

To: Research and Standards Safety Unit
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From: Lt. Blake Faumuina
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Date: March 2nd, 2014

Re: Cal OSHA Title 8 §6050 Diving Operations Exemption Clarification

To whom it may concern,

I would like to request clarification on Diving Operations under Title 8 subchapter 7, specifically §6050 subpart (B) which reads: *"(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 interpretation of "related public safety purposes" is unclear and holds different parameters in my area among Public Safety dive teams. I have been directed to your office for a written ruling on what constitutes public safety purposes. Currently, I have been tasked to collaborate with another public safety dive team that uses a public safety exemption for all dive related duties including marina buoy maintenance and vessel salvage. This type of operation does not meet the interpretation of the exemption by my Department. What I'm looking for is a ruling by an outside authority to protect my employees per these general industry safety orders. I've included some scenario based questions below:

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?

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?

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?

I appreciate any clarification and or definitive lines to the exemption you can offer. The intent of information requested is to promote a common understanding for local public safety dive teams and the furtherance of safety for our divers. If there are any questions born from my scenarios, please feel free to contact me. Again, I appreciate your time for a written ruling by an outside authority.

Kind regards,
Lieutenant Blake. Faumuina
Oceanside Lifeguards