

OSHA Directives

STD 1-23.4 - OSHA Medical Surveillance Regulations -- Genetic Testing

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 - **Subject:** OSHA Medical Surveillance Regulations -- Genetic Testing
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OSHA Instruction STD 1-23.4

August 22, 1980

Office of Compliance Programming

Subject: OSHA Medical Surveillance Regulations--Genetic Testing

A. Purpose. This instruction provides 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.

B. Scope. This instruction applies OSHA-wide.

C. Action. OSHA Regional Administrators and Area Directors shall assure that the interpretation provided in G. of this instruction is followed in all OSHA compliance activity.

D. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:

1. Ensure that this change is forwarded to each State designee.
2. Explain the technical content of the change to the State designee as requested.
3. Ensure that State designees are asked to acknowledge receipt of this Federal program change in writing, within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or the reasons why the change should not apply to that State.
4. Review policies, Instructions and guidelines issued by the State to determine that this change has been communicated to State program personnel. Routine monitoring activities (accompanied inspections and case file reviews) shall also be used to determine if this change has been implemented in actual performance.

E. Standards Affected. This interpretation applies to all OSHA standards that require a medical surveillance program in which the medical examination shall include

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a personal history of the employee and/or his family and occupational background, including genetic and environmental factors. These standards are:

1. The 13 carcinogen standards; specifically, paragraph (g)(1)(i) in each of the standards in the series 29 CFR 1910.1003 through 1910.1016.

2. The OSHA Cancer Policy, 29 CFR 1990.151, "model standard."

F. 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 OSHA policies on this issue. An OSHA press release, USDL 80-107 dated February 20, 1980, clarified OSHA's policy. This instruction provides official guidance to OSHA Field Offices on this policy.

G. Interpretation. The provisions of the standards named in E. of this instruction shall be interpreted as follows:

1. These provisions do not require genetic testing of any employee.

2. 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.

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

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