

## OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



### TITLE 8. CALIFORNIA CODE OF REGULATIONS

#### General Industry Safety Orders Sections 6050, 6051, 6052, 6054 and 6056 (Published on February 28, 2025)

#### Diving Operations

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

#### PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **April 17, 2025**, in the **Auditorium** of the **Ronald Reagan State Building, 300 South Spring Street, Los Angeles, California** as well as via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 146 963 6425)
- Teleconference at (844) 992-4726 (Access code 146 963 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

#### WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **February 28, 2025**, and closes at 5:00 p.m. on **April 17, 2025**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By e-mail sent to [oshsbulemaking@dir.ca.gov](mailto:oshsbulemaking@dir.ca.gov).

### **AUTHORITY AND REFERENCE**

Labor Code section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards. These proposed regulations will implement, interpret and make specific Labor Code section 142.3.

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT**

#### **OVERVIEW**

The Occupational Safety and Health Standards Board (Board) staff is initiating a rulemaking in response to discussions with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regarding deficiencies in California requirements for divers, which are not as protective as corresponding federal requirements. The rulemaking will render California regulations at least as effective as (ALAEA) federal requirements found in 29 CFR 1910. 401 through 29 CFR 1910.422 in accordance with Labor Code section 142.3.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

The proposed rulemaking brings some California requirements into better conformity with existing federal regulations while also clarifying requirements for which corresponding federal regulations do not exist.

#### **Anticipated Benefits**

The proposal promotes worker safety by adding minor details to California diving regulations so that they more completely reflect the corresponding federal requirements.

The specific changes are as follows:

#### **Subsection 6050(a). Scope.**

Because the scope of the regulation states that the regulation applies to all diving operations in California, listing the specific types of operations (e.g. commercial, scientific, technical and agricultural) is unnecessary and as such are proposed for deletion. The amendment will clarify that the diving regulations apply to all diving operations and not only those that are specifically listed.

Section 6051. Definitions.

A new definition for “controlled environment” is proposed to be added to the definitions section as well as a modification to the definition for “film and TV diving.” The definition for “technical diving” is proposed for deletion because the dive mode is not recognized by federal regulations. The amendments will clarify certain requirements in the diving regulations and conform to requests from OSHA that will make the state regulations ALAEA the corresponding federal regulations.

Subsection 6052(c)(1)(C)3. Pre-Dive Inspection.

The subsection is proposed to be modified to include specific equipment that must be inspected prior to a dive in order for the regulation to be ALAEA federal requirements found in 1910.421(g). The amendment will make the California requirements ALAEA the corresponding federal requirements.

A non-substantive change is also proposed to replace “his or her” with “their.”

Subsection 6054(a)(3). Emergency Evacuation and Emergency Medical Treatment Procedures.

The subsection is proposed to be modified to include a requirement for a telephone or other contact number for an operational recompression chamber if one is not available at the dive location. The amendment will make the California requirements ALAEA the corresponding federal requirements found in 1910.421(b)(1-5).

Section 6056. Basic Operation Procedures.

Subsection 6056(a)(1)(A) is proposed for modification to remove the unnecessary words “compressed air” before the word “SCUBA.” The exception to the subsection is also proposed for deletion because scientific diving is exempted from the subject regulation and federal OSHA does not recognize technical diving as a diving mode in California. The amendments will clarify that SCUBA diving at depths greater than 130 feet of sea water (fsw) is prohibited in accordance with federal requirements found in 1910.424(b)(1).

Subsection 6056(a)(1)(B) is proposed to be replaced with the corresponding federal language found in 1910.424(b)(2), which requires a decompression chamber to be present for dives deeper than 100 fsw or outside the no-decompression limits. The amendment will make the California requirements ALAEA the corresponding federal requirements.

Exception to Section 6056(a)(1)(C)

The exception is proposed to be modified by removing the word “technical” from the term “technical divers.” A clarification that dive teams performing film and TV diving in currents

above one knot need to be trained and available to initiate an emergency response will also be added. The amendment will make the California requirements ALAEA the corresponding federal requirements found in 1910.424(b)(3).

#### Exception to Section 6056(a)(1)(D)

The exception is proposed to be modified to explicitly require current industry practices for dive teams working in controlled environments performing film and TV diving operations where line-tending is unnecessary. The amendment will ensure that film and TV divers are protected while working in enclosed or physically confining spaces and to ensure that California requirements are ALAEA federal requirements found in 1910.424(b)(4).

The term “physically confined spaces” is proposed to be changed to “physically confining spaces” to match the corresponding federal language and avoid confusion with confined spaces which are not intended to be regulated in the present section. The exception is also proposed to be modified by removing the word “technical” from the term “technical divers.” The amendments will make the California requirements ALAEA the corresponding federal requirements.

#### Exception to Section 6056(a)(2)(A)

The exception is proposed to be modified by removing the word “technical” from the term “technical divers.” The proposed change will also limit the exception to divers performing zoo and aquarium exhibit diving operations. Finally, the exception will be amended to require that the designated person-in-charge not have other duties that could interfere with responding to a diving emergency. The amendments will limit the scope of the exception and make the California requirements ALAEA the corresponding federal requirements.

#### Subsection 6056(a)(2)(C)

Subsection 6056(a)(2)(C) is proposed to be modified to remove the option for an orientation line and more exactly match federal requirements found in 1910.424(c)(3). The amendment will make the California requirement ALAEA the corresponding federal requirement.

#### Subsection 6056(a)(5) Hookah.

Subsection 6056(a)(5) is proposed to be amended to allow hookah diving only for divers performing zoo and aquarium exhibit diving and film and TV diving operations. An exception to subsection 6056(a)(5)(D) and (a)(5)(E) is proposed for film and TV divers when specific requirements are met. The amendments will ensure that only zoo and aquarium exhibit and film and TV divers are authorized to employ the hookah diving mode and that film and TV divers can work safely in a controlled environment using the hookah diving mode.

As the result of discussions with federal OSHA, some prescriptive elements have been proposed to be added to existing California requirements that were previously more performance oriented. The proposed amendments will make California regulations reflect regulatory language more similar to the corresponding federal regulations without adding significant new requirements to California employers and are intended to make California regulations ALAEA their federal counterparts.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

**Mandate on Local Agencies or School Districts:** None.

**Cost or Savings to State Agencies:** None.

**Cost to Any Local Government or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 through 17630:** None.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

**Cost or Savings in Federal Funding to the State:** None.

**Cost Impact on a Representative Private Person or Business:**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments will update California regulations to be commensurate with their corresponding federal regulations.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals (Including the Ability of California Businesses to Compete):**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

Divers are employed at a variety of California workplaces, including marinas, golf courses, film studios, zoos, aquariums, construction firms and schools. Dive employers are not expected to incur costs from the proposed amendments because the changes only describe existing practices in a possibly clearer and more streamlined manner. However, if an employer determined that it was not already in compliance with the proposed regulation and decided to train employees on the need to inspect the diving equipment specifically called out in section 6052(c)(1)(C)3 and update listings of nearby recompression chambers with contact numbers, as proposed in section 6054(a)(3)(A), the Board expects an initial cost impact of up to \$19,536 statewide. Annual ongoing costs are not expected because the proposal does not require new practices, employees or equipment.

**Significant Affect on Housing Costs:** None.

### **SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendment(s) may affect small businesses; however, no significant economic impact is anticipated. Although some of the amended sections contain more specific details regarding compliance, the Board believes that employers already provide such information and operate in the manner described. For situations where an employer is not already in compliance with the proposed changes, the Board estimates that a dive supervisor making \$132 per hour would need about one hour to come into compliance with the proposed changes. The expected cost impact would be about \$132 per review for up to 148 businesses, resulting in a statewide impact of \$19,536 one-time with no continuous impacts.

### **RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

This rulemaking action will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses because the amendments seek only to make California regulations more similar to corresponding federal regulations. Although some of the amended sections contain more specific details regarding compliance, the Board believes that employers already provide such information and operate in the manner described. The proposed regulations will benefit the health and welfare of California residents and worker safety, specifically, for divers who are employed in a variety of workplaces in California, by strengthening and aligning divers regulations with federal standards. The regulations are not expected to affect the state's environment.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

**CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Autumn Gonzalez (Chief Counsel) or the back-up contact person, Amalia Neidhardt (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

**AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916) 274-5721. As of the date this Notice of Proposed Action is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the Initial Statement of Reasons and supporting documents. Copies may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above or via the internet.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.