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**DIVING ACTIVITIES BY THIRD PARTY ENTITIES POLICY**

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**Category:** Research  
**Responsible Office:** Environmental Health & Safety Office

**Date Established:** 01/28/2009  
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**POLICY SUMMARY**

This policy is intended to ensure that diving activities by third party entities, arranged or advised by SUNY Buffalo State employees, are conducted in a safe manner that protects divers from accidental illness and injury and minimizes SUNY Buffalo State's liabilities under applicable laws and regulations. This policy addresses, but is not limited to, work-related diving activities for research, operations and maintenance.

**POLICY**

**Policy Statement**

This policy identifies the protocol to be followed by SUNY Buffalo State employees, when acting within the scope of their employment by SUNY Buffalo State (or SUNY), who prescribe, procure, or arrange for diving activities by third party entities. This includes diving activities that involve or rely upon: 1) direction, supervision, or expertise from SUNY Buffalo State employees; 2) equipment or facilities owned or leased by SUNY Buffalo State; 3) equipment leased or owned by SUNY that is in the custody of SUNY Buffalo State employees; or 4) financial compensation from SUNY Buffalo State, SUNY, or grants secured or dispersed by an employee of SUNY Buffalo State or SUNY. Note that this policy is not intended for indoor pool diving (i.e., without supplied air) as part of recreational or athletic competition activities.

This policy provides additional specific protocols for third party entity diving activities that are not elucidated in SUNY Buffalo State's Diving and Snorkeling Safety Policy.

**Applicability**

This policy applies to SUNY Buffalo State employees, including but not limited to staff and faculty who prescribe, procure or otherwise arrange third party entity diving activities.

**Definitions**

Third party entities - Organizations or individuals that are not organizations or direct employees of SUNY Buffalo State. Third party entities include, but are not limited to: 1) service (private) contractors; 2) auxiliary/volunteer organizations (e.g. Buffalo Underwater Rescue Team); 3) individual volunteers not affiliated with any organization; and 4) researchers or faculty from other (i.e., non-SUNY Buffalo State) academic or research institutions.

## **Responsibility**

Responsibilities for ensuring safe diving operations are identified as follows:

### **Diving Control Board (DCB)**

The DCB has absolute authority over the diving conducted under the auspices of SUNY Buffalo State/Great Lakes Center (GLC) employees. The DCB is responsible for setting protocols and conditions for diving activities by third party entities. These responsibilities include:

- a. Identifying and implementing changes to this policy;
- b. Ensuring third parties providing diving services, if eligible, follow SUNY Buffalo State diving safety program requirements or have their own diving safety program;
- c. Approving or disapproving, as appropriate, use of SUNY Buffalo State property (facilities and equipment) for conducting diving activities;
- d. Referring names of SUNY Buffalo State employees that do not adhere to the protocols of this policy to Human Resource Management for further disciplinary action;
- e. Ensuring third party entity diving programs are reviewed for adequacy prior to performing such activity;
- f. Selecting appointees to the DCB and a Diving Safety Officer (DSO);
- g. Serving as the point of contact for regulatory agency safety inspections of the SUNY Buffalo State/GLC Scientific Diving program; and
- h. Meeting at least once per year.

### **Diving Safety Officer (DSO)**

The DSO is a certified diver and member of the DCB, who is selected by the DCB to implement and enforce safety responsibilities of the DCB. The DSO is authorized to ensure proper arrangements and lines of communication are established for cooperative diving, where SUNY Buffalo State employees perform underwater diving. The DSO is also authorized by the DCB to verify the adequacy of the third party entity diving safety programs and disapprove those third party entities that he/she finds are unsafe, pose a substantive risk to bring harm, or otherwise endanger SUNY Buffalo State equipment, facilities, or employees.

### **GLC Director**

The GLC Director or his/her designee is responsible for: 1) ensuring that diving activities performed for the GLC are limited to scientific diving and conducted in accordance with this policy; 2) providing an adequate number of representatives, who are properly trained and qualified divers, to the DCB; and 3) maintaining and storing records as identified in this policy.

### **Environmental Health & Safety (EH&S) Office Director**

The Environmental Health & Safety (EH&S) Office Director or his/her designee is responsible for:

- a. Monitoring regulations and disseminating information to the DCB on new or modified diving requirements;

- b. Providing representatives and consultative guidance to the DCB and DSO;
- c. Maintaining this policy and procedure in accordance with DCB recommendations and overarching EH&S policies.

### **SUNY Buffalo State Faculty, Researchers and Staff**

Any SUNY Buffalo State or GLC faculty, researchers, or staff member who procures or arranges for third party entity diving activities, shall review and adhere to this policy and procedure.

## **Procedure**

### **1. Pre-Dive Requirements**

- a. Prior to procuring or arranging with a third party entity to perform diving activities falling within the scope of this policy, the SUNY Buffalo State faculty member, researcher, or staff member shall contact the DSO to arrange for a diving safety review of their project.
- b. Prior to written commitment or arrangement of financial or other SUNY Buffalo State resources to a third party entity, the cognizant SUNY Buffalo State faculty, researcher or staff member shall furnish information, preferably written documentation, to the DSO that provides reasonable assurance of the adequacy of the third party entity to conduct the diving activity in a safe manner. This may include, but is not limited to, a copy of the third party entity's diving program, a copy of diving certifications, a copy of contractual conditions or specifications for the proposed diving services, or a letter from the third party entity that assures compliance with OSHA diving requirements.
- c. Diving is not authorized until the DSO has found the third party entity's diving safety program to be adequate for the prescribed objective or task(s). The DSO shall then issue a written memo to the DCB confirming acceptance of the third party entity's diving program.

### **2. Reporting Accidents, Incidents, and Issues**

- a. Immediate Notification and Reporting: In the event of a fatality, or accident requiring hospitalization, immediate notification shall be made to the DCB and University Police Department.
- b. 24-hour Notification: Within 24-hours, the following accidents and incidents must be reported to the DSO:
  - Any accident that requires medical attention
  - Any incident involving a rescue of an endangered diver; and
  - Any incident involving a serious malfunction of equipment.

### 3. Records Management

- a. At a minimum, an up-to-date copy of this policy and procedure shall be maintained at the GLC Field Station, the EH&S Office, and the SUNY Buffalo State-owned vessel(s) or facilities where diving will occur.
- b. Copies of documents or memos from the DSO required by this policy shall be maintained with the DSO at the GLC Field Station.

### **RELATED INFORMATION**

#### **Related Links:**

- [U.S. Department of Labor, 29 CFR 1910, Subpart T, "Commercial Diving Operations"](#)
- [U.S. Department of Labor, 29 CFR 1910, Subpart T, Section 401](#)
- [U.S. Department of Labor, 29 CFR 1910, Subpart T, Appendix B, "Guidelines for Scientific Diving"](#)
- [SUNY Buffalo State Diving and Snorkeling Safety Policy](#)

#### **Other Information:**

Environmental Health & Safety Office Internal Reference: DIV-009-001.JPB

### **CONTACT INFORMATION**

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### **REVISION HISTORY**

**Date of change:** 03/01/2015

**Brief description of edit:** Adapted to standard template

### **APPROVAL**

Approved prior to 2016