



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 19- 02 (CPL 02)

EFFECTIVE DATE: 12/20/2019

SUBJECT: Cancellation of OSHA Instruction CPL 02-02-048 [2-2.48] List of Laboratories Approved for Blood Lead Analysis May 1, 1989

ABSTRACT

- Purpose:** Cancellation of OSHA Instruction CPL 02-02-048 [CPL 2-2.48], May 1, 1989, Directorate of Technical Support, List of Laboratories Approved for Blood Lead Analysis
- Scope:** OSHA-wide
- References:** OSHA Instruction CPL 02-02-048 [CPL 2-2.48] – National – List of Approved Blood Lead Analysis, May 1, 1989
- Cancellations:** OSHA Instruction CPL 02-02-048 [CPL 2-2.48] – National – List of Approved Blood Lead Analysis, May 1, 1989
- State Impact:** Adoption not required.
- Action Offices:** All OSHA Regional Administrators and Area Directors
- Originating Office:** Directorate of Enforcement Programs and Directorate for Technical Support and Emergency Management
- Contact:** Phillip Smith, Director, Directorate for Technical Support and Emergency Management- Division of Industrial Hygiene Chemistry, Salt Lake Technical Center, 8660 South Sandy Parkway, Sandy, Utah, 84070, 801-233-5066, smith.phillip@dol.gov.

By and Under the Authority of

Loren Sweatt
Principal Deputy Assistant Secretary

Executive Summary

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) administers a blood lead laboratory monitoring system pursuant to the Clinical Laboratory Improvement Amendments (CLIA) regulations. Laboratories testing human blood for lead are required to maintain satisfactory performance in a CLIA-approved proficiency testing program. The CLIA criteria for blood lead proficiency testing constitute the federal government's legal requirements for performing human blood lead testing. OSHA recognizes the expertise and authority of CMS to determine clinical laboratories' proficiency for completing human blood lead analysis required by OSHA's lead standards. For the reasons noted, OSHA will accept a CLIA-approved blood lead analysis laboratory as fully satisfying the requirements of both 29 CFR 1910.1025(j)(2)(iii) and 1926.62(j)(2)(iii) for employee blood lead testing. This will reduce costs and burdens on employers and at the same time reduce costs and increase efficiency to OSHA, as the agency will no longer duplicate the work that CMS already performs. Where the laboratory used for employee blood lead testing is CLIA-approved, any technical violation of the Lead Standards' proficiency testing requirements will be treated as a de minimus condition that has no direct relationship to safety or health.

Significant Changes

OSHA will no longer publish a listing of OSHA-approved laboratories for employee blood lead testing. For questions regarding a laboratory's compliance with CLIA requirements for employee blood lead analysis, documentation showing CLIA certification in the area of blood lead testing should be requested from OSHA.

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I. Purpose.

Cancellation of OSHA Instruction CPL 2-2.48, May 1, 1989 Directorate of Technical Support, List of Laboratories Approved for Blood Lead Analysis

II. Scope.

OSHA-wide

III. References.

OSHA Memorandum, De minimis Violation Notices: Blood Laboratory Proficiency Testing and Approval, October 1, 2018 (<https://www.osha.gov/laws-regs/standardinterpretations/2018-10-01>)

IV. Cancellations.

OSHA Instruction CPL 02-02-048 [CPL 2-2.48] – National – List of Approved Blood Lead Analysis, May 1, 1989

V. Action Offices.

A. Responsible Office.

Directorate of Enforcement Programs and Directorate of Technical Support and Emergency Management

B. Action Office.

All OSHA Regional Administrators and Area Directors

C. Information Offices.

All OSHA Area Offices and National Office Directorates

VI. Federal Program Change.

State Impact Plan only: Since this Notice does not impose any new or more stringent requirements, State Plans are not required to adopt or respond. State Plans should be aware of OSHA's cancellation of the previous Notice OSHA Instruction CPL 02-02-048 [CPL 2-2.48] May 1, 1989 publishing a listing of OSHA-approved laboratories for employee blood lead testing, and of OSHA's recognition that using a CLIA-approved blood lead analysis laboratory fully satisfies the requirements of both 29 CFR 1910.1025(j)(2)(iii) and 1926.62(j)(2)(iii) for employee blood lead testing.

VII. Significant Changes.

OSHA will no longer publish a listing of OSHA-approved laboratories for employee blood lead testing. For questions regarding compliance with CLIA requirements for employee blood lead analyses, documentation showing CLIA certification in the area of blood lead testing should be requested.