

# **Access to Employee Medical & Exposure Records**

**29 CFR 1910.1020**

**29 CFR 1926.33**

# Examples of Medical Records kept by employers

- The most common examples are hearing test that everyone gets during their first year of employment, DOT medical files, and Respiratory Evaluations.
- Certain employees may have more medical monitoring requirements, such as blood tests and chest x-rays, in the lead and asbestos abatement industries.

# Access

- Access to employee medical and exposure records must be provided in a reasonable manner and place.
  - If access cannot be provided within 15 days after the employee's request, the employer must state the reasons for the delay and the earliest date when the records will be made available.



# Access

- Responses to initial requests are to be provided without cost to the employee or representative.
- Medical and exposure records are to be made available, on request, to OSHA representatives to examine and copy.



# Exposure Records

- The employer must provide the employee access to employer exposure records.
- If no records exist, the employer must provide records of other employees with job duties similar to those of the employee.
- Access to these records does not require the written consent of the other employees.

# Medical Records

- The employer must provide employees and their representatives access to medical records relevant to the employee.
- Access to the medical records of another employee may be provided only with the specific written consent of that employee.



# Analyses Using Exposure or Medical Records

- An employee (or designated representative), as well as OSHA, can have access to analyses that were developed using information from exposure or medical records about the employee's working conditions or workplaces.
- Personal identities such as names, addresses, social security and payroll numbers, age, race, and sex, must be removed from the data analyses prior to access.

# Retention of Records

- Each employer must preserve and maintain accurate medical and exposure records for each employee.
- The access standard imposes no obligation to create records but does apply to any medical or exposure records created by the employer in compliance with other OSHA rules, or at his or her own volition.
- Exposure records and data analyses based on them are to be kept for 30 years.
- Medical records are to be kept for at least the duration of employment plus 30 years.





# Retention of Records

- Background data for exposure records such as laboratory reports and work sheets need to be kept only for one year.
- Records of employees who have worked for less than one year need not be retained after employment, but the employer must provide these records to the employee upon termination of employment.
- First-aid records of one-time treatment need not be retained for any specific period.



**Questions?**