

OSH INFORMATION MEMORANDUM: 80-X-44

TO: All OSH Directors, Supervisors, and Field Personnel

FROM: William M. Lybrand, Director of OSH

SUBJECT: OSHA Medical Surveillance Regulations – Genetic Testing

DATE: September 30, 1980

Purpose

The purpose of this memorandum is to provide an interpretation of OSHA health standards that require medical surveillance programs specifying a medical history with family and occupational background, including genetic and environmental factors.

Background

In February 1980, the New York Times published a series of articles on genetic testing. The fourth and final installment of the series did not accurately describe federal OSHA policies on this issue. An OSHA press release, USDL 80-107 dated February 20, 1980, clarified OSHA's policy. This memorandum provides official guidance to OSH State personnel on our policy.

Interpretation

This memorandum applies to all OSHA standards that require a medical surveillance program in which the medical examination shall include a personal history of the employee and/or his family and occupational background, including genetic and environmental factors. These standards are:

- a. The thirteen (13) carcinogen standards; specifically paragraph (g)(1)(i) in each of the standards in the series Article VI, Sections 1910.1003 through 1910.1016.
- b. The OSHA Cancer Policy, 29 CFR 1910.151, "model standard". (This standard has not been adopted by the State of South Carolina.)

The provisions of the standards named above shall be interpreted as follows:

- a. These provisions do not require genetic testing of any employee.
- b. The taking of an employee's medical history, including past medical history, a family history, (e.g., inheritable disorders) and an occupational history, shall be considered as a routine part of standard medical practice, and is designed to identify factors important to the employee's general health status.

- c. These provisions do not require the exclusion of otherwise qualified employees from jobs on the basis of genetic testing.

Effective Date.

This memorandum is effective upon receipt and will remain in effect until cancelled or superseded.