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I. Purpose

The purpose of this policy is to provide employees and their designated representatives with a process for accessing the employee's exposure and medical records if the employee has been exposed to a toxic substance or harmful physical agent in the workplace.

II. Scope

In accordance with OSHA standard 29 CFR 1910.1020, Gallant Builders must maintain exposure and medical records for employees who are exposed to toxic substances or other harmful physical agents while in the work environment, and these records must be available to employees upon request. This policy contains the recordkeeping, notification, and access requirements established by the OSHA standard. The policy applies to all personnel who are exposed to hazardous substances in the workplace. It does not apply to medical records pertaining to employee assistance programs, drug and alcohol testing or other medical records that are deemed medically confidential which are maintained apart from the company's overall medical program and its records. Medical records must be retained and preserved for the duration of employment plus 30 years.

Other policies in this manual contain additional recordkeeping requirements related to exposure to hazardous substances:

- Benzene
- Medical Examinations
- First Aid
- Radiation Safety
- Hazard Communication (HAZCOM)
- Recordkeeping
- Hearing Conservation
- Respiratory Protection
- Lead Management

III. Definitions

Access - For purposes of this policy, the right and opportunity to examine and copy records.

Biological Monitoring - Continuous or repeated measurement of body tissues, cells (hair or fingernails), or fluids (blood or urine) to determine the extent of hazardous material absorption or accumulation. See also Environmental monitoring.

Environmental Monitoring - Continuous or repeated measurement of agents in the environment to evaluate environmental exposure and possible damage to living organisms. Tests typically include ambient air samples and surface wipe samples. See also biological monitoring.

Exposure Record - Information, results, or records of an employee's exposure to toxic or harmful substances or agents in the workplace. Examples include sampling results, biological monitoring results, inventories of chemicals, and material safety data sheets.

Medical Record - For purposes of this policy, the company's record of an employee's health status. The medical record includes, but is not limited to, medical histories (excluding information on substance abuse, behavioral disorders, and other non-occupational records maintained by the employer); results of medical examinations and lab tests; medical opinions, diagnoses, notes, and recommendations; first aid records; treatments and prescriptions; and results of biological and environmental monitoring.

Medical Surveillance - A program that regularly tests employees for early detection of overexposure to hazardous chemicals. Medical surveillance is required for employees working with asbestos, benzene, lead, certain carcinogens, and other substances specified in 29 CFR 1910.1001–1910.1052.

Safety Data Sheet (SDS) (formerly known as Material Safety Data Sheets MSDS) - Written information about a hazardous substance that informs employees about its characteristics (physical properties, reactivity, toxicity, health effects, etc.) and the proper procedures for handling, storing, and disposing of it. The information also includes recommended first aid and emergencies procedures in case of an accident involving the substance.

IV. Recordkeeping

A. Employee exposure records shall be maintained for the duration of employment and 30 years thereafter. Exception: The 30-year rule does not apply to (1) health insurance claims records maintained separately from the employee's medical records; (2) first aid records of one-time treatment for minor injuries if made on-site by someone who is not a physician and if maintained separately from the employer's medical program; and (3) records of employees who worked for the company less than one year and who took their records upon termination.

B. Exposure records shall include the following:
    1. Results of Environmental (Workplace) Monitoring
    2. Results of Biological Monitoring
    3. Safety Data Sheets

V. Notification

A. When they are first hired and annually thereafter, employees must be informed of their right to access their individual exposure and medical records.

B. The notification must include the following information:
    1. The existence, location, and availability of employee records for exposure to toxic substances or harmful physical agents.
    2. The person responsible for maintaining and providing access to records.
    3. The employee's right of access to the records
        a. **Note**: Notification can be distributed during annual training sessions and safety meetings, in an annual letter to all employees, through bulletin board postings, or other communication methods. (See Appendix I for a sample bulletin board posting.)

C. Supervisors are responsible for notifications.

D. Safety Coordinators must make available the entire OSHA standard, 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records," to any employee requesting it.

VI. Access

A. The employee is responsible for contacting their supervisor to initiate a request for records.
B. Access to records must be provided to the employee or the employee's designated representative no later than 15 working days after the employee has submitted the request.
C. Records or copies of records must be provided at no cost to the employee.
    a. Personal identifiers (name, address, social security number, payroll number, etc.) must be removed from records before access is granted.
D. If an employee is ceasing to do business, the employer shall transfer all records to this section to the successor employer. The successor employer shall receive and maintain these records. If an employer that is ceasing business and there is no successor employer, the employer shall notify affected current employees of their rights of access to records.
E. Upon employment and annually thereafter, employer shall inform current employees of the existence, location, and availability of any medical or exposure records.