

Proposed Legislation

Ensuring the public is protected from spills of heavy oil

The problem

Washington State is fast becoming a major western gateway for oil trans-shipment. Crude oil and petroleum products are being imported and exported through our state in increasingly large quantities.

Bitumen oil is one type of heavy, persistent crude oil being shipped frequently and in large quantities through the Northwest. Bitumen is extracted from oil sands deposits, primarily from Alberta, Canada. This oil is frequently blended with potentially toxic additives to make it easier to extract and transport in pipelines, oil tankers, barges, and train tank-cars. Bitumen can also be shipped in an undiluted form as a semi-liquid.

This oil is a priority concern for the Department of Ecology (Ecology). In its undiluted form, bitumen can sink when it is spilled and increase the risk of damage to the state's environment and economy.

There could be disagreement about whether the current legal definition of oil applies to semi-liquid and diluted bitumen. Though Ecology believes the existing definition of oil does include these oils, a gap in the definition could cause confusion and hinder the state's ability to prevent and prepare for these spills, and to maintain the equipment necessary to respond to damaging oil spills. This persistent type of oil should be included in the state's definition of "oil" to ensure Ecology can work with industry and others to prevent and respond to all oil spills.

The solution

Ecology is proposing legislation to update the state's definition of oil to ensure state oil pollution laws cover all petroleum products handled in Washington. If signed into law, this legislation would ensure that Ecology has authority to require refineries, oil pipelines, regulated oil-handling facilities, oil tankers, and other large commercial vessels operating in Washington be appropriately equipped to mount a rapid, aggressive, and well-coordinated response to any type of oil they might spill.

WHY IT MATTERS

When crude oil is spilled, it can pose a significant risk to human health and safety and the environment. One type of particularly damaging crude oil is bitumen extracted from oil sand deposits in Canada. This oil is often diluted with other chemicals to make it easier to ship.

If it is spilled and remains in the environment, diluted bitumen can sink. Spill response experts are concerned that these oils can sink before response teams are able to safely contain and clean up a spill.

Washington State would benefit if all companies handling these products make the investments necessary to protect its citizens and rapidly clean up all oil spills.

Contact information

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Special accommodations

If you need this document in a format for the visually impaired, call the Spills Program at 360-407-7455. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Ecology's Proposal

Ecology is proposing legislation to update the state's definition of oil in state law at (Chapters 88.40, 88.46 and 90.56 RCW) to clarify that bitumen and other heavy oils are regulated under state law. If passed, the bill would affirm the state's existing authority to require that refineries, oil pipelines, regulated oil-handling facilities, oil tankers, and other large commercial vessels prevent all oil spills, and are equipped to mount a rapid, aggressive, and well-coordinated response when they occur. The bill would also correct a 2007 bill drafting error and update references to federal regulations.

How it will benefit Washington

Ecology has calculated that a major marine oil spill could cost Washington's economy \$10.8 billion and adversely affect up to 165,000 jobs due to disruptions to maritime shipping and public port activities, recreation and tourism, and injuries to state fish, shellfish, and wildlife resources.

Crude oils, including bitumen from oil sands deposits, other heavy oils, and related additives pose significant environmental, human safety, and health risks. This legislation will benefit Washington by ensuring the companies handling all types of oil make the investments necessary to protect state citizens from oil spills.