Access to Medical and Exposure Records

U.S. Department of Labor
Occupational Safety and Health Administration
OSHA 3110
2001 (Revised)

This booklet provides a general overview of the requirements of OSHA’s Access to Employee Medical and Exposure Records standard. The OSHA standard requires employers to allow employees access to their own medical and exposure records. Employers must also allow employees to remove or reproduce their own records, subject to certain exceptions. The standard applies to all employers covered by the Occupational Safety and Health Act, which includes federal government employers and employers in states that have not adopted the federal regulations.

Elaine L. Chao, Secretary
John L. Henshaw, Assistant Secretary

OSHA’s website contains additional information about the standard and its requirements. For more information, visit www.osha.gov or contact your nearest OSHA Regional Office.

For a list of OSHA training and education courses, contact OSHA’s Training Institute, 1555 Times Drive, Des Plaines, IL 60018—(708) 297-4810, or OSHA’s online course schedule.

This booklet contains information on employer programs, activities, policies, rules, training and education, and consultation programs to help employers and employees understand rules and their responsibilities. This publication does not alter or determine compliance responsibilities, which are described in the OSHA standards and the Occupational Safety and Health Act. Because interpretations and enforcement policy may change over time, the best sources for additional guidance on OSHA compliance requirements are current administrative interpretations and enforcement policy published in OSHA’s Federal Register notices and other administrative actions. This publication does not contain information on agency programs, activities, policies, rules, training and education, and consultation programs. For more information about OSHA’s activities, visit www.osha.gov or contact your nearest OSHA Regional Office.

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

1. 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 on confidentiality from your medical program and its records.
   - Records of all exposure monitoring and recordkeeping of workplace hazards, and taken observations of other work-related exposure, or other factors that did not involve medical treatment, loss of consciousness, restriction of work or motion, or other injuries of one-time treatment and later observations of one-time treatment.
   - MSDSs and other specified records concerning the identity and characteristics of workplace hazards, you keep some record of the identity, preferably a chemical name and information on when and where it was used, for 30 years.
   - Laboratory reports and worksheets—must only be retained for 1 year, so long as you preserved certain interpretive documents relevant to the workplace.
   - Medical records of employees who have worked in a state plan in your state or visit OSHA’s website at www.osha.gov for a list of available publications and information about OSHA’s electronic products, visit the OSHA Publications Office, P. O. Box 37535, Washington, D.C. 20013-7535; or OSHA’s online course schedule.

2. Unless another OSHA rule specifically provides a different period of time, you must keep the following:
   - Copies of 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 any writing that you disposed of the records 3 months before that disposed.

Does the standard cover me if I work or run 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 the federal OSHA program. OSHA reviews and approves state programs. States that operate their own OSHA programs must meet the same responsibilities and rights as employers in states under federal OSHA jurisdiction, and are subject to the same standards and requirements. A state plan must have rules and enforcement programs that are at least as effective as those of the OSHA program.

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 employer’s employment I.F. if there is no equivalent.
   - Notify current employees at least 3 months before the business closes of their right to access their records. You must also notify former employees whose employment ended at least the same responsibilities and rights as employees in states under federal OSHA jurisdiction, and your state plan may have additional requirements.
   - If you are an employer in a state plan, you must not, before that disposal, the best source for additional guidance on OSHA compliance requirements are current administrative interpretations and enforcement policy published in OSHA’s Federal Register notices and other administrative actions.

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. OSHA also has a comprehensive training program that includes courses on every major OSHA standard. OSHA also has a comprehensive training program that includes courses on every major OSHA standard.

For more information, visit www.osha.gov or contact your nearest OSHA Regional Office.

For a schedule of OSHA training and education courses, contact the OSHA Training Institute, 1555 Times Drive, Des Plaines, IL 60018—(708) 297-4810, or OSHA’s online course schedule.

For more information about Access to Employee Medical and Exposure Records, contact the Assistant Secretary of the Department of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.
How long do I have to keep employee exposure and medical records and other exposure information?

Under most OSHA rules, you must keep the following:

- Employee medical records for at least the duration of an employee’s employment plus 30 years.
- Medical records for at least the duration of an employee’s employment plus 30 years.
- Health insurance claims related to work-related injuries and illnesses for at least the duration of an employee’s employment plus 30 years.
- Accident records for at least the duration of an employee’s employment plus 30 years.
- Personal protective equipment (PPE) records for at least the duration of an employee’s employment plus 30 years.
- Hazard communication (HAZCOM) program records for at least the duration of an employee’s employment plus 30 years.
- Recordkeeping standards for the general industry, maritime, and agriculture industries.
- Exposure records for at least 30 years.

Analyses using medical or exposure records for at least 30 years.

To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or www.osha.gov.

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 a successor.
- Notify current employees at least 3 months before the business closes of their right to access their records. You also must notify former employees who are not successors of their right to access or release their records to the new employer. A notice must be posted in the defunct employer’s workplace before that disposal.
- Provide your employees with a copy of the records above if they reasonably request the records. You must do so within 30 days if the request was oral.
- Provide the successor employer with the records above if the successor employer has requested access to them at least 3 months before the defunct employer’s closing.
- Notify the state plan or OSHA in writing, at least 30 days before the defunct employer’s closing.

Does the standard cover me if I work or run 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 employee covered by a state-approved program, you have the same rights as employees in states under federal OSHA jurisdiction, 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 under federal OSHA jurisdiction, but your state plan may have additional requirements.

For more information on state plans, contact the state’s Occupational Safety and Health Administration (OSHA) regional office or the state’s health department.

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

- Contact OSHA's toll-free assistance, training, and education, and consultation programs to help employees and employers understand rules and interpret new requirements.
- Contact the Director of OSHA's Regional Office in your state or visit OSHA's website at www.osha.gov.
- Call 1-877-889-5627 to file a complaint, report an emergency, or seek OSHA advice, assistance, or products.
- Call 1-800-321-OSHA, or visit www.osha.gov, to file a complaint, report an emergency, or seek OSHA advice, assistance, or products.
- Visit the OSHA publications site at www.osha.gov/pls/oshaweb/OSHAweb.pl?otec=257-045 to view OSHA’s library of occupational safety and health standards, guidance documents, and other free publications.
- Visit the OSHA training center at www.osha.gov/trainingcenter/

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OSHA 2010 - 2011 (Revised)

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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 a toxic substance or harmful physical agent. If your employer does not have any records of exposure that are consistent with your workplace experiences, you may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of your exposures. If your employer does not have any records of exposure that are consistent with your workplace experiences, you may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of your exposures.

Employee exposure records include the following:

- Biological monitoring results, such as blood and urine samples.
- Descriptions of treatments and prescriptions.
- Physical stress, such as noise, heat, cold, vibration, repetitive motion, and ionizing and non-ionizing radiation.
- Biological agents, such as bacteria, viruses, and fungi.
- Information on the amount of a toxic substance or harmful physical agent.
- Exposure to toxic substances or harmful physical agents.
- Employee medical complaints.
- Analyses. For the purpose of analyses using exposure records, any employee exposure records may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of the employee’s exposures. If your employer does not have any records of exposure that are consistent with your workplace experiences, you may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of your exposures.

Records created only for use in litigation that are privileged from discovery.

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

If your employer does not have any exposure records, you may request a written explanation of the amount of a toxic substance or harmful physical agent that the employee was exposed to. If your employer does not have any exposure records, you may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of the employee’s exposures. If your employer does not have any exposure records, you may access the exposure records of employees who engage in similar duties or working conditions that reasonably indicate the amount and nature of your exposures.
As an employee, what types of records can an employee representative access?

An employee who is assigned or transferred to work in an environment where you may have been exposed to toxic substances or harmful physical agents may access the employee exposure records of employees who engage in similar work or working conditions and may have been exposed, as well as your own employee exposure records. If you are an employer and you are an employee who is assigned or transferred to work in an environment where you may have been exposed to toxic substances or harmful physical agents, you must provide adequate access to all employee exposure records that are maintained for similar work or working conditions.

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

As an employer, you have the right to access and copy records of employee medical or exposure records that reasonably indicate the amount and nature of exposures to toxic substances or harmful physical agents. You may also access records for a particular employee. The legal rights of designated representatives as stated above also apply to employee representatives.

What types of records should be concerned about?

The standard covers records documenting the amount of employee exposure to toxic substances or harmful physical agents. These substances and harmful physical agents may include the following:

- Metals and salts, such as lead, cadmium, and zinc.
- Biological agents, such as bacteria, viruses, and fungi.
- Physical agents, such as noise, heat, cold, ultraviolet, and ionizing radiation.

An employer may provide facilities for you to copy the document, or give it to you in a readable format, if you are an employee who has a possible exposure to toxic substances or harmful physical agents that may reasonably indicate the amount and nature of your exposure. If you are an employee who has a possible exposure to toxic substances or harmful physical agents, you may access the exposure records of employees who engage in similar work or working conditions and may have been exposed, as well as your own employee exposure records. If you are an employer and you are an employee who is assigned or transferred to work in an environment where you may have been exposed to toxic substances or harmful physical agents, you must provide adequate access to all employee exposure records that are maintained for similar work or working conditions.

As an employer, what does it mean to know about this standard?

You must inform workers of the existence, location, and availability of those medical and exposure records. As an employer, you must provide adequate access to all employee exposure records that are maintained for similar work or working conditions. You may also access records for a particular employee. The legal rights of designated representatives as stated above also apply to employee representatives.

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

If you do not have exposure records for a particular employee, you may provide facilities for you to copy the document, or give it to you in a readable format, if you are an employee who has a possible exposure to toxic substances or harmful physical agents that may reasonably indicate the amount and nature of your exposure. If you are an employer and you are an employee who is assigned or transferred to work in an environment where you may have been exposed to toxic substances or harmful physical agents, you must provide adequate access to all employee exposure records that are maintained for similar work or working conditions.

Do employers have to make all records available?

Yes. If you are an employer, the following are not considered "medical records" under this standard:

- Physical specimens, such as blood and urine samples.
- Physical monitoring results (e.g., ECG) that are recorded or kept in a form that does not reveal the identity of employees. The employer who performed such testing may only access such testing and employee exposure records. 

As an employer, when do I need to know about this standard?

You must provide adequate access to all employee exposure records that are maintained for similar work or working conditions. You may also access records for a particular employee. The legal rights of designated representatives as stated above also apply to employee representatives.
What types of records should be concerned about?

The standard requires record-keeping of a list of employees and their exposure to toxic substances or harmful physical agents. These substances and harmful physical agents may include the following:

- Chemicals and metals, such as lead, cadmium, and chromium.
- Biological agents, such as bacteria, viruses, and fungi.
- Physical agents, such as noise, heat, light, vibration, and ionizing radiation.

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

You may access any employee exposure record that shows the measuring or monitoring of your own exposure to toxic substances or harmful physical agents. If your employer does not have any records that show the measuring or monitoring of your own exposure, you may access the records of your employer. If your employer does not have any records that show the measuring or monitoring of your own exposure, you may access the records of any employer who has had substantial responsibility for your employment.

Trade secret information involving manufacturing processes or a percentage of a chemical substance or process, however, you must provide alternative information to the employee that shows the measuring or monitoring of your own exposure.

What types of records can a designated employee representative access?

If a designated employee representative requests access to the records, the employer may designate one or more individuals to access the records. The designated employee representative may access the records of any employer who has had substantial responsibility for your employment.

Who should read this booklet?

This booklet is intended for employees, employers, and their designated representatives. It explains the standard and provides guidance on how to comply with its requirements.

What is “access”?

Access means the right to review and copy medical and exposure records. As an employee, you have the right to review and copy medical and exposure records that concern your employment. As an employer, you have the right to review and copy medical and exposure records that concern your employees. As an employer, you can access the medical and exposure records of any employer who has had substantial responsibility for your employment.

As an employer, what do I need to know about this standard?

You need to know about the standard so that you can comply with its requirements. You also need to know about the standard so that you can communicate it to your employees.

Do employers have to make all records available?

Yes. If you are an employer, the following are not considered “medical records” under this standard:

- Physical specimens, such as blood and urine samples.
- Physical examinations (if they are not separated from your medical program).
- Records kept by a hospital or other health care provider.
- Records kept by a professional consultant.
- Records kept by a physician or other health care provider.

If you are an employer, you may exclude from your medical program: records of any employee who is a current or former employee of another employer who is not a covered employer or is not a covered employer of the same employment that you are.

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

If you do not have exposure records for a particular employee, you may exclude from your medical program records of any employee who is a current or former employee of another employer who is not a covered employer or is not a covered employer of the same employment that you are.
Who should read this booklet?

If you are an employee, you have a right to know about chemical substances or harmful physical agents in your work environment. Understanding your rights under OSHA’s standard for Employee Exposure and Medical Records (CFR Part 1910.1020) will help you protect yourself, your coworkers, and your working environment.

If you are an employer, you have a responsibility under the standard to maintain accurate and complete medical and exposure records for each employee. You must permit employees and, as required, OSHA to access these records. You must also ensure that the records contain information that could be used to identify individual employees, as well as the amount and nature of chemical substances or harmful physical agents with which employees have been exposed.

What types of exposures should be concerned about?

The standard covers records documenting the amount of exposure employees have to toxic substances and harmful physical agents. "These substances and harmful physical agents include the following:

- Metals and alloys, such as lead, cadmium, and aluminum
- Biological agents, such as bacteria, viruses, and fungi
- Physical agents, such as noise, heat, cold, vibration, and lighting
- Chemical agents, such as pesticides, solvents, and cleaning substances

As an employee, what are types of records that can be accessed?

You may access any employee exposure records that show the amount of chemical substances or harmful physical agents to which you have been exposed. You may also access the medical records of any employee who was exposed to the same amounts and types of substances or agents.

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

Designated employee representatives may access employee medical and exposure records, as well as any information from medical and exposure records. Designated employee representatives include the following:

- An employee who has been designated to represent other employees on workplace health and safety issues
- An employee of a labor union or professional employee organization
- An employee who has been authorized to access records by an individual or collective bargaining agreement, by a collective bargaining agent, or by a company management representative

What types of records can a designated employee representative access?

The designated employee representative has the right to access the following records:

- The medical records of any employee who was exposed to the same amounts and types of substances or agents
- All employee exposure records

As an employee, what do I need to know about this standard?

If you are an employee, you should do the following:

- Read and understand your company’s medical and exposure records
- Ask your designated employee representative if you have any questions

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

If you do not have exposure records for a particular employee, you still have responsibilities to protect yourself, your coworkers, and your working environment. You should keep accurate records of any chemical substances or harmful physical agents that you have been exposed to. You should also ensure that the records contain information that could be used to identify individual employees, as well as the amount and nature of chemical substances or harmful physical agents with which employees have been exposed.

Do employers have to make all records available?

Yes. If you are an employee, the following information must be available:

- Medical records
- Exposure records
- Biological monitoring results
- Training and certification records
- Personal protective equipment training records
- Job assignment rotation

As an employer, you must do the following:

- Maintain accurate and complete records
- Permit employees and OSHA to access these records
- Ensure that the records contain information that could be used to identify individual employees, as well as the amount and nature of chemical substances or harmful physical agents with which employees have been exposed.
How long do I have to keep employee exposure and medical records and other exposure information?

Unless another OSHA rule specifically provides, you are to 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.
* Records and other specified records concerning the diagnosis or treatment of a communicable disease, or other specified diseases, or other diseases which are communicable in nature, for 60 years.

OSHA and other specified records concerning the diagnosis or treatment of a communicable disease, or other specified diseases, or other diseases which are communicable in nature, must be maintained for 60 years.

Employee medical records, health insurance claims records, and other specified records shall be preserved under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH in writing of the disposition of the records, 3 months before they are destroyed.

Does the standard cover me if I work or run 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 an OSHA-approved state plan, you have the same responsibilities as your state’s OSHA standards, 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 an employer in states under federal OSHA jurisdiction, but your state plan may have additional requirements.

For more information on state plans, contact the OSHA Training Institute, www.osha.gov, or OSHA's online course schedule.

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 succeeding employee or successor who is required to keep the records.

Nearly all employers at least 3 months before the business closes or 30 years beyond the business close, whichever is longer. You also must notify the employee’s successor at least 30 years before the business closes or 30 years beyond the business close, whichever is longer. The records required to be preserved under this standard include the OSHA Standard for Occupational Safety and Health, OSHA’s rulemaking and enforcement activities, and the OSHA recordkeeping regulations, and the OSHA Training Institute, www.osha.gov.

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

Employee exposure and medical records shall be preserved and maintained as required by the specific standard governing their use.

OSHA will make this information available to others only as required by law or in the interest of public safety and/or health. OSHA will make this information available only as requested by the individual or his/her representative, unless it is needed to enforce provisions of the Federal Mine Health and Safety Act. This publication does not alter or determine compliance responsibilities, which are described in the applicable OSHA standards and the Occupational Safety and Health Act. Because interpretations and enforcement policy may change, OSHA’s website–www.osha.gov—should be used as the primary source for current interpretations and enforcement policy. This publication is intended only as an interpretive guide to OSHA’s standards and may be reproduced fully or partially without permission. This is a current work in progress and the views contained herein are those of the author and do not necessarily reflect the policy of the U.S. Government or OSHA.

John L. Henshaw, Assistant Secretary

Elaine L. Chao, Secretary

U.S. Department of Labor

Occupational Safety and Health Administration

U.S. Department of Labor

Occupational Safety and Health Administration

This booklet provides a generic overview of a standards-based occupational safety and health program for small businesses. This publication does not alter or determine compliance responsibilities, which are described in the applicable OSHA standards and the Occupational Safety and Health Act. Because interpretations and enforcement policy may change, OSHA’s website—www.osha.gov—should be used as the primary source for current interpretations and enforcement policy. This publication is intended only as an interpretive guide to OSHA’s standards and may be reproduced fully or partially without permission. This is a current work in progress and the views contained herein are those of the author and do not necessarily reflect the policy of the U.S. Government or OSHA.
The standard requires that employers maintain employee medical or exposure records for at least 30 years. In another OSHA rule specifically, janitors do not have the right to access their medical or exposure records while still employed. Even if the employee leaves, the medical or exposure records must be preserved and maintained for at least 30 years. The identity of a substance or agent, so long as the chemical name and information on when and where it was used, must be preserved 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 successor, you must preserve the records under this standard to the National Institute for Occupational Safety and Health (NIOSH), or notify the Director of NIOSH in writing of your intent to dispose of the records 3 months following:

- If you are an employer, or if you are an employee who has worked for an employer, you must retain the records for at least 30 years, except for:

- Employment records for at least 30 years, except for:

- Biological monitoring results designated as exposure records by specific OSHA standards shall be retained for 1 year, so long as you preserve certain interpretive documents relevant to the interpretation of the data for 30 years.

- Employee medical records for at least the duration of an employee's employment plus 30 years.

- Health insurance claims records that you maintain separately from your medical program and its records.

- First-aid records made onsite by a non-physician

- If you are an employer, or if you are an employee who has worked for an employer, you must retain the records for at least 30 years, except for:

- Medical records of employees who have worked in a state plan for less than 1 year as long as you offer all such employees information about OSHA and its requirements.

- If you are an employer, or if you are an employee who has worked for an employer, you must retain the records for at least 30 years.

- Medical records and other exposure information documented elsewhere, so long as the data and information are organized and otherwise preserved for 30 years.

- Medical records and other exposure information kept by specific OSHA standards shall be preserved and maintained as required by the specific standard governing their use.

- Medical records and other exposure information for at least 30 years.

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

- Exposure and Medical Records, see OSHA's website or contact the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535; for more information about Access to Employee Medical and Exposure Records, see OSHA's website or contact the OSHA Publications Office, P.O. Box 37535, Washington, DC 20013-7535; or contact the nearest OSHA Regional Office. For a schedule of OSHA training and education courses, contact the OSHA Training Institute, 1555 Times Drive, Des Plaines, IL 60018, (202) 693-1888 (phone); or (202) 693-2498 (fax).