

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



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Division of Safety and Hygiene
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Dear Mr. Bentley:

Thank you for your letter of July 6, 2000 to the Occupational Safety and Health Administration (OSHA) regarding the required retention times for employee exposure records. We have restated your question and answered it below.

Question: Does OSHA consider the 2 year retention time for employee exposure records found in the noise standard (1910.95) to take precedence over the 30 year retention time for employee exposure records found in the Access to Employee Exposure and Medical Records (1910.1020)?

Reply: Yes. The two year retention time for employee noise exposure measurements takes precedence over the general record retention requirements for employee exposure records in 1910.1020. As you noted in your letter, paragraph (d)(1)(ii) of 1910.1020 states that, "Each employee exposure record shall be preserved and maintained for at least thirty (30) years...." You also noted that paragraph 1910.1020(d)(1) states, "Unless a specific occupational safety and health standard provides a different period of time, each employer shall assure the preservation and retention of records as follows:" The latter paragraph means that if a more specific OSHA standard mandates a retention time that is different from the 30 years required by 1910.1020(d)(1)(ii), an employer must maintain the records according to the more specific standard. As related to your question, OSHA's occupational noise exposure standard requires in 1910.95(m)(3)(i) that, "Noise exposure measurement records shall be retained for two years." Therefore, employee noise exposure records must be retained for two years only, rather than 30 years.

Thank you for your interest in occupational safety and health. We hope that you find this information helpful. We will clarify this issue with the local Area Office to which you spoke to ensure that all of our offices provide a uniform, correct response to future inquires concerning these requirements.

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Sincerely,

Richard E. Fairfax, Director
Directorate of Compliance Programs