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## U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

WASHINGTON 25

July 17, 1961

MEMORANDUM #23

TO: AGENCIES ADMINISTERING STATUTES REFERRED TO IN 29 CFR,  
SUBTITLE A, PART 5.

FROM: Charles Donahue *CD*  
Solicitor of Labor

SUBJECT: Application of the Labor Standards Requirements of the  
Davis-Bacon Act to Steam and Sand Blast Cleaning of  
Buildings or Works Including, but not Limited to, Build-  
ings, Monuments and Statues.

In defining the work within the ambit of the statute, the pertinent part of Section 1 of the Davis-Bacon Act reads as follows: "... for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States ...".

Steam and sand blast cleaning operations performed on public buildings or works are authorized for the purpose of renewing the original appearance of these buildings or works and are performed for the same purpose as painting and decorating which were cited as examples of construction, alteration and repair covered by the Davis-Bacon Act as indicated above.

The classifications of employees and the equipment used in the performance of such work are those traditionally employed in the construction industry. The work is not of a regular or recurring nature so as to raise the question of the possibility of its being considered as noncovered maintenance work.

Various Federal agencies have, as a matter of course, regularly included the labor standards provisions of the Davis-Bacon Act and the Eight Hour Laws in contracts let for the steam and sand blast cleaning of public buildings and public works.

Recently, in connection with a Government contract requiring steam and sand blast cleaning and bird proofing, the question of whether such work was subject to the Davis-Bacon and related Acts

*to: all Divs & Divs*

was raised. In view of the absence of a prior opinion directly in point, it has been brought to my attention that the general circulation of this Department's ruling that the performance of steam and sand blast cleaning work under Government contracts of the requisite jurisdictional amounts would be subject to the provisions of the Davis-Bacon and related Acts would be appropriate and helpful in the maintenance of the labor standards required on Federal and Federally assisted construction.