



Spill Prevention, Preparedness, and Response Program Guidance

Voluntary Best Achievable Protection (VBAP) and Exceptional Compliance Program (ECOPRO) Plans for Tankers, Tank Barges and Articulated Tank Barges (ATBs)

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I. Overview

A. Purpose of VBAP and ECOPRO

Washington State's voluntary program for the safe and pollution-free operation of tank vessels uses Voluntary Best Achievable Protection (VBAP) and Exceptional Compliance Program (ECOPRO) standards to represent many of the best practices found on tank vessels throughout the world. Companies are invited to demonstrate their efforts to improve safety and protect the environment by joining the state's voluntary program for tank vessels and developing a VBAP or ECOPRO plan.

The voluntary compliance program for tank vessels, including tankers, tank barges and articulated tank barges (ATBs) is designed to protect Washington waters and reward tank ship and tank barge companies that voluntarily operate their tank vessels in compliance with Washington's VBAP or ECOPRO standards. Companies participating in this non-regulatory program deserve and receive public recognition for their commitment to environmental and safety excellence in their vessels' operations.

These standards are designed to fill important safety gaps which Washington State has identified as critical for our waters. Human error and management issues are often the root causes for oil spills. By utilizing safety management systems which exceed the regulatory minimums we all improve the safety of Washington waters. The standards were developed jointly with industry representatives to provide standards higher than those required by law but attainable by today's proactive marine transportation companies.

B. VBAP and ECOPRO criteria

VBAP standards are designed to significantly reduce the probability of an oil spill in Washington waters by identifying areas where companies can improve their environmental safety beyond the existing regulatory requirements. Many of the ECOPRO standards exceed the VBAP standards, further increasing the level of marine safety on board tank vessels.

C. VBAP and ECOPRO plan approvals

VBAP and ECOPRO Plan approvals are valid for three years. Ecology will review the plan every three years and inspectors will conduct ship audits to ascertain that the management system is being implemented and continues to meet or exceed the Washington State VBAP or ECOPRO standards.

D. VBAP and ECOPRO benefits and incentives

Ecology recognizes that companies who choose to meet the standards of this voluntary program go beyond the international and U.S. federal minimum standards for tank vessels. These companies develop a plan with elements that exceed regulatory requirements and Ecology vessel inspectors verify plan implementation through detailed audits. Ecology has determined that vessels demonstrating this high level of environmental safety pose a lower risk of oil spills. Therefore, Ecology has decided to inspect VBAP or ECOPRO Full Member vessels on a three-year cycle unless there is a reason for conducting inspections more frequently.

Another benefit of the program is public recognition of the exceptional nature of each company's VBAP/ECOPRO plan. Participating companies will be identified on the Spills Program VBAP/ECOPRO web site and ECOPRO full members receive the prestigious ECOPRO award at an award ceremony. Additionally, articles on the participating company may be included in Ecology's *Spill Scene* or news releases. Some members have reported reduced marine insurance premiums as a result of ECOPRO membership.

II. VBAP and ECOPRO program requirements

A. Washington State laws

As a condition of VBAP or ECOPRO membership, a vessel owner must meet all Washington State laws (Revised Code of Washington) regarding oil spill prevention, preparedness, and response. The applicable rules implementing the laws, known as the Washington Administrative Code (WAC), include:

WAC 173-180	<u>Facility Oil Handling Standards</u>
WAC 173-182	<u>Oil Spill Contingency Plan</u>
WAC 173-183	<u>Pre-assessment Screening and Oil Spill Compensation</u>
WAC 173-184	<u>Vessel Oil Transfer Advance Notice and Containment Requirements</u>
WAC 317-31	<u>Accepted Industry Standards/Substantial Risk</u>
WAC 317-40	<u>Bunkering Operations</u>
WAC 317-50	<u>Financial Responsibility</u>

B. VBAP and ECOPRO standards

In addition to complying with applicable state, federal and international standards, the owner or operator of a tank vessel operating in Washington State waters must meet the designated voluntary standards to qualify as a VBAP or ECOPRO company. These are referred to as "Washington State's Voluntary Program Standards for Tankers" (Ecology Publication 00-08-020) or "Washington State's Voluntary Program Standards for Tank Barges/ATBs" (Ecology Publication 00-08-021).

To qualify for ECOPRO membership the company's vessels must meet both the VBAP and the higher level ECOPRO standards.

The standards address: operating procedures; personnel policies; management practices; marine safety technology; event reporting; and oil spill prevention, preparedness, and response standards.

III. VBAP and ECOPRO plan approval process

A. Plan submission

A plan is submitted with excerpts from your safety management system (SMS) showing that you meet or exceed Washington's VBAP or ECOPRO standards. The vessel operator may either use a consultant experienced in preparing VBAP and ECOPRO plans or may submit a plan prepared by company personnel. Washington State accepts electronic or hard copy plan submissions. We

recommend you include the vessel specific information/documentation, event reports and drug testing results in the appendices.

The plan must include the following items in a standard plan format with a title page, a table of contents, and a record of changes page:

- Submittal Agreement Letter.
- List of ships covered by plan with IMO numbers and deadweight tonnages.
- VBAP and/or ECOPRO standards with applicable excerpts from your SMS showing how the standards are met.
- Documentation required for each vessel/barge covered by the plan:
 - Vessel particulars,
 - Document of Compliance (DOC) for Company ISM Safety Management System,
 - Vessel particulars,
 - Simple tank arrangement diagram,
 - Certificate of Inspection (COI) for U.S. flag tankers/ tank barges or Certificate of Class for non-U.S. flag tankers/tank barges,
 - Safety Management Certificate (SMC),
 - Evidence of financial responsibility of at least USD 1 billion (P&I documents or California COFR), and
 - Safe Manning Certificate (for non-U.S. flag tankers).
- Drug testing results for all personnel working on ships during previous calendar year. Names are not required, only aggregate numbers.
- Event Reports for previous five years.

Your VBAP or ECOPRO Plan demonstrates compliance with each of the voluntary standards. You may explain how your vessel operating company is meeting Washington’s Voluntary Best Achievable Protection standards by referencing the guidelines “Washington State’s Voluntary Program Standards for Tankers” (Ecology Publication 00-08-020) or “Washington State’s Voluntary Program Standards for Tank Barges/ATBs” (Ecology Publication 00-08-021) and including the applicable portions of your SMS showing compliance with the standard.

B. Plan review

Ecology will review your plan for conformity with the VBAP or ECOPRO standards using a plan review form (Ecology form 070-331 for tankers or 070-332 for tank barges/ ATBs) within 60 days of receiving your plan. We will determine if you met the standards and if you do not, we will provide the reason for our determination. If additional information is needed, you will receive a letter and review checklist with our comments and you may make changes and resubmit your plan.

C. Plan approval

When all the elements in your plan specify that you meet or exceed the VBAP or ECOPRO standards, or both, your plan will be approved. You will be granted Associate Membership at this time. Our vessel inspectors will then arrange a ship audit when your ships enter Washington waters to verify implementation of all policies and procedures in your plan. In the case of tank barge/ATB companies, a full external audit is conducted at the company offices.

Upon successful completion of these inspections, your company will be granted Full Membership status. If the audit identifies areas that require correction, a copy of the checklist will be provided to the operating company and a deadline for completion will be set by Ecology. Once the items are corrected, a second audit on another ship will be conducted to verify the VBAP or ECOPRO standards are met. Companies may also directly pursue ECOPRO full membership, skipping the Associate Membership phase, if desired.

D. Updates

The plan is updated every year to ensure it reflects changes to the company's management system. Annual updates are due by March 31st of each year.

Any significant changes must be included in the update. These include:

- Changes to the fleet of covered vessels;
- An increase or decrease in manning levels;
- Changes to crew training and/or qualifications requirements;
- Changes to configuration of navigation systems and/or emergency towing systems;
- Changes of classification society;
- Changes to vessel's flag of registry; and/or
- Change of owner or company name.

In addition, the annual drug and alcohol testing summary for the previous calendar year must be included. Only aggregate numbers are required, not the individual names of persons tested.

Approved plans are in effect for three years. At the end of the three-year period, approval will be renewed if the plan is current and accurate. A vessel audit will also be scheduled to verify compliance with the standards at this time.

E. VBAP and ECOPRO membership levels

Associate Membership – Your plan has been reviewed and meets the VBAP or ECOPRO standards, but a ship audit has not been conducted to verify implementation of the plan because none of your ships have called in Washington waters.

Full Membership – Your plan meets the VBAP or ECOPRO standards and implementation has been verified by Ecology through vessel audits.

IV. Vessel audits

A. Location

Vessel audits are carried out by our vessel inspectors when the vessels are in Washington State waters. If your vessels do not regularly call in Washington State your company will be placed in an Associate Membership status until one or more of your vessels call in Washington State and our inspectors board and verify that the vessels are being operated in accordance with the elements described in your plan.

For tank barge companies headquartered in Canada and operating in Washington waters, external audits will be conducted at your offices by our inspectors.

B. Checklists

Ecology has inspection checklists for VBAP and ECOPRO ship audits (Ecology Form ECY 050-35 for tankers or ECY 050-36 for tank barges/ATBs). The checklists include a review of certificates, personnel policies, management practices, operating procedures, emergency procedures, engineering watch practices, bunkering procedures, and the planned maintenance system. Inspectors will look at machinery spaces, deck and mooring stations, and the bridge. Inspectors will also review the oil record book, garbage log, and deck log.

C. Drills

During the vessel audit, an oil spill notification drill will be conducted to determine compliance with Washington State law. Inspectors will review the drill program for each vessel to verify compliance with the approved oil spill contingency plan or umbrella plan.

V. Procedure for revising VBAP and ECOPRO Standards

A. Why revisions are needed

Standards are constantly being revised and new or modified requirements implemented under international conventions or federal law. New technology and initiatives also impact the VBAP and ECOPRO standards. In order to retain a standard that exceeds the minimum requirements and to address changes in the marine industry, Ecology's VBAP and ECOPRO standards may need to be revised.

B. Procedures for revising standards

When Ecology determines a need to revise the VBAP or ECOPRO standards, we will provide the proposed changes to participating VBAP and ECOPRO members for their review. Ecology and participating companies will meet face-to-face to discuss the proposed standards and collaboratively agree upon the changes. The approved and revised standards will be provided to participating members who will have 60 days to incorporate the new standards into management systems, operations manuals, and policy regimens. Each company resubmits a revised plan specifying compliance with the new standards. The normal plan approval process will be used and vessel audits are conducted to determine compliance.

VI. Miscellaneous policy issues

A. Do I have to meet every standard exactly as it is written?

No. Ecology will accept alternatives that meet the intent of the standard as long as the alternative standard provides an equal or greater level of protection.

B. What happens if I am involved in an oil spill?

If it is determined that your negligence caused a spill, your VBAP/ECOPRO status will be suspended for three years. If you were not determined to be negligent, Ecology will request you provide a copy of your investigation and any changes made to prevent a reoccurrence.

C. Are there any fees or registration costs?

No.

VII. Additional information

A. Participant information

Ecology Spills Program VBAP and ECOPRO participant member lists are located on the Program's web site <http://www.ecy.wa.gov/programs/spills/spills.html>. In addition, the list will periodically be published in Ecology's newsletter, *Spill Scene*, and submitted to major international maritime publications.

B. ECOPRO Award ceremony

An ECOPRO award ceremony will be arranged for companies achieving full ECOPRO status to recognize their commitment to excellence in safe marine transportation and environmental stewardship. Each ceremony will take approximately 30 minutes and consist of opening remarks, award presentation, and speeches by company representative and Ecology.

C. Ecology VBAP/ECOPRO Publications

The following documents are located at Ecology's Publications and Forms webpage, <http://www.ecy.wa.gov/pubs.shtm>

Publication 00-08-020	VBAP and ECOPRO Standards for Tankers
Publication 00-08-021	VBAP and ECOPRO Standards for Tank Barges and ATBs
Form ECY 050-35	VBAP and ECOPRO Tanker Boarding Checklist
Form ECY 050-36	VBAP and ECOPRO Tank Barge Boarding Checklist
Form ECY 070-331	VBAP and ECOPRO Plan Review Checklist for Tankers
Form ECY 070-332	VBAP and ECOPRO Plan Review Checklist for Tank Barges and ATBs