

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16703
CG-OES Policy Letter
No. 02-20
October 14, 2020

A handwritten signature in blue ink, appearing to read "S. T. Brady".

From: S. T. Brady, CAPT
COMDT (CG-OES)

To: Distribution

Subj: COMMERCIAL DIVING OPERATIONS– EQUIVALENT LEVELS OF SAFETY

Ref: (a) 46 CFR Part 197, Subpart B - Commercial Diving Operations

1. PURPOSE. This policy letter provides guidance on Coast Guard acceptance of certain recognized industry standards for commercial diving operations as providing a level of safety that is equivalent to the requirements contained in Coast Guard regulations.
2. ACTION. Commercial diving operations may use the standards identified in this policy letter as equivalent to the relevant standards contained in reference (a). This guidance remains in force until superseded or cancelled.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND.
 - a. The Coast Guard has statutory authority under Title 46 of the United States Code (U.S.C.), 3306, section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333), and section 10 of the Deepwater Port Act (33 U.S.C. 1509) to prescribe safety regulations for commercial diving operations. The Coast Guard promulgated commercial diving operation requirements under these authorities in reference (a).
 - b. Under Title 46 of the Code of Federal Regulations (CFR), section 197.206, substitutes for required equipment, materials, apparatus, arrangements, procedures, or tests, the Coast Guard may accept substitutes for equipment, materials, apparatus, arrangements, procedures, or tests required by reference (a) if the substitute provides an equivalent level of safety.
 - c. The Coast Guard recognizes that, over the years, some diving organizations have improved their standards to make commercial diving safer. The intent of this policy letter is to recognize two well-established safety standards, developed by the Association of Diving Contractors International (ADCI) and the International Marine Contractors Association (IMCA).
 - d. The Coast Guard reviewed the commercial diving standards established by ADCI and IMCA and determined that commercial diving operations being performed in accordance

with the applicable provisions of the following industry standards provide an equivalent level of safety to the commercial diving regulations found in 46 CFR 197.300 through 197.462, covering equipment, operations, diving mode procedures, periodic tests, and inspections:

- i. ADCI International Consensus Standards for Commercial Diving and Underwater Operations, edition 6.3 (2016), <https://www.adc-int.org/content.asp?contentid=173>; and
 - ii. IMCA International Code of Practice for Offshore Diving (IMCA D 014 Version 2, published Nov 2019), <https://www.imca-int.com/publications/120/imca-international-code-of-practice-for-offshore-diving/>.
5. POLICY. In accordance with 46 CFR 197.206, commercial diving operations subject to reference (a), being performed in full compliance with one of the standards listed above, may be considered as providing an equivalent level of safety as the regulations contained in 46 CFR 197.300 through 197.462, covering equipment, operations, diving mode procedures, periodic tests, and inspections. Note that the recordkeeping and reporting requirements found in 46 CFR 197.480 through 197.488 still apply.
6. DISCLAIMER. This policy is intended to provide an alternative for complying with existing requirements under the law. It does not change any legal requirements, and does not impose new requirements on the public. The Coast Guard is not mandating or requiring membership in any organization but, rather, recognizes the safe work practices and procedures associated with their membership. Regulated entities may use a different approach than the one outlined in this policy, if that approach satisfies the applicable legal requirements. Contact Commandant, Office of Operating and Environmental Standards, Vessel and Facility Operating Standards Division (CG-OES-2) to discuss whether your approach satisfies the requirements of the applicable statutes and regulations. Nothing in this policy letter relieves the Master of the responsibility for ensuring the safety of the vessel or the safety of the crew and passengers.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
- a. The development of this guidance and the general policies contained within it have been thoroughly reviewed under Department of Homeland Security Directive 023-01, Rev.1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f) by the originating office, which has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.
 - b. This policy letter is categorically excluded under paragraph A3 of Appendix A, of Table 1 of DHS Directive Instruction Manual 023-01, Rev. 1. Paragraph A3 pertains to the promulgation of rules, issuance of rulings or interpretations, and the development of and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature: (a) Those of a strictly

administrative or procedural nature; (b) those that implement, without substantive change statutory or regulatory requirements; (c) those that implement, without substantive change, procedures, manuals and other guidance documents; (d) those that interpret or amend an existing regulation without changing its environmental effect; (e) technical guidance safety or security matters; or (f) guidance for the preparation of security plans. This policy letter provides guidance on Coast Guard acceptance of certain industry recognized standards for commercial diving operations as providing a level of safety that is equivalent to the requirements contained in the reference.

- c. This guidance will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this guidance must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
8. QUESTIONS. Questions or concerns regarding this policy may be directed to Commandant (CG-OES-2) at (202) 372-1410.

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