

of the incident and the extent of any injuries or illnesses.

(b) *Availability of records.* (1) Upon the request of the Assistant Secretary of Labor for Occupational Safety and Health, or the Director, National Institute for Occupational Safety and Health, Department of Health and Human Services of their designees, the employer shall make available for inspection and copying any record or document required by this standard.

(2) Records and documents required by this standard shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.1020 (a)–(e) and (g)–(i). Safe practices manuals (§1910.420), depth-time profiles (§1910.422), recordings of dives (§1910.423), decompression procedure assessment evaluations (§1910.423), and records of hospitalizations (§1910.440) shall be provided in the same manner as employee exposure records or analyses using exposure or medical records. Equipment inspections and testing records which pertain to employees (§1910.430) shall also be provided upon request to employees and their designated representatives.

(3) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (§1910.411)—5 years;

(ii) Safe practices manual (§1910.420)—current document only;

(iii) Depth-time profile (§1910.422)—until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording of dive (§1910.423)—1 year, except 5 years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (§1910.423)—5 years;

(vi) Equipment inspections and testing records (§1910.430)—current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (§1910.440)—5 years.

(4) After the expiration of the retention period of any record required to be

kept for five (5) years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer shall also comply with any additional requirements set forth at 29 CFR 1910.20(h).

(5) In the event the employer ceases to do business:

(i) The successor employer shall receive and retain all dive and employee medical records required by this standard; or

(ii) If there is no successor employer, dive and employee medical records shall be forwarded to the National Institute for Occupational Safety and Health, Department of Health and Human Services.

[42 FR 37668, July 22, 1977, as amended at 45 FR 35281, May 23, 1980; 47 FR 14706, Apr. 6, 1982; 51 FR 34562, Sept. 29, 1986; 61 FR 9242, Mar. 7, 1996; 71 FR 16672, Apr. 3, 2006]

EFFECTIVE DATE NOTE: At 76 FR 33607, June 8, 2011, §1910.440 was amended by removing and reserving paragraphs (b)(3)(i) and (b)(5), and revising paragraph (b)(4), effective . For the convenience of the user, the revised text is set forth as follows:

**§ 1910.440 Recordkeeping requirements.**

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) [Reserved]

\* \* \* \* \*

(4) After the expiration of the retention period of any record required to be kept for five (5) years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer also shall comply with any additional requirements set forth in 29 CFR 1910.1020(h).

(5) [Reserved]

**APPENDIX A TO SUBPART T TO PART 1910—EXAMPLES OF CONDITIONS WHICH MAY RESTRICT OR LIMIT EXPOSURE TO HYPERBARIC CONDITIONS**

The following disorders may restrict or limit occupational exposure to hyperbaric conditions depending on severity, presence of residual effects, response to therapy, number of occurrences, diving mode, or degree and duration of isolation.

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History of seizure disorder other than early febrile convulsions.

Malignancies (active) unless treated and without recurrence for 5 yrs.

Chronic inability to equalize sinus and/or middle ear pressure.

Cystic or cavitory disease of the lungs.

Impaired organ function caused by alcohol or drug use.

Conditions requiring continuous medication for control (e.g., antihistamines, steroids, barbiturates, moodaltering drugs, or insulin).

Meniere's disease.

Hemoglobinopathies.

Obstructive or restrictive lung disease.

Vestibular end organ destruction.

Pneumothorax.

Cardiac abnormalities (e.g., pathological heart block, valvular disease, intraventricular conduction defects other than isolated right bundle branch block, angina pectoris, arrhythmia, coronary artery disease).

Juxta-articular osteonecrosis.

**APPENDIX B TO SUBPART T TO PART 1910—GUIDELINES FOR SCIENTIFIC DIVING**

This appendix contains guidelines that will be used in conjunction with §1910.401(a)(2)(iv) to determine those scientific diving programs which are exempt from the requirements for commercial diving. The guidelines are as follows:

1. The Diving Control Board consists of a majority of active scientific divers and has autonomous and absolute authority over the scientific diving program's operations.

2. The purpose of the project using scientific diving is the advancement of science; therefore, information and data resulting from the project are non-proprietary.

3. The tasks of a scientific diver are those of an observer and data gatherer. Construction and trouble-shooting tasks traditionally associated with commercial diving are not included within scientific diving.

4. Scientific divers, based on the nature of their activities, must use scientific expertise in studying the underwater environment and, therefore, are scientists or scientists in training.

[50 FR 1050, Jan. 9, 1985]

**APPENDIX C TO SUBPART T TO PART 1910—ALTERNATIVE CONDITIONS UNDER §1910.401(a)(3) FOR RECREATIONAL DIVING INSTRUCTORS AND DIVING GUIDES (MANDATORY)**

Paragraph (a)(3) of §1910.401 specifies that an employer of recreational diving instructors and diving guides (hereafter, "divers" or "employees") who complies with all of the conditions of this appendix need not provide

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a decompression chamber for these divers as required under §§1910.423(b)(2) or (c)(3) or 1910.426(b)(1).

**1. EQUIPMENT REQUIREMENTS FOR REBREATHERS**

(a) The employer must ensure that each employee operates the rebreather (*i.e.*, semi-closed-circuit and closed-circuit self-contained underwater breathing apparatuses (hereafter, "SCUBAs")) according to the rebreather manufacturer's instructions.

(b) The employer must ensure that each rebreather has a counterlung that supplies a sufficient volume of breathing gas to their divers to sustain the divers' respiration rates, and contains a baffle system and/or other moisture separating system that keeps moisture from entering the scrubber.

(c) The employer must place a moisture trap in the breathing loop of the rebreather, and ensure that:

(i) The rebreather manufacturer approves both the moisture trap and its location in the breathing loop; and

(ii) Each employee uses the moisture trap according to the rebreather manufacturer's instructions.

(d) The employer must ensure that each rebreather has a continuously functioning moisture sensor, and that:

(i) The moisture sensor connects to a visual (*e.g.*, digital, graphic, analog) or auditory (*e.g.*, voice, pure tone) alarm that is readily detectable by the diver under the diving conditions in which the diver operates, and warns the diver of moisture in the breathing loop in sufficient time to terminate the dive and return safely to the surface; and

(ii) Each diver uses the moisture sensor according to the rebreather manufacturer's instructions.

(e) The employer must ensure that each rebreather contains a continuously functioning CO<sub>2</sub> sensor in the breathing loop, and that:

(i) The rebreather manufacturer approves the location of the CO<sub>2</sub> sensor in the breathing loop;

(ii) The CO<sub>2</sub> sensor is integrated with an alarm that operates in a visual (*e.g.*, digital, graphic, analog) or auditory (*e.g.*, voice, pure tone) mode that is readily detectable by each diver under the diving conditions in which the diver operates; and

(iii) The CO<sub>2</sub> alarm remains continuously activated when the inhaled CO<sub>2</sub> level reaches and exceeds 0.005 atmospheres absolute (ATA).

(f) Before each day's diving operations, and more often when necessary, the employer must calibrate the CO<sub>2</sub> sensor according to the sensor manufacturer's instructions, and ensure that:

(i) The equipment and procedures used to perform this calibration are accurate to