

Standards Governing Professional Diving

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OSHA and Diving

Workplace standards for professional diving were established by the federal Occupational Safety and Health Administration (OSHA) in 1977

Standard is in 29 CFR 1910, Subpart T

OSHA Oversees all diving where there is a employee-employer relationship - this can extend to someone receiving a tangible benefit for performing work – volunteers are not covered by OSHA

OSHA and Diving

All private companies and federal agencies must comply with OSHA standards

State and local government employees are not covered by federal OSHA but each state must set job safety and health standards “at least as effective as” federal standards in an approved state plan

State plans must cover public employees

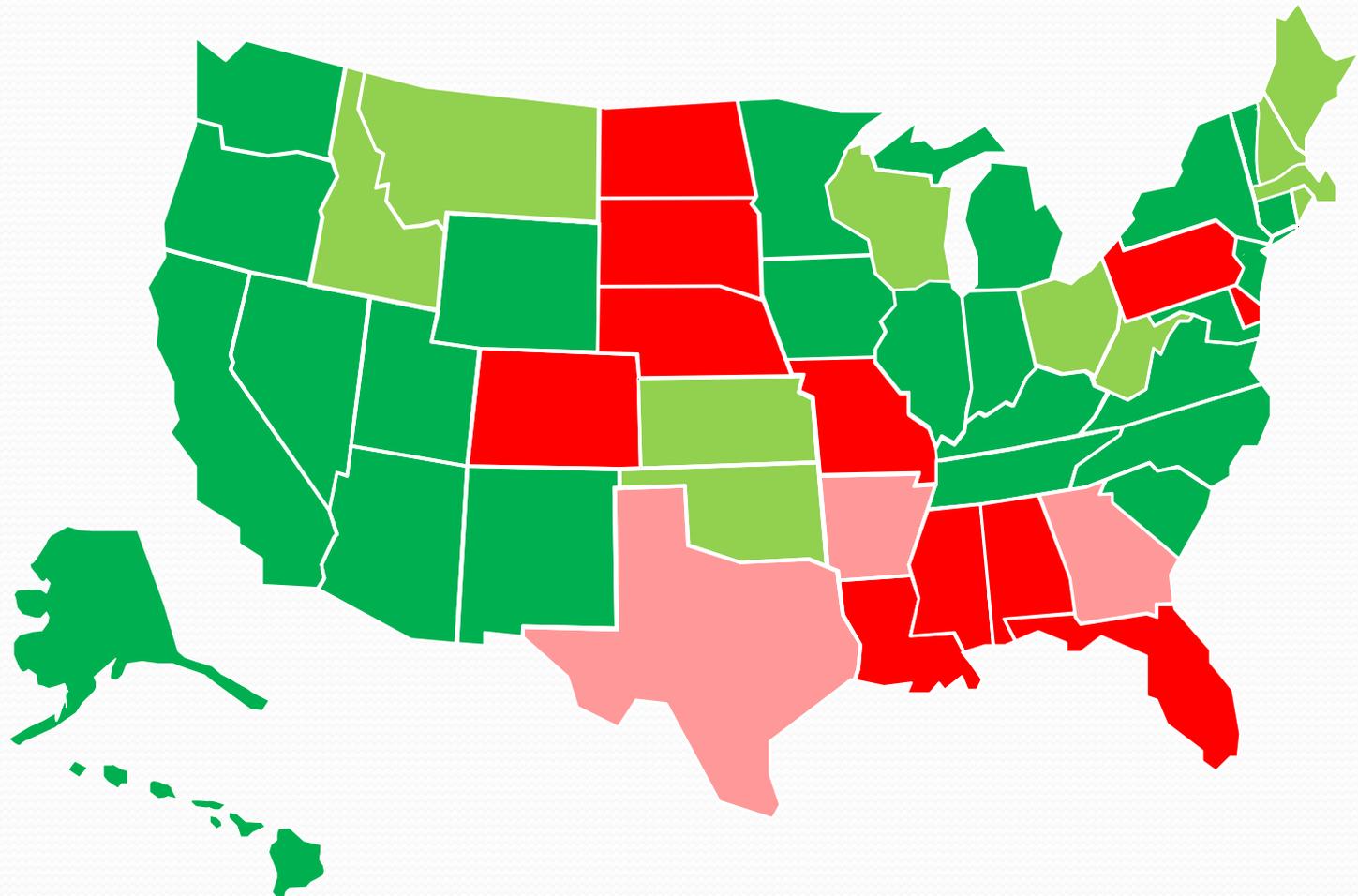
OSHA and Diving

25 states and 2 territories have OSHA approved plans (5 cover public employees only)

11 states and the D.C. have non approved plans that reference OSHA standards

3 states have chemical “right to know” laws for public employees and the final 11 states have no real protection for public sector employees that dive

Public Sector Workplace Standards



-  OSHA Approved Plan
-  OSHA Referenced Plan
-  Chemical "Right to Know"
-  No or Limited Standards

Regulatory Authority

OSHA authority extends to U.S. territories, all inland waters, territorial seas, structures on the outer continental shelf and on uninspected vessels

The U.S. Coast Guard oversees diving operations on inspected vessels operating on navigable waters in the U.S. and U.S. owned vessels operating anywhere as well as on floating deep water ports (LNG terminals)

Regulatory Authority

USCG standards are found in 49 CFR 197,
Subpart B

The U.S. Army Corps of Engineers has additional requirements for divers under contract to USACE, available as publication EM 385-1-1 (2014 revision expected this month)

OSHA and Diving - Exemptions

OSHA has granted an exemption from commercial diving standards to scientific divers under a specific set of guidelines

AAUS is recognized by OSHA as the standards setting organization for scientific diving

OSHA and Diving - Exemptions

Public safety diving also has an exemption from OSHA standards at the time of an incident where risk to life, limb or environmental damage may be imminent

Public safety divers do not have a standards setting organization, guidelines have been established by the National Fire Prevention Association (NFPA)

OSHA and Diving - Exemptions

Human subject research is exempted if it is governed by 45 CFR part 46; Recreational scuba instruction is also exempted under a limited set of criteria

Tasks that fall outside of the specified exemptions must be operated as commercial diving operations

Specific Oversight

Where approved plans exist the state or territory oversees workplace safety issues

In 4 states and USVI the “state” covers public workers only

In Washington duties of oversight fall to the Department of Labor and Industry through the Washington Industrial Safety and Health Act (WISHA) of 1973

Specific Oversight

In states with non-approved plans that reference OSHA commercial diving standards the federal government oversees the private sector and the state may or may not cover public employees

Active or Reactive

OSHA has a reputation for being reactive, taking action after an incident has occurred

The agency has recently become more active, visiting companies and intervening to improve workplace safety

Active or Reactive

Individual states vary in their active engagement

Minimum Standards

OSHA standards are minimum, there is a national consensus standard developed by the Association of Diving Contractors International (ADCI) which meets or exceed the OSHA standards and adds specificity to many areas not predicted by OSHA

Evolving Standards

OSHA standards are old, the US Navy was still using Mk V heavy gear in 1977

Mixed gases have moved from commercial and military to scientific and recreational

Diving practices have changed greatly since 1977

Evolving Standards

Commercial divers have addressed needed updates through the ADCI consensus standards

Scientific diving organizations also update and revise as necessary in their consensus standards

Instructions

OSHA occasionally responds to questions and comments related to 29 CFR 1910, Subpart T

In documents titled **OSHA Instruction** the agency announces any changes, and clarifies existing standards

Instructions were released in 2006 and 2011

Changes or Revisions

In states with approved state plans the state adopts, amends, or repeals occupational safety and health standards and acts on applications for permanent variances from the standards

States may submit proposed changes to OSHA

Changes or Revisions

Any entity can submit a request for a variance (temporary, permanent) or change

OSHA may deny the proposed change or variance

OSHA may propose new language and hold public hearings for comment

Changes or Revisions

States or employers can petition OSHA for review of a standard

If allowed, OSHA may modify or revoke the standard through its normal process

Changes or Revisions

OSHA may also be sued to effect change as the United Brotherhood of Carpenters and Joiners did (unsuccessfully) in 1982 regarding the scientific diving exemption

Emergency Deviation

In an emergency any dive team can deviate from the standards where death, serious harm, or major environmental damage may occur but only if the action is immediately necessary to prevent or minimize harm or damage

OSHA (or the state) must be notified

To Review

OSHA standards govern diving for hire in the private sector, and in the public sector in most states

Exemptions exist under specified criteria

Emergency deviation is possible

Suspension, variance, or change of standards may be requested

References

29 CFR 1910, subpart T

Directive CPL 02-00-151, OSHA Instruction

49 CFR 197, Subpart B

USACE EM 385-1-1

AAUS Standards for Scientific Diving

SCIDI Scientific Diving Consensus Standards

Chapter 296-37 Washington Administrative Code:
Commercial Diving Operations