

A call for legislative action from the Anderson and Aune Families

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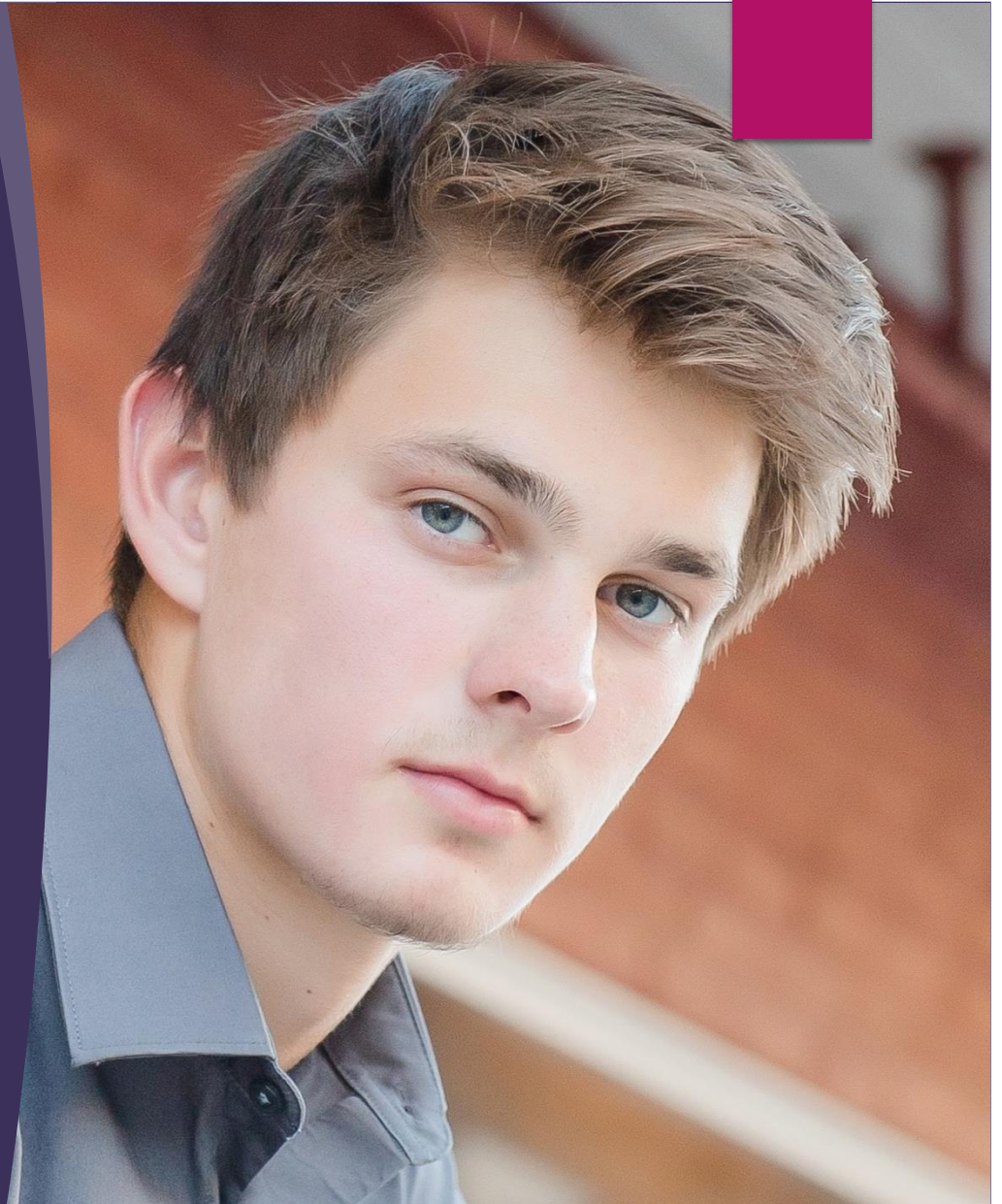
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Agenda for Today

- ▶ Who we are
- ▶ Why we're here
- ▶ What action is needed
- ▶ Ask for Help/Guidance and Sponsorship
- ▶ Next Steps

Who We Are

- ▶ Parents of Brady Aune - 20 yrs. old
- ▶ Died on 6/03/22 due to a workplace drowning. This was his 3rd day on the job with Dive Guys, LLC
- ▶ Accident occurred on his 3rd day of using SCUBA equipment – no formal training.
- ▶ Safety Supervisor not CPR certified; his dive buddy was out of the water behind the property.
- ▶ Employer did not have Workers Comp Policy in effect at time of accident; **secured it the day after Brady died.**
- ▶ His supervisor was working underwater instead of watching Brady. They **lost Brady underwater and he was not found until 30 minutes later.** Rescue crews found him in deeper water than he was expected and stuck on the bottom.
- ▶ No buddy or supervisor check of his equipment - His weight belt was on backwards so it could not be released and too heavy for his body. No BCD was on or provided to Brady.
- ▶ His supervisor did not enter the water once Brady was found to be missing to attempt to save Brady.
- ▶ Strong swimmer but no SCUBA prior experience.



Who We Are

- ▶ Parents of Joseph Anderson - 18 yrs. old
- ▶ Died on 5/24/24 due to a workplace drowning on 5/21 on his 3rd day on the job for Your Lake Aquatic Plant Management, LLC
- ▶ Accident occurred on his 1st day of using SCUBA equipment – no formal training – given 15 min of verbal instruction on the morning of the accident.
- ▶ Supervisor not CPR/First Aid certified. No employee in charge of dive operations that day.
- ▶ **Employer did not have Workers Comp Policy in effect at time of accident; secured it on day Joe died.**
- ▶ Told he would be working in 6'-8' of water – was found in 20' of water with respirator off.
- ▶ Did not have a “dive buddy” or any type of tether. No BCD.
- ▶ Strong swimmer but no prior SCUBA prior experience.
- ▶ 5 Willful OSHA violations, largest fines in state history (\$730,369).



Five Willful OSHA Violations re: Joseph

"Every person should be able to go to work and come home safely. This was a tragic and preventable loss," said DLI Commissioner Nicole Blissenbach. "It's the responsibility of all employers to follow health and safety laws and keep their employees safe at work."

<https://www.dli.mn.gov/news/employer-cited-730k-commercial-diving-standard-violations-after-worker-drowns-during-lake-weed>

Death of lake diver in Apple Valley leads to state's largest workplace fine - \$730,369

Columbia Heights' Your Lake Aquatic Plant Management to contest citations for workplace fatality.

[By Mike Hughlett](#)

The Minnesota Star Tribune

DECEMBER 3, 2024

<https://www.startribune.com/death-of-lake-diver-in-apple-valley-leads-to-states-largest-workplace-fine/601190308>



What Scuba
Lake Weed
Removal is
Depicted as



What the
Underwater
Reality is Like

Our Ask of You

► We are asking for your guidance/support with **New Legislation**

1. Discuss how to mandate/codify that ALL Scuba Lake weed companies have mandatory workers compensation policies in place, at higher minimum levels due to the hazardous nature of the work and fully paid/active every day they are in business. Huge enforcement gap today. Both employers did not have workers comp insurance in place at time of the accidents.
2. Discuss how to create a new administrative rules for Scuba Lake weed companies (similar to what was done for commercial window cleaners - Minn Stat 5205.0730). We need clear statutory requirements, including non-negotiable penalties, for compliance with 29 CFR 1910 Subpart T – Commercial Diving Standards including:
 - Defined protocols of “must do’s” when boys are in the water per 29 CFR 1910 subpart T vs “should dos”. Example: **No requirements today that all divers must be SCUBA certified before they get in the water.**
 - **Mandatory Safety Gear: A BCD vest must be worn by all divers in the water (both Joe and Brady did not have). Optional today.**
 - **OSHA “pre-season” annual inspections of all businesses in the lake weed removal including all dive equipment, completeness of new employee training manuals, First aid/CPR certifications on file, dive protocols/supervision, etc.**
 - There are no defined rules for certification/validation that these companies are following OSHA standards – clarity needed.
3. Other such actions/legislation that you/your office would recommend. Example: Should legislation be enacted to change the definition from “gross negligence” (Stringer decision) to simple negligence in wrongful death lawsuits against employers? Penalties/judgments do impact commercial behavior.

Next Steps

- ▶ Legislative process: Help us to understand/identify what steps need to be taken for revising existing MN Statutes to close the safety gaps today and how this legislation CAN BE IN PLACE BY SPRING 2025. Where do we start?
- ▶ Identify any potential roadblocks/gaps that might exist to move forward on legislation and get it signed before the “lake weeds season” begins again.
- ▶ Provide us with your guidance/recommendations of what we should do and our next steps. Help us to work with you and other legislators to find a better path forward and help prevent such unnecessary deaths from occurring again.