

June 30, 1998

Barbara L. Bonnema
NEC America, Inc.
3100 N.E. Shute Road
Hillsboro, OR 97124-5899

Dear Ms. Bonnema:

Thank you for your letter of June 12, 1998 where you ask for clarification of the 1910.1025 Lead standard. Specifically you ask for our definition of "make available" as used in the paragraphs (j)(2)(I).

Employers who have employees that are exposed to lead above the action level for more than 30 days a year must implement and maintain a medical surveillance program. Biological monitoring must be included as part of the medical surveillance program. The term "make available" means that the employer must ensure that employees are provided the opportunity to participate in the company's medical monitoring program on company time at no inconvenience or cost to the employee.

An employer can not make it mandatory for employees to participate in the company's medical monitoring program. Also the employee is not required to see the company physician and may choose to use their own physician. If an employee chooses to use their own physician OSHA can not require the employer to pay for such physicals.

If you have any questions regarding this letter or any other occupational safety and health issues, please contact Rodney Boast at ext. 503-378-3272. You are also invited to see the OR-OSHA pages on the Internet.

Sincerely,

Marilyn K. Schuster, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division