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Peter J. Schrappen, CAE
Pacific Region Vice President & Regional Team Lead

July 29, 2025

Ms. Jaimie Bever
Executive Director
Board of Pilotage Commissioners
2901 Third Avenue, Suite 500
Seattle, WA 98121

RE: Board of Pilotage Commissioners Tug
Escort Rulemaking, proposal to amend
Pilotage Rules (Chapter 363-116 WAC)

Dear Ms. Bever:

The American Waterways Operators (AWO) is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. As the largest segment of the nation's 40,000-vessel domestic maritime fleet, our industry safely and efficiently moves 665 million tons of cargo each year and enables the flow of goods through ports on the inland and intracoastal waterways; the Atlantic, Pacific and Gulf coasts; and the Great Lakes. On behalf of our more than 300 member companies, we appreciate the opportunity to comment on the Board of Pilotage Commissioners' (BPC) draft proposed Tug Escort Rulemaking to amend Chapter 363-116 WAC, Pilotage Rules.

The escort requirements addressed by BPC's Tug Escort Rulemaking are intended to provide preventative measures to reduce the risk of a major oil spill. AWO members share this commitment to mitigating spill risks and are proud to be a part of the most environmentally safe and efficient mode of freight transportation. In the spirit of our shared goals of environmental safety and efficiency, we offer the following comments.

AWO appreciates the Washington State Department of Ecology (ECY) and BPC for engaging with us throughout the rulemaking process. The avoidance of overly prescriptive and limiting language in the draft will ensure vessels can comply with the amendments in a manner that is safe, feasible, and efficient for maritime operations.

We note, however, that concerns and inconsistencies remain with the data used to develop the proposed language. ECY concluded that drift groundings and resulting spills are especially infrequent, with only four such groundings occurring between 2002-2019, none of which resulted in a spill. A summary of the Tug Escort Analysis states, "Tank vessels make up only a

portion of drift grounding risk, and drift grounding risk makes up only a small part of overall maritime oil spill risk.”¹

Given the low rate of drift grounding incidents, ECY included the frequency of other incident types involving tug escorts themselves in its Environmental Impact Statement (EIS) analysis, including collisions and allisions, sinkings and capsizing, and more, stating: “The scope of the escort tug incident analysis is broad – it looks at reportable collisions, groundings, oil spills, equipment malfunctions, fires, and other types of incidents. This is in contrast to the evaluation of target vessels, which focuses on a single incident type: drift groundings.”² The inclusion of such data might be appropriate if the rulemaking were focused on mitigating risks from non-drift grounding incidents, but the EIS and CR-102 rely on drift grounding risk as the primary justification for the tug escort requirements, arguably making the added data superfluous.

To quantify oil spill risks resulting from tug escort activity, ECY relied upon a simulation model of vessel traffic patterns and resulting spill risks, with a particular focus on drift groundings in its EIS. As noted by ECY in the report, the oil spill risk model relies heavily on hypothetical scenarios and simulated vessel behavior rather than empirical evidence. To achieve this, the agency used models outside of the scope area to collect percentages reflecting incident probability. This type of scenario modeling allows the agency to identify what type of tug escort requirements can reduce the risk of spills, though such conclusions are, at best, speculative, and at worst, inaccurate and unreliable. AWO requests that BPC and ECY conduct a thorough data analysis beginning in the 2028 review cycle to verify all conclusions drawn from the study. Data verification is of primary importance to ensure that the rule’s requirements reflect actual oil spill threats and appropriate mitigation measures, especially in the event that lawmakers propose to extend the requirements therein.

Additionally, we also ask that language be added to Section 7. c.v., which is entitled “Relative position, direction of travel, and tethering locations of the tug(s) during the transit.”³ The use of “tethering” implies that at some point, a tug escort will tether to a tank vessel, though this is not true in all cases. To amend this and prevent unforeseen requirements, we advise adding qualifying language such as “if needed” or “if appropriate” to reflect operational realities.

Under Alternative C, BPC is proposing to expand its tug escort requirements for oil tankers northwest towards Patos Island, which includes the Haro Strait and Strait of Georgia. These waterways, and others already covered by the existing tug escort requirements, are transboundary and extend into Canadian territory. Canada requires that tethered tugs accompany laden tankers while transiting certain waters, including the Boundary Pass and Haro Strait. Considering this overlap and for the sake of consistency, AWO asks that BPC consider aligning its tug escort requirements with Canadian requirements in the future.

¹ Washington State Department of Ecology. (2023). Summary of Tug Escort Analysis Results. <https://apps.ecology.wa.gov/publications/documents/2308009.pdf>

² Board of Pilotage Commissioners. (2025). Board of Pilotage Commissioners Tug Escort Rulemaking (Chapter 363-116 WAC) State Environmental Policy Act Environmental Impact Statement. <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202502240>

³ Board of Pilotage Commissioners. (2025). Proposed Rule Language. <https://ecology.wa.gov/getattachment/0af74d14-3b72-4509-92bc-b3a3cbb723bb/RDS-6256-1-For-Filing.pdf>

Thank you again for the opportunity to comment on the draft proposed Tug Escort Rulemaking to amend Chapter 363-116 WAC, Pilotage Rules. We appreciate BPC's consideration of our comments and would be pleased to answer any questions or provide further information to assist in your decision-making.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Schrappe". The signature is fluid and cursive, with the first name "Peter" and last name "Schrappe" clearly distinguishable.

Peter Schrappe
Pacific Region Vice President & Regional Team Lead