

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



August 14, 1992

Nicholas A. Fiore
V.P. Labor Relations & Safety
National Constructors Association
1730 M. Street N.W.
Suite 900
Washington, D.C. 20036-4571

Dear Mr. Fiore:

This is in response to your letter of June 1 in which you requested clarification concerning the scope of the Occupational Safety and Health Administration (OSHA) regulation, 29 CFR 1910.1030, "Occupational Exposure to Bloodborne Pathogens." You requested clarification of the applicability of the standard to employees who perform maintenance operations.

Construction work is defined in 29 CFR 1910.12(b) as work for construction, alteration and/or repair including painting and decorating. Maintenance activities can be defined as (making or) keeping a structure, fixture or foundation (substrates) in proper condition in a routine, scheduled, or anticipated fashion.

Workers who are engaged in maintenance operations and who have occupational exposure are covered under the standard. Occupational exposure is defined as reasonably anticipated skin, eye mucous, membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

While trades such as plumbers, pipefitters and others who may at times be engaged in maintenance activities are not generally considered to have occupational exposure as defined by the standard, it is the employer's responsibility to determine which job classifications or specific tasks and procedures may place employees at risk.

For example, plumbers performing repairs on pipes or drains in laboratories, operating rooms, or mortuaries may have occupational exposure to blood or other potentially infectious materials. If OSHA determines, on a case by case basis, that sufficient evidence of reasonably anticipated exposure exists, the employer will be held responsible for providing the protections of the standard to employees with occupational exposure.

Another example of occupational exposure that may occur in such trades is the rendering of first aid by designated employees as part of their job duties. OSHA has recently issued a policy with respect to the hepatitis-B vaccination requirements for such employees exposed under specific circumstances. A copy of that policy is attached for your information.

With respect to the four scenarios proposed in your letter for which you requested an interpretation, a determination could not be made. Determinations of whether a contractor is engaged in maintenance operations rather than construction activities must be made on a case by case basis taking into account all information available upon evaluation or inspection of a particular site.

We hope this information is responsive to your concerns. Thank you for your interest in worker safety and health.

Sincerely,

Patricia K. Clark, Director
Directorate of Compliance Programs