

SF1346 - 2E - Aquatic Plant SCUBA Safety Requirement Established

Chief Author: **Liz Boldon**
 Committee: **Finance**
 Date Completed: **3/17/2025 10:17:01 PM**
 Lead Agency: **Natural Resources Dept**
 Other Agencies:
 Labor and Industry Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Labor and Industry Dept		-	-	-	-	-
Workers Compensation		-	-	-	-	-
Natural Resources Dept		-	-	-	-	-
General Fund		-	-	-	-	-
State Total						
Workers Compensation		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Labor and Industry Dept	-	-	-	-	-
Workers Compensation	-	-	-	-	-
Natural Resources Dept	-	-	-	-	-
General Fund	-	.04	.04	.04	.04
Total	-	.04	.04	.04	.04

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 3/17/2025 10:17:01 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Labor and Industry Dept		-	-	-	-	-
Workers Compensation		-	-	-	-	-
Natural Resources Dept		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Labor and Industry Dept		-	-	-	-	-
Workers Compensation						
Expenditures		-	11	4	4	4
Absorbed Costs		-	(11)	(4)	(4)	(4)
Natural Resources Dept		-	-	-	-	-
General Fund						
Expenditures		-	9	7	7	7
Absorbed Costs		-	(9)	(7)	(7)	(7)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Labor and Industry Dept		-	-	-	-	-
Workers Compensation		-	-	-	-	-
Natural Resources Dept		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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 Agency: **Natural Resources Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Dollars in Thousands					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	.04	.04	.04	.04
Total	-	.04	.04	.04	.04

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 3/17/2025 11:37:46 AM
Phone: 651-284-6540 **Email:** jim.carlson@lbo.mn.gov

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	9	7	7	7
Absorbed Costs		-	(9)	(7)	(7)	(7)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill modifies statutes related to authorization to remove aquatic plants from public waters. Specifically, the bill requires that prior to issuing an Aquatic Plant Management (APM) permit, the DNR inquire as to whether SCUBA equipment will be used during any activity authorized by the permit. If so, the applicant must provide documentation to the DNR verifying that a qualified safety professional had completed a hazard survey and provided a written report evaluating specific safety practices, equipment, and training. The bill also prohibits the commissioner from issuing or renewing APM permits to parties that willfully violate occupational safety and health standards under chapter 182 involving scuba diving during the previous two years, as well as to any persons considered a "successor person" to a party who has violated the chapter 182 standards.

The bill also creates statutory Occupational Safety and Health requirements for commercial diving operations under chapter 182 (administered by the Department of Labor and Industry, or DLI), including requirements for certification for commercial diving operations, equipment requirements, and penalties. The bill also requires DLI to develop an information sheet for employers who use SCUBA equipment in the workplace, explaining the occupational safety and health requirements; DLI must provide this information sheet to the DNR to share with APM permit applicants.

Assumptions

The Minnesota Permitting and Reporting System (MPARS) will need modifications by MNIT to accommodate the required verification of intentions to use SCUBA equipment, specifically to add a question as to whether SCUBA equipment will be used during any activity authorized by the permit, as well as the ability to upload documentation verifying that a qualified safety professional has completed a hazard survey and a written report evaluating specific safety practices, equipment, and training. Modifying MPARS to add questions and ability to upload associated documentation to the permit application regarding the use of SCUBA equipment is estimated at approximately \$2,000.

Additional DNR staff time will be required to acquire and review the additional required information for APM permits. This includes both traditional APM permits issued by the Fish and Wildlife (FAW) Division and invasive APM permits issued by the Ecological and Water Resources (EWR) Division. Annual staff effort between the two divisions are estimated at 80-85 hours per year at a total cost of approximately \$7,000.

DNR assumes that the existing criteria for projects exempt from requiring an APM permit shall remain unchanged. DNR assumes that DLI will work timely to provide the required chapter 182 information sheet for distribution and any inquiries regarding violations of occupational safety and health standards by APM permit applicants.

Expenditure and/or Revenue Formula

One-time MPARS modifications are estimated at a total of \$2,000.

Annual increased staffing costs are estimated at a total of approximately \$7,000 ($0.04\text{FTE} \times \$165,000/\text{FTE} = \$6,600$).

DNR assumes these costs can be absorbed into existing appropriations.

Long-Term Fiscal Considerations

Expenditures will be continuing.

Local Fiscal Impact

N/A

References/Sources

N/A

Agency Contact: Jason Moeckel (651) 259-5240

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Chief Author: **Liz Boldon**
 Committee: **Finance**
 Date Completed: **3/17/2025 10:17:01 PM**
 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Workers Compensation	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Workers Compensation	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/17/2025 8:09:44 PM
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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Workers Compensation		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Workers Compensation						
Expenditures		-	11	4	4	4
Absorbed Costs		-	(11)	(4)	(4)	(4)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Workers Compensation						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Section 2 of the bill amends Minnesota Statutes, section 103G.615, subdivision 1, to require an applicant for a commercial mechanical control permit to inform the Department of Natural Resources (DNR) whether SCUBA diving equipment will be used for the permitted activities described in the section, which include harvesting or destroying aquatic plants. If the permit applicant will use SCUBA diving equipment, DNR must provide the applicant with an information sheet created by the Department of Labor and Industry (DLI's) occupational safety and health administration division (MNOSHA). An applicant who will use SCUBA diving equipment for a project must also provide documentation of a third-party on-site hazard survey completed in the last year by a qualified safety professional who observed the applicant's work using scuba diving equipment. The qualified safety professional includes a MNOSHA consultant, a workers' compensation insurance loss-control representative, with approval from an insurance underwriter, or a private safety consultant. The section prohibits a commercial mechanical control permittee from using scuba equipment for permitted activities unless the new requirements have been met. This section applies to permits issued on or after October 1, 2025.

Section 3 of the bill amends Minnesota Statutes, section 103G.615, subdivision 3, to prohibit the DNR from issuing or renewing a commercial mechanical control permit to an employer who has received a citation for a willful violation of a MNOSHA standard involving SCUBA diving during the last two years or has contested such a citation, during the pendency of the contested case. The permit restrictions apply against any successor person, which is defined. DLI must provide DNR with timely information to implement this subdivision, subject to section 182.66, subdivision 4, which describes when citation data becomes public. This section applies to MNOSHA violations committed on or after October 1, 2025.

Section 4 of this bill establishes Minnesota Statutes, section 182.679, governing Commercial Diving Operations. It is effective May 1, 2025.

Sec. 4, Subdivision 1. Application, applies to individuals who are conducting (SCUBA) diving at a place of employment when making improvement to land, including the removal of aquatic plants. The section clarifies that DNR does not become an employer of a commercial mechanical control permit holder, or its employees, through its issuance of such a permit.

Sec. 4, Subdivision 2. Certification required for commercial diving operations, prohibits an employer from allowing individuals subject to this section to SCUBA dive unless they are SCUBA dive certified from a nationally recognized and accredited certification program or agency and have completed CPR and first-aid certification training.

Sec. 4, Subdivision 3. Equipment requirements, states employers shall require the use of the following when SCUBA diving:

Sec. 4, Subdivision 4. Standby diver required, states an employer must ensure that a standby diver is available while a diver is in the water. The standby diver must have a valid rescue diver certificate received from a nationally recognized and accredited certification program. An extra breathing gas hose capable of supplying breathing gas to the diver in the water must be available to the standby diver.

Sec. 4, Subdivision 5. First aid and CPR training required, states an employer must required individuals conducting scuba diving to be trained in cardiopulmonary resuscitation CPR and first aid, the American Red Cross standard course or equivalent.

Sec. 4, Subdivision 6. Penalties, provides for enforcement through the process of issuance of MNOSHA citations. A violation of subdivisions 2 through 5 are subject to the penalties provided under section 182.666.

Sec. 4, Subdivision 7. Information for employers, requires MNOSHA to develop an information sheet, post the sheet on DLI's website and provide it to DNR who will distribute to specified applicants for commercial mechanical control permits.

Assumptions

MNOSHA Compliance and MNOSHA's Workplace Safety Consultation (WSC) unit will need to put staff through educational courses. MNOSHA Compliance will need two Safety Investigator 2 (MAPE 11L), and MN WSC unit will need one Safety Consultant Principal (MAPE 16L) put through these courses to fully understand the questions it will receive, especially regarding the dive computer or recreational dive planner (RDP). All three staff would receive the training in fiscal year 2026. DLI assumes one employee each year would take the training due to staff turnover.

PADI Rescue Diver Certification \$265 + rental (2 days) + 11 hours hands on dive

PADI Advanced Open Water Certification \$245 + rental (2 days) + 11 hours classroom and dive time

PADI Open Water Diver certification \$500 + rental (1 day) + 8 hours class and dive time

PADI classroom and pool session = \$35 + 3 hours classroom and pool time (1 day rental)

CPR First Aid \$50 + 4 Hours

Dive Computer / Recreational Dive Planner (RDP) Course registration \$1,050

Equipment dive rental for courses (six days at \$261/day)

Total Hours in class/dive time/pool time 37 hours per person (immaterial / other duties assigned).

The cumulative hours spent participating in classes are immaterial and considered other duties assigned/no fiscal impact. The cost for the training certifications is absorbed into OSHA's existing employee development and training budget.

There is no anticipated additional time spent at an on-site compliance inspection that involves SCUBA diving the inspection would be comparable to other onsite inspections.

There is no additional cost for MNOSHA to supply information to the DNR for one or more willful violations within the last two years or if the employer is part of a contested case. MNOSHA has averaged 266 requests per year for files that must be answered timely over the last three federal fiscal years. It is anticipated there will be two employers that will be forwarded to DNR each year. This number will likely decrease with legislation and the increased communication to these employers and employees.

MNOSHA does not anticipate any additional costs associated with the contestation process than it already incurs. MNOSHA reviewed the current 2024 MNDNR Permitted Commercial Mechanical Control Companies and eighteen listed employers that are cutting, raking and/or SCUBA diving. In the fall of 2024 MNOSHA also discussed with the Federal OSHA Chicago Region (Chicago Region) and they are not aware of any similar inspections in the Chicago Region.

MNOSHA anticipates a minimal number of additional citations with penalties relative to those that have already been issued and collected in a given year.

Expenditure and/or Revenue Formula

Expenditures	2026	2027	2028	2029
PADI Rescue Diver Certification (\$265 Each)	795	265	265	265
PADI Advanced Open Water Cert (\$245 Each)	735	245	245	245
PADI Open Water Diver Cert (\$500 Each)	1,500	500	500	500
PADI Classroom and Pool Session (\$35 Each)	105	35	35	35
CPR First Aid (\$50 Each)	150	50	50	50
Dive Comp/Recreational Dive Planner Reg (\$1,050 Each)	3,150	1,050	1,050	1,050
Dive Equipment Rental (6 Days at \$261 Each)	4,698	1,566	1,566	1,566
Cumulative Costs	11,133	3,711	3,711	3,711

Long-Term Fiscal Considerations

NA

Local Fiscal Impact

NA

References/Sources

29 CFR 1910.410(a)(3)-<https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XVII/part-1910/subpart-T/subject-group-ECFR97a26a6c965bd63/section-1910.410>

There are numerous opportunities in MN on source a source for <https://www.mndiving.com/padi-rescue-diver-certification> was used for certifications and prerequisites.

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