

NEW ENGLAND REGIONAL COUNCIL OF CARPENTERS, AFL-CIO

United Brotherhood of Carpenters and Joiners of America

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U.S.C.G. Headquarters  
Vessel & Facility Operating Division  
Commandant (CG-OES-2)

Attn: Mr. Ken Smith, Project Manager

Re: Comments to proposed rulemaking, Commercial Diving Operations  
RIN 1625-AA21 Docket # USCG-1998-3786

Dear Mr. Smith,

Please accept the following comments/questions regarding the above referenced matter on behalf of Mass. Pile Drivers Local 56 commercial divers.

1) Third Party Organizations (T.P.O.)

As noted, the use of T.P.O.'s is contrary to the recommendations contained in the Cliff's Rig No. 12 report. That being stated:

- What will the extent of the T.P.O.'s authority be?
- Will they have any enforcement powers?
- Will the Coast Guard use T.P.O.'s to investigate commercial diving accidents and fatalities?
- If a Commercial Diving Operator (C.D.O.) disputes the findings of a T.P.O. what is the appeal process?
- Will the T.P.O.'s have the authority to recommend fines or penalties based on their audits/investigations?
- What specifically is the process to become a T.P.O.?
- Who in the Coast Guard is application made to?
- How does the Coast Guard verify the information provided during the application process is accurate and truthful?
- Once an individual or entity is accepted as a T.P.O. what is the oversight process the Coast Guard will use to ensure they are properly doing their jobs?
- In essence, who will and how will the T.P.O.'s be audited?

Page 10 Exempt vessels operation:

Based on the answer to the question, it appears that towing and salvage vessels are exempt from current and future proposed regulations. Is this the case and if so why? Towing and salvage operations can be some of the most hazardous and are generally done under adverse and changing conditions.

Use of SCUBA:

- A) Page 8 3<sup>rd</sup> paragraph
- B) Page 20 #VII SCUBA dive teams
- C) Page 111 197.267 Operations involving underwater welding and burning as referenced in section 5.31 of the A.D.C.I. standards.

While the proposed use of SCUBA is “not recommended by the A.D.C.I.” It should be forbidden in any commercial dive operation. Referencing that an operation is not recommended does not carry the same implications of forbidding its use.

The reasoning for the N.P.R.M. is to formulate the best practices for commercial diving. This N.P.R.M. presents a unique opportunity to eliminate what could be a potentially hazardous method of conducting commercial dive operations.

Welding – Incorporation by reference

Page 23 Line 6 ANSI/ISO15618

Page 24 Line 13 ISO 15618-2001

“Qualification testing of welders for underwater welding”

Any reference or incorporation of standards should only be as it relates to the safety of the operation. Quality or production issues should not be a part of this document.

Page 28 Affected Population

I contest the assertion regarding the number of commercial divers and C.D.O.’s working throughout the United States, performing work on the O.C.S. regulated by these proposed changes.

I believe the information provided in the charts/tables is flawed for the following reasons:

- The United Brotherhood of Carpenters (U.B.C.) represents 1,100 plus commercial divers nationwide. The majority of them living and working on both coasts and Alaska. While some are members who belong to the

A.D.C.I. and work for signatory contractors who are A.D.C.I. members, many are not.

- The U.B.C. divers enjoy full mobility throughout the United States and readily work for contractors on both coasts.
- The reference on page 9 discussing medical technicians used in saturation diving operations on the O.C.S. in the Gulf of Mexico leads one to believe that only Gulf of Mexico contractors were considered when the affected population was calculated.
- The wages referenced on page 37, line 8 are considerably lower than the wages earned by a U.B.C. represented diver. We are able to receive higher wages because of the market share of the industry that we prevail in. Nationwide our wages are 30 – 50% higher than those referenced. I can verify this with contractual wage sheets from locals on both coasts and Alaska.

Sincerely,



Dan Kuhs  
Business Manager Local Union 56  
Regional Manager Specialty Trades  
New England Regional Council of Carpenters