



Health Hazard Evaluation Program



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health

NIOSH

Health Hazard Evaluation

Program

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health

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4676 Columbia Parkway
Cincinnati, Ohio 45226-1998*

*1-800-35-NIOSH (1-800-356-4674)
Fax number: (513) 533-8573*

*To receive other information about occupational safety and health problems, call
1-800-35-NIOSH (1-800-356-4674), or
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NIOSH is the National Institute for Occupational Safety and Health and 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 appropriate 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), an agency in the Department of Labor whose primary mission is to set and enforce standards to protect employee health and safety.

What Is a Health Hazard Evaluation (HHE)?

An HHE is an evaluation of possible health hazards at a workplace. An HHE is done in response to concerns expressed by employees, employee representatives, or employers. The purpose of the evaluation is to find out whether there is a health hazard to employees caused by exposure to hazardous materials or conditions. Workplace agents NIOSH has studied include chemicals, biological agents, heat stress, noise, radiation, and ergonomic stressors.

The NIOSH HHE program evaluates new or unique hazards, or common hazards that are not completely understood. Often a site visit is required. When NIOSH evaluates more common types of hazards, however, a site visit may not be needed.

Who Can Request an HHE?

Employees

An employee can request an HHE provided:

- *The person is currently employed at the workplace of concern*
- *The HHE request is signed by two other employees for a total of three different employee signatures. (Note: For a work area where three or fewer employees work, one employee can make a request alone.)*

Employee Representatives

Any officer of a labor union that represents the employees for collective bargaining 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, & Local Agencies

Employees of Federal government agencies, their representatives, or 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 Happens During an HHE?

The NIOSH project officer contacts the requester, the employer, and the local union representative (if any) to discuss the request. It may be decided that another agency might be more helpful or that information sufficient to address the problem could be substituted for a site visit. In some cases, however, a visit to the work place to evaluate the potential hazard is needed.

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

- *Observation of production processes and employee work practices*
- *Sampling of air and surfaces*
- *Private, confidential interviews with employees*
- *Medical tests or physical examinations of employees*
- *Review of 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. There is no cost for the evaluation and employee participation is voluntary.

How Is the Privacy of Employees Protected?

If desired, 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 your individual medical results will be safeguarded.

The Occupational Safety and Health Act forbids employers from retaliating or punishing employees for making HHE requests or cooperating with NIOSH investigators.

How Are HHE Results Reported?

Verbal reports are normally provided to employer and employee representatives during each closing conference at the end of a 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 in progress.

When all the information and data have been analyzed, NIOSH publishes a final report, giving findings and recommendations. Copies of this report are sent to the requester, the employer, employee representatives, OSHA, and other appropriate agencies.

The final report is 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. The employer may choose instead to give NIOSH the names and addresses of affected employees to permit NIOSH to mail the report to each one.

Although NIOSH has no authority to compel the employer to adopt its recommendations, experience has shown that many employers attempt to correct problems identified in the HHE report.

How Do I Request an HHE?

As part of this booklet you will find a Health Hazard Evaluation Request Form, (Pages 7-8) as well as instructions on completing the form. If you have questions about the form, or need assistance answering any of the questions you can contact our technical information staff at 513-841-4382, Monday-Friday, 9:00 a.m. until 4:00 p.m. The technical information staff will be able to assist you in completing the request form.

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)
1095 Willowdale Road, MS-18
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*

*or visit the NIOSH homepage on the World Wide Web
at www.cdc.gov/niosh*

Request for Health Hazard Evaluation (HHE) (Internet version available at: www.cdc.gov/niosh/hheform.html)

Establishment Where Possible Hazard Exists

- 1 Company name: _____
- 2 Address: _____
City: _____ State: _____ Zip Code: _____
- 3 What product or service is provided at this workplace? _____

- 4 Specify the particular work area, such as building or department, where the possible hazard exists:

- 5 How many people are exposed? _____ 6 Duration of exposure (hrs/day)? _____
- 7 What are the occupations of the exposed employees; what is the process/task?
a) Occupations: _____
b) Process/task: _____
- 8 To your knowledge, has NIOSH, OSHA, MSHA, or any other government agency previously evaluated this workplace? YES NO
- 9 Is a similar request currently being filed with, or is the problem under investigation by any other local, state, or federal agency? YES NO
- 10 If either question 8 or 9 is answered yes, give the name and location of each agency. _____

- 11 Which company official is responsible for employee health and safety?
Name: _____ Title: _____ Phone: _____
- 12 How did you learn about the NIOSH HHE program? Company representative Co-worker
 Union Other employee representative NIOSH Website NIOSH 1-800 Number News media (TV, radio, newspaper, magazine) Other (please list) _____

Description of the Possible Hazard or Problem

- 13 Please list all substances, agents, or work conditions that you believe may contribute to the possible health hazard. (Include chemical names, trade names, manufacturer or other identifying information, as appropriate.) _____

- 14 In what physical form(s) do(es) the substance(s) exist? Dust Gas Liquid Mist Other
- 15 How are the affected employees exposed (route of exposure)? Breathing Skin contact
 Swallowing Other (please list) _____

[Send completed form to address listed on the reverse side.]

16 What health problem(s) do employees have as a result of these exposures? (Please circle the one of most concern.)

17 Use the space below to supply any additional relevant information. _____

Submitting the HHE Request

18 Requester's Signature: _____ Date: _____

19 Type or print name: _____

20 Address: _____

City: _____ State: _____ Zip code: _____

21 a) Business phone: _____ b) Home phone: _____ c) Best time of day to call: _____

22 Check and complete only one of the following three boxes:

I am a **current employee** of the employer, and an **authorized representative of two or more* other current employees** in the workplace where the exposures are found. Signatures of the authorizing employees are below:

Please provide additional signatures

Signature: _____

Phone: _____

Signature: _____

Phone: _____

*Additional signatures are not necessary if you are one of 3 or fewer employees in the affected workplace

I am an authorized representative of, or an officer of the **union** or other organization representing the employees for collective bargaining purposes.

Name and address of this organization:

I am an employer representative.

23 Please indicate your desire:

I do not want my name revealed to the employer.

My name may be revealed to the employer.

SEND COMPLETED FORM TO :

National Institute for Occupational Safety and Health
Hazard Evaluations and Technical Assistance Branch
4676 Columbia Parkway, Mail Stop R-9
Cincinnati, Ohio 45226-1988

Phone: (513) 841-4382

FAX: (513) 841-4488

REQUESTS FOR HEALTH HAZARD EVALUATIONS

(Code of Federal Regulations, Title 42, Part 85, 37 FR 23640, November 7, 1972; amended at 45 FR 2651, January 14, 1980)

Part 85-REQUESTS FOR HEALTH HAZARD EVALUATIONS

Sec.

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AUTHORITY: Sec. 8(g), 84 Stat. 1600; 29 U.S.C 657(g) and sec. 508, 83 Stat. 803; 30 U.S.C 957.

SOURCE: 37 FR 23640, Nov. 7, 1972, unless otherwise noted.

85.1 Applicability.

This Part 85 applies to health hazard evaluations requested by any employer or authorized representative of employees under section 20(a)(6) of the Occupational Safety and Health Act of 1970 or section 501(a)(11) of the Federal Mine Safety and Health Act of 1977. This part is not intended to pre-

clude the use of other channels of communication with the National Institute for Occupational Safety and Health to obtain information and technical assistance concerning toxic substances or physical agents.

[45 FR 2652, Jan. 14, 1980]

85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 or the Federal Mine Safety and Health Act of 1977 and not defined below shall have the meaning given it in the respective Acts. As used in this part:

“OSH Act” means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

“FMSH Act” means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801, et seq.).

“Authorized representative of employees” means any person or organization meeting the conditions specified in 85.3-1(e)(1), (2), or (3).

“Employee” has the same meaning as stated in the OSH Act and for the purposes of this part includes “miner” as defined the FMSH Act.

“Employer” has the same meaning as stated in the OSH Act and for the purpose of this part includes “Operator” as defined in the FMSH Act.

“Health hazard evaluation” means the investigation and the determination of potentially toxic or hazardous effects of: (a) any substance normally used or found in any place of employment to which the OSH Act is applicable, or (b) any substance or physical agent normally used or found in any place of employment to which the FMSH Act is applicable.

“Investigation” means a physical inspection of the place of employment under section 8 of the OSH Act and includes inspection, sampling, observation, review of pertinent records, and other measurements reasonably necessary to determine whether any substance or physical agent found

in the place of employment has potentially toxic or hazardous effects in the concentrations or levels used or found.

“NIOSH” means the National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, Department of Health and Human Services.

“NIOSH officer” means a NIOSH employee who has been authorized by the Director, NIOSH, to conduct investigations according to this part.

“Physical agent” means any condition produced by the environment and/or work processes that can result in hazardous effects as defined in this section. Examples of physical agents are noise, temperature, illumination, vibration, radiation, and pressure.

“Place of employment” means any coal or other mine, factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

“Substance” means any chemical or biological agent or dust which has the potential to produce toxic effects.

“Toxic effects” or “hazardous effects” are those effects which result in short- or long-term disease, bodily injury, affect health adversely, or endanger human life.

[45 FR 2862, Jan. 14, 1980]

85.3 Procedures for requesting health hazard evaluations.

(a) Requests for health hazard evaluations should be addressed to the National Institute for Occupational Safety and Health as follows:

(1) Requests from general industry. Hazard Evaluations and Technical Assistance Branch, Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Parkway, Cincinnati, OH 45226.

(2) Requests from mining industry. Environmental Investigations Branch, Division of Respiratory Disease Studies, NIOSH, 944

Chestnut Ridge Rd., Morgantown, WV 26505.

(b) Requests for health hazard evaluations shall be submitted in writing and signed by either: (1) The employer in whose place of employment the substance or physical agent is normally found, or (2) an authorized representative of employees (see 85.3-1(e)) in the place of employment where the substance or physical agent is normally found.

[45 FR 2653, Jan. 14, 1980]

85.3-1 Contents of a request for health hazard evaluation.

Each request for health hazard evaluation shall contain:

(a) The requester's name address, and telephone number if any.

(b) The name and address of the place of employment where the substance or physical agent is normally found.

(c) The specific process or type of work which is the source of the substance or physical agent, or in which the substance or physical agent is used.

(d) Details of the conditions or circumstances which prompted the request.

(e) A statement, if the requester is not the employer, that the requester is:

(1) An authorized representative or an officer of the organization representing the employees for purposes of collective bargaining; or

(2) An employee of the employer and is authorized by two or more employees employed in the same place of employment to represent them for purposes of these Acts (each such authorization shall be in writing and a copy submitted with the request for health hazard evaluation); or

(3) One of three or less employees employed in the place of employment where the substance or physical agent is normally found.

(f) A statement indicating

whether or not the name(s) of the requester or those persons who have authorized the requester to represent them may be revealed to the employer by NIOSH.

(g) The following supplementary information if known to the requester:

(1) Identity of each substances or physical agent involved;

(2) The trade name, chemical name, and manufacturer of each substance involved;

(3) Whether the substance or its container or the source of the physical agent has a warning label; and

(4) The physical form of the substance or physical agent, number of people exposed, length of exposure (hours per day) and occupations of exposed employees.

NOTE: NIOSH has developed two forms entitled "Request for Health Hazard Evaluation" and "Request for Mining Health Hazard Evaluation" to assist persons in requesting evaluations. The forms are available upon request from the offices listed in 85.3(a)(1) and (2) or from the Regional Consultant for Occupational Safety in any Regional Office of the Department of Health and Human Services.

[45 FR 2863, Jan. 14, 1980]

85.4 Acting on requests.

(a) Upon receipt of a request for health hazard evaluation submitted under this part, NIOSH will determine whether or not there is reasonable cause to justify conducting an investigation.

(b) If NIOSH determines that an investigation is justified, a NIOSH officer will inspect the place of employment, collect samples where appropriate, and perform tests necessary to the conduct of a health hazard evaluation, including medical examinations of employees.

(c) If NIOSH determines that an investigation is not justified, the requester will be notified in writing of the decision.

[45 FR 2653, Jan. 14, 1980]

85.5 Authority for investigations.

(a) NIOSH officers who have been issued official NIOSH credentials (Form No. CDC/NIOSH 2.93) are authorized by the Director, NIOSH, under section 20(a)(6) and (8) of the OSH Act and sections 501(a)(11) and (103) of the FMSH Act: To enter without delay any place of employment for the purpose of conducting investigations of all pertinent processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment; and to conduct medical examinations, anthropometric measurements, and functional tests of employees within the place of employment as may be directly related to the specific health hazard evaluation being conducted.

Investigations will be conducted in a reasonable manner, during regular working hours or at other reasonable times and within reasonable limits. In connection with any investigation, the NIOSH officers may question privately any employer, owner, operator, agent, or employee from the place of employment, and review, abstract and duplicate records required by the Acts and regulations and any other related records.

(b) Areas under investigation which contain information classified by any agency of the United States Government in the interest of national security will be investigated only by NIOSH officers who have obtained the proper security clearance and authorization.

[45 FR 2653 Jan. 14, 1980]

85.6 Advance notice of visits.

(a) Advance notice of visits to the place of employment may be given to expedite a thorough and effective investigation. Advance notice will not be given when, in the judgment of the NIOSH officer, giving such notice would adversely affect the validity and effectiveness of the investigation.

(b) Where a request in accordance with this part has been made

by an authorized representative of employees, advance notice in accordance with paragraph (a) of this section will be given by NIOSH to the requester, the representative of the employees for purposes of collective bargaining if such representative is other than the requester, and to the employer.

(c) Where a request in accordance with this part has been made by any employer, advance notice will be given by NIOSH to the employer. Upon the request of the employer, NIOSH will inform the authorized representative of employees of the visit: Provided, The employer furnishes NIOSH in writing with the identity of such representative and with such information as is necessary to enable NIOSH to properly inform such representative of the visit.

85.7 Conduct of investigations.

(a) Prior to beginning an investigation, NIOSH officers shall present their credentials to the owner, operation, or agent in charge at the place of employment, explain the nature, purpose, and scope of the investigation and the records specified in 85.5 which they wish to review. Where the investigation is the result of a request submitted by an authorized representative of employees, a copy of the request shall be provided to the employer, except where the requester or any person authorizing the requester pursuant to 85.3-1(e)(2) has indicated that NIOSH not reveal his name to the employer, in which case a summary of the basis for the request shall be provided to the employer.

(b) At the commencement of an investigation, the employer should precisely identify information which can be obtained in the workplace or workplaces to be inspected as trade secrets. If the NIOSH officer has no clear reason to question such identification, such information shall not be disclosed except in accordance with provisions of section 20(a)(6) and

section 15 of the OSH Act, or section 501(a)(11) of the FMSH Act. However, if NIOSH at any time questions such identification by an employer, not less than 15 days' notice to an employer shall be given of the intention to remove the trade secret designation from such information. The employer may within that period submit a request to the Director, NIOSH, to reconsider this intention and may provide additional information in support of the trade secret designation. The Director, NIOSH, shall notify the employer in writing of the decision which will become effective no sooner than 15 days after the date of such notice.

(c) NIOSH officers are authorized to collect environmental samples and samples of substances, or measurements of physical agents, to take or obtain photographs related to the purpose of the investigation, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent, or employee. The employer shall have the opportunity to review photographs taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

(d) NIOSH officers shall comply with all safety and health rules and practices at the place of employment being investigated, and they shall provide and use appropriate protective clothing and equipment. In situations requiring specialized or unique types of protective equipment, such equipment shall be furnished by employer.

(e) The conduct of investigations shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

[37 FR 23640, Nov. 7, 1972, as amended at 45 FR 2653, Jan. 14, 1980]

85.8 Provision of suitable space for employee interviews and examinations; identification of employees.

An employer shall, in request of the NIOSH officer, provide suitable space, if such space is reasonably available, to NIOSH to conduct private interviews with and examinations of, employees. NIOSH officers shall consult with the employer as to the time and place of the medical examination and shall schedule such examinations so as to avoid undue disruption of the operations of the employer's establishment. NIOSH shall conduct, and assume the medical costs of, examinations conducted under this part.

85.9 Representatives of employers and employees; employee requests.

(a) NIOSH officers shall be in charge of investigations. Where the request for a health hazard evaluation has been made by an authorized representative of employees, a representative of the employer and a representative authorized by his employees who is an employee shall be given an opportunity to accompany the NIOSH officer during the initial physical inspection of any workplace for the purpose of aiding the investigation by identifying the suspected hazard. The NIOSH officer may permit additional employer representatives and such additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the investigation. However, if in the judgement of the NIOSH officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer is reasonably necessary to the conduct of an effective and through investigation of the work place, such third party may accompany the NIOSH officer during the inspection: Provided

however, That access by such persons to areas described in paragraph (d) of this section shall be in accordance with the requirements of such provision and access to areas described in paragraph (e) of this section shall be with consent of the employer. A different employer and employee representative may accompany the officer during each different phase of an inspection if this will not interfere with the conduct of the investigation.

(b) NIOSH officers are authorized to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees or if the NIOSH officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters directly related to the health hazard evaluation.

(c) NIOSH officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly physical inspection.

(d) With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany an officer in areas containing such information.

(e) Upon request of an employer, any representative authorized under this 85.9 by employees in any area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area.

85.10 Imminent dangers.

Whenever, during the course of, or as a result of, an investigation under this part, the NIOSH officer believes that there is a reasonable basis for an allegation of an imminent danger, NIOSH will immediately advise the employer and those employees who appear

to be in immediate danger of such allegation and will inform appropriate representatives of the Department of Labor or the State agency designated under section 18(b) of the Osh Act.

[37 FR 23640, Nov. 7, 1972, as amended at 45 FR 2653, Jan. 14, 1980]

85.11 Notification of determination to employers, affected employees and Department of Labor.

(a) Upon conclusion of an investigation, NIOSH will make a determination concerning the potentially toxic or hazardous effects of each substances or physical agent investigated as a result of the request for health hazard evaluation. At a minimum, the determination will: (1) Identify each substances or physical agent involved and describe, where appropriate, the concentrations or levels found in the place of employment and the condition of use, and (2) state whether each substance or physical agent has potentially toxic or hazardous effects in the concentrations or levels found, as well as the basis for the judgement.

(b) Copies of the determination will be mailed to the employer and to the authorized representatives of employees.

(c) Except as hereinafter provided, the employer shall post a copy of the determination for a period of 30 calendar days at or near the workplace(s) of affected employees. The employer shall take steps to insure that the posted determinations are not altered, defaced, or covered by other material during such period. The employer will not be required to post the determination if the employer requests that copies of the determination be mailed to affected employees and furnishes NIOSH with a list of the names and mailing addresses of the employees employed in the workplace(s)

designated by the NIOSH Officer. In the latter event, NIOSH will mail such copies to affected employees at the mailing addresses provided by the employer.

(d) For purposes of this section, the term "affected employees" means those employees determined by NIOSH to be exposed to the substance(s) or physical agent(s) which is the subject of the health hazard evaluation.

(e) Copies of determinations made under the OSH Act will be forwarded to the Department of Labor and the appropriate State agency designed under section 18(b) of the OSH Act. Copies of determinations made under the FMSH Act will be forwarded to the Mine Safety and Health Administration of the Department of Labor; the Bureau of Mines, Department of the Interior; and the state agency which, in the judgement of NIOSH, would benefit the most from the information. If NIOSH determines that any substance or physical agent has potentially toxic or hazardous effects at the concentrations or levels at which it is used or found in a place of employment and the substance or physical agent is not covered by a safety or health standard established under section 6 of the OSH Act or section 101 of the FMSH Act, NIOSH will immediately submit the determination to the Secretary of Labor, together with all pertinent criteria.

[37 FR 23640, Nov. 7, 1972, as amended at 45 FR 2653, Jan. 14, 1980]

85.12 Subsequent requests for health hazard evaluations.

If a request is received for a health hazard evaluation in a place of employment in which an evaluation under this part was made previously, NIOSH may make another investigation if, as a result of the passage of time or additional information, another investigation would be consistent with the purposes of the Acts.

[45 FR 2654, Jan. 14, 1980]