



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: ADM 12-0.5A

EFFECTIVE DATE: August 3, 1998

SUBJECT: OSHA Compliance Records

ABSTRACT

- Purpose:** This directive provides instructions and procedures for the maintenance and disposition of OSHA compliance case files and related files, including mixed-media files, that are concerned with federal inspection of work sites including those in Federal agencies.
- Scope:** This instruction applies to OSHA regional and area offices and subordinate offices that maintain compliance case files and related files.
- References:** OSHA Instruction ADM 12-0.1, OSHA Classification System; OSHA Instruction ADM 12-0.4, OSHA Records Management Program; OSHA Instruction CPL 2-0.45, Revised Field Operations Manual (FOM); OSHA Instruction CPL 2-2.20B, Industrial Hygiene Technical Manual; OSHA Instruction CPL 2-0.103, Field Inspection Ref. Manual (FIRM)
- Cancellations:** OSHA Instruction ADM 12-0.5; OSHA Instruction ADM 12-7.4; OSHA Instruction ADM 12-0.8
- State Impact:** None
- Action Offices:** OSHA Regional, Area and District Offices
- Originating Office:** Office of Management Systems and Organization (OMSO)
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OSHA Instruction ADM 12-0.5A, OSHA Compliance Records

- I. Purpose. This instruction provides policy and procedures for the maintenance and disposition of OSHA compliance case files and related files, irrespective of the file medium, that are concerned with Federal inspection of work sites including those in Federal agencies. This instruction supersedes any conflicting records filling and disposition instructions for compliance-related records.
- II. Scope. This instruction applies to OSHA area offices and subordinate offices maintaining compliance case files and related files.
- III. References.
 - A. OSHA Instruction ADM 12-0.4A, OSHA Records Management Program.
 - B. OSHA Instruction CPL 2.45B, Revised Field Operations Manual (FOM).
 - C. OSHA Instruction CPL 2.102, Field Inspection Reference Manual (FIRM).
 - D. OSHA Instruction TED 1.15, OSHA Technical Manual.
 - E. OSHA Instruction CPL 2-2.20A, Industrial Hygiene Technical Manual.
 - F. OSHA Instruction CPL 2-0.102, Field Inspection Reference Manual (FIRM)
- IV. Action Information.
 - A. Responsible Office. Office of Management Systems and Organization (OMSO).
 - B. Action Offices. Regional, Area and District Offices.
 - C. Information Offices. OSHA National Office, Office of the Solicitor.
- V. Action Required:
 - A. OSHA Regional Administrators. RAs shall ensure that all OSHA field offices that maintain compliance case files or related files do so in accordance with this instruction.
 - B. OSHA Area and District Office Directors:
 1. Shall arrange, file, maintain, and dispose of compliance-related records in accordance with the procedures set forth in this instruction.
 2. Shall develop internal operating procedures for managing the inspection case files and other compliance-related records. Such procedures should

assign specific responsibility for maintaining files, including the sequence of actions necessary to assure compliance with this instruction.

- VI. Significant Changes. This instruction cancels OSHA Instructions ADM 12-0.5; ADM 12-7.4; and ADM 12-0.8, updating the policy and procedures previously in force through those instructions and combining those policies and procedures relating to compliance records into this single instruction.
- VII. Definitions. The following definitions of records management terms are intended to give field personnel an understanding of basic concepts used throughout this instruction. Some related definitions are included in OSHA Instruction ADM 12-0.4A.
- A. Record. A record is information in any form created and/or maintained by OSHA whether on paper, magnetic disc or diskette, film, or audio or video tape, that documents the work or activities of the agency. It includes correspondence, reports, completed forms, case files such as inspection case files, and the like.
 - B. Compliance Subject Files. Compliance subject files consist of groupings of records (usually correspondence) arranged by the subject or function to which the records relate. Subject files do not include case files. Subject files dealing with inspections in general and other compliance activities are filed in the appropriate subject folder. (Refer to OSHA Instruction ADM 12-0.4 and OSHA Instruction ADM 12-0.1.)
 - C. Compliance Case Files. Compliance case files consist of all record material relating to a specific subject and pertain directly to one specific person, organization, company, project, or the like. The case file deals only with the specific item for which the file was established, from beginning to end. Examples include an establishment file on a particular firm or company and an inspection case file on a specific inspection at a particular establishment.
 - D. Records Disposition. This refers to the authorized disposal (destruction), retirement, transfer or miniaturization of records. Since only active records should as a rule be kept in field offices, inactive subject or closed case files should be regularly disposed in accord with the disposition schedules shown in Appendix D.
- VIII. Multi-Media Inspection Records. These records are those that contain videotaped or audiotaped inspection records or other records that are non-paper media. Special handling is required in maintaining, retiring, or recalling inspection case files containing videotapes or audiotapes or other non-paper media to Federal records centers.
- A. Background. An inspection case file consists of all materials, regardless of media, used to record the inspection including pre-inspection preparations, inspection records such as field notes, process information, interviews, and inspection forms, and the post-inspection record of inspection-related activities including

settlement, contest, penalty payments, abatement and the like. Where photographs, videotapes or audiotapes are used to show hazards, accidents, or simply to record comments of the CSHO or others during an inspection, they become a record of the inspection. They are subject to the disposition period for that inspection. Maintaining the audiovisual media as part of the inspection is important. NARA documentation regulations require the inspection record contain the best evidence to support any observed violations.

B. Videotaped Inspections. Significant numbers of OSHA inspection case files now contain videotapes. Special attention needs to be given to their retirement to FRC's.

1. Videotape Fragility. Videotape, like most other audiovisual and all magnetic media, is fragile and easy to erase or misplace.
2. Videotape Lifetime. The expected lifetime for videotape is approximately 10+ years in an environment that is not climate controlled. This means the quality of the image cannot be guaranteed more than 10 years. The environment in most FRC's is not climate controlled.
3. Safety Fat/Cats Retention. Safety fatality/catastrophe inspection case files containing videotapes or audiotapes cannot be retired to an FRC that lacks climate controlled records storage space. NARA increased the disposition period for these inspection case files from 10 years to permanent (forever).
4. IH With Sampling Data. Health inspection case files with sampling data containing videotapes or audiotapes cannot be sent to an FRC that lacks climate controlled space. These inspection case files have a 40-year disposition period.
5. NARA Long Term Record Storage. OSHA requested NARA approval to place safety fatality/catastrophe and health with sampling data inspection case files containing videotapes into climate-controlled space at the WNRC for storage. NARA has agreed to our request.

C. CD-ROM or Other Similar Records.

1. CD-ROM or other similar electronic technology may be used instead of the paper, photographs, audiotape and videotape records. Those records could then be disposed assuming ALL the record information is scanned or otherwise input onto the CD-ROM or similar electronic technology media where the image is retained on a disk and where the image cannot be altered or is otherwise protected by written procedures and security safeguards against alteration.

2. CD-ROM or similar technology cannot be used to transfer fatality or catastrophe (accident) inspection case files (permanent retention) to the National Archives since this is not an archival quality medium. The records must be returned to an archival quality medium such as paper, videotapes, or electronic media on archival quality tape meeting appropriate standards and following appropriate procedures to assure the records are transferable.

D. Computer-Generated Magnetic Media Records. OSHA case files should not, generally, contain file materials created by OSHA on computer diskettes or tapes. Field notes that are originally entered on a lap-top computer or investigative memoranda or reports created as word processing files or tables, for example, are considered interim products leading to the creation of the printed, record copy, documents that will be retained in the case file. On the other hand, investigative materials that exist only on computer disks or tape (or on the hard drive of a seized computer) that are obtained from an individual or firm as part of the inspection process and that are evidentiary in nature, are part of the case file in their original form and must be given special treatment both to assure their continuing value to the prosecution of the case and the management of their disposition.

NOTE: The installation of electronic record-keeping systems in the future will likely require changes in this agency position.

IX. Records Maintenance.

- A. General Material. This record category covers compliance-related subject files. NOTE: ALL OFFICES SHOULD MAINTAIN SUBJECT FILES AS THE AGENCY RECORD COPY. Where chronological files are maintained, they constitute an additional, cross-reference file to the record copy in the subject files.
- B. Policy Material. This record category covers policy, precedent, and similar material relating to planning, developing, and directing the Federal inspection program. This category does not include compliance plans or other compliance operational instructions.
- C. Reports. This category covers compliance related reports that are not specifically related to individual inspections or other individual compliance actions.
- D. Meetings. This record category covers compliance related meetings and committees except those related to individual inspections or other individual compliance actions.
- E. Inspection Case Files. This record category covers all inspection case files in federally inspected States and in Federal agencies. It consists of the following subdivisions:

1. Active/Open Inspection Case Files.
 2. Contested Cases.
 3. Closed Inspection Case Files. This is a filing category. The records disposition schedule breaks this category into the following items:
 - a. Closed Safety Inspections.
 - b. Safety General Duty Inspections.
 - c. Safety Fatalities/Catastrophes.
 - d. Safety In-Compliance Inspections.
 - e. Health Inspections with Sampling Data.
 - f. Health Inspections without Sampling Data.
 - g. Non-formal Complaints.
 - h. Refused and Attempted Inspection Files.
- F. Establishment File. This record category covers all compliance-related materials that relate to a specific establishment, but are not limited to a specific inspection. Establishment case files are started for each establishment that contains unusual or special circumstances or situations; such as unusual processes, engineering controls, unusual toxic chemicals and other toxic products, and the like, which will probably result in a continuing need for information. Such a file may include health hazard evaluations, process descriptions, production data, product toxicity data, engineering controls, and other long-term safety and health data and related information of value in preparing for inspections.
- G. Invalid Complaints File. This record category covers complaints that are not related to occupational safety and health or are not covered by OSHA.
- H. Discrimination File. This record category deals with allegations of employer discrimination or retaliation against employees who call attention to alleged violations or who cooperate with OSHA inspections. The category consists of copies of materials sent to the regional office for investigation and does not include investigative materials.
- X. Appendixes.
- A. Records Maintenance and Disposition. *Appendix A* provides definitions and

general records maintenance and disposition instructions. Also, refer to OSHA Instruction ADM 12-0.4A for additional information.

- B. Compliance Records Files. *Appendix B* provides information and instructions related to creating and maintaining Compliance related files, including subject and case files.
 - C. Inspection Case File Organization. *Appendix C* provides definitions and specific information on the structure and content of inspection case files.
 - D. Compliance Records Disposition Schedules. *Appendix D* provides specific records disposition instructions for all compliance records on schedule NC1-100-82-1 and schedule NC1-100-90-1.
 - E. Records Transfer and Recall. *Appendix E* provides transfer and recall instructions for inspection case and related files. It covers: the assignment of accession numbers for records to be sent to the WNRC, including procedures for those offices in Region III that regularly send their records to the WNRC; the recall of records from the WNRC; and it provides information on retiring inspection records containing tapes to FRC's and the WNRC.
- XI. Assistance. Contact your Regional Records Officer for information and solutions to problems. The Regional Records Officer may contact the OSHA Records Officer, OMSO, as necessary.

APPENDIX A. RECORDS MAINTENANCE AND DISPOSITION

I. Introduction. This appendix provides information on the maintenance and disposition of compliance and related records in agency offices. Additional information about files maintenance may be found in OSHA Instruction ADM 12-0.4A.

II. Disposition. An integral part of Records Management is well-managed records disposition. This means the authorized disposal (destruction), retirement, transfer or miniaturization of records. A general guideline is that any file station should keep only ACTIVE records on hand. Disposition of inactive subject or closed case files should be made following the approved records disposition schedules shown in Appendix D. Regular disposition frees space for new files and reduces the need for continual acquisition of file cabinets and expansion of office space.

III. Folder Label Preparation.

A. File folder labels should be prepared to achieve uniformity. Use white pressure sensitive labels (See below, for description.) Show the file code (such as CPL 2 or FAP 1 for subject file material on inspections), folder title, period covered by the folder (fiscal year - FY) and the disposition date. Additional information on file folder and file label preparation may be found in OSHA Instruction ADM 12-0.4A.

B. Subject Files. The file code and subject title appear on the label of each subject file folder exactly as they appear in the file outline in Appendix C of OSHA Instruction ADM 12-0.4A (unless deviations have been approved for use.). The following is an example:

CPL 2 INSPECTION	FY-86
Destroy 10/89	

C. Subject-Expansion Files. These contain an addition or expansion of a subject file. The subject-numeric file code (such as CPL 2) is followed by a further alphabetic breakdown. Subject-expansions are done at the local office's option. The following is an example:

CPL 2A	Establishment Files	FY-86
Destroy 10/89		

- D. Case Files. The following is an example of a folder label for an establishment case file. The establishment case file shows the establishment name in parentheses to distinguish the case file from the establishment subject file. The fiscal year is not shown on the establishment case file since the case file would be destroyed when the establishment either goes out of business, changes owners, or is otherwise not needed.

CPL 2A (Ace Foundry, Moline, KS) (Subs. J. K. Steel Co.) Destroy When Closed
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- E. Inspection case file folder labels and related case file labels such as non-formal complaints are prepared differently. (See below.)

IV. File Folders, Labels, and Guide Cards.

- A. Standardization of Paper Filing Supplies. Field offices will use the folders, labels, and guides specified in OSHA Instruction ADM 12-0.4A for paper compliance and related records. Whether offices follow this practice or create their own file labels by computer locally, labels should be used to identify individual case files. The office's policy and procedures regarding labeling should be clear and consistently applied.
- B. Special Use Folders. These folders are used for inspection case files. They may also be used for establishment files.
1. Kraft Folders. Use folders with two built-in 2-3/4 inch prong fasteners. Specify letter-size. Regional or area offices will procure these from normal sources of supply.
 2. Pressboard Folders. Use these folders to house inspection case files or establishment files which are at least 1 inch thick. (Pressboard, 25 point weight, square cut, top tab with two 2-3/4 inch fasteners mounted on top [the 9-1/2" side] on inside covers, 2 inch expanded cloth gusset with "W" fold.) When ordering, specify letter-size. Procure from normal sources of supply.
- C. Folder Labels. Labels, whether standard paper supplies or locally produced computer printed, should contain, at a minimum, the establishment name, inspection identification number, and year closed. Where standard paper labels are not used, the office's electronic files should be used as both finding and disposition aids (see V., below).

1. Subject and Case Files. Offices not using electronic finding aids or indexes will use standard file folder labels, either solid color or with stripe.
 - a. Light blue
 - b. Green
 - c. Orange
 - d. Dark red
 - e. Yellow
 - f. Goldenrod
 - g. Gold
 - h. Silver
 - i. White, no stripe
 2. Inspection Case Files. Use labels for labeling inspection case files and related files such as informal complaints, uninspected denials, attempted inspections, and the like.
- V. Electronic Files. Offices using computers to maintain reference or index data on compliance-related case files as a finding aid and as a means for disposition management may discontinue the use of colored labels for inspection case files.
- VI. Transfer of Records. Effective controls must be maintained over retired records because they are subject to recall and re-use.
- A. Mandatory Transfer. Inspection case files are normally transferred to a FRC not later than 3 years after the case is closed. They may be sent to a FRC at any time before the case has been closed 3 years at the discretion of the transferring field office.
 - B. Exceptions to Mandatory Transfer. Field offices MAY, if desired, maintain inspection case files at the field office until the end of the retention period if the case file is of special interest to the field office. Special interest compliance case files include those cases:
 1. Involving companies in industries having no fixed worksite as in the construction industry,
 2. That could result in repeat violations,
 3. Involving multiple work sites in different geographical areas or States,
 4. That are unique or very unusual such as copper smelters,
 5. That are precedent-setting court cases, or

6. That are otherwise of great value as reference sources.

C. Records Center Containers. Information in addition to that given below may be found in OSHA Instruction ADM 12-0.4A.

1. Standard Containers. The box used to transfer records to the FRC is the records center box or carton measuring 14-3/4 x 12 x 9-1/2 inches. Each carton holds approximately 1 cubic foot of records. There is one combination letter and legal size records box available.

a.	<u>National Stock Number</u>	<u>Description</u>	<u>Unit of Issue</u>
	(1) 8115-00-117-8249	Box, Record	25 per bundle

2. Nonstandard Containers. Contact the FRC for instructions on obtaining the appropriate box to use for transferring the records if using lateral file folders and they will not fit the standard 14-3/4 x 12 x 9-1/2-inch records boxes or if non-textual information, such as rolls of undeveloped film, are to be sent to a FRC.

VII. Maintenance and Disposition of Case Files Containing Tapes.

A. Filing. Inspection case files containing tapes will be maintained in the same manner as case files without tapes. Continue to file as specified elsewhere in this instruction.

B. Internal Case File Organization. The internal organization of inspection case files containing tapes will remain the same as inspection case files without tapes.

C. Filing Audiovisual Media. (Note that paragraph V in Appendix E requires that long retention (over 10 years) taped records, including large video tape formats (such as VHS), are to be retired to the WNRC in separate accessions from the paper record.)

1. Single Inspection Tapes. Tapes may be filed in the case file or separately at the regional office's discretion. When filed separately from the case file, note in the case file where the tapes are filed. This does not affect the requirement to separate long retention (over 10 years) papers from tapes when the paper and tapes are sent to the FRC or WNRC in separate boxes and/or accessions. Refer to paragraph 5 on page B-2.

2. Filing Multi-Inspection Tapes. Tapes containing 2 or more inspections may be filed with the longest retention inspection case file or may be filed separately from the case files to which they relate at the regional office's preference. Note in the case files the location of the tape.

3. Case Filed Tapes. If tapes will be filed in the case file, tapes should be placed in an envelope or a heavy paper, cardboard or plastic holder to protect the tape(s) against damage. The envelope or holder should be fastened to the folder.
- D. WNRC Use. When OSHA offices are retiring inspection case files for which the retention requirement is over 10 years, which files contain tapes, they will be retired to the WNRC for storage, unless the FRC serving the office has climate controlled space available for the storage of the tapes portion of the inspection case files. It is the responsibility of the office retiring the files to ascertain whether the servicing FRC has such storage space available.

E. Filing Multi-Employer Inspection Records.

1. Multi-employer inspections present problems in filing media such as video tapes since more than one employer may be on the tape and the inspection record for several companies may be so commingled that extracting one company's record would be very difficult.
2. In accordance with longstanding records management practice, tapes which contain commingled inspections will be filed with, or under, the name of the company having the longest disposition period. Other companies must be cross-referenced on the outside of the tape and the location of the tape noted on the appropriate inspection case files for those companies.

F. Retirement of Safety Fatality/Catastrophe and Health Inspection Case Files With Sampling Data and Tapes.

1. Retirement to WNRC. Field offices will retire only those safety fatality/catastrophe and health with sampling data inspection case files that CONTAIN TAPES to the WNRC. Refer to Appendix E, paragraphs IV and V, for instructions about transferring records to the WNRC.
 - a. Health with sampling data inspection case files are subject to Records Schedule NC1-100-82-1, items 11 and 25.
 - b. Safety fatality/catastrophe inspection case files are subject to Schedule N1-100-90-1, item 23 (Refer to OSHA Instruction ADM 12-7.4).
2. Retirement of Multi-Media Inspection Records. Paper and tape portions of inspections must be retired to the WNRC at the same time. If tapes are held in the area office past the FRC transfer period, the paper portion of the inspection record must also be held.

G. Media Considerations in Disposition.

1. Audio- or Videotaped Inspection Records.
 - a. Coordinate Retirement. The audiovisual portion of an inspection record has the same disposition as the remainder of that record. They are part of the inspection record. Their disposition must be coordinated and they must be retired at the same time. (Except for In-Compliance records that are not retired).
 - b. Similar Inspections. When a VHS or other size videocassette, such as 8 mm., contains the video record of 2 or more inspections, all

inspections on the cassette must relate to the same type of inspection (one item on the disposition schedule) (e.g., safety fatality/catastrophe, health with sampling data, 5a1 violations, etc.). The same applies for audiotapes. If inspections having different disposition periods are mixed together on the same tape, those inspection records on the tape must be copied to other tapes so only one type of inspection is recorded on each tape.

2. Paper Inspection Records. Follow the directions in OSHA Instructions ADM 12-0.4A and elsewhere in this instruction when preparing paper records for retirement to the WNRC or FRC.
- H. Conditions For Tapes. Minimum life expectancy for tapes is 10 years. Tapes with a retention period over 10 years and held substantially past the records center retirement period must be kept in conditions. Office space is acceptable IF the environmental conditions in the office are stable without wide fluctuations in temperature and humidity.
- I. Retirement of Multi-Employer Inspection Records. Multi-employer inspection files, such as multi-employer construction industry inspection files, are handled differently from other taped inspection files.
1. Primary Inspection File and Tape Retirement Location. The tape will be filed with the paper file type having the longest disposition period. The tape will be retired along with the paper inspection case file for that inspection. Also see Appendix E.3.
 2. Other Inspection Files. The paper case files relating to the other simultaneously conducted employer inspections will be retired as if the inspection was not taped. (See paragraph IX of this Appendix.) However, mark the folder and the SF-135 folder listing with the location of the tape for future reference.
 3. Permanent or 40 year Retention Portions of Multi-Employer Inspection Files.
 - a. Where the inspection was the result of an accident or contains a health with sampling data inspection, the preferred method of retirement to the WNRC is separating the permanent fatality/catastrophe portion and/or the 40 year retention portion from the other simultaneously conducted employer inspections. A separate tape may be used for these portions of the inspection.
 - b. Alternatively, Area offices may retire the entire tape with the permanent or 40 year retention inspection, as appropriate. However, if this option is chosen, the entire tape, including any 3,

6 and 10 year retention inspections, will be subject to FOIA requests for the retention period of the permanent or 40 year retention records.

- J. Disposition of Tapes in In-Compliance Inspection Case Files. Where audio- or video-tapes are used to record inspection information during inspections that do not uncover violative situations (in-compliance inspections), the tape record of the inspection may be reused after complete erasure. The tape should be held for a sufficient time to assure the tape is not needed to document that no violations were observed. In-compliance tape records do not need to be kept as long as the remainder of the file because they document no violations and may be treated as routine surveillance tapes.
- K. Retirement of Other Inspection Case Files With Videotapes. Inspection case files with tapes to be retired to the local FRC consist of those disposable under records schedule NC1-100-82-1. They are general safety inspections (item 7), inspections with safety general duty clause (5a1) violations (item 8), and health without sampling data inspections (item 12).
- L. Retirement of Inspection Case Files Without Tapes. Field offices will continue to follow established procedures for transferring inspection case files WITHOUT VIDEOTAPES to Federal records centers. This includes permanent retention inspection case files.
 - 1. EXCEPTION: The Philadelphia Regional Office will follow the accession number assignment system in Appendix A for all records in field offices located in the District of Columbia, Maryland, Virginia and West Virginia. Refer to OSHA Instruction ADM 12-7.4.

APPENDIX B. COMPLIANCE RECORDS

I. Compliance Records Files.

- A. Introduction. This appendix provides information on compliance-related records, including subject and case files, and compliance file folder labeling requirements.
- B. Listing of Files. The following paragraphs constitute a listing, including descriptions and filing instructions, of compliance related files including subject and case files. For additional information on files operations, including the creation and labeling of subject-expansion folders, see OSHA Instruction ADM 12-0.4. Information concerning the approved disposition/retention periods for these files may be found in Appendix D.

II. Compliance Records File Categories.

- A. General Material. This includes all general correspondence and other material relating to inspection activities in federally inspected States or within the Federal Government. These materials should be filed under the appropriate subject listed in Appendix D of ADM 12-0.4A. The material will generally be filed in the subject files under CPL 2 or FAP 1.
- B. Policy Material. This includes records and other materials reflecting policy, precedent, and the like relating to planning developing and directing the Federal Inspection Program. These materials will generally be filed under CPL 2 or FAP 1. However, published instructions, directives, manuals, and the like are filed in binders or as electronic records, according to the established agency custom. Note that annual program plans themselves are filed in PAE 1.
- C. Reports. This includes reports dealing with compliance-related subjects including activity reports. These materials should be filed in CPL or FAP. Those reports which are made a part of inspection case files or should be placed in another of the categories in this appendix should be filed with the records within that category. This does not include IMIS copies of compliance forms.
- D. Meetings/Committees. This category consists of meetings and committees relating to safety and health inspection activities and functions. This category includes policy and mission statements, acceptances and regrets, membership lists, agendas, meeting arrangements, invitations, accommodations, authority to attend, and the like. File this material under CPL 2 or FAP. This does not include committee activities properly filed under ADV Inspection Case Files. The following three categories consist of safety and health inspection case files in federally inspected states and in Federal agencies and such related case files as

nonformal complaints, referrals, refused inspections and attempted inspections.

- E. Active/Open Cases. This category consists of all inspection case files upon which an action remains to be completed. Arrange these files alphabetically by firm or establishment. Copies of case files in contest or those undergoing collection activities may be filed separately.
- F. Contested Cases. This category consists of duplicate copies of inspection case files which are appealed by the firm or establishment. File duplicate inspection case files in this category alphabetically by firm or establishment when the establishment or firm has appealed a citation or penalty. The original file is sent to the Solicitor and remains there until the appeal is decided. The original is sent to the Office of the Solicitor to satisfy the requirements of courts for the best available evidence. After the original file is returned, merge the duplicate file into the original file, destroying all duplicate documentation.
- G. Closed Cases. This category covers all closed inspection case files including all forms, photographs, correspondence, samples, test results, reports, video, audio, or electronic records and the like pertaining to a specific establishment. This includes inspection case files, referrals, formal and nonformal complaints, refused inspections, and attempted inspections. These materials should be interfiled and are not filed divided into safety or health. These records are filed alphabetically by firm or establishment. A case is closed when all actions have been completed including follow up inspections and abatement of hazards. (See Appendix D for disposition schedules.)
1. Closed construction inspection case files may be filed separately.
 2. Simultaneous industrial hygiene and safety inspections are not combined inspections if they are conducted as and constitute complete, separate inspections.
 3. Formal complaints are filed in the appropriate inspection case file as part of that inspection.
 4. Compliance-related files such as nonformal complaints, referrals, refused inspections, and attempted inspections are maintained with the inspection case files because of their importance while preparing for and conducting inspections. They may be interfiled with the inspection case files. If desired, each type may be grouped together in a folder rather than each being filed in a separate folder. For example: all refused inspections may be filed together in one folder.
 5. Invalid complaints are filed with the inspection case files but are filed separately.

6. Transfers. Inspection case files will be transferred to the FRC within three years after the case is closed. They may be sent to the FRC at any time before they reach the mandatory transfer age.
 7. Special Interest files. Inspection case files of special interest such as those involving companies or establishments in industries having no fixed worksite, those that could result in repeated violations, those with multiple work sites in different geographical areas or States, those that are unique or unusual precedent-setting court cases, or are otherwise of great value as reference sources may be maintained in the field office instead of being transferred to the FRC.
 8. GAO Site Audit Records. Original copies of GAO Site Audit records, such as collection registers, check forwarding receipts, and the like providing an audit trail for monies received by the agency cannot be filed in inspection case files. These records are filed in the agency file system under FIN (financial management). See OSHA Instruction ADM 12-0.1 Copies of these documents must be included in the inspection case files to provide documentation concerning payment of penalties and/or abatement of the hazard.
- H. Establishment Files. This material consists of case files of establishments, companies, or firms that do not relate to a specific inspection. Establishment case files should be started for each establishment that the Area Director determines contains unusual or special circumstances or situations; such as unusual processes, engineering controls, unusual toxic chemicals and other toxic products, and the like, which will probably result in a continuing need for information. Such a file may include health hazard evaluations, process descriptions, production data, product toxicity data, engineering controls, and other long-term safety and health data and related information of value in preparing for inspections. The area Director has full discretion in deciding which companies, establishments or firms will be documented in the establishment file. These materials should be filed alphabetically by name of establishment or firm. When a firm or establishment has a new name and/or a new owner, change the title of the folder and file the folder in the new location in this alphabetical file.
- I. Invalid Complaints. These are complaints that are not related to occupational safety and health or are not covered by OSHA. They include appeals where the office director determines the complaint is invalid for redress and the complainant appeals the decision. However, file successful appeals with the appropriate closed inspection case file. These materials should be files as best suits the user's needs.
- J. Discrimination. Records dealing with employer discrimination or retaliation (Section 11(c)) against employees who report violations of the Act or cooperate with OSHA inspections are included in these files. This file category consists of copies of materials sent to the regional office for investigation. This file does not

include investigative files. These materials should be filed as best suits the user's needs.

III. Compliance File Folder Labeling.

A. Inspection-Related Case Files.

1. Inspection Case Files. Folder labeling for these files is accomplished as required .
2. Other Inspection-Related Case Files.
 - a. Folder labels for "Other Inspection-Related Case Files" (nonformal complaints, refused inspections, attempted inspections and referrals) show the same information as inspection case files.
 - b. If all of the individual files in a case file group (such as refused inspections, attempted inspections or similar files) are to be:
 - Grouped in one folder or group of folders (not filed as one folder per case), and
 - Maintained separately from the inspection case files; then
 - Prepare the file folder label in accordance with Appendix A (an example relating to refused inspections is shown in figure C-1 below.)

CPL 2B	Refused Inspections	FY-86
		Destroy 10/89

- B. Other Compliance-Related Case Files. File folder labels for establishment files, discrimination complaints, invalid complaints, and similar case files shall conform to the requirements of Appendix A. Examples of a subject-expansion for establishment files and an individual establishment case file are given below.

CPL 2C	Establishment Files	FY-86
		Destroy 10/89

B-5

CPL 2C (Alhambra Cotton Co., FY-86
Alhambra, AL)
Destroy When Closed

APPENDIX C. INSPECTION CASE FILE ORGANIZATION

- I. Introduction. This appendix outlines the structure and content of inspection case files. (For additional information concerning inspection case files, related forms, and procedures, refer to OSHA Instruction ADM 1-1.12A, OSHA Instruction CPL 2-0.45B, CPL 1-0.102 and other related OSHA directives.)
- II. Inspection Case File Definition. An inspection case file shall be composed of all essential documents relating to a single inspection of an establishment. Separate inspections of the same establishment shall be filed in separate inspection case files. However, actions which form an essential part or continuation of the original inspection, such as follow-ups and interim monitoring inspections, shall be filed in the original case file. Simultaneous health and safety inspections of the same establishment shall be filed separately if they constitute complete, separate inspections. Materials such as video or audio tapes filed separately from the case file are still considered integral parts of the case file as are documentary materials maintained in electronic media.
- III. External File Structure.
 - A. Alphabetic Filing. Use the alphabetic filing rules developed for the IMIS when filing compliance-related records alphabetically. These rules are contained in OSHA Instruction ADM 1-1.12A.
 - B. Label Preparation. The first position filing label shall be a plain white label. The label used shall measure approximately 2 x 3-1/2 inches. (See Appendix F for a description of this label.)
- IV. Internal File Structure.
 - A. Electronic Documents. If electronic files are maintained either in addition to or instead of paper files, the electronic documents relating to one case must be maintained together as a unit.
 - B. Forms and Notes. All official forms and notes constituting the basic documentation of a case must be part of the case file. This material shall be attached to the RIGHT side of the case file folder in the order noted in paragraph E.1.a. All official forms and notes relating to follow up inspections shall be maintained in the same order, but shall be placed on top of the forms and notes relating to the original inspection.
 - C. Correspondence. All correspondence relating to the case shall be attached to the LEFT side of the folder in reverse chronological order; that is, with the most recent correspondence on top. (See paragraph V. A. 2. for a description of the types of materials included as correspondence.)

- D. Mail Receipts. Mail receipts shall be attached to the documents to which they relate. Be sure information is not covered by the receipt. If a mail receipt cannot be placed on the back of the related document, place the receipt on a blank sheet of paper and staple the paper to the applicable document.

- E. Miscellany. Miscellaneous inspection case file documentation not clearly falling into either paragraph IV.A. or IV.B. above shall be filed as correspondence on the LEFT side of the folder. If too voluminous to fit easily into the inspection case file folder, file the information in a separate location but note the location on the inspection case file folder. If an establishment folder has been started on a company establishment, worksite, etc., safety manuals and similar material should be placed in the establishment folder and a cross-reference note placed in the inspection case file. Make note that an establishment folder is a file on a company which was set up because of unusual conditions or situations and which contains correspondence, reference material, and other information which relate to a specific employer or establishment, but which are NOT associated with a specific inspection or compliance activity. These materials could include a Federal agency's action plan, a list of competent persons or anything else related to safety or health matters in the company or establishment.

V. Filing Arrangement - Inspection Case File Contents.

- A. Forms and Related Documentation. The following listing is an itemization of the OSHA forms and related documentation which appears on the RIGHT side of the case file, IN ORDER FROM TOP TO BOTTOM. File amendments and any official notes with the forms to which they relate.
 - 1. OSHA 2B Notification of Failure to Abate Alleged Violation.
 - 2. OSHA 2 Citation and Notification of Penalty. (This includes amendments. Place amendments on top of the original OSHA-2.)
 - 3. OSHA 2H Notice of Unsafe or Unhealthful Working Conditions, or Hazard Correction List.
 - 4. OSHA 8 Notice of Alleged Imminent Danger.
 - 5. OSHA 1MOD Inspection Report-Modification
 - 6. OSHA 1 Inspection Report.
 - 7. OSHA 170 Investigation Summary.
 - 8. OSHA 36 Fatality/Catastrophe Report.

9. OSHA 7 Notice of Alleged Safety or Health Hazards (This includes related complaint letters). NOTE: File written complaints immediately behind the OSHA 7.
10. OSHA 1A Narrative. (This includes injury and illness data supporting the OSHA-1A)
11. OSHA 94 Note Taking Sheet.

NOTE: Although the OSHA 94 is prescribed for use with the OSHA 1A as a continuation sheet by OSHA Instruction CPL 2.45A, it may be used with any of the compliance related forms as a continuation or note taking sheet.

12. OSHA 1B/1B(IH) Worksheet.

NOTE: File here those forms which describe alleged violations that will appear on the citations. The OSHA 1B/1B(IH) forms are separated by sampling data forms. If a "General Duty" letter was sent, the related forms shall be the first set of forms in this category.

- a. OSHA 91A Air Sampling Worksheet.
- b. OSHA 91B Air Sampling Report.
- c. OSHA 93 Direct Reading Report.
- d. OSHA 98 Screening Report.
- e. OSHA 92 Noise Survey Report.
- f. OSHA 99 Octave Band Analysis and Impact Noise.

NOTE: These are sampling data forms and continuation sheets which relate to the violation described on the OSHA-1B/1B(IH). Sampling forms and continuation sheets are placed behind the individual OSHA-1B/1B(IH) to which they relate. If the sampling forms relate to more than one (1) OSHA 1B/IB(IH), place the sampling forms behind the first OSHA 1B/1B(IH) to which they relate. Note the location of the sampling forms on all other related OSHA 1B/1B(IH) forms.

13. OSHA 89 Photo Mounting Worksheet. NOTE: Negatives are located in an envelope on the left side of the folder.
14. OSHA 1B/1B(IH) Worksheet.

NOTE: File here those forms which do not result in cited violations. This includes related sampling data forms and continuation sheets. If the sampling forms relate to more than 1 OSHA 1B/IB(IH), place the sampling forms behind the first OSHA 1B/1B(IH) to which they relate.

Note the location of the sampling forms on all other related OSHA 1B/1B(IH)'s.

- a. OSHA 91A Air Sampling Worksheet.
- b. OSHA 91B Air Sampling Report.
- c. OSHA 93 Direct Reading Report.
- d. OSHA 98 Screening Report.
- e. OSHA 92 Noise Survey Report.
- f. OSHA 99 Octave Band Analysis and Impact Noise.

NOTE: These are sampling data forms which are filed behind the appropriate OSHA 1B/1B(IH) and for which no citations were issued.

15. Technical Information. This includes information supporting violations, employer's safety and health reports, material safety data sheets, and the like. NOTE: Safety and health data and related information of long-term value in preparing for inspections shall be filed in the appropriate establishment file.
16. OSHA 168 Inspection Assignment.
17. OSHA 90 Referral Report.
18. Field Notes. (Number field notes as a unit.)
19. Compliance Plans.
20. Other Materials.
 - a. Developed Film. Place photographic negatives in envelopes and slides in plastic holders on the right side of the inspection case file folder or file photo negatives and slides in a separate location and note that location on the right side of the inspection case file folder.
 - b. Undeveloped Film. These undeveloped rolls of film are related to specific inspections but were not developed because of no specific need or because the case was not contested.
 - c. Video and Audiotape. These video and audio tapes are related to specific inspections. Video and audio tapes are record material and are an integral part of the inspection case file to which they relate.

- B. Correspondence and Miscellaneous Information. The following is a list of the types of correspondence and miscellaneous case documentation which shall appear on the LEFT side of the case file.

1. Method of Filing. This material shall be FILED IN REVERSE CHRONOLOGICAL ORDER(i.e., with the most recent correspondence and other information on top). DO NOT file this material in the order in which it is listed below. The diary sheet and the forms in paragraphs V.A.2. (b) through (f) are an exception to the reverse chronological order rule.
2. Diary Sheet. This sheet is placed on the top of the material on the left side of the folder. The diary sheet may be used to note important telephone and face-to-face conversations, the date of important actions such as opening inspection date, date citation sent and any other activities deemed important enough to note on this summary of contacts. It also serves as a finding aid to the memoranda of conversation and memoranda to the record which were written to document the information imparted in these personal contacts. The diary sheet may also be used to document the receipt date of important correspondence. Do not use the diary sheet to record conversations or other messages.
3. OSHA 166 Citation Record Update.
4. OSHA 167I Inspection Record Update. (This also includes OSHA 1 forms for modifications only.)
5. OSHA 167C Complaint Record Update.
6. OSHA 163 Penalty Payment Report.
7. Penalty Information.
 - a. Request for payment.
 - b. Carbon copy of penalty reminder.
 - c. Copy of check.
 - d. Letter of refusal to pay past due penalty.
8. Abatement Information.
 - a. Letter of abatement.
 - b. Employer statement of abatement.
 - c. Petition for Modification of Abatement (PMA) request and correspondence.
 - d. Letter of past due abatement.
 - e. Progress report of abatement.
 - f. List of detailed expenditures for abatement.
 - g. Contract work proposal (abatement agreements).
9. Planned Method of Abatement.

- a. Letter requesting and correspondence relating to planned method of abatement.
- b. Letter of transmittal of planned method of abatement to field office for the Solicitor.
- c. OSHA acknowledgment of receipt of planned method of abatement.

10. Contested Case Information and Correspondence.

- a. Review Commission orders.
- b. Letter of contest.
- c. Transmittal to Solicitor.
- d. Notice of receipt of case.
- e. Certification of final order.
- f. Final order.
- g. Statement of order.
- h. Final order of Commission decision.

11. General Correspondence.

- a. Informal settlement information.
- b. Informal conference information.
- c. Denial of entrance information including application, warrant and related information.
- d. Letter of complaint. NOTE: If an OSHA 7 is completed, file the complaint behind the OSHA 7 on the right side of the folder.
- e. Employer correspondence.
- f. Transmittal to Solicitor.
- g. Follow up correspondence.
- h. Solicitor's correspondence.

12. Informal Documentation. This includes memoranda to the file, memoranda of conversation, and similar informal documentation recording telephone calls, visits, meetings, and the like.

VI. Numbering System for Forms.

- A. Number the OSHA 1B/1B(IH)'s including sampling data forms as a unit such as 1 of 10, 2 of 10, 3 of 10, etc.
- B. Number field notes as a unit: Page 1 of 20, Page 2 of 20, Page 3 of 20, and so on. If a video or audio tape serves as field notes, so indicate and identify its location.
- C. You may number individual forms, such as the OSHA 1A, when there are several copies of the form. Number as 1 of 5, 2 of 5, 3 of 5, etc.

- D. DO NOT organize the case file documentation into appendixes. You may use divider tabs to permit easy reference.
 - E. DO NOT page number the case file as a unit.
- VII. Subdivision of Inspection Case Files. Elements of an inspection case file such as specific forms or groups of forms, citation-related photo worksheets, field notes, abatement information, informal conference information, and the like may be identified for easy reference using dividers with index tabs. This will allow compliance officers and others to quickly and easily find frequently referenced forms or groups of forms.
- VIII. Substitution of Records. Electronic media or video-tape or audio-tape may substitute for paper records in the case file when all NARA recordkeeping requirements are met. Further, any documentary materials listed above may be filed separately, such as video tapes and records maintained in electronic media. Records maintained in electronic media, in lieu of printing them out and filing them in the case file, must be maintained as a unit in an electronic document management system and clearly identified as part of the specific case file. The electronic system must meet all NARA requirements for an electronic recordkeeping system.

APPENDIX D. COMPLIANCE RECORDS DISPOSITION SCHEDULE

- I. Description of Schedule. The compliance-related records listed on this record disposition schedule are records created or accumulated by OSHA area offices and subordinate field offices. It does not include records maintained in regional offices. This schedule covers records related to compliance inspections.
 - A. Records Disposition Schedule Numbers. The records disposition schedule number assigned to the compliance-related records on this records disposition schedule by NARA is NC1-100-82-1 (See Table D-1). The records schedule disposition schedule number assigned to the safety accident or fatality/catastrophe inspection case files by NARA is NC1-100-90-1 (See Table D-2).
 - B. Records Disposition Authority. The number of the records disposition schedules (plus the number of the individual records disposition item) cited in paragraph A.1. above is the sole authority granted to OSHA field offices to dispose of compliance-related records including inspection case files. This number, together with the item number, is cited when the authority allowing OSHA field offices to dispose of compliance-related records must be cited on a document. This includes citing the records disposition authority on an SF-135, Transfer of Records, permitting transfer of records to an FRC.
 - C. Supersession. Schedule NC1-100-82-1 supersedes all records disposition items in Schedule NC-174-254 dated July 1, 1974 and those items in Schedule NC1-100-77-1 dated November 1, 1977 but only as those items apply to area offices and subordinate offices and to compliance-related files including inspection case files, establishment files, discrimination files, and other similar files relating to OSHA Federal compliance activities including Federal agency compliance activities. Item 23 of Schedule NC1-100-90-1 supersedes items 9 and 24 of Schedule NC1-100-82-1. These schedules apply to all inspection operations offices consisting of area offices, and subordinate field offices. This includes successor offices and organizations.

II. Records Disposition Schedules NC1-100-82-1 and NC1-100-90-1: Items and Disposition. The records disposition schedules contained in this appendix consist of 4 columns.

- A. Item Number. The first column gives the item number of the particular series of records covered by that item on the schedule.
- B. Title. The second column shows the title of the series of records; such as, "Reports," "Closed Safety Inspections," "Health Inspections," and the like.
- C. Description. The third column is an explanation of the types of records which are included in that item.
- D. Disposition.
 - 1. The fourth column shows the authorized disposition instructions for the series of records covered by the records disposition schedule item.
 - 2. Some of the items in this column show sub-item listings. They may be identified by a letter prefix (a or b). For example, the first disposition listing in Item 1 is Item 1a for the field office record copy of general record material. Item 1b covers other copies.
 - 3. Unless otherwise specified by the regional office, the record copy is always located in the area office.

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1	General Material	General correspondence and other material relating to inspection activities in federally inspected States or within Federal agencies.	a. RECORD COPY: Destroy when 3 years old. b. OTHER COPIES: Destroy when 2 years old.
2	Policy Material	Records and other materials reflecting policy, precedent, and the like related to planning, developing, and directing the Federal Inspection Program. The Agency Record Copy of these documents is maintained in other offices. This material does not include published instructions, notices, and other directives, manuals, and the like.	Destroy when superseded or obsolete.

3	Reports	Covers all inspection or compliance activities except those which are covered elsewhere in this schedule such as reports properly part of an inspection case file. The Agency Record Copy of substantive reports is maintained in other offices.	a. RECORD COPY: Destroy when 3 years old. b. OTHER COPIES: Destroy when 2 years old.
4	Activity Reports	Periodic summaries of work performed by administrative or program personnel.	Destroy when 2 years old.
5	Meetings/ Committees	Meetings and committees that relate to safety and health inspection functions and activities. The Agency Record Copy of these records is maintained in other offices. Does not include advisory committees.	Destroy when 3 years old or when no longer needed for reference.
6	Active/Open Inspection Case Files	Includes all inspection case files upon which an action remains to be completed. Except inspection case files in contest, see Item 16.	Place in closed case file after all actions have been completed. See items 7 thru 13, below.
7	Closed Safety Inspections	Safety inspection case files relating to a specific safety inspection in a specific establishment. Includes related follow-up inspections and Proposed Modification of Abatement (PMA) monitoring reports. EXCEPT: Combined health and safety inspections, general Duty safety inspections, safety in-compliance inspections, safety fatality and catastrophe inspections and safety inspections classified as special interest, see Items 8 through 12, below.	a. RECORD COPY: Transfer to FRC not later than 3 years after case is closed. See items 7 thru 13, below. b. OTHER COPIES: Destroy material not placed in the record copy when file is consolidated.
8	Safety General Duty Inspections	Consists of case files of safety inspections where General Duty Clause (5.a.1. of the Act) violations occurred. Includes related follow-up inspections and OMA monitoring reports. EXCEPT: Case files involving fatalities or catastrophes, see item 9.	a. RECORD COPY: Transfer to FRC not later than 3 years after case is closed. Destroy 10 years after case is closed. b. OTHER COPIES: destroy material not placed in the record copy when file is consolidated.
9	Safety Fatality and/or Catastrophe Inspection Case Files	Superseded See Table D-2, Records Disposition Schedule N1-100-90-1	None
10	Safety In- Compliance Inspections	Case files of safety inspections where no violations were cited. Includes inspections where only a records review was conducted.	a. RECORD COPY: Destroy 3 years after case is closed. b. OTHER COPIES: Destroy material not placed in the record copy when file is consolidated

11	Health Inspections	Case files of industrial hygiene inspections and combined safety and industrial hygiene inspections. Includes health and combined Health and safety in-compliance inspections. Also includes related follow-up inspections and PMA monitoring reports.	.a. RECORD COPY: Transfer to FRC not later than 3 years after case is closed. destroy 40 years after case is closed. b. OTHER COPIES: Destroy material not placed in the record copy when file is consolidated.
12	Non-Sampling Health Inspections	Case files of industrial hygiene inspections and combined health and safety inspections. Includes industrial hygiene in-compliance inspections. Consists of inspections where sampling data was not collected. EXCEPT: Combined health and safety inspections which involve safety General Duty Clause inspections, dispose in accordance with Item 8	a: RECORD COPY: Transfer to FRC not later than 3 years after case is closed. Destroy 6 years after case is closed. b. OTHER COPIES: Destroy material not placed in the record copy when file is consolidated
13	Non-Formal Complaints and Referrals	Inspection case files relating to complaints or referrals concerning unsafe or unhealthy conditions in an establishment. No inspection is made of the establishment. Except for informal complaints which become formal and referrals which result in an inspection. See Items 8 thru 12, as appropriate.	a. RECORD COPY: Destroy when 3 years old. b. OTHER COPIES: Destroy material not placed in the record copy when the file is consolidated.
14	Reserved		
15	Reserved		
16	Contested Cases Duplicate File	This category covers duplicate inspection case files when the establishment or firm appeals a citation or penalty. The original file is sent to the Solicitor and remains there until the appeal is decided.	When the original file is returned to the originating office, merge the duplicate file into the original file, destroying all duplicate documentation. Dispose in accordance with the applicable file into the original inspection case file disposition item.
17	Reserved		
18	Establishment Files	Case files of establishments, companies, firms or Federal, State or local government worksites which do not relate to a specific inspection. This includes health hazard evaluations, process descriptions, production data, product toxicity data, engineering controls, Federal agency action plans, lists of competent persons, and any other information of value relating to safety or health matters.	Destroy when establishment or firm no longer exists or when no longer needed, whichever occurs first.

19	Refused and Attempted Inspection Files	Records and other materials relating to proposed inspections which did not occur because entry was denied by the establishment and a magistrate, the Solicitor, or the agency made a determination not to proceed. Also includes proposed inspections which did not occur because a decision was made not to attempt an inspection because the firm was no longer in operation, the occurrence of a labor action, or a similar situation.	a. <u>Record Copy.</u> Destroy when 3 years old. b. <u>Other Copies.</u> Destroy when 1 year old.
20	Invalid Complaints	Complaints which are not related to occupational health or safety or are not covered by OSHA. Includes appeals where the area office director determines the complaint is invalid for redress and the complainant appeals the decision. EXCEPT: Successful appeals which are filed in the appropriate item elsewhere in this schedule.	Destroy when 1 year old
21	Discrimination	Records dealing with employer discrimination or retaliation (under Section 11© of the Act) against employees who report violations of the Act or cooperate with OSHA inspections. Consists of copies of materials sent to another office for investigation. Does not include investigative files.	Destroy when 1 year old.
22	Reserved		
23	Compliance Index Files	This consists of information maintained in electronic or printout form used to provide reference and case tracking capabilities for the inspection case files	Destroy when no longer needed for reference but not later than 40 years after case is closed or 12 years after State assumes inspection duties
24	Safety Inspections Closed on or before September 30, 1982.	Superseded See SeeTable D-2, Records Disposition Schedule N1-100-90-1	None
25	Health Inspections Closed on or before September 30, 1982	Includes all industrial hygiene inspection case files and combined safety and industrial hygiene inspection case files closed on or before September 30, 1982.	a. RECORD COPY: Transfer to FRC if 3 years of the retention period remains. Destroy 40 years after case is closed. b. OTHER COPIES: Destroy material not placed in the record copy when the file is consolidated.

TABLE D-2 RECORDS DISPOSITION SCHEDULE N1-100-90-1

<u>ITEM NUMBER</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
23	Safety Fatality and/or Catastrophe Inspection Case Files	<p>Correspondence, memoranda, inspections, reports, and other records involving safety inspections involving fatalities and/or catastrophes including follow-up inspections and Proposed Modification of Abatement monitoring reports. Arranged alphabetically by the name of the company being inspected. Supersedes NC1-100-82-1, items 9 and 24.</p> <p>This item is cited on SF-135's as: NC1-100-90-1, item 23. (Do not cite a. or b.)</p> <p>NOTE: Extra suspense or convenience copies of these case files held in field offices may be destroyed when files are consolidated or when the extra copies are no longer needed for reference purposes.</p> <p>NOTE: All safety inspections closed on or before September 30, 1982 have been reclassified as PERMANENT records by NARA under this schedule and item number. These case files must be retired to the FRC for proper disposition.</p>	<p>Retire to FRC no more than 3 years after case is closed.</p> <p>DO NOT DESTROY.</p> <p>a. Significant cases selected by the National Archives, PERMANENT. Transfer to NARA 20 years after case is closed.</p> <p>b. All other cases. NARA will destroy during archival processing.</p>

APPENDIX E. MAINTAINING AND DISPOSING OF COMPLIANCE RECORDS.

- I. Purpose. This appendix provides instructions for the maintenance, disposition and recall of inspection records. These procedures are to be implemented by OSHA field offices in managing inspection case files.
- II. Maintenance and Disposition of Records. All inspection records, regardless of media, must be retained and disposed in accordance with the records disposition schedule item for that type of inspection (e.g., safety fatality/catastrophe, 5a1 violations, health with sampling data, etc.). Additional information on file management may be found in OSHA Instruction ADM 12-0.4A.
- III. Videotaped and Audiotaped Inspection Records.
 - A. Background.
 1. Videotaping Inspections. OSHA has, in recent years, begun to videotape inspections. This practice has reached the point where significant numbers of inspection case files containing videotapes will need to be retired to FRCs.
 2. Videotape Fragility. Videotape, like most other audiovisual and all magnetic media, is fragile and easy to erase or misplace.
 3. Videotape Lifetime. The expected lifetime for videotape is approximately 10+ years in an environment that is not climate controlled. This means the quality of the image cannot be guaranteed over 10 years. The environment in some FRCs is climate controlled, although many are not.
 4. Safety Fat/Cats Retention. Safety fatality/catastrophe inspection case files containing videotapes or audiotapes cannot be retired to a FRC that lacks climate controlled records storage space. NARA increased the disposition period for these inspection case files from 10 years to permanent (forever).
 5. IH With Sampling Data. Health inspection case files with sampling data containing videotapes or audiotapes cannot be sent to a FRC that lacks climate controlled storage space. These inspection case files have a 40 year disposition period.

6. NARA Long Term Record Storage. OSHA requested NARA approval to place safety fatality/catastrophe and health with sampling data inspection case files containing videotapes into climate controlled space at the WNRC for storage. NARA has agreed to this request, although they limited OSHA's control points for this storage to the OSHA Regional Offices and the NO.

B. Multi-Media Inspection Case Files.

1. Multi-Media Definition. An inspection case file consists of all materials, regardless of media, used to record the inspection including pre-inspection preparations, inspection records such as field notes, process information, interviews, and inspection forms, and the post-inspection record of inspection-related activities including settlement, contest, penalty payments, abatement and the like.
2. Tapes Defined. Hereafter as used in this instruction, tapes means audiotapes and/or videotapes.
3. Tape As A Record. Where photographs, videotapes or audiotapes are used to show hazards, accidents, or simply to record comments of the CSHO or others during an inspection, they become a record of the inspection. They are subject to the disposition period for that inspection. Maintaining the audiovisual media as part of the inspection is important. NARA documentation regulations require the inspection record contain the best evidence to support any observed violations.
4. CD-ROM or Other Similar Records.
 - a. CD-ROM or other similar electronic technology may be used instead of the paper, photograph, Audiotape and videotape records. Those records could then be disposed assuming ALL the record information is scanned or otherwise input onto the CD-ROM or similar electronic technology media where the image is retained on a disk and where the image cannot be altered or is otherwise protected by written procedures and security safeguards against alteration.
 - b. CD-ROM or similar technology cannot be used to transfer fatality or catastrophe (accident) inspection case files (permanent retention) to the National Archives since this is not an archival quality medium. The records must be returned to an archival quality medium such as paper, videotapes, or electronic media on archival quality tape meeting appropriate NARA standards and following

appropriate procedures to assure the records are transferrable.

IV. WNRC Accession Number Procedures.

A. Assigning Accession Numbers. The WNRC usually requires each agency to assign accession numbers to its own records instead of assigning the numbers itself.

1. Offices Assigning Numbers for WNRC. Each Regional Office is authorized to assign accession numbers TO ACCESSIONS TO BE RETIRED TO THE WNRC.
2. FRC Assigned Numbers. Accessions to be retired to the FRC's will continue to be assigned by the FRC's.
3. WNRC Number Assignment System. The assignment of WNRC accession numbers by regional offices is as follows:

a. Accession Number

- (1) 100-FY-0001 to 0099 (Regional Offices - Reserved for the OSHA Records Officer)
- (2) 0101 to 0199 Boston
- (3) 0201 to 0299 New York
- (4) 0301 to 0399 Philadelphia
- (5) 0401 to 0499 Atlanta
- (6) 0501 to 0599 Chicago
- (7) 0601 to 0699 Dallas
- (8) 0701 to 0799 Kansas City
- (9) 0801 to 0899 Denver
- (10) 0901 to 0999 San Francisco
- (11) 1001 to 1099 Seattle

4. Accession Number Structure. The accession number structure remains the same. It is: Record Group-Fiscal Year-Consecutive Number.

a. The OSHA Record Group is 100.

b. Fiscal Year is self-explanatory.

c. The first 2 digits of the consecutive number defines the region (e.g., 0401). The last 2 digits of the consecutive number are the number of the particular accession of records (e.g., 0401). For example:

<u>Record Group</u>	<u>Fiscal Year</u>	<u>Consecutive No.</u>
100	- 93	- 0401

d. In the example above, the record group for OSHA is 100, the fiscal year is 1993, the region is 04 meaning the Atlanta Regional Office, and this is the 1st accession issued by that region for records destined to be retired to the WNRC.

- B. Accession Number Assignment for Field Offices in the District of Columbia, Maryland, West Virginia and Virginia. OSHA field offices in these States retire all their records to the WNRC. Field Offices in these states will apply the accession number system in this appendix to all their records. Accession numbers must be assigned by the Philadelphia Regional Office. Area offices will not assign accession numbers.

V. Retirement Procedures For Records Containing Tapes.

- A. Introduction. This paragraph provides specialized information for the retirement of permanent records and special records such as video and audio tapes to FRC's with climate controlled storage and the WNRC. Also refer to OSHA Instructions ADM 12-0.4 for additional information about retiring records to the WNRC and FRC's. FRC's containing climate controlled storage space may be substituted in these transfer instructions for WNRC storage.

B. Preparing Records for Transfer.

1. Multi-Year Retirements. If the volume of paper records is less than 1 full box, multiple years may be retired together. All related tapes also must be retired at that time.

2. Long Retention Tapes (over 10 years).

- a. Place paper and tape records in separate boxes. The paper and tape cannot be retired to the WNRC in the same box because of the relative fragility of the taped record, its bulky shape (for VHS), the lengthy disposition period and WNRC requirements.

b. Store tapes up on end in the box. Do not store them flat. This will avoid damage to the tape.

3. Short Retention Tapes (10 years or less).

a. VHS format videotape. VHS format videocassettes cannot be transferred to the FRC in the case file to which they relate. Place paper and videotape records in separate boxes.

b. 8 mm. and other small videotape formats and Audiotape.

(1) Tapes containing a single inspection may be placed in the case file and retired with the paper records.

(2) Audiotapes and small format videotapes containing 2 or more inspections may be retired to the FRC in boxes separate from the paper record. As an alternate, the tape may be placed in the case file containing the longest retention and sent to the FRC as part of that file. Note on the other case files and on the accession box listing where the video record of the other inspections are filed.

C. Preparing Records Transfer Forms. Refer to the sample completed SF-135 forms found in Figures 1 and 2, below in this appendix. Note that the same SF 135 will cover records that are being transferred in both tape and paper formats. For additional information on preparing records transfer forms and shipment of records, refer to OSHA Instructions ADM 12-0.4.

1. SF-135 Preparation.

a. Preparation. Prepare the SF-135, Records Transmittal and Receipt, as usual, with the additions explained below.

b. Note on SF-135 for Taped Inspections. Note on the SF-135:

(1) Videotapes and/or audiotapes are included in the accession.

(2) Any special boxes used to house the records. Provide the size and GSA stock number (if any) of the boxes.

(3) The appropriate box numbers for those boxes containing videotapes when the videotapes are retired in separate boxes from the paper records in the same accession.

(4) The appropriate codes below when video or audio tapes are

included in the accession. Place the code in block 6, column f on the SF-135.

<u>CODE</u>	<u>EXPLANATION</u>
SRC	Sound Recordings, Tape Cassette
TEX	Textual (paper)
VDV	Video Recordings, VHS cassette
VID	Video Recordings, unspecified (use for 8mm cassettes)

2. Long Term (More Than 10 years) Inspection Case Files (Safety Fatalities/Catastrophes and Health with Sampling Data).

a. Transferring to WNRC. Transfer paper and tape segments of inspection case files to the WNRC under separate accessions on ONE SF-135. Place on the SF-135 only those inspection case files disposable under one item on a records schedule AND PROVIDED THE DISPOSITION DATE OF THE RELATED ACCESSIONS ON THE SF-135 IS THE SAME.

b. Permanent Accessions Containing Tapes. For permanent records, note on the SF-135 that NARA has agreed to allow OSHA to list 2 accessions (one paper and one tape) on the SF-135.

3. Short Term (10 Years or Less) Special Records (Audio- or Videotapes) Sent to the WNRC or FRC with the Paper Record.

Include a note in the records description that the tapes in the audio- or videotape accession are integral to the inspections in the paper records accession.

4. Special Records (Audio- or Videotapes) Sent to the WNRC or FRC Separate From the Paper File.

a. Temporary Records. For VHS format video-cassettes, specify which box(es) contain VHS videotapes. Do not place VHS videotapes and paper records in the same box. Any of the boxes specified in paragraph III.C. of this Appendix may be used to store

videotapes.

b. Permanent Retention Records. Specify which accession(s) contain tapes. Do not place tapes and paper records in the same accession. Any of the boxes specified in paragraph III.C of this Appendix may be used.

RECORDS TRANSMITTAL AND RECEIPT

Complete and send original and two copies of this form to the appropriate Federal Records Center for approval prior to shipment of records. See specific instructions on reverse.

PAGE 1 OF 1 PAGES

1. TO (Complete the address for the appropriate records center serving your area)

Federal Archives and Records Center
General Services Administration
Washington National Records Center
Washington, DC 20409

As shown in FPMR 101-11.110-1

2. AGENCY TRANSFER AUTHORIZATION
TRANSFERRING AGENCY OFFICIAL (Signature and Title)
(Signature of Regional Records Officer) DATE

3. AGENCY CONTACT
TRANSFERRING AGENCY LIAISON OFFICIAL (Name, office and telephone No.)
(Area Office Records Liaison Officer)
(Telephone Number)

4. RECORDS CENTER RECEIPT
RECORDS RECEIVED BY (Signature and Title)
(Do Not Complete) DATE

5. FROM (Enter the name and complete mailing address of the office returning the records. The signed receipt of this form will be sent to this address)

U. S. Department of Labor
Occupational Safety and Health Admin.
(Name of Regional Office)
(Street Address)
(City, State, ZIP Code)

RECORDS DATA

ACCESSION NUMBER			VOLUME (in fl.)	AGENCY BOX NUMBERS	SERIES DESCRIPTION (With inclusive dates of records)	RESTRICTION	DISPOSAL AUTHORITY (Schedule and item number)	DISPOSAL DATE	COMPLETED BY RECORDS CENTER			
RG	FY	NUMBER							LOCATION	FILED	DATE	INITIALS
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)
(Accession #)		(# of full size boxes)	1 to (# of last box)	(Description of Records in Accession)	R	(Schedule and Item Numbers)	(NARA Transfer or Destroy Date)	(Do Not Fill In)				
100	93	0402	3	1 - 3	Safety Fatality/Catastrophe Inspection Case Files. FY-89. Code: TEX	R	N1-100-90-1/23	PERMANENT 10/2010				
100	93	0403	1/4	1	Safety Fatality/Catastrophe Inspection Case Files. FY-89, 8 mm. format video tape of inspections. Box used is NARA microfilm container 14 3/4 x 6 1/2 x 4 1/2. Box is 3/4 full. Code: VID	R	N1-100-90-1/23	PERMANENT 10/2010				
Folder by folder listings attached for both accessions. NARA agreed OSHA may list both accessions on this SF-135. Both accessions constitute the record of the same inspections.												

TEMPORARY RETENTION SF-135 EXAMPLE

Figure E-1

Figure E-2

PERMANENT RETENTION SF-135 EXAMPLE

RECORDS TRANSMITTAL AND RECEIPT		Complete and send original and two copies of this form to the appropriate Federal Records Center for approval prior to shipment of records. See specific instructions on reverse.		PAGE	OF	
1. TO		(Complete the address for the appropriate records center serving your area)		1	1	
2. FROM		(Complete the name and complete mailing address of the office retaining the records. The signed receipt of this form will be sent to this address)				
3. AGENCY AUTHORITY		U. S. Department of Labor Occupational Safety and Health Admin. (Name of Area Office) (Street Address) (City, State, ZIP Code)				
4. RECORDS CENTER RECEIPT		(Do Not Complete)				
RECORDS DATA						
ACCESSION NUMBER	VOLUME (in 1/4)	AGENCY NUMBER	SERIES DESCRIPTION (With inclusion dates of records)	DISPOSAL AUTHORITY (Schedule and Item Numbers)	DISPOSAL DATE	COMPLETED BY RECORDS CENTER
NO	(a)	(c)	(f)	(b)	(d)	(g)
(Accession #)	(# of Full Size Boxes)	(1 to # of Last Box)	(Description of Records in Accession)	(Schedule and Item Numbers)	(Destroy Date)	(LOCATION)
100 93 0414	1	1	(Safety 5a1 violation inspection case files. FY-89. Code: TEX)	(NCI-100-82-1/8)	10/99	(U)
100 93 0415	1/4	1	(Safety 5a1 violation inspection case files. FY-89. VHS format video tape. Box used is 14 3/4 x 6 1/2 x 5. Box is 3/4 full. Code: VID)	(NCI-100-82-1/8)	10/99	(Do Not Fill In)
100 93 0416	8	1 - 8	(Safety inspection case files. FY-89. Contains paper and 8 mm. videotape. Codes: TEX, VID)	(NCI-100-82-1/7)	10/95	
			Accessions 0414 and 0415 comprise the complete inspection record for these inspections. 0416 is combined due to short retention and compactness of 8 mm. videotape. Approved by Office of Federal Records Centers, NARA			

Standard Form 135 (Rev. 6-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.4

Figure E-2 PERMANENT RETENTION SF-135 EXAMPLE

5. Folder Listing. A folder-by-folder listing must be prepared in accordance with OSHA Instructions ADM 12.4 and ADM 12.5. For permanent records, the folder-by-folder listing must accompany the SF-135. For temporary Records, retain the folder listing to recall records. Do not send the listing with the records.
- D. Records Center Containers. The following containers or boxes may be used to retire records to the WNRC or FRC. (Refer to OSHA Instruction ADM 12.4 for a listing of generally available records center boxes for paper records and some boxes for use with special records including videotape.)
1. Standard Shipping Boxes. Use the standard size 1 cubic foot boxes (14 3/4" X 12" X 9 1/2")(NSN 8115-00-117-8249 (tuck-bottom)) or the 15 X 12 X 9 7/8 (NSN 8115-00-290-3379) standard file/lateral file box. These boxes are available for paper records and for tape cassettes.
 2. Half Cubic Foot Box. The special purpose 1/2 cubic foot box (14 3/4" X 9 1/2" X 4 7/8")(NSN 8115-00-117-8338) listed in OSHA Instruction ADM 12-0.4 also may be used for tapes.
 3. Special Boxes. NARA has given OSHA permission to use smaller boxes when the tape volume is less than 1/2 cubic foot.
 - a. Microfilm Boxes. Audio- or videocassettes may be shipped in microfilm boxes (14 3/4 X 6 1/2 X 4 1/2)(NSN 8115-01-025-3254). When more than 1 microfilm box of cassettes will be retired, place 2 microfilm boxes in the 1/2 cubic foot box specified above.
 - b. Other Small Boxes. NARA has not yet been able to identify a generally available smaller box for audio- or videocassettes. VHS videocassettes measure 7 3/8 x 4 1/8 x 1 inches while 8 mm. videocassettes measure 4 11/16 x 2 7/16 x 9/16 inches. Cassette containers or boxes will increase the dimensions slightly. Contact the records center to determine if the dimensions of the locally available box you propose to use are acceptable to the WNRC or FRC.
- E. Shipment of Records. WNRC and FRC rules regarding placement of records in boxes and identification of accessions and boxes are strict. Failure to follow instructions can result in return of the records to the transferring office.
1. Always use an approved records box.

2. Face the records toward the front side of the box. This is the UNSTITCHED/UNSTAPLED side of the box.
3. Write the accession number on the upper left corner on the front side of the box.
4. Number the boxes on the front side on the upper right corner. Number the boxes in each accession consecutively, such as: 1 of 3, 2 of 3, 3 of 3.
5. Make the numbers as big as possible. Use a felt-tipped chisel-point black marker.
6. Do not use labels for accession or box numbers.
7. Do not write on sealing tape. Do not place tape over accession or box numbers.

VI. Recall of Records.

- A. Introduction. The WNRC and FRC's have different records recall procedures. Continue current procedures when requesting records from FRC's. Follow the instructions below when requesting inspection case files with tapes from the WNRC.
- B. Authorized Agency Contacts.
 1. Record Listing. The WNRC requires that agencies provide a listing of contacts authorized to request records from the WNRC. Persons not on the authorized list are not allowed to recall records.
 2. Contact List. The OSHA Records Officer notifies the WNRC of persons authorized access to OSHA records in the WNRC.
 3. Field Contacts. The OSHA Regional Records Officers are the OSHA field contacts for the WNRC. Refer to the latest edition of OSHA Notice ADM 12, Records Management Program Contacts, for a listing of OSHA Regional Records Officers.
- C. Requesting Office. Area Offices wishing to request records from the WNRC shall request the Regional Records Officer to recall the records on an OF-11, Reference Request-Federal Records Center. Refer to OSHA Instruction ADM 12-0.4 for more detailed instructions on recall of records.

D. Routine Requests to the WNRC.

1. Mail. The Regional Records Officer will mail the OF-11 to the WNRC. The NARA standard for WNRC processing of the records for shipment to or pickup by the requesting agency is 24 hours after receipt of the request.

2. FAX.

a. Regional Offices. OSHA regional offices may fax requests to the WNRC for routine requests. Regional offices will note on the OF-11 fax request that routine fax requests were approved by Andrew Jones, Assistant Chief, Reference Services Branch, WNRC, on 1-21-93 to the OSHA Records Management Officer.

b. National Office. Faxed routine requests will not be made by Washington Metropolitan Area offices. Only emergency fax requests are allowed for Washington Metropolitan Area offices.

E. Freedom of Information Act (FOIA) or Privacy Act. FOIA or Privacy Act requests should be noted on the OF-11 for expedited service.

F. Emergency Requests. The Regional Records Officer shall call or fax the WNRC for emergency service only in rare cases of genuine emergency.

1. Pick Up Service Standard. Emergency requests require that the records need to be picked up in less than the WNRC 24 hour service standard.

2. Pick Up. The Regional Office will make arrangements with the WNRC and the National Office for pick up of records in an emergency.

3. Authorization. The person picking up the records must be listed on an approved authorization listing or receive a one-time authorization to pickup the records.

4. Requesting Authorization. Request one-time authorizations to pick up records at the WNRC by submitting a memo or fax to the OSHA Records Officer. The memo should contain name, organization, social security number, accession and box numbers, record location code in the WNRC and the date the pickup will be made.

5. Emergency Defined. An emergency is limited to those cases where

failure to receive the records immediately would cause the agency harm as in missing a court-ordered deadline, receiving rush Congressional requests for information, accidents where the information is needed immediately, or in a similarly serious situation.

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