

Self-contained underwater breathing apparatus (scuba) diving

Associated hazards of scuba diving

- Drowning due to panic, lack of experience, dive conditions, or equipment misuse or failure
- Physical injury from contact with underwater equipment and structures
- Disorientation due to low visibility, loss of direction, confusion and separation from dive partner
- Thermal stress from varying temperature differences based on depth, work location and body of water
- Physical stress or exhaustion from pulling, transporting and carrying large quantities of weeds and equipment

The use of scuba-diving equipment requires a high degree of knowledge and experience to operate safely.

New requirements

As part of the 2025 Minnesota state legislative session, the Brady Aune and Joseph Anderson Safety Act was passed (Minnesota Statutes section 182.679) and is effective May 2, 2025. It requires employers making improvements to land, including aquatic plant removal, and using scuba-diving equipment, to implement scuba-diving training and certification for employees, and to provide standardized, required equipment.

Employers subject to the Brady Aune and Joseph Anderson Safety Act are required to ensure their employees performing this process have valid open water scuba-diving certifications from a nationally recognized and accredited certification program or agency. The employer must require all individuals be trained in cardiopulmonary resuscitation (CPR) and first aid – this is to be an American Red Cross standard course or equivalent.

Additionally, employers are required to ensure employees use the following required equipment mandated by the new legislation:

- a buoyancy control device;
- a mask;
- a compressed-gas cylinder and valve;
- a primary regulator;
- a breathing-gas monitoring device;
- a quick-release weight system and weights;
- at least one audible emergency surface-signaling device; and
- an illuminated dive beacon.

When a diver requests the following equipment, the employer must provide:

- a depth-monitoring device;
- fins and snorkel;
- an alternate air source;
- adequate exposure protection appropriate for local dive conditions; and
- a dive computer or recreational dive planner.

When diving occurs, the employer must ensure a standby diver, as defined by 29 CFR 1910 Subpart T, is available while a diver is in the water.

In addition to the new requirements of Minnesota's diving statute, employers are also obligated to adhere to the requirements under 29 CFR 1910 Subpart T of the commercial diving standard.

Annual permitting

In some circumstances, employers performing aquatic weed and plant removal processes are required to be annually permitted by the Minnesota Department of Natural Resources (DNR). Employers or their successors that have received a citation for one or more willful diving-related violations issued by Minnesota OSHA (MNOSHA) Compliance during the previous two years will not be issued or allowed to renew a commercial mechanical control permit by DNR. Employers that have contested a citation for one or more willful diving-related violations will also not be issued or allowed to renew a permit during the pendency of a contested case.

As part of the permitting process, employers must provide documentation to DNR verifying a third-party on-site hazard survey was completed in the past year by a qualified safety professional who observed the applicant's work using scuba-diving equipment. The documentation must include a written report of the findings and recommendations to reduce the risk of injury or illness to employees who are scuba diving. The written report must include an evaluation of specific safety practices, equipment and training. A "qualified safety professional" includes:

- A Department of Labor and Industry workplace safety and health consultant. This is a free service available to small employers from DLI's [MNOSHA Workplace Safety Consultation](#).
- A workers' compensation loss-control representative with approval from an insurance underwriter. As part of insurance coverage for workers' compensation, this service is often provided by the insurer to help employers reduce their risk.
- A private safety consultant. There are numerous safety and health consulting firms at the national and local levels that can assist employers. Most can be found via the internet or coordination with local safety and health organizations such as the Minnesota Safety Council or the American Society of Safety Professionals. Neither federal OSHA nor state OSHA programs are approval organizations; certifications are awarded within the industry, based on the specific discipline and areas of expertise required. Many qualified safety professionals have certified safety professional and other designations from the Board of Certified Safety Professionals.

Assistance available

MNOSHA encourages employers to seek assistance from MNOSHA Workplace Safety Consultation's free safety and health consultative services to help employers improve safety and health at their businesses. MNOSHA Workplace Safety Consultation can be reached at osha.consultation@state.mn.us, 651-284-5060 or 800-657-3776.

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