

WAC 296-37-510 Scope and application. (1) The requirements included in this vertical chapter shall apply throughout the state wherever diving takes place within the jurisdiction of the department of labor and industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Governed by 45 C.F.R. Part 46 (Protection of Human Subjects, United States Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(d) Defined as scientific diving and which is under the direction and control of a diving program containing at least the following elements:

(i) Diving safety manual which includes at a minimum: Procedures covering all diving operations specific to the program; procedures for emergency care, including recompression and evacuation; and criteria for diver training and certification.

(ii) Diving control (safety) board, with the majority of its members being active divers, which shall at a minimum have the authority to: Approve and monitor diving projects; review and revise the diving safety manual; assure compliance with the manual; certify the depths to which a diver has been trained; take disciplinary action for unsafe practices; and, assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for SCUBA diving.

(3) This chapter shall augment the requirements of the general safety and health standard, chapter 296-24 WAC, the general occupational health standard, chapter 296-62 WAC, and safety and health core rules, chapter 296-800 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, safety standards for longshore, stevedore and related waterfront operations.

(5) Application in emergencies. An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(a) Notifies the assistant director of the department of labor and industries in Olympia or the regional administrator for the region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. The employer shall be responsible for compliance with:

(a) All provisions of this standard of general applicability; and

(b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

(7) Alternative requirements for recreational diving instructors and diving guides. Employers of recreational diving instructors and diving guides are not required to comply with the decompression-chamber requirements specified by WAC 296-37-545 (2)(b) and (3)(c)(iii), and WAC 296-37-560 (2)(a) when they meet all of the following conditions:

(a) The instructor or guide is engaging solely in recreational diving instruction or dive-guiding operations;

(b) The instructor or guide is diving within the no-decompression limits in these operations;

(c) The instructor or guide is using a nitrox breathing-gas mixture consisting of a high percentage of oxygen (more than 22% by volume) mixed with nitrogen;

(d) The instructor or guide is using an open-circuit, semiclosed-circuit, or closed-circuit self-contained underwater breathing apparatus (SCUBA); and

(e) The employer of the instructor or guide is complying with all requirements of Appendix C of this subpart.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 04-18-078, § 296-37-510, filed 8/31/04, effective 11/1/04. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. WSR 01-11-038, § 296-37-510, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 94-15-096 (Order 94-07), § 296-37-510, filed 7/20/94, effective 9/20/94. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. WSR 92-22-067 (Order 92-06), § 296-37-510, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. WSR 87-02-002 (Order 86-44), § 296-37-510, filed 12/26/86; WSR 81-07-048 (Order 81-4), § 296-37-510, filed 3/17/81. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, and chapters 42.30 and 43.22 RCW. WSR 78-10-094 (Order 78-18), § 296-37-510, filed 10/2/78.]