



**EXPEDITED RULE MAKING
(RCW 34.05.353)**

**CR-105 (11/1/01)
EXPEDITED RULE MAKING ONLY**

Agency: Department of Labor and Industries

(a) Title of rule: Chapter 296-37 WAC, Safety Standards for Diving Operations

Purpose: On February 17, 2004, in Federal Register Volume 69, Number 31, the Occupational Safety and Health Administration (OSHA) made several small changes to their Commercial Diving Operations rules. The changes will allow employers of recreational diving instructors and diving guides to use alternative methods for decompression chambers. We are therefore updating our rules to be at least as effective as OSHA. We are also updating the carbon monoxide level to 10 parts per million, to be consistent with the American National Standards Institute's Compressed Gas Association, Inc (ANSI CGA).

Other identifying information: None.

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

(c) Summary: On February 17, 2004, in Federal Register Volume 69, Number 31, the Occupational Safety and Health Administration (OSHA) made several small changes to their Commercial Diving Operations rules. The changes will allow employers of recreational diving instructors and diving guides to use alternative methods for decompression chambers. We are therefore updating our rules to be at least as effective as OSHA. We are also updating the carbon monoxide level to 10 parts per million, to be consistent with the Compressed Gas Association, which is a nationally recognized consensus standard.

Reasons supporting proposal: The department must be at least as effective as the OSHA rules.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Tracy Spencer	Tumwater	360-902-5530
2. Implementation.... Michael A. Silverstein	Tumwater	360-902-5495
3. Enforcement..... Michael A. Silverstein	Tumwater	360-902-5495

(e) Name of proponent (person or organization): Department of Labor and Industries
 Private
 Public
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
NA

(g) Is rule necessary because of:
Federal Law? Yes No If yes, ATTACH COPY OF TEXT
Federal Court Decision? Yes No Citation: 29 CFR Part 1910
State Court Decision? Yes No

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO:

Carmen Moore
Department of Labor and Industries
PO Box 44001, Olympia, WA 98504-4001

AND RECEIVED BY July 19, 2004

CODE REVISER USE ONLY

WSR# 04-11-065

NAME
Paul Trause

SIGNATURE

TITLE
Director

DATE
May 18, 2004

(j) Short explanation of rule, its purpose, and anticipated effects:

Chapter 296-37 WAC, Safety Standards for Commercial Diving, outline the requirements relating to diving and support operations conducted in the State of Washington. There are no anticipated effects.

Does proposal change existing rules? YES NO

If yes, describe changes:

The following WAC sections are affected by this rulemaking:

AMENDED SECTIONS:

WAC 296-37-510, Scope and application

- The proposal adds requirements for recreational diving instructors and diving guides when using alternative methods for decompression chambers.

WAC 296-37-515, Definitions

- The proposal adds definitions for diving-guiding operations and recreational diving instruction.

WAC 296-37-570, Equipment

- The proposal changes the carbon monoxide level to 10 parts per million, to be consistent with the Compressed Gas Association, which is a nationally recognized consensus standard

NEW SECTION:

WAC 296-37-595, Appendix C to chapter 296-37 WAC – Alternative conditions under WAC 296-37-510(7) for recreational diving instructors and diving guides (Mandatory)

- The proposal adds a mandatory appendix for recreational diving instructors and diving guides. When using alternative methods for decompression chambers you must follow the mandatory appendix.