

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

32.15

Diving Operations Involving Search and Rescue

Updated: September 20, 2019

I. Purpose

This Directive establishes inspection procedures and enforcement policies related to diving operations involving “search and rescue” (SAR) activities conducted or coordinated by local governments.

II. Scope and Application

This Directive applies to all DOSH enforcement and consultation activities related to diving operations involving the public sector. It also applies to private employers involved in search and rescue, including those acting in support of the public sector.

DOSH has reviewed this Directive for applicability, and it remains effective with a new issue date of September 20, 2019.

III. References

- CPL 02-00-151, 29 CFR Part 1910, Subpart T – Commercial Diving Operations
- Chapter 296-37 WAC, Commercial Diving Operations
- Chapter 296-305 WAC, Safety Standards for Firefighters
- DOSH Directive 32.00, Law Enforcement
- WAC 296-800-11010, Provide and use means to make your workplace safe
- WAC 296-800-14020, Develop, supervise, implement, and enforce safety and health training programs that are effective in practice

IV. Background

Questions are periodically raised about the application of the Commercial Diving Operations standard (Chapter 296-37 WAC) related to diving activities conducted or coordinated by local governments, including law enforcement, firefighting, and public safety agencies.

The source of the confusion is two-fold. Some readers of the standard are misled by the phrase “commercial diving” in its title to believe that the standard applies only to profit-making enterprises. In addition, the exemption in WAC 296-37-510(2)(b) for “search, rescue, or related public safety purposes...” has at times been incorrectly read as providing a broad exemption to all governmental diving activities, as well as to governmental search and rescue activities not related to diving.

Although the term “search and rescue” (SAR) is not defined in Chapter 296-37 WAC, well-established definitions exist within the industry. In the National Search and Rescue Plan, the U.S. Coast Guard (USCG) defines SAR as “the employment of available personnel and facilities in rendering aid to persons and property in distress.” To further clarify the issue, the USCG considers SAR operations to be deactivated when the survivor is delivered to a position of treatment or safety, or when there is no longer hope for rescue.

V. Enforcement Policies

- A. While the title of Chapter 296-37 WAC, Commercial Diving Operations, may be confusing to some, the language of the standard itself is quite clear.
 1. WAC 296-37-510(1) states that the standard “shall apply throughout the state wherever diving takes place within the jurisdiction of the Department of Labor and Industries.
 2. WAC 296-37-510(1) also states that the standard “applies to diving and related support operations conducted in connection with all types of work and employments. . .” with the exception of several specific, listed exemptions.
- B. Unless the activity falls within a specific exemption, the activity of any employee who dives is covered by the standard.
 1. One specific exempted activity is “search and rescue” (SAR). Employers who engage in diving activities beyond search and rescue (after there is no longer hope for rescue), **are** covered by the standard.
 - a. SAR does **not** include:
 - The search for or recovery of the bodies of victims
 - The search for or retrieval of evidence, **or**
 - Any other activities that are not time-sensitive in nature and not directly related to the SAR activities.
 - b. WAC 296-37-510(2)(b) does not exempt SAR diving operations from general requirements such as those found in WAC 296-800-11010, particularly the requirement to “provide and use safety devices, safeguards, and use work practices, methods, process, and means that are reasonably adequate to make your workplace safe.”
 2. Specific requirements apply in accordance with any limitations found in the standards themselves (for example, those found in the Firefighters Standard, chapter 296-305 WAC). All SAR activities not subject to specific regulation would remain subject to the general requirements such as those in WAC 296-800-11010, as well as the general training requirements found in WAC 296-800-14020. Application of these requirements related to law enforcement activities is addressed in more detail in DOSH Directive 32.00.
 3. The guidance in this Directive makes no changes to any other requirements found in any other standards.

VI. **Point of Contact**

If questions, problems or concerns arise, compliance officers should contact their respective supervisors first and then their regional managers, as appropriate.

For further technical information or assistance with the rule or with this Directive, please contact the Maritime Supervisor in Region 8.

VII. **Review and Cancellation**

DOSH will review this Directive within two years from the issue date, and it will remain effective until superseded or canceled.

Approved:



Anne F. Soiza

L & I Assistant Director

Division of Occupational Safety and Health