

Manual Section 2	Issue Date 03/17/16	Revision Date 06/15/21	Policy Number LLCP-010
	<b>Access to Exposure &amp; Medical Records</b>		

**Purpose**

The purpose of this standard is to provide employees with information to assist in the management of their own safety and health. This standard, “Access to Employee Exposure and Medical Records” 29 CFR § 1910.1020, permits direct access to these records by employees exposed to hazardous materials, or by their designated representatives, and by OSHA. Request shall be made through the Human Resource Department, should be in writing and requires employee written approval before records can be released to a designated representative. The rule does not require creation of any records, only preservation. All medical and exposure records are located at our HSE Department, 18838 Hwy. 3235, Galliano, LA office hour’s 8:00 a.m. to 5:00 p.m.

**Scope**

All LLC Companies including, Blanchard Industrial, LLC, GIS Engineering, LLC, Grand Isle Shipyard, Inc., and GWIS, Mack Steel, NuWave, Sun Industries; hereafter identified as “Company”.

**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. Records requests need not be in writing except where trade secrets are involved. Our Company must provide access at no cost to the employee and in a reasonable time, place, and manner. If we cannot provide access to records within 15 working days, we must give the reason for the delay and the earliest date when the records can be made available. If additional information is needed to aid in locating the records, the Company may require only the information that is absolutely necessary to locate or identify the records being requested (e.g., dates and locations where the employees worked).

Each employer shall, upon request, assure the prompt access of representatives of the Assistant Secretary of Labor for Occupational Safety and Health, employee’s designated representative or to the employee him/herself to employee exposure and medical records and to analyses using exposure or medical records.

Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.), the employer shall assure that personal identifiers are removed before access is provided. If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

**Employee Medical Records**

Employee Medical Records are records concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician, (e.g., job description, occupational exposures, examinations, laboratory tests, medical employment questionnaires, medical histories, drug test results, first aid records, medical evaluations, or opinions, treatment descriptions, etc.).

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### **Employee Exposure Records**

Employee Exposure Records are records containing any of the following kinds of information:

- Workplace monitoring or measuring of a toxic substance or harmful physical agent
- Biological monitoring which directly measures the absorption of toxic substances in the body (e.g., the level of a chemical in the blood) but does not include results which assess an employee's use of alcohol or drugs
- Material safety data sheets indicating that the material may pose a hazard to human health; or
- In the absence of the above, a chemical inventory, or any the record which reveals where and when the chemical was used and the identity (e.g., chemical, common, or trade names) of a toxic substance or harmful physical agent.

### **Trade Secrets**

A trade secret may consist of any formula, pattern, device or compilation of information that can be used in the operation of a business or other enterprise and that is sufficiently valuable and secret to afford an actual or potential economic advantage over others.

The Company is allowed to delete from records and trade secret data, which discloses manufacturing processes or the percentage of a chemical in a mixture.

In the event that information considered "trade secret" is needed in a non-emergency situation, the Company must, upon request, disclose a specific chemical identity to a health professional, employee, or designated representative if:

- The request is in writing and
- The request describes, with reasonable detail, a need for the information due to one or more of the following health needs:
  1. To assess the hazards of the chemicals to which the employees will be exposed;
  2. To conduct sampling of the workplace atmosphere for exposure levels;
  3. To conduct medical surveillance of exposed employees;
  4. To provide medical treatment to exposed employees;
  5. To select appropriate personal protective equipment for exposed employees;
  6. To design engineering controls for exposed employees; or
  7. To conduct studies to determine the health effects of exposure.

If the Company denies a written request for disclosure of a specific chemical identity, the denial must be provided in writing to the health professional, employee, or designated representative within 30 days of the request. The written denial must include evidence to support the claim that the specific chemical identity is a trade secret.

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The denial must also state the specific reasons why the request is being denied and explain in detail how alternative information may easily satisfy the specific medical or occupational health needs without revealing the specific chemical identity.

**Preservation of Records:** This standard requires that employee medical and exposure records for each employee must be preserved and maintained by the Company for the duration of employment plus 30 years. Background data for exposure records such as laboratory reports and work sheets shall be kept for 1 year. Records of employees who have worked for less than 1 year need not be retained for any specified period.

For more information about “Access to Employee Exposure and Medical Records”, contact the Corporate HSE Department, or see Standards on OSHA’s website, or contact your nearest OSHA regional Office.

**Transfer of Medical Records**

Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. Whenever an employer either is ceasing to do business and there is no successor employer to receive and maintain the records, or intends to dispose of any records required to be preserved for at least thirty (30) years, the employer shall transfer the records to the Director of the National Institute for Occupational Safety and Health (NIOSH) if so required by a specific occupational safety and health standard.

**Training**

Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees of the existence, location, and availability of any records covered by this section; the person responsible for maintaining and providing access to records; and each employee's rights of access to these records.