

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
Headquarters Office
1515 Clay Street, 19th Floor
Oakland, CA 94612
Tel: (510) 286-7000 Fax: (510) 286 -7037



Denise Cable, Reserve Sergeant
San Diego Sheriff's Department Dive Unit
denise.cable@SDSheriff.org

April 05, 2022

RE: Public Safety Diving Exemption

I write in response to your email regarding the exception in title 8 section 6050(a)(1)(B), which exempts search and rescue operations from complying with the title 8 diving regulations. I also include information about when deviations from the title 8 diving regulations are permitted by title 8 section 6050(a)(2)(A).

Occupational safety and health requirements are set by title 8 of the California Code of Regulations. This letter explains some of those requirements and how they may apply to particular circumstances, but this letter does not create new or remove existing employer obligations under title 8.

6050(a)(1)(B) Exception

You specifically inquired whether the exception in section 6050(a)(1)(B) would apply during a "recovery dive," as opposed to a rescue dive. You made the distinction that a recovery dive involves a search or recovery effort when the potential to rescue a person alive has passed.

The applicable regulation and exception are the following:

Article 152. Diving Operations
§6050. General.

(a) Scope.

(1) This standard applies to all diving operations: commercial, scientific, technical and agricultural which are conducted within the boundaries of the State as defined in Government Code Section 170 except in areas of exclusive Federal jurisdiction and the exceptions listed below. In addition, any diver involved in commercial diving operations shall comply with the requirements of Sections 6059 thru 6063 of these orders.

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.

** * * * **

The exception above does not apply to the search for or recovery of the bodies of victims or the search for or retrieval of evidence, or any other activities that are not time-sensitive in nature and do not relate to the search and rescue of living persons.

6050(a)(2)(A) Deviation

In addition to the exception above, section 6050(a)(2)(A) also permits employers to deviate from the requirements of the title 8 diving regulations as follows:

Article 152. Diving Operations

§6050. General.

(a) Scope.

** * * * **

(2) Deviations from this Standard.

(A) 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 person-in-charge:

- 1. Notifies the Division 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*
- 2. Upon request from the Division, submits such information in writing.*

Because recovery dives do not prevent or minimize “death, serious physical harm, or major environmental damage,” employers may also not deviate from the title 8 diving regulations for these dives pursuant to section 6050(a)(2)(A).

Thank you for your interest in occupational safety and health. Please feel free to contact me if you have any further questions.

Sincerely,

Eric Berg

Eric Berg
Deputy Chief of Health

cc: Jeff Killip, Jason Denning, Spencer Price