



Reply to the Attention of:

AUG 16 2002
Mr. Craig Colton
3M Occupational Health and Environmental Safety Division
3M Center, Bldg 0235-02-E-91
St. Paul, MN 55144-1000

Dear Mr. Colton:

Thank you for your November 26, 2001 letter regarding the medical questionnaire which comprises Appendix C of the Respiratory Protection Standard, 29 CFR 1910.134. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any scenario/situation not delineated within your original correspondence.

Question: Can we use a computerized format for presenting the medical evaluation questionnaire and follow-up questions to comply with the requirements of 29 CFR 1910.134(e)?

Response: If the form (Appendix C of 1910.134) is to be the sole basis for evaluating an employee's ability to use a respirator, you must ask the questions in Part A of the questionnaire to comply with 1910.134(e). You must ask all the questions with each worded in the same manner as the Appendix in any form that you or a third party generates.

As you may know, the order of the questions can be changed and additional questions can be asked, if the Physician or other Licensed Health Care Practitioner (PLHCP) feels that these additional questions will help to determine an employee's ability to wear a respirator. The questions may also be presented and answered in electronic format and the completed form then provided to the PLHCP to be used in evaluating the employee.

In the plan you have described, your electronic questionnaire asks the same questions specified in Part A of Appendix C and adds follow-up questions provided by a Board Certified Occupational Medicine Physician. Instructions are provided to both the administrator and the employee prior to completing the form. The employee completes the form online and the answers are sent directly to the physician for review. The physician reviews the answers provided by the employee. You have also made provisions for supplying the physician with the supplemental information required by paragraph (e)(5). Contact information is provided if the employee wishes to talk to the physician who will be reviewing the form.

If the answers to the follow-up questions do not satisfy the physician, employees are provided a medical examination. When the physician is satisfied with the employee's ability to wear a respirator, the medical recommendation is mailed to both the employee and the employer. Appropriate safeguards ensure the confidentiality of the form and the evaluation. Assuming the

procedures are followed for each employee, it appears that the procedures that you have described comply with the provisions of the standard.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. 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>. If you have any further questions, please feel free to contact the Office of Health Compliance at (202) 693-2190.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Fairfax". The signature is written in a cursive, flowing style.

Richard E. Fairfax, Director
Directorate of Compliance Programs