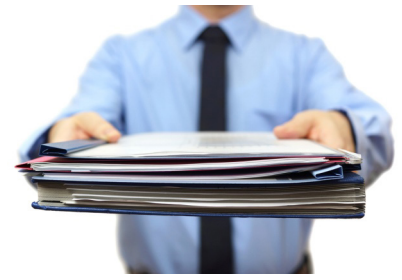


## OSHA's Document Creation, Retention Requirements



The following list sets out the typical OSHA standards and the General Duty Clause that may require an employer to create, retain and produce certain documents during the course of an inspection, if requested by the OSHA compliance officer. Obviously, whether the employer is required to have certain of these programs or others will be dependent upon the nature of the work activities at the site. This list is focused on the standards that are applicable to employers in general industry and not construction, although some general industry standards are substantially similar and also applicable to the construction industry. There are many hazards that are common to each industry but the regulatory obligations frequently differ. For those employers in the construction industries, it will be necessary to reference the existing regulations addressing hazards in that industry when responding to an OSHA document request. During the inspection, the employer should request the compliance officer to make the document request in writing (it can be handwritten) so that there is no confusion over what documents are being requested and so that the employer is not cited for failure to produce a document it did not believe was requested by the compliance officer. The employer's onsite representative should review this request with management and decide which documents will be produced to the compliance officer. It is important to remember that the employer has no duty to produce certain documents (e.g., post-accident investigations, insurance audits, consultant reports, employee personnel information) because no regulation requires such production. It is important to note that any documents produced can be utilized to issue citations, thus, the employer should not produce any documents unless required by law.

Categories of Documents	Document retention
<p><b>Control of Hazardous Energy – Lockout/Tagout (LOTO)</b> The regulation requires the employer to develop procedures to protect employees who service or maintain its machines against unexpected energization or startup of equipment or release of stored energy. The employer must train its “authorized” employees how to perform LOTO with these procedures, as well as “affected” employees who may be exposed to the equipment. The rule requires the onsite employer and outside employer to inform each other of their respective lockout or tagout procedures.</p>	<p>The LOTO standard requires employers to certify that periodic inspections have been performed at least annually. Accordingly, employers should retain certifications for one year, or until a new certification is created. It is also advisable that employers retain employee LOTO training records for the duration of employment.</p>
<p><b>Occupational Noise Exposure</b> The standard requires the employer to provide a hearing conservation program (education, annual audiograms, hearing protection) for employees who are exposed to noise levels equal to or exceeding an 8-hour time-weighted average of 85 decibels on the A scale. The employer must conduct a noise survey to determine those jobs which may require employees to be included in the program. Employees who suffer hearing loss at certain frequencies must be included on the OSHA 300 Log. The employer must develop a written program and administer it.</p>	<p>Employers must retain noise exposure measurement records for two years. Employers must also retain audiometric test records for the duration of the affected employee's employment.</p>

## OSHA's Document Creation, Retention Requirements, Cont'd.

Categories of Documents	Document retention
<p><b>Personal Protective Equipment (PPE)</b> The employer must conduct an initial certified hazard assessment of the workplace to determine if hazards are present which require personal protective equipment for eyes, face, head and extremities to protect against injury. The employer must provide each employee with the necessary PPE, train the employee in the use of PPE and enforce its use. The employer must pay for the PPE with limited exceptions. A second certification is required to confirm that the PPE was provided, the employee received training in how to utilize it and that the employee "understood" the training.</p>	<p>Employers should retain the written certifications of a hazard assessment and employee training for the duration of employment for all employees exposed to identified hazards. It is also advisable for employers to retain employee PPE training records for the duration of employment.</p>
<p><b>Hazard Communication</b> The regulation requires the employer to develop a written hazard communication program to protect employees against any hazardous chemical which presents a physical or health hazard. The employer is required to conduct an assessment to determine which hazardous chemicals may be present, to inform employees of the presence of the hazardous chemicals, and train employees on how to read a safety data sheet (SDS) for each hazardous chemical. Employees are entitled to access to the SDSs and to obtain copies.</p>	<p>Employers must retain SDSs for the duration of employment plus 30 years for all employees exposed to the chemical in question, unless there is some other record of the identity of the substance or chemical, where it was used and when it was used. The employer must also be sure it has a copy of all SDSs for all chemicals that are currently in use. It is also advisable for employers to retain employee hazard communication training records for the duration of employment.</p>
<p><b>Emergency Action Plans (EAPs)</b> The rule requires the employer to develop an emergency action plan to protect employees against the hazards of fires or other emergencies. The EAP must include provisions for reporting a fire or other emergency, evacuation procedures and the alarm system. The employer must train each employee.</p>	<p>There are no specific document retention requirements, aside from the requirement that employers develop and maintain a written EAP. If the employer has ten or fewer employees, the plan does not have to be in writing.</p>
<p><b>Permit-Required Confined Spaces</b> Employers are required to identify all confined spaces within the workplace that employees or outside contractors may be required to enter and contain a hazardous atmosphere, engulfment hazard, an internal configuration that could trap or asphyxiate an entrant or other serious safety or health hazard. The employer must develop a written program and procedures for employees who enter the confined spaces. Only trained and authorized employees can enter the space. The standard requires the host-employer to provide certain information to other contractors who will have their employees enter the space.</p>	<p>Employers must retain each canceled entry permit for at least one year and review them within one year after each entry. It is also advisable to retain employee confined space training records for the duration of employment.</p>
<p><b>Bloodborne Pathogens</b> This regulation requires an employer to develop a written program to protect employees at the workplace who are reasonably expected to have occupational exposure to bloodborne pathogens, i.e., bloodborne diseases. The employer is required to assess all jobs to determine if there is such exposure and if so, to train employees in the hazards, provide PPE and to develop procedures for medical evaluation and treatment if an employee has actual exposure.</p>	<p>Employers must retain employee exposure records for the duration of employment plus 30 years. Training records must be retained for three years from the date on which the training occurred, although it is advisable to retain training records for the duration of employment.</p>

## OSHA's Document Creation, Retention Requirements, Cont'd.

Categories of Documents	Document retention
<p><b>Respiratory Protection</b> The standard requires the employer to conduct an assessment of the workplace to determine if there are harmful dusts, fumes, mists, sprays or vapors which may create a respiratory health hazard. If there are such hazards, the employer is required to develop a written respiratory protection program, to evaluate employees to determine if they are physically capable of wearing a respirator, to provide such respiratory protection at the employer's cost, and train employees how to wear and maintain respiratory protection. The employer must enforce use of the respiratory protection.</p>	<p>Employers must retain records of employee medical evaluations for the duration of employment plus 30 years. Employers must also retain fit-test records for respirator users until the next fit test is administered.</p>
<p><b>Electrical Safety</b> The rules require an employer who will permit its employees to perform work on or in the vicinity of exposed energized parts (which cannot be locked out and tagged out) to provide extensive training in the hazards of working or in the vicinity of live electrical equipment, protective clothing and insulated tools and devices. The employer must designate employees as "authorized" in order to perform such work or "unqualified" in which case such employees cannot perform such work. The employer may be required to conduct an electrical exposure hazard survey of electrical equipment under NFPA 70E in order to determine what PPE should be used, what training is necessary, and to otherwise be in compliance with OSHA safety requirements.</p>	<p>OSHA's electrical safety standards do not have any specific record retention requirements, however it is advisable to retain employee training records under these standards for the duration of employment. If an employer conducts an electrical exposure hazard survey, the employer should retain it for as long as the hazard exists.</p>
<p><b>Powered Industrial Trucks</b> The regulation requires an employer to develop a written program to train all employees who will be required and authorized to operate powered industrial trucks (including forklifts, manlifts, etc.) as to the hazards of such equipment and to certify their training after they receive classroom-type training and are actually observed operating the equipment under the physical conditions at the workplace, such as aisles, ramps, etc. The employee must be retrained and recertified every three years, at minimum, or after an accident or "near miss" which resulted from an unsafe act.</p>	<p>The powered industrial truck standard does not specify how long training certifications must be retained after the initial certification or the certification required every three years or after a near miss. It is advisable that employers retain the training certifications for the duration of employment for each employee.</p>

In addition to the summary of OSHA-related documents discussed above, there are numerous other OSHA regulations that may have document retention requirements. If an employer is subject to any of these regulations, the regulations must be reviewed and appropriate document retention procedures must be developed.