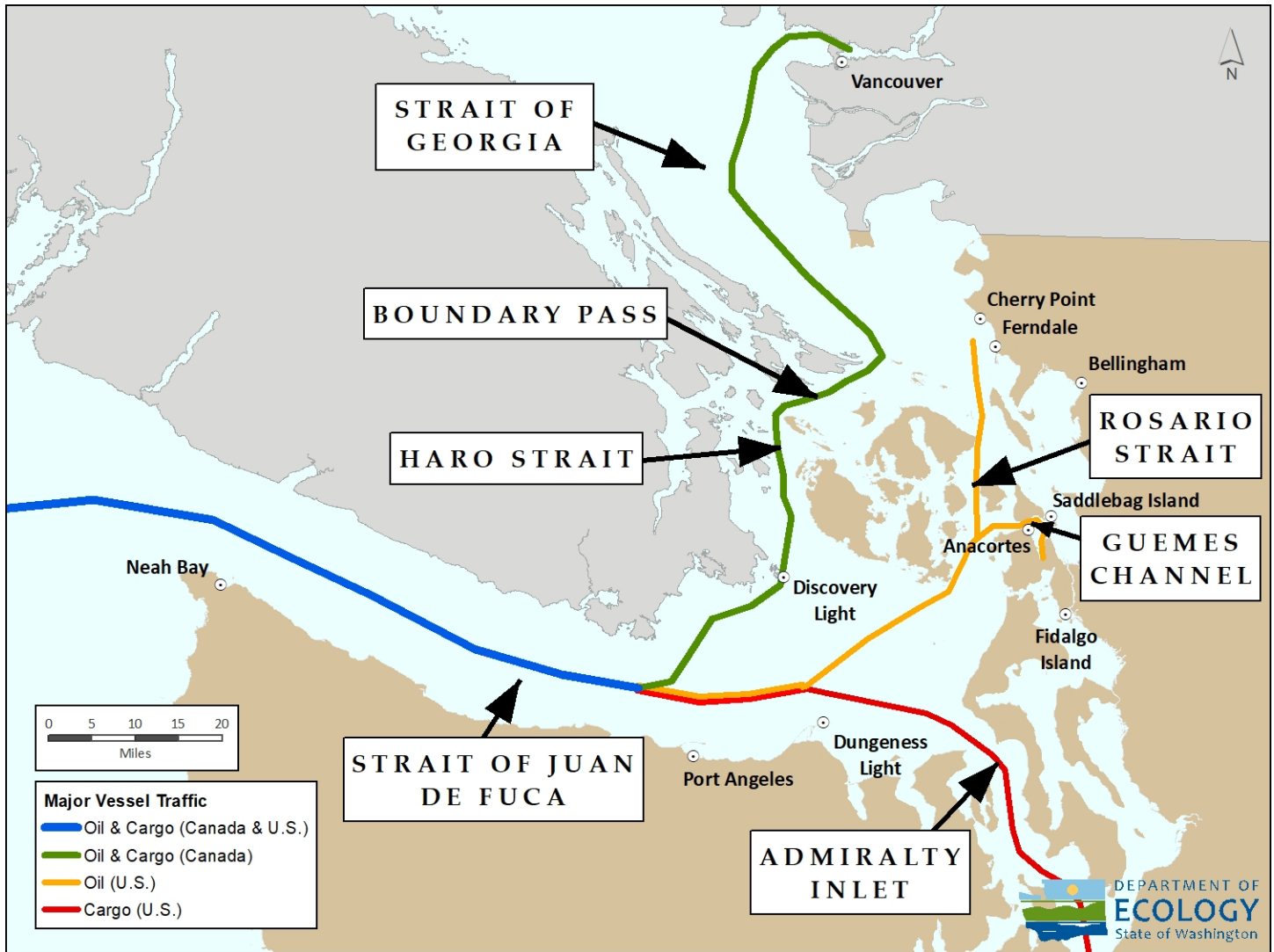


# SB 5578, HB 1578: Reducing threats to Southern Resident Killer Whales by improving the safety of oil transportation



Billions of gallons of oil travels through Puget Sound and the Strait of Juan de Fuca each year. Oil spills pose a risk to declining populations of Southern Resident Killer Whales.

## WHY IT MATTERS

Safety gaps exist in our current efforts to protect the Salish Sea from oil spills. A catastrophic oil spill would inflict potentially irreversible damage on 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.

## Proposed legislation

HB 1578 and SB 5578 enact new safety requirements to close the safety gap further on the acute risk of a potentially large oil spill in the Salish Sea from tank vessels.

## The problem

More than 20 billion gallons of oil is transported through Washington State each year by vessel, pipeline, and rail. For decades, tug escorts have been

required for large loaded oil tankers in the Salish Sea. The powerful tugs can quickly act to rescue a vessel if it loses propulsion or steering, preventing a tragic accident and oil spill.

However, small loaded tank vessels are not escorted, leaving a gap in the safety regime. These include Articulated Tug Barges (ATBs), towed oil barges, and smaller oil tankers that transport millions of gallons of oil through Washington's waters. The recent Department of Ecology [Report of Vessel Traffic Safety in the Strait of Juan de Fuca and Puget Sound](#) found that tank barges have the highest potential accident frequency rate in the Salish Sea.

There is also a potential safety gain specifically in the busy oil traffic areas of Haro Strait, Boundary Pass, and Rosario Strait. This area is not currently served by an Emergency Response Towing Vessel (ERTV), such as the industry-funded vessel that responds to coastal and western Strait of Juan de Fuca incidents. The Neah Bay ERTV has been deployed to assist 68 vessels in the last 19 years, and 20 of them involved vessels heading to or from Canada.

## The solution

First, requiring tug escorts for ATBs, towed oil barges and smaller oil tankers is one of the most effective measures Washington could implement. Research provided by the Department of Ecology shows the use of tug escort with these vessels can decrease potential accident frequency by as much as 15 percent. Some of the greatest benefits, according to research, would be to the Rosario Strait and connected waters east. The recent Department of Ecology [Report of Vessel Traffic Safety in the Strait of Juan de Fuca and Puget Sound](#) identified multiple other studies that found that tug escorts are a reliable way to reduce vessel accidents and oil spill risks. Additional modeling and rulemaking is required to work with tribes and stakeholders to determine where else tug escorts would be most beneficial.

Second, working with tribal, provincial, Canadian, and U.S. Coast Guard partners, analyze where to place and how to operate and fund an ERTV to serve Haro Strait, Boundary Pass, and Rosario Strait so it would be most effective.

## Governor's proposal

- For small oil tankers currently not required to use tug escorts, plus ATBs and barges:
  - By October 1, 2019, require tug escorts for vessels transiting Rosario Strait and connected waterways to the east.
  - By December 31, 2025, the Washington State Board of Pilotage Commissioners must adopt tug escort rules for Puget Sound. Interim milestones must be met before rulemaking is complete.
- The Department of Ecology may adopt rules requiring vessels transiting through Haro Strait, Boundary Pass, and Rosario Strait to establish and fund an ERTV. Ecology must work with British Columbia, Canada, tribes, and First Nations to discuss how to fund the shared system.
- Ecology must develop and maintain its own model to assess risks of oil spills.
- All modes — rail, vessel, and pipeline — must report the same data components to Ecology when transporting crude oil.

## How it will work

The Board of Pilotage has authority to partner with the Department of Ecology to conduct modeling and rulemaking to inform decisions on tug escorts. The Department of Ecology can also use modeling to inform decisions about the ERTV. In both processes, the state will design rules with the goal of avoiding or minimizing impacts of underwater noise in order to protect Southern Resident Killer Whales, focusing vessel traffic into shipping lanes, and protecting impacts to tribal treaty rights.

### Contact information

#### [Southern Resident Orca Whale Recovery website](#)

Rob Duff, Senior Policy Advisor, Natural Resources and Environment, Office of Governor Jay Inslee  
 360-902-0532, [robert.duff@gov.wa.gov](mailto:robert.duff@gov.wa.gov)

Dale Jensen, Manager, Department of Ecology Spill Prevention, Preparedness, and Response Program  
 360-407-7450, [dale.jensen@ecy.wa.gov](mailto:dale.jensen@ecy.wa.gov)

Sheri Tonn, Chair, Washington State Board of Pilotage Commissioners, 206-515-3904, [TonnS@wsdot.wa.gov](mailto:TonnS@wsdot.wa.gov)

Request ADA accommodation: Visit [ecology.wa.gov/accessibility](http://ecology.wa.gov/accessibility), call Ecology at 360-407-7211, Relay Service 711, or TTY 877-833-6341.