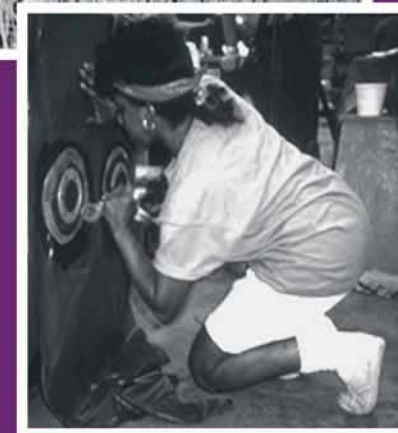
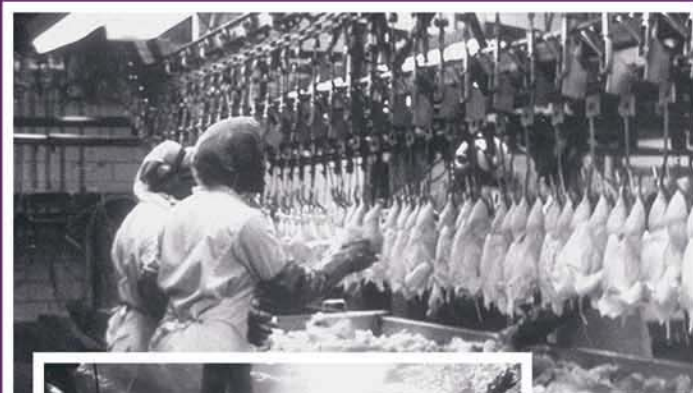


# Health Hazard Evaluation Program



For Information on Other  
Occupational Safety and  
Health Concerns  
Call NIOSH at: 1-800-35-NIOSH  
(1-800-356-4674)  
Or visit the NIOSH Homepage  
at [www.cdc.gov/niosh](http://www.cdc.gov/niosh)

For additional information, contact NIOSH at:  
National Institute for Occupational Safety and Health  
Publications Dissemination  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
1-800-35-NIOSH  
(1-800-356-4674)  
Fax: (513) 533-8573

or visit the NIOSH homepage on the World Wide Web  
at [www.cdc.gov/niosh](http://www.cdc.gov/niosh)

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Delivering on the Nation's promise:  
Safety and health at work for all people  
through research and prevention

DHHS (NIOSH) Publication No. 2000-133

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*To receive other information about occupational safety and health problems, call  
1-800-35-NIOSH (1-800-356-4674), or  
visit the NIOSH Home Page on the World Wide Web at  
[www.cdc.gov/niosh](http://www.cdc.gov/niosh)*

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## How Do I Contact NIOSH?

*NIOSH Toll free number:  
1-800-356-4674 (1-800-35-NIOSH)*

### **Cincinnati, Ohio**

*NIOSH, Hazard Evaluations and  
Technical Assistance Branch (HETAB), MS R-9  
4676 Columbia Parkway  
Cincinnati, Ohio 45226-1998  
(513) 841-4382  
FAX: (513) 841-4488*

### **Morgantown, West Virginia**

*NIOSH, Field Studies Branch (FSB), MS-18  
1095 Willowdale Road  
Morgantown, West Virginia 26505-2845  
(304) 285-5711 FAX: (304) 285-5796*

### **S. Dartmouth, Massachusetts**

*NIOSH New England Field Office  
P.O. Box 87040  
S. Dartmouth, Massachusetts 02748-0701  
(508) 997-6126*

### **Atlanta, Georgia**

*NIOSH Atlanta Field Office  
1600 Clifton Road  
Room 3122, MS D37  
Atlanta, Georgia 30333  
(404) 639-4170*

### **Denver, Colorado**

*NIOSH Denver Field Office  
P.O. Box 25226  
Denver, Colorado 80225-0226  
(303) 236-6032*

*Copies of this report are sent to the requester, employer, employee representatives, OSHA, and other appropriate agencies. The final report is considered public information and is made available to as wide an audience as possible so that others may benefit from the findings and recommendations.*

*The employer is required to post the final report in a place accessible to workers from all areas evaluated (alternatively, the employer may give NIOSH the names and addresses of affected employees for individually mailed reports). Although NIOSH cannot enforce the recommendations, experience shows that many employers attempt to correct problems identified in HHE reports.*

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## How Do I Request an HHE?

*Requests may be submitted in writing to NIOSH, specifying those work areas and potential hazards that need to be evaluated. Request forms can be obtained from any of the following NIOSH offices. These forms can also be accessed and submitted from the Internet by going to the NIOSH home page at [www.cdc.gov/niosh/hhe.html](http://www.cdc.gov/niosh/hhe.html)*

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## What Is NIOSH?

*NIOSH stands for the National Institute for Occupational Safety and Health. It is part of the Centers for Disease Control and Prevention (CDC), an agency in the Department of Health and Human Services. NIOSH was created to carry out the following four tasks:*

- *Respond to requests for investigation of workplace hazards*
- *Conduct research to prevent work-related health or safety problems*
- *Recommend health and safety rules and regulations*
- *Train occupational safety and health professionals*

*NIOSH should not be confused with the Occupational Safety and Health Administration (OSHA). OSHA is a regulatory agency in the Department of Labor whose primary mission is to set and enforce standards to protect employee health and safety. NIOSH is not a regulatory agency.*

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## What Is a Health Hazard Evaluation (HHE)?

*An HHE is a study of a workplace to determine if workers are exposed to hazardous materials or harmful conditions. An HHE is conducted in response to concerns expressed by employees, employee representatives, or employers. An HHE is also an opportunity to obtain information on occupational exposures for which OSHA has no standards or for which existing standards may not protect all workers. Workplace agents that NIOSH has studied include chemicals, biological agents, work stress, heat stress, noise, radiation, and ergonomic stressors. There is no cost for these evaluations and participation by the employees is voluntary.*

*The NIOSH HHE program evaluates new or unique types of hazards, or common hazards that are not completely understood. An HHE is not intended to provide routine assistance to employers in evaluating common types of hazards, or conducting routine industrial hygiene or medical evaluations. In these situations, instead of a site visit, NIOSH researchers may send pertinent information or refer the requester to another agency.*

---

## Who Can Request an HHE?

### Employees

*An employee can request an HHE provided that:*

- *He or she is currently employed by the employer whose workplace is to be evaluated*
- *The HHE request is signed by two other currently employed workers. (Note: For a workplace having three or fewer workers in the area of the potentially hazardous agent or harmful working condition, one employee can make the request.)*

### Employee Representatives

*Any officer of a labor union representing the employees for collective bargaining purposes may request an HHE on behalf of the employees.*

### Employers

*Any management official may request an HHE on behalf of the employer.*

### Employees of Federal, State, and Local Agencies

*Employees of federal government agencies or their representatives may request an HHE. Any management official can request an HHE.*

*For employees of state or local government agencies, the situation is more complicated. In general, NIOSH can respond to requests from these employees. However, the cooperation of the employer may be required.*

---

## What Are the Rights of the Employer?

Regardless of who submitted the HHE request, employers have certain rights during HHE investigations:

- *The right to obtain a copy of the HHE request (excluding the identity of confidential requesters and any accompanying information of a personal nature).*
- *The right to obtain verbal accounts from NIOSH investigators concerning plans, procedures, and findings, at the beginning and conclusion of NIOSH visits to the workplace.*
- *The right to accompany NIOSH investigators during the initial inspection of the workplace.*
- *The right to observe NIOSH investigative procedures during the HHE, except for certain confidential NIOSH-employee interactions, such as private interviews and medical procedures.*
- *The right, at the beginning of an investigation, to identify information which may be trade secret and to have that information safeguarded by NIOSH.*
- *The right to require that NIOSH officers comply with all safety and health rules in the workplace, and conduct an investigation which does not unreasonably disrupt operations.*

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## How Are HHE Results Reported?

*Verbal reports are normally provided to employer and employee representatives at the conclusion of each site visit. Results may also be provided by telephone. These results, however, may be preliminary or incomplete.*

*Written interim reports are sometimes provided while an investigation is still in progress.*

*When all the information and data have been analyzed, NIOSH issues a final report, giving findings and recommendations.*

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## What Are the Rights of NIOSH Representatives?

These legal rights are considered non-negotiable:

- *The right to enter the workplace to conduct HHE investigations.*
- *The right to access information and records maintained by the employer which are pertinent to the HHE investigation.*
- *The right to private and confidential interviews with individual employees (including management employees.)*

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## What Are the Rights of Employees and Their Representatives?

These legal rights are considered non-negotiable:

- *An employee representative has the right to accompany NIOSH investigators during the initial physical inspection of any evaluated workplace. (Note: NIOSH investigators may permit additional employee representatives to accompany them if necessary to aid in the investigation).*
- *Employees have the right to choose to wear NIOSH sampling devices and participate in medical tests when offered or requested by NIOSH. (Note: This also applies to management employees).*
- *Employees have the right to read or obtain copies of all HHE interim and final reports. (Note: The employer is required to post such reports in the workplace for 30 days, or supply a list of names and addresses of affected employees so that NIOSH can mail the report(s) directly to them).*

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## By What Authority Does NIOSH Conduct HHEs?

In Private Sector Workplaces

### The law

*NIOSH is authorized to perform these health hazard evaluations in workplaces and in mines by section 20(a) of the Occupational Safety and Health Act (Public Law 91-596, 91st Congress, S. 2193, December 29, 1970), 29 USC 669 (a) and by section 501(a) of the Federal Mine Safety and Health Act of 1977, respectively.*

### Federal regulations

*The regulations governing NIOSH procedures for conducting HHEs are published in Title 42, Code of Federal Regulations, Part 85; Requests for Health Hazard Evaluations (42 CFR 85).*

In Federal Agency Workplaces

### The law

*Section 19 of the Occupational Safety and Health Act (29 USC 668) requires the head of each federal agency to “establish and maintain an effective and comprehensive occupational safety and health program.”*

### Federal regulations

*Title 29, Code of Federal Regulations, Part 1960; Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters (29 CFR 1960). Section 1960.35 of these regulations describes the procedure for requesting HHEs in Federal agency workplaces.*

*NIOSH follows the procedures outlined in the regulations governing HHEs (42 CFR 85) and in Executive Order 12196 of February 26, 1980, “Occupational Safety and Health Programs for Federal Employees,” when evaluating federal agency workplaces.*

In Other Governmental Agency Workplaces

### The law

*Section 18 of the Occupational Safety and Health Act (29 USC 667) permits OSHA to approve a plan under which the state assumes responsibility for developing and enforcing occupational*

safety and health standards. Section 18(c)(6) requires that such a plan, to be approved, must contain satisfactory assurances that the state will “establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the state and its political subdivisions.” While approved state plans do not ordinarily extend the right to request HHEs to state employees and employers, the state agency charged with carrying out this plan has right-of-access to state and local government workplaces, and could request technical assistance from NIOSH in evaluating such workplaces.

#### Federal regulations

In cases where NIOSH responds to requests to evaluate state or local government workplaces, the procedures outlined in 42 CFR 85 are followed.

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## What Does NIOSH Do During a Site Visit?

The NIOSH project officer initially contacts the requester, the employer, and the local union representative (if any) to discuss the request. At this time it may be decided that OSHA or some other agency would be a more appropriate choice in responding to the requester’s needs. In other situations, information sufficient to address the problem could be substituted for a site visit. In some cases, however, the study may require a visit to the workplace to evaluate the potential hazard. To avoid any potential conflicts with other ongoing evaluations, NIOSH notifies OSHA and state offices of the HHE request prior to the site visit.

A site visit begins with an opening conference. Attendees at the opening conference typically include the plant manager (or designee); the chief local union official (or designee); other appropriate worker representatives if the affected employees are not represented by a union; and a requester. (Note: in some situations the requester may prefer not to attend in order to maintain confidentiality.) Although it may vary, the content of an opening conference typically includes an explanation of the HHE program; a discussion of the specific health and safety problem(s) described in the request; a discussion of the planned activities; ascertainment of trade secrets (if any); and a review of any personal

protective equipment requirements and any unusual safety hazards and procedures at the facility.

To evaluate the workplaces, NIOSH may use various methods, such as:

- Observing production processes and employee work practices
- Sampling to determine the extent of employee exposures
- Holding confidential interviews with employees
- Doing medical tests or physical examinations of employees
- Reviewing the employer’s injury and illness records, as well as data on employee exposures, medical tests, and job histories

One or more site visits may be needed to complete an evaluation.

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## How Is the Privacy of Employees Protected?

### Confidentiality

If desired and noted on the HHE request form, the name(s) of the person(s) who made the request will be kept confidential by NIOSH.

Individually identifiable information from records, questionnaires, or interviews with NIOSH investigators, and individual medical results will be safeguarded.

### Anti-discrimination provisions

The Occupational Safety and Health Act and the Federal Mine Safety and Health Act forbid employers from retaliating or punishing employees for making HHE requests or cooperating with NIOSH investigators (see, e.g. Section 11 (c) of the Occupational Safety and Health Act). The enforcement of these anti-discrimination provisions is the responsibility of the U.S. Department of Labor (for general industry). If discrimination is suspected, the nearest OSHA office should be contacted immediately.