

Standard Interpretations / Asbestos standard: Written opinion from the examining physician.

▪ **Standard Number:** 1926.1101(m)(4)(i)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

May 5, 1998

Mr. Gary Thibodeaux, Director
NSC Corporation
Department of Health and Safety
1201 Childers
Orange, TX 77630

Dear Mr. Thibodeaux:

This is in response to your letter of February 24, concerning the medical surveillance provisions 29 CFR 1926.1101, the construction industry asbestos standard promulgated by the Occupational Safety and Health Administration (OSHA).

You ask, "If a person performs the medical examination under the supervision of a licensed physician and is signatory of the written opinion would it be considered a valid document?"

The written opinion would not comply with the standard. According to 29 CFR 1926.1101(m)(4)(1), "The employer shall obtain a written opinion from the examining physician." OSHA considers a physician supervising a medical examination an "examining physician." The person who performed the medical examination under the supervision of a licensed physician may write the medical opinion for the physician, but the physician must review the opinion, concur with the opinion, and assume responsibility for the opinion. Any signature on the opinion must be the physician's signature.

We appreciate the opportunity to clarify this matter for you. If you have further questions please contact the Office of Health Compliance Assistance at (202) 219-8036.

Sincerely,

John B. Miles, Jr.
Director
Directorate of Compliance Programs