

Prevailing Wage Opinion Letter 03-02-05

March 2, 2005

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, G.L. c. 149, §§26-27. Specifically, you have asked for a determination of the appropriate occupational classification for workers performing specific tasks on a City of XXXX public works project.

As I understand it, the City of XXXX entered into a contract for building renovation work. The contract called for the removal of silica and lead-contaminated dust on designated floors in a building that was being remodeled for office space. The project specifications noted that the painted surfaces should be assumed to contain lead, and the contractor was instructed to remove any flaking or peeling paint down to intact paint.

The proper occupational classification for the removal of lead paint and clean-up related to these deleading operations is *Painter/Taper(Brush/Repaint)*. The Painters and Allied Trades' collective bargaining agreement (between the Painters and Allied Trades District Council #35 and the Painters & Finishing Employers Association of New England, Inc.) covers deleading work and any cleanup resulting from such paint removal operations. The proper occupational classification for the removal of silica and any lead-contaminated dust that was not a result of the deleading work performed (i.e. the removal of flaking or peeling paint down to intact paint) is *Laborer: Hazardous Waste/Asbestos Remover*.

Finally, in addition to the paint removal and decontamination work, a small amount of damaged asbestos-containing pipe insulation had to be removed. The proper occupational classification for this work is *Asbestos Worker (Pipes & Tanks)*.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,
Lisa C. Price
Deputy General Counsel