some of these items and, perhaps, computer storage of other items.

The final standard also requires that the employer keep an accurate medical record for each employee subject to medical surveillance. Section 8(c) of the Act authorizes the promulgation of regulations requiring any employer to keep such records regarding the employer's activities relating to the Act as are necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational illnesses. OSHA believes that medical records, like exposure monitoring records, are necessary and appropriate both to the enforcement of the standard and the development of information regarding the causes and prevention of illness. In addition, medical records are necessary for the proper evaluation of the employee's health.

The final standard requires that all records required to be kept shall be made available upon request to the Assistant Secretary and the Director for examination and copying. Access to these records is necessary for the agencies to monitor compliance with the standard. These records may also contain essential information which is necessary for the agencies to carry out their statutory responsibilities.

The final rule provides for employees, former employees, and their designated representatives to have access to mandated records upon request. Section 8(c)(3) of the Act explicitly provides that "employees or their representatives shall be provided with an opportunity to observe monitoring and exposures to toxic substances"; and several other provisions of the Act contemplate that employees and their representatives are entitled to have an active role in the enforcement of the Act. Employees and their representatives need to know relevant information concerning employee exposures to toxic substances and their health consequences if they are to benefit fully from these requirements.

In addition, the final rule specifies that access to exposure and medical records by employees, designated representatives, and OSHA shall be provided in accordance with 29 CFR 1910.20. Section 1910.20 is OSHA's generic rule for access to employee exposure and medical records [45 FR 35212]. By its terms, it applies to records required by specific standards, such as this asbestos standard, as well as records which are voluntarily created by employers. In general, it provides for unrestricted employee and designated representative access to exposure records. Access to medical records is also provided for employees and, if the employee has given specific written consent, for the employee's designated representatives. OSHA retains unrestricted access to both kinds of records, but its access to personally identifiable records is subject to rules of Agency practice and procedure concerning OSHA access to employee medical records, which have been published at 29 CFR 1913.10. An extensive discussion of the provisions and the rationale for § 1910.20 may be found at 45 FR 35212; the discussion of § 1913.10 may be found at 45 FR 35384. It is noted that revisions to the access to records standard are being developed in an ongoing rulemaking proceeding. The asbestos standard may be affected by any changes which result from that rulemaking effort.

It is necessary to keep records for extended periods because of the long latency periods commonly observed for the induction of cancer caused by exposure to carcinogens. Cancer often cannot be detected until 20 or more years after onset of exposure. The extended record retention period is therefore needed for two purposes. First, diagnosis of disease in employees is assisted by having present and past exposure data as well as the results of the medical exams. In addition, retaining records for extended periods also makes it possible at some future date to review effectiveness and the adequacy of the standard.

The time period required for retention of exposure records is thirty years and for medical records, duration of employment plus thirty years. These retention periods are consistent with those in the OSHA records access standard.

The final standard requires employers to notify the Director in writing at least 3 months prior to the disposal of the records. Section 1910.20(h) also contains requirements regarding the transfer of records. The employer is required to comply with that provision and any other applicable requirements set forth in that standard.

14. *Paragraph (n). Observation of monitoring.*

Section 8(c)(3) of the Act requires that employers provide employees or their representatives with the opportunity to observe monitoring of employee exposures to toxic materials or harmful physical agents. In accordance with this section and consistent with the existing asbestos standard, the final standard contains provisions for such observation of monitoring of asbestos exposures. To insure that this right is meaningful, observers are entitled to an explanation of the measurement procedure, to observe all steps related to the measurement procedure, and to record the results obtained. The observer, whether an employee or designated representative, must be provided with, and is required to use, any personal protective devices required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety and health procedures.

15. *Paragraph (o). Dates.*

Effective Date

The effective date is July 21, 1986. The 30 day period between issuance of the standard and its effective date is intended to provide sufficient time for employers and employees to become informed of the existence of the standard and its requirements.

OSHA believes that 30 days is sufficient time because this regulatory action for asbestos is related to the past asbestos standard, and contains many of the same or similar provisions. In addition, OSHA has provided separate startup dates by which the various provisions must be completely implemented, as described below.

The amended provisions of § 1910.1001 take effect on July 21, 1986. On this date, employers are to commence complying with the provisions as amended. Until that date, employers are to comply with the unamended provisions of § 1910.1001 as currently published in Code of Federal Regulations (1985 edition). If the amended provisions are not in effect because of stays or judicial action, then the unamended provisions will remain in effect. It is the intention that there remain no gaps in coverage and that the existing provisions not terminate unless the new provisions are in effect.

Startup Dates

Since there was very little record evidence on this issue, OSHA is using its experience in making a determination on the startup dates for this standard. The startup dates provide the time required to set up initial monitoring, employee training programs and medical surveillance, to order and receive protective equipment and respirators, to construct changerooms, showers, lavatories, and lunchrooms, and to plan, order, receive and install engineering controls. It gives additional time to arrange for the implementation of this standard and to order necessary equipment. If there is no specific startup date set forth in the standard, then the startup date is the effective date of the standard. The immediate installation of changerooms, showers, lavatories, and

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