OSHA Regulatory Compliance Programs Document Retention Requirements

The following list identifies typical OSHA standards and the General Duty Clause which are needed as part of managing and effective and efficient risk management program. As you may be aware, an employer is required to have many of the listed programs below, but it is dependent upon the scope and nature of the work activities at the workplace. The information below is focused on the standards that are applicable to employers in general industry, not construction, although some general industry standards are substantially similar and also applicable to the construction industry.

General Duty Clause
Section 5(a)(1) of the Occupational Safety and Health Act requires an employer to identify “recognized hazards likely to cause serious injury or death” to an employee, which hazards may not be regulated by a specific OSHA regulation, and to take “feasible” actions to abate or correct such hazards. This duty can be based upon the “recognition” of the hazard in the employer’s own, existing programs, or within the employer’s industry. Some examples of this legal obligation may cover ergonomics, heat illness, workplace violence and combustible dust.

Document Retention: While there are no specific standards for “recognized hazards” covered under the General Duty Clause, and thus no specific record retention requirements, it is advisable for employers to retain any training records it has developed addressing any “recognized hazards” for the duration of employment, including the written policy, training records and documents that evidence discipline for violation of the policy. Remember that certain documents related to General Duty Clause obligations may also fall under exposure/medical recordkeeping requirements, which is defined below.

OSHA 300 Log of Work-Related Fatalities, Injuries and Illnesses/Recordkeeping – 1904.0 to 1904.46
The OSHA 300 Log must be maintained by employers unless there is an exemption, based on the NAICS code or the size of the employer. The employer is required to record on the log, within seven calendar days, each fatality, injury or illness that is recordable under OSHA definitions. The host employer is required to enter into its log the injuries or illnesses of outside employees at the worksite under certain conditions; for example, temporary employees who are under the direction and control of the host employer.

The OSHA 300 Log must be maintained and certified by the employer on an annual basis. For each entry on the log, there must be an OSHA 301 Incident Report form, or its equivalent, which can be the employer’s First Report of Injury or Illness form required by the state workers’ compensation law. An annual summary must be prepared and posted using the 300A annual summary form or an equivalent. In order to comply with OSHA’s recordkeeping requirements, it is critical that employees are trained from their initial employment that they must immediately report any occupational injury or illness to determine if it is recordable.

Document Retention: The OSHA 300 Log, the annual summary and the OSHA Incident Report forms must be retained by employers for five years following the end of the calendar year that these records cover. The OSHA 300 Log must be maintained on an “establishment basis” based on NAICS codes. It is possible that employers may have some “establishments” where a log must be maintained, and others where maintaining a log is not necessary.

1904.33(a)
Basic requirement. You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report Forms for five (5) years following the end of the calendar year that these records cover.
The rule requires the employer to develop an emergency action and fire prevention 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.

Document Retention: 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.

Occupational Noise Exposure – 1910.95
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.

Document Retention: 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.

1910.95(m)(3)
“Record retention.” The employer shall retain records required in this paragraph (m) for at least the following periods.

1910.95(m)(3)(i)
Noise exposure measurement records shall be retained for two years.

1910.95(m)(3)(ii)
Audiometric test records shall be retained for the duration of the affected employee’s employment.

1910.95(m)(4)
“Access to records.” All records required by this section shall be provided upon request to employees, former employees, representatives designated by the individual employee, and the Assistant Secretary. The provisions of 29 CFR 1910.1020(a)-(e) and (g)-(i) apply to access to records under this section.

Process Safety Management (PSM) – 1910.119
This standard requires employers who utilize certain toxic, reactive, flammable or explosive chemicals in certain quantities to develop a written fourteen (14) part PSM program. The PSM program addresses all aspects of work around the covered “process” that utilizes the chemicals. The regulation requires training of contractor employees who perform certain work around the covered process concerning the hazards and elements of the PSM program.

Document Retention: Employers must retain process hazard analyses (PHAs) for the life of the covered process. It is also required at least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting. In addition, the employer must prepare a written record that each employee who is involved in the operation of the process was trained and understood the training. These verification records should be retained for the length of the employee’s employment. We recommend that employers also retain all process safety information (PSI) used for developing, maintaining, auditing and otherwise managing all
processes for the life of the processes. Any incident investigations conducted under the PSM standard must be retained for five years. Finally, employers must retain the two most recent compliance audit reports conducted under the PSM standard.

1910.119(e)(6)
At least every five (5) years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements in paragraph (e)(4) of this section, to assure that the process hazard analysis is consistent with the current process.

1910.119(e)(7)
Employers shall retain process hazards analyses and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in paragraph (e)(5) of this section for the life of the process.

1910.119(g)(1)(i)
Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee’s job tasks.

1910.119(g)(1)(ii)
In lieu of initial training for those employees already involved in operating a process on May 26, 1992, an employer may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

1910.119(g)(2)
Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

1910.119(g)(3)
Training documentation. The employer shall ascertain that each employee involved in operating a process has received and understood the training required by this paragraph. The employer shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

1910.119(m)(7)
Incident investigation reports shall be retained for five years.

1910.119(o)
Compliance Audits.

1910.119(o)(1)
Employers shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed.

Our safety evaluations, reports and recommendations are made solely to assist your organization in reducing hazards and the potential of hazards and accidents. These recommendations were developed from conditions observed and information provided at the time of our visit. They do not attempt to identify every possible loss potential, hazard or risk, nor do they guarantee that workplace accidents will be prevented. These safety evaluations, reports and recommendations are not a substitute for ongoing, well-researched internal safety and risk management programs. This report does not warrant that the property inspected and its operations are compliant with any law, rule or regulation.
Our safety evaluations, reports and recommendations are made solely to assist your organization in reducing hazards and the potential of hazards and accidents. These recommendations were developed from conditions observed and information provided at the time of our visit. They do not attempt to identify every possible loss potential, hazard or risk, nor do they guarantee that workplace accidents will be prevented. These safety evaluations, reports and recommendations are not a substitute for ongoing, well-researched internal safety and risk management programs. This report does not warrant that the property inspected and its operations are compliant with any law, rule or regulation.

United Heartland is the marketing name for United Wisconsin Insurance Company, a member of AF Group. All policies are underwritten by a licensed insurer subsidiary of AF Group.
Permit-Required Confined Spaces – 1910.146

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.

Document Retention: Employers must retain each canceled entry permit for at least one year and review them within one year after each entry. It is also a recommended best practice to retain employee confined space training records for the duration of employment. The standard indicates that the certification shall be available for inspection by employees and their authorized representatives.

1910.146(e)(6)
The employer shall retain each canceled entry permit for at least 1 year to facilitate the review of the permit-required confined space program required by paragraph (d)(14) of this section. Any problems encountered during an entry operation shall be noted on the pertinent permit so that appropriate revisions to the permit space program can be made.

1910.146(g)(4)
The employer shall certify that the training required by paragraphs (g)(1) through (g)(3) of this section has been accomplished. The certification shall contain each employee’s name, the signatures or initials of the trainers, and the dates of training. The certification shall be available for inspection by employees and their authorized representatives.

Control of Hazardous Energy – Lockout/Tagout (LOTO) – 1910.147

The regulation requires the employer to develop a written program designed to protect employees who service or maintain its machines against unexpected energization or startup of equipment or release of stored energy. This program also requires employers to develop individual machine-specific procedures for those that fall within the scope of the standard. 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.

Document retention: The LOTO standard requires employers to certify that periodic inspections have been performed at least annually. The best practice stipulates that the employee being observed understand and follow the machine specific procedures. Accordingly, employers should retain certifications for one year, or until a new certification is created. It is also advisable (not a standard though) that employers retain employee LOTO training records for the duration of employment.

1910.147(c)(6)(i)
The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.
Fire Extinguishers – 1910.157
Employers required to provide fire extinguishers must mount, locate and identify them so that they are readily accessible to employees. If employees are expected to use the fire extinguishers, the employer must provide training upon initial employment and at least annually thereafter. The employer must develop an educational program if it expects the employees to use the fire extinguishers. Many employers specifically prohibit employees from using the fire extinguishers to avoid this training obligation.

Document Retention: If the employer permits the employees to use the fire extinguishers, the educational program and training should be in writing and maintained for the length of employment. This is considered a best practice and not stated in the standard.

Powered Industrial Trucks – 1910.178
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, man-lifts, etc.). The training is to cover the hazards of such equipment and to certify their training after they receive classroom-type training. This includes observing the employee 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. Finally, this standard requires operators to complete documented “pre-shift” safety inspections on the equipment they are about to operate.

Document Retention: 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. It is also advisable that employers retain the “pre-shift” safety inspections for 6 months.

Electrical Safety (Safety-Related Work Practices) – 1910.333
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.

Document Retention: 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.

Access to Employee Exposure and Medical Records – 1910.1020
Employers are required to inform employees of their right to have access to all records maintained by the employer that reflect an employee’s exposure to any toxic substance or harmful physical agent (e.g., chemicals, dusts, vapors, noise, mold, etc.) or any medical records which the employer maintains on an employee, except for certain exceptions. Employees are entitled to have access and to obtain a copy at the employer’s expense.

Our safety evaluations, reports and recommendations are made solely to assist your organization in reducing hazards and the potential of hazards and accidents. These recommendations were developed from conditions observed and information provided at the time of our visit. They do not attempt to identify every possible loss potential, hazard or risk, nor do they guarantee that workplace accidents will be prevented. These safety evaluations, reports and recommendations are not a substitute for ongoing, well-researched internal safety and risk management programs. This report does not warrant that the property inspected and its operations are compliant with any law, rule or regulation.

United Heartland is the marketing name for United Wisconsin Insurance Company, a member of AF Group. All policies are underwritten by a licensed insurer subsidiary of AF Group.
Document Retention: Employers must retain employee exposure records for the duration of employment plus 30 years. If the employer maintains certain employee medical records, the employer must retain them for the duration of employment plus 30 years.

1910.1020(d)(1)(i)
“Employee medical records.” The medical record for each employee shall be preserved and maintained for at least the duration of employment plus thirty (30) years, except that the following types of records need not be retained for any specified period:

1910.1020(d)(1)(i)(A)
Health insurance claims records maintained separately from the employer’s medical program and its records,

1910.1020(d)(1)(i)(B)
First aid records (not including medical histories) of one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and the like which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a non-physician and if maintained separately from the employer’s medical program and its records, and

1910.1020(d)(1)(i)(C)
The medical records and employees who have worked for less than (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

1910.20(d)(1)(ii)
“Employee exposure records.” Each employee exposure record shall be preserved and maintained for at least thirty (30) years, except that:

1910.20(d)(1)(ii)(A)
Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one (1) year so long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of the background data relevant to interpretation of the results obtained, are retained for at least thirty (30) years; and

1910.20(d)(1)(ii)(B)
Material safety data sheets and paragraph (c)(5)(iv) records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least thirty (30) years (1); and

Footnote (1) Material safety data sheets must be kept for those chemicals currently in use that are effected by the Hazard Communication Standard in accordance with 29 CFR 1910.1200(g).

1910.20(d)(1)(ii)(C)
Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.
1910.1020(d)(1)(iii)
“Analyses using exposure or medical records.” Each analysis using exposure or medical records shall be preserved and maintained for at least thirty (30) years.

Bloodborne Pathogens – 1910.1030
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.

Document Retention: Employers must retain employee exposure records for the duration of employment plus 30 years as defined in 1910.1020. 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.

1910.1030(h)(1)(i)
The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.

1910.1030(h)(2)(ii)
Training records shall be maintained for 3 years from the date on which the training occurred.

Hazard Communication (Employee Right to Know) – 1910.1200
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.

Document Retention: Employers must retain SDSs for the duration of employment plus 30 years as defined in 1019.1020(d)(1)(ii)(B) and Medical Records as defined in 1910.1020(d)(1)(i), shown above. This is needed if there is an issue 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 (not in the standard though) for employers to retain employee hazard communication training records for the duration of employment.