

## Access to Medical & Exposure Records

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

As an **employee** of Hiland Dairy Foods Company, you have the right to access relevant exposure and medical records and to know how OSHA's standard covers you if any of the following applies to you:

- You are a current or former employee who is or may have been exposed to toxic substances or harmful physical agents.
- You are an employee who was assigned or transferred to work involving toxic substances or harmful physical agents.
- You are the legal representative of a deceased or legally incapacitated employee who was or may have been exposed to toxic substances or harmful physical agents.

**Designated employee representatives** may access employee medical or exposure records and analyses created from those records only in very specific circumstances. Designated employee representatives include any individual or organization to whom an employee has given written authorization to exercise a right of access.

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

- Metals and dusts, such as lead, cadmium and silica.
- Biological agents, such as bacteria, viruses and fungi.
- Physical stress, such as noise, heat, cold, vibration, repetitive motion and ionizing and non-ionizing radiation.

### What Is "Access"?

*Access* means the right to examine and copy medical and exposure records. As an **employee**, you have the right to access exposure and medical records and analyses based on these records that concern your employment. Hiland Dairy must permit employees, and in certain circumstances their designated representatives, to access exposure and medical records relevant to the employee, free of charge, within a reasonable period of time. As an employee, you and your designated representative(s) may access your medical and exposure records in one of three ways:

1. Hiland Dairy may give you a copy of the document, or
2. Hiland Dairy may provide facilities for you to copy the document, or
3. Hiland Dairy may loan you the document to copy it offsite.

### Types of Records an Employee May Access

As an employee, 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 Hiland Dairy does not have any records that specifically chart your own exposure levels, you may access the exposure records of employees who engage in similar work or working conditions and may have experienced exposures similar to yours. Employee exposure records include the following:

- Monitoring results of workplace air or measurements of toxic substances or harmful physical agents in the workplace, including personal, area, grab, wipe, or other forms of sampling results.
- Material safety data sheets (MSDSs) containing information about a substance's hazards to human health.

You also may access any **employee medical records** concerning your health status that were created or maintained by a physician, nurse, health care professional or technician. Employee medical records include the following:

- Medical and employment questionnaires or histories.
- Results of medical examinations and laboratory tests.
- Medical opinions, diagnoses, progress notes and recommendations.
- First-aid records.
- Descriptions of treatments and prescriptions.
- Employee medical complaints.

In addition, you may access any analyses—compilations of data or statistical studies—of employee medical and exposure records that concern your working conditions or workplace. If an analysis includes information that could be used to directly or indirectly identify individual employees, Hiland Dairy is required to remove these “identifiers” to the extent possible before permitting you access to the analysis. Examples of identifiers include an employee's name, address, social security number and job title.

### Types of Records a Designated Employee Representative May 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 an employee's information, the employee representative(s) must follow very specific requirements, such as the following:

- **Employee Exposure Records.** Recognized or certified collective bargaining agents may access an employee's exposure records without the individual's written consent. The designated representative must request access in writing from Hiland Dairy and must specify the records to be disclosed and the occupational health need for accessing the records.
- **Employee Medical Records.** Designated representatives may access the medical records of any employees who have given the representative specific written consent. As with *employee access* to medical records, access is limited to those records pertaining to the authorizing employees.
- **Analyses.** For the purpose of analyses using exposure or medical records, recognized or certified collective bargaining agents may access the records without the individual employee's written consent. As with *employee access*, Hiland Dairy must remove or prevent access to any information in these analyses that could reasonably be used to identify the individual employees whose records are the subject of the analyses.

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## Documentation of Notification

As an employee of Hiland Dairy Foods Company:

1. I have received a copy of Hiland Dairy's "Access to Medical & Exposure Records" document and have read and understand my rights and responsibilities under OSHA's standard on *Access to Employee Exposure and Medical Records*.
2. I may review medical and exposure records by contacting the Hiland Dairy Foods Company Human Resources Department between 8:00 a.m. and 5:00 p.m., Monday through Friday.

.....  
Employee Name  
(Please Print)

.....  
Employee Signature

.....  
Date

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## Documentation of Release of Records

As an employee of Hiland Dairy Foods Company:

1. I may request a copy of the above-mentioned records; however, the actual contents of the file are not to leave the building.
2. I will not revise, or in any way alter, requested documents.

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Employee Name  
(Please Print)

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Employee Signature

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Date

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Individual Releasing Information  
(Please Print)

.....  
Signature

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Date

Items Viewed:

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