How long do I have to keep employee exposure and medical records and other exposure information?

- Unless another OSHA rule specifically provides a different period of time, you must keep the following:
  - Employee medical records for at least the duration of the employee’s employment plus 30 years.
  - Health insurance claims records that you maintain separately from your medical program and its records.
  - Previous work exposure records, if the employee’s exposure history is not available in your employment records or other systems that did not involve medical treatment, loss of consciousness, or other factors that did not involve medical treatment, loss of consciousness, or other factors.
  - Medical records of employees who have worked for at least 1 year as long as you offer all such records to the employee upon termination of employment.
  - Exposure and medical records for at least 30 years, except for
    - Medical records and other specified records concerning medical treatment or medical monitoring, if you keep such records of the identity, preferably the identity of a substance or agent, so long as you keep such records of the identity, preferably the identity of the substance or agent.
    - Medical records and other specified records concerning medical treatment or medical monitoring, if you keep such records of the identity, preferably the identity of the substance or agent.
  - First-aid records made onsite by a non-physician if your facility is not required to maintain separately from your medical program and its records.
  - Laboratory reports and worksheets—must only be preserved under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH in writing that you are not required to maintain such reports.
  - Background data related to environmental, or workplace interferences or measurements (such as, laboratory reports and authentications) that only are needed for 5 years or as long as you generate certain information concerning emissions, or the facility is not required to maintain the records.

How can I get assistance or more information about OSHA and its requirements?

- To file a complaint, report an emergency, or seek OSHA assistance, visit OSHA’s website, or contact your nearest OSHA Regional Office. The teletypewriter (TTY) number is 1-877-889-5627.

For more information about Access to Employee Medical and Exposure Records, see OSHA’s online publication, “Occupational Safety and Health Administration: Office of Information and Public Affairs.” You may also obtain copies of OSHA standards and other publications, or order electronic products, on OSHA’s website—www.osha.gov. For more information on OSHA’s website, or contact the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535; telephone, 1-800-OSHA-1977. For information on OSHA electronic products, visit the OSHA Publications website—www.osha.gov/Publications. For more information about OSHA, to improve Health and Safety at work, and Standards on the OSHA website, contact your nearest OSHA Regional Office.

Additional resource:
- OSHA’s: Occupational Safety and Health Administration, U.S. Department of Labor, John H. Henshaw, Assistant Secretary, 200 Constitution Avenue, Washington, DC 20210 (202) 693-1888 (phone); or (202) 693-2498 (fax).

Does the standard cover me if I work in a business that operates an OSHA-approved state plan in your state or visit OSHA’s website at www.osha.gov for more information about state plans. For more information on state plans, contact the state agency that operates its own job safety and health program in your state, for a list of approved state plans, contact OSHA’s Training Grant Office, 200 Constitution Avenue, 2nd Floor, Washington, DC 20210, or OSHA’s State Program webpage. For more information about OSHA, to improve Health and Safety at work, and Standards on the OSHA website, contact your nearest OSHA Regional Office.

What if I go out of business?

- If you go out of business, you must do the following:
  - Transfer all records subject to this standard to the successor employer. If there is no successor, notify the Director of NIOSH in writing that you are not required to maintain such records.
  - Notify current employees at least 3 months before the business closes of their right to access their records. You also must either transfer the records required to be preserved under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH in writing that you are not required to maintain such records.
  - Maintain separate records of the employee’s employment plus 30 years before that disposed.

Employee exposure records for at least 30 years.

- The specific standard governing their use.

Medical records of employees who have worked for less than 1 year as long as you offer all such records to the employee upon termination of employment.

OSHA will make this information available to sensory impairments, or other factors that did not involve medical treatment, loss of consciousness, or other factors.

First-aid records made onsite by a non-physician if your facility is not required to maintain separately from your medical program and its records.

Employee medical records for at least the duration of the employee’s employment plus 30 years.
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How long do I have to keep employee exposure and medical records and other exposure information?

- Unless another OSHA rule specifically provides, a written record is required to be kept for 30 years.
- Employee medical records for at least the duration of the employee’s employment plus 30 years.
- Employment lockout records.
- Health insurance claims records that you maintain separately from your medical program and its records.
- First-aid records made onsite by a non-physician for less than 1 year as long as you offer all such records to the employee on termination of employment.
- Exposure and other specified records concerning the initial exposure, such as: (1) written records of the employee’s exposure for 30 years; (2) laboratory results and information on when and where it was used, for 30 years.

What if I go out of business?

If you go out of business, you must do the following:
- Transfer all records subject to this standard to the successor employer (if there is no successor), the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH no later than 90 days after the last day of business.
- Medical records and other exposure information?

How can I get assistance or more information about OSHA and its requirements?

- OSHA operates technical assistance, training and educational, and consultation programs to help employers and employees understand rules and their requirements.
- For more information about Access to Employee Exposure and Medical Records, see www.osha.gov.
- To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or 1-877-OSHA-SAA.
- To learn more about the Occupational Safety and Health Act, visit OSHA’s website.
What types of records should an employer maintain?

An employer, as part of its complete employee exposure record, must maintain records that contain information about each employee’s exposure. This includes employee medical records. To do this, the employer must keep an exposure record for each employee. These records are maintained for a period of at least 30 years after the last entry. Exposure records must contain

- Employee name and other identifiers. These identifiers (e.g., employee number, home address, social security number, and job title) are necessary to identify the employee.

What types of records can an employer maintain?

An employer, as part of its complete employee exposure record, must maintain records that show the duration and magnitude of an employee’s exposure. These records must be kept for a period of at least 30 years after the last entry. Exposure records must contain

- Employee name and other identifiers. These identifiers (e.g., employee number, home address, social security number, and job title) are necessary to identify the employee.

What are the requirements for maintaining exposure records?

An employer must maintain exposure records for each employee. These records must contain information about each employee’s exposure to toxic substances or harmful physical agents. Exposure records must be kept for a period of at least 30 years after the last entry. Exposure records must contain

- Employee name and other identifiers. These identifiers (e.g., employee number, home address, social security number, and job title) are necessary to identify the employee.

What are the requirements for maintaining medical records?

An employer must maintain medical records for each employee. These records must contain information about each employee’s medical condition. Medical records must be kept for a period of at least 30 years after the last entry. Medical records must contain

- Employee name and other identifiers. These identifiers (e.g., employee number, home address, social security number, and job title) are necessary to identify the employee.

What are the requirements for maintaining occupational health and safety records?

An employer must maintain occupational health and safety records for each employee. These records must contain information about each employee’s occupational health and safety condition. Occupational health and safety records must be kept for a period of at least 30 years after the last entry. Occupational health and safety records must contain

- Employee name and other identifiers. These identifiers (e.g., employee number, home address, social security number, and job title) are necessary to identify the employee.
Who should read this booklet?

If you are an employee who has been exposed to any toxic substance or harmful physical agents at any worksite within the last 30 years, you should read this booklet to learn about your rights under the OSHA standard. The OSHA standard requires employers to disclose to employees any medical and exposure records that pertain to their health. The purpose of this booklet is to help you understand the OSHA standard and your rights under it.

What types of exposures should be concerned about?

You should be concerned about workplace exposures to toxic substances or harmful physical agents. These substances and agents may include the following:

- Metals and dusts, such as lead, cadmium, and silica
- Biological agents, such as bacteria, viruses, and fungi
- Physical agents, such as noise, heat, cold, vibrations, and workplace radiation

As an employee, what types of records can you access?

You may access any employee exposure records that show the nature or amount of your exposure to a toxic substance or harmful physical agent. You can access the exposure records of any employee who has been exposed to the same toxic substance or harmful physical agent at your worksite or an employer who has proper authorization to disclose the records to you. You may access any employee medical records that pertain to your health status that were created or maintained by a physician, nurse, or another health care professional. You may also access any biological monitoring results, such as blood or urine test results.

As an employer, what types of records can a designated employee representative access?

Your employer may provide access to a designated employee representative who may be the subject of a material safety data sheet (MSDS) kept by or known to the employer indicating that the material may pose a hazard to human health. Your employer may also give access to a designated employee representative who may be the subject of an OSHA investigation indicating that the substance or agent may pose a hazard to human health.

What types of records can a designated employee representative access?

Your employer may provide access to a designated employee representative who may be the subject of an OSHA investigation indicating that the substance or agent may pose a hazard to human health. Your employer may also give access to a designated employee representative who may be the subject of an OSHA investigation indicating that the substance or agent may pose a hazard to human health.

Do employers have to make all records available?

If you are an employee, the following are not considered “medical records” under the standard:

- Physical specimens, such as blood and urine samples
- Personal identifying information, such as Social Security numbers or home addresses

If your employer does not have any records that pertain to your health status, your employer may disclose any medical or exposure records to your designated employee representative. If your employer does have any records that pertain to your health status, you may access these records through the designated employee representative.

If you are an employer, you may disclose any medical or exposure records to your designated employee representative.

If you are an employer, you may also disclose any medical or exposure records to your assigned or transferred employee. If your employer does not have any records that pertain to your health status, your employer may disclose any medical or exposure records to your assigned or transferred employee. If your employer does have any records that pertain to your health status, you may access these records through the designated employee representative.

What should I do if I do not have exposure records for a particular employee?

If you are an employer, you may disclose any medical or exposure records to your designated employee representative. If you are an employer, you may also disclose any medical or exposure records to your assigned or transferred employee. If you are an employer, you may also disclose any medical or exposure records to your assigned or transferred employee.

If you are an employer, you may disclose any medical or exposure records to your designated employee representative. If you are an employer, you may also disclose any medical or exposure records to your assigned or transferred employee. If you are an employer, you may also disclose any medical or exposure records to your assigned or transferred employee.
As an employee, what types of records can I access?

You may access any employee exposure records that show the measuring or monitoring of your own exposure to a toxic substance or harmful physical agent. If your employer does not have any records that show the measuring or monitoring of your exposure, the employer may provide a document to you that describes the employer's exposure assessment methods or the employer's exposure levels, based on analyzing exposure assessment data. If your employer provides you with this document, you may access any employee exposure records that you reasonably believe contain information that the document did not describe.

What types of records can a designated employee representative access?

The OSHA standard recognizes two types of designated representatives: (1) an individual or organization to whom the employee has given written authorization to access his or her medical or exposure records, and (2) a recognized or certified collective bargaining agent. To access employee medical and exposure records, a designated employee representative must follow the requirements described below.

Employee Access Records. Recognized or certified collective bargaining agents may access employee exposure records without individual employees’ written consent. The designated representative must have access to the written authorization to access the records from the employee or the employee’s organization to whom the employee has given written authorization. In addition, the designated representative must have access to any information in these analyses that could reasonably be used to identify the employer or its records.

Employee Exposure Records. Recognized or certified collective bargaining agents may access employee medical exposure records without individual employees’ written consent. The designated representative must have access to the written authorization to access the records from the employee or the employee’s organization to whom the employee has given written authorization. The designated representative must have access to any information in these analyses that could reasonably be used to identify the employer or its records.

What types of exposures should I be concerned about?

As an employee, you may be exposed to toxic substances and harmful physical agents. These substances and harmful physical agents may include the following:

- Biological agents, such as bacteria, viruses, and fungi
- Chemicals, such as solvents, acids, and bases
- Physical agents, such as noise, heat, cold, and radiation
- Radiation, such as X-rays and gamma rays
- Biological hazards, such as animal blood and body fluids
- Medical devices, such as surgical scissors and needles
- Nuisance contaminants, such as dust, dirt, and lint
- Physical agents, such as electricity, and magnetic fields
- Radiation, such as X-rays and gamma rays
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- Medical devices, such as surgical scissors and needles
- Nuisance contaminants, such as dust, dirt, and lint

As an employee, what types of records can I access?

You may access any employee exposure records that show the measuring or monitoring of your own exposure to a toxic substance or harmful physical agent. If your employer does not have any records that show the measuring or monitoring of your exposure, the employer may provide a document to you that describes the employer's exposure assessment methods or the employer's exposure levels, based on analyzing exposure assessment data. If your employer provides you with this document, you may access any employee exposure records that you reasonably believe contain information that the document did not describe.

What types of records can a designated employee representative access?

The OSHA standard recognizes two types of designated representatives: (1) an individual or organization to whom the employee has given written authorization to access his or her medical or exposure records, and (2) a recognized or certified collective bargaining agent. To access employee medical and exposure records, a designated employee representative must follow the requirements described below.

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Employee Exposure Records. Recognized or certified collective bargaining agents may access employee medical exposure records without individual employees’ written consent. The designated representative must have access to the written authorization to access the records from the employee or the employee’s organization to whom the employee has given written authorization. The designated representative must have access to any information in these analyses that could reasonably be used to identify the employer or its records.
As an employee, what types of records can a designated employee representative access?

You may access any employee exposure records that show the measuring or monitoring of your own exposure to toxic substances or harmful physical agents, if you or your authorized representative makes such a request to the employer. As a designated employee representative, you may access any employee exposure records, employee medical records, or other records maintained by the employer that may reasonably indicate the amount and nature of exposures the employee has experienced.

As an employer, what should I do if I receive a request from an employee representative?

If you receive a request, you must allow access to the employee representative as soon as practicable. The employee representative may access records that reasonably indicate the amount and nature of exposures the employee has experienced.

Do employers have to make all records available?

Yes. If you are an employer, the following records must be available for access by employee representatives:

- Material safety data sheets (MSDSs) containing information about substances or harmful physical agents that are present at the worksite.
- Substance control information, such as exposure limits or health hazards.
- Personal protective equipment used in the workplace.
- Training records for employees exposed to toxic substances or harmful physical agents.
- Incident reports related to workplace accidents, injuries, and illnesses.
- Records of employees' signatures or other authorizations for employee representatives to access records.

Records created only as part of litigation that are privileged from discovery are not required to be made available.

What if I do not have exposure records for a particular employee?

If you do not have exposure records for a particular employee, you must inform the employee representative of the circumstances and the reason why exposure records are not available.
How long do I have to keep employee exposure and medical records and other exposure information?

Under the OSHA recordkeeping standards, you must keep the following:

1. Employee medical records for at least the duration of the employee's employment plus 30 years, or for at least 30 years, whichever is longer.
2. Health insurance claims records that you maintain separately from your medical program and its records.
3. First-aid records made onsite by a non-physician health care provider for less than 1 year as long as you offer all such records to the employee upon termination of employment.
4. Exposure index or monitoring or measuring records concerning the employee's exposure to hazardous substances or physical agents, you keep some record of the identity, preferably the chemical name and information on when and where it was used, for at least 30 years.

What if I go out of business?

If you go out of business, you must do the following:

1. Transfer all records subject to this standard to the successor employer (if there is no employer, you must keep all such records for at least 30 years).
2. Notify current employees at least 3 months before the business closes of their right to access their records. You also must either transfer the records required to be preserved under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH on writing of the disposition of the records 3 months before that disposition.

Does the standard cover me if I work on a business in a state that operates its own job safety plan?

Yes. OSHA requires states with their own job safety and health programs to have rules and enforcement programs that are at least as effective as those of any federal program.

If you are an employee in a OSHA-approved state plan, you have the same rights as employees in states covering OSHA regulations, but your state plan may have additional requirements.

If you are an employer in a state plan, you have at least the same responsibilities and rights as employers in states covering federal OSHA regulations, but your state plan may have additional requirements.

For more information on state plans, contact the state plan or OSHA's online course schedule.

How can I get assistance or more information about OSHA and its requirements?

OSHA operates technical assistance, training and education, and consultation programs to help employers and employees understand rules and their responsibilities and rights. For more information on Access to Employee Exposure and Medical Records, see OSHA's website, or contact your nearest OSHA Regional Office.

Access to Medical and Exposure Records

OSHA 3110

The recordkeeping standards are codified at 29 CFR Parts 1904 and 1910. They define what records must be kept, who must keep them, and for how long. The standards do not alter or modify the information you must keep for other purposes, such as employment history or insurance. That information will be regulated by federal law and the policies of the states and territories in which you work. No fees are charged for the records. The records are confidential and are available only to authorized OSHA representatives, employers, employees, and their designated representatives.

Types of Records

Medical records. This term includes personal and occupational health records created by doctors, nurses, and other licensed health care providers. It also includes records that provide background data related to environmental, or occupational injuries and illnesses.

For a list of available publications and other publications, visit OSHA's online course schedule.

For more information about Access to Employee Exposure and Medical Records, contact your nearest OSHA Regional Office.

OSHA will make this information available to sensory impaired individuals upon request. Call (202) 693-1999.

This publication discusses a general overview of the standards that regulate access to medical or exposure records. It is not intended to provide definitive interpretations of the law. It is not a replacement for the OSHA standards or other interpretive materials or training materials. It is intended to provide the public with background information about the standards and some of the options available in implementing and enforcing them.

This publication contains information on agency programs, activities, policies, procedures, and enforcement programs. It is not intended to provide legal advice or to be a substitute for the Federal Register and other official publications of OSHA.

If you believe that the information in this publication is inaccurate or incomplete, you should write to the Occupational Safety and Health Administration, John L. Henshaw, Assistant Secretary, U.S. Department of Labor, 200 Constitution Ave. N.W., Washington, D.C. 20210. If you have comments on this publication, you may write to the Director, Office of Public Affairs, U.S. Department of Labor, 200 Constitution Ave. N.W., Washington, D.C. 20210.
How long do I have to keep employee exposure and medical records and other exposure information?

Unless another OSHA rule specifically provides a different period of time, you must keep the following:

- Employee medical records for at least the duration of the employee’s employment plus 30 years.
- Health insurance claims records that you maintain separately from your medical program and its records.
- Periodic and special surveys and monitoring, data on the results of surveys and monitoring, and exposure information on employee exposure and medical records.
- Laboratory reports and worksheets—must only be retained for 1 year, so long as you preserve certain interpretive documents relevant to the interpretation of the data for 30 years.
- Background data related to environmental, or workplace, testing or monitoring (such as, laboratory reports and other materials that may be relied upon in the employee’s fiber-radiation or occupational fibrosis case).
- NIOSH or other specified records concerning the disposal of hazardous waste materials. You should keep some record of the identity of the hazardous materials disposed of and the location and time of disposal, for at least 30 years.
- Laboratory monitoring results, occupational exposure records by specific OSHA standards, or other specified records concerning the disposal of hazardous waste materials. You should keep some record of the identity of the hazardous materials disposed of and the location and time of disposal, for at least 30 years.

What if I go out of business?

If you go out of business, you must do the following:

- Transfer all records subject to this standard to the successor employer (if there is no employer).
- Notify current employees at least 3 months before the business closes of their right to access their records. You also must either transfer the records required to be preserved under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH of your intention to destroy the records 3 months before that disposal.

Does the standard cover me if I work in a business in a state that operates its own job safety plan?

Yes, OSHA requires states with their own safety and health programs to have rules and enforcement programs that are at least as effective as those of any federal program.

- If you are an employer in a state-approved job safety plan, you have the same responsibilities as employers in states covering federal OSHA standards, but your state plan may have additional requirements.
- If you are an employer in a federal job safety plan, you must follow the same record-keeping and rights as employers in states covering federal OSHA standards, but your state plan may have additional requirements.

For more information on state plans, contact the OSHA Training Institute (www.osha.gov TRAINING), or contact OSHA’s nearest area office.

How can I get assistance or more information about OSHA and its requirements?

- Go to OSHA’s website, or contact your nearest OSHA Regional Office.
- For more information about Access to Employee Exposure and Medical Records, see OSHA’s website, or contact your nearest OSHA Regional Office.