



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Natural Resources

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Commercial geoduck harvesting techniques expose divers to a wide-range of occupational health and safety hazards. Second Substitute House Bill 1764 requires DNR to adopt rules establishing a geoduck diver safety program. The proposed rule establishes mandatory safety training requirements for all divers participating in the state managed wildstock geoduck fishery. Mandated safety requirements are intended to mitigate the inherent hazards associated with working in hyperbaric conditions and reduce the probability of diver related accidents. Increased safety requirements will reduce risk exposure for geoduck divers, as well for other individuals that provide emergency response in the event of a dive-related accident.

Citation of existing rules affected by this order: N/A

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 43.30.560

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-14-133 on July 01, 2015 (date).

Describe any changes other than editing from proposed to adopted version:

No changes made.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: August 18, 2015

CODE REVISER USE ONLY

NAME (TYPE OR PRINT) Megan Duffy
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TITLE Deputy Supervisor, Aquatics & Environmental Protection

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED DATE: August 21, 2015 TIME: 11:30 AM WSR 15-18-012
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**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

NEW SECTION

WAC 332-30-172 Geoduck diver safety program. (1) General.

(a) Beginning January 1, 2015, divers shall annually demonstrate compliance with the geoduck diver safety program established in this section prior to being identified on a department geoduck harvest agreement plan of operations.

(b) Applicants may submit applicable documents and certifications beginning October 1st of each year to verify compliance for the subsequent calendar year. The department will not consider incomplete and/or illegible materials. The department shall review materials in the order they are received and notify divers of their compliance status within thirty-days of receipt of all required documentation.

(c) Applicants may submit applicable materials to the department by certified mail or electronically by e-mail or fax. The department will not accept materials submitted in person.

(d) The department will maintain an electronic database documenting annual compliance with the program. Compliance verification shall expire at the end of a calendar year.

(e) If a plan of operations spans portions of two calendar years, the department shall only verify diver compliance for the calendar year the diver is initially identified on the plan of operations.

(2) Training qualifications. Divers shall provide evidence of the following qualifications:

(a) Cardiopulmonary resuscitation (CPR) and first-aid certification;

(b) Emergency oxygen administration certification;

(c) Washington state boater education card; and

(d) Annual self-attestation confirming applicant possesses a combination of training and experience necessary to conduct harvest diving in a safe and healthful manner. The department shall develop and make available a template for applicant signature. Divers shall maintain, at a minimum, competency in the following subject areas:

(i) Diving physiology and physics;

(ii) Diving operations and emergency procedures;

(iii) Tools, equipment, and techniques relevant to geoduck harvesting;

(iv) U.S. Coast Guard vessel safety requirements; and

(v) Any additional subject matter areas as identified in "Qualifications of Dive Team" within federal Occupational Safety and Health Standards for Commercial Diving Operations (C.F.R. 1910.410(a)).