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**Association of Diving Contractors International, Inc.**

COMMUNICATION • EDUCATION • SAFETY  
 3910 FM 1960 West, Suite 2301, OFFICE OF REGULATION  
 Houston, TX 77068

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13 April 2000

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**CHAPTERS**

East Coast  
 Gulf Coast  
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**LEGAL ADVISOR**

Douglas Truxillo, Onebane,  
 Bernard, et al

**EXECUTIVE DIRECTOR**

Ross Saxon, PhD.

LT Diane Kalina  
 United States Coast Guard  
 2 100 2<sup>nd</sup> Street SW  
 Washington, DC 20593

Ref: (a) Advanced Notice of Proposed Rulemaking: Docket USCG-1998-3786 - 85  
 (b) IMCA letter of 11 January, Docket 3786-76063

Dear LT Kalina;

Reference (a) requested comments relative to potential changes to 46 CFR Part 197 - Commercial Diving Operations. It was the understanding of this organization that this item was closed for comment in November 1998.

Reference (b), posted 20 February 2000, is but one of several additional comments received that have been posted. Although these additional posting do not represent a significant problem it is never-the-less questioned why comments continue to be received and, presumably, considered, when it was our understanding that comments would be no longer considered while those received prior to the cut-off date were evaluated.

Reference (b) also makes reference to a US Coast Guard investigation, one that has not, to our knowledge been finalized. Thus, statements as to what that investigation report included do not appear to be founded on any final report of the Investigating Officer.

Several points need be made with reference to the contents of reference (b). These are:

That Interim Change 1 to the ADC Consensus Standards was published on 16 August 1999 with a copy furnished to your offices. The date of publication was prior to any meeting with IMCA, prior to the formal hearing conducted by USCG.

IMCA suggests that the US Coast Guard should include recommendations of the USCG investigation to wit:

- A requirement that back-up equipment be present regardless of the depth of the dive. *ADC Consensus Standard has, since 1994 required a second umbilical on site for all diving operations.*
- A requirement that all divers [other than hard hat] carry a reserve air supply regardless of depth. *This was included into Interim Change 1 to the ADC Consensus Standards.*
- A requirement that back-up personnel be present regardless of depth. *This has always been a requirement of USCG Regulations and the ADC Consensus Standards and thus, does not constitute a change.*
- A requirement that all commercial divers maintain and have an available logbook. *This has always been a requirement of USCG Regulations and the ADC Consensus Standards and thus, does not constitute a change.*

- A requirement that all commercial dive supervisors be tested and licensed. *ADC has previously commented on this and does not believe it either practical or appropriate for the USCG to enter into licensing of Diving Supervisors. Rather; a system has been developed under ADC Standard I O-1 999, also delivered to your offices, to provide industry assurance that Diving Supervisors have been properly trained and received extensive field experience to be determined qualified to perform this important function. It is our opinion that the IMCA procedure for testing and licensing Diving Supervisors lacks credibility and has contributed to an unwarranted intrusion of Government into areas of responsibility held by the employer.*

In reference (b) IMCA offers an opinion that there must be a separation of the requirements for offshore from those for inshore/civil diving. *ADC totally disagrees with this philosophy and has so stated to IMCA. The fact is that diving, whether performed offshore or inland, remains subject to the same physiological and physics laws with Safety requirements associated therewith being identical regardless of the area where diving may take place. There are many instances where U.S. companies have performed mixed gas and/or saturation diving operations in the inland sector. To suggest that there is a different way to dive and different Safety requirement associated to where operations take place is quite frankly unfounded.*

Discussions between ADC and IMCA were conducted in an effort to resolve differences and to attempt to resolve the conviction of ADC that the IMCA International Code for Offshore Diving was essentially nothing but an economically driven document rather than one intended to ensure that Safety of diving operations - wherever occurring - would be the primary determinant. Following those discussions both parties issued statements that essentially described the results of the meeting and the agreements achieved. However, subsequent to that meeting it became readily apparent that IMCA was not prepared to move forward unless or until ADC made certain specific changes to its' organizational structure and to its' insistence that industry should play the main role in training, qualifying and certifying its' commercial diving personnel. Thus, at this time, IMCA and ADC are no longer in discussion.

We trust that the contents of this letter will help to clarify the present situation between ADC and IMCA and better assist the U.S. Coast Guard to understand the position of this organization. We also look forward to further discussions regarding positive movement on reference (a) so as to bring 46 CFR, Part 197 into the 21<sup>st</sup> century and the practices and procedures of the U.S. commercial diving industry.

Sincerely,



Ross Saxon, Ph.D.

U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
United States Coast Guard

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Washington, DC 20593  
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Dr. Ross Saxon  
Executive Director  
Association of Diving Contractors International, Inc.  
3910 FM 1960 West, Suite 230  
Houston, TX 77068

Dear Dr. Saxon:

This is in response to your letter of 13 April 2000 regarding the comment period on the commercial diving regulations and a comment submitted to the Docket Management System, docket number 1998-3786.

Thank you for clarifying the situation between your association and the International Marine Contractors Association. I understand that it is important to your association that the Coast Guard is fully aware of its position.

Our policy regarding comments is to accept all comments received. They are indexed and placed on the public docket. All comments received before the close of a comment period must be reviewed and considered before issuing the next rulemaking publication, in this case a Notice of Proposed Rulemaking. Any comments received after the close of a comment period will normally be reviewed and considered to the extent practicable.

I thank you for your comments and concerns. Please contact me at (202)267-0225 if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "M. A. Prescott".

M. A. PRESCOTT  
Commander, U.S. Coast Guard  
Division Chief, Vessel and Facility  
Operating Standards