

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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Juliann Sum, Chief

March 23, 2015

Lt. Blake Faumuina  
Oceanside Fire Dept. Lifeguard Division  
301 N. The Strand  
Oceanside, CA 92054

Re: Title 8 Section 6050 Diving Operations Exemption Clarification

Dear Lt. Faumuina;

This letter is provided in response to your inquiry to the Division of Occupational Safety and Health (Cal/OSHA) on March 2, 2015 regarding an exception in the regulations covering diving operations. The content and conclusions of this letter are based only on the facts described below and responsive only to the initial requester. They may not be construed as a statement of general Cal/OSHA policy or a general interpretation of the regulations referenced in this letter:

In your inquiry you requested clarification of California Code of Regulations (CCR) Title 8 Article 152, section 6050(a)(1) Exception B which states:

Article 152. Diving Operations  
6050. General.

\* \* \* \* \*

Exception: This standard does not apply to the following diving operations:

\* \* \* \* \*

(B) Diving operations performed solely for search, rescue, or related public safety purposes under the control of and performed by employees of a state or local governmental agency

Specifically, you requested clarification of the term "*related public safety purposes*" in the exception and included following scenario based questions:

**Question 1.**

A recreational vessel sinks in a marina slip and an oil slick develops. The area is boomed off for the oil and other pollutants. A public safety diver enters the water to lift/salvage the vessel. Is this under the exemption? Does the issue of environmental impact make this a "related public safety purpose" dive? If there is perception of a deliberate sinking, does this make the dive exempt as evidence will be sought?

**Response to question 1:**

No, the scenario posed in question 1 is not exempt from Title 8 Article 152 requirements. A diving operation to lift or salvage a vessel is not exempted from the requirements unless it is associated with the search and rescue operation. The issue of environmental impact or recovery of physical evidence alone would not make this an exempted operation under exception (B) either.

**Question 2.**

A vehicle is found in a body of water. There are no witnesses and no crime indications. A public safety diver enters the water to clear the vehicle of potential victims. Exempt? No persons are found in the vehicle or in the area around the vehicle. The diver attaches lifting equipment and tow lines. Is this an exempt dive?

**Response to question 2:**

Yes, a public safety diver entering water to search for victims is covered under exception B in section 6050. Any rescue operations would also be exempt from the diving regulations. Once it is determined that there are no victims, then the dive is no longer exempt from Title 8 Article 152. At the point in time that it is determined there are no potential victims, the employer should end the dive safely when appropriate and perform subsequent dives to remove the vehicle in compliance with Title 8 Article 152.

The lifting or salvaging of a vehicle, where there are no victims present or suspected to be present, is not an exempted diving operation under exception B in section 6050. If lifting a vehicle is part of an attempt to search for victims or rescue victims, then the diving operation would be exempt from Title 8 Article 152

**Question 3.**

A marina marker buoy has slipped anchorage and or fouled on rocks. A public safety diver enters the water to fix the buoy. Is this dive exempt under the justification that lack of a buoy compromises public safety on the water?

**Response to question 3:**

No, a diving operation to fix the buoy is not a part of search and rescue operation and is not covered by exception B in section 6050. Such a diving operation is subject to the full scope of Article 152 even if it is done for public safety.

The intent of exception B in section 6050 is to relieve public agencies from the provisions of CCR, Title 8, Article 152 (Diving Operations, sections 6051 through 6058) when they are actively engaged in diving operations for search and rescue or diving operations in support of those specific activities. In this case, the diving operations must be conducted under the control of public safety agency using its own employees.

The exception is not a blanket exemption for all public safety diving activities. Diving operations conducted for any purposes other than those specified are subject to the requirements of the Title 8 Article 152 regulations.

We hope this provides you with information you need. If you have any further questions regarding this or related safety concerns, please contact me at 925-270-9791 or [eberg@dir.ca.gov](mailto:eberg@dir.ca.gov).

Sincerely,



Eric Berg  
Principal Safety Engineer