

## **2. General Information**

### **Overview**

This section discusses the following topics:

- Safety and Loss Control Responsibilities
- Contractors – Code of Practice
- Safety Committees
- Company Safety Bulletin Board
- OSHA Record Keeping Requirements
- Access to Employee Exposure and Medical Records

### **References**

OSHA Standard 29 CFR 1910  
OSHA Standard 29 CFR 1913.10  
OSHA Standard 29 CFR 1926

### **Safety and Loss Control Responsibilities**

The following safety and loss control responsibilities are included:

- Company Management
- Supervisor
- Employee
- HCS (Hazard Communication Standard) Coordinator

## Company Management Responsibilities

FairPoint Risk Management Department is responsible for the design, development and administration of the FairPoint Safety Program.

All other company management has a responsibility to:

1. Adhere to all employee safety responsibilities listed in this manual.
2. Lead by “good example” to promote and demonstrate a sincere interest in the Company’s safety program.
3. Provide adequate funds and time to enable the safety program’s successful operation.
4. Exercise action, when necessary, to develop proper attitude by supervisors and employees.
5. Attend periodic safety meetings and complete all required Safety training.
6. Maintain current Occupational Safety and Health Administration (OSHA) incident forms and comply with all federal, state, and municipal safety and health codes.
7. Enforce the observance of any activity, safeguard, or rule that pertains to the development and maintenance of safety.
8. Ensure all accidents are investigated promptly in writing to determine the basic cause and contributing factors to prevent a repeat of the accident.
9. Review safety activities and attend facility self-inspections to determine if safe working conditions and practices are in effect.
10. Provide employee indoctrination for all new and transferred employees.

## **Supervisor Responsibilities**

1. Adhere to all employee safety responsibilities listed in this manual and complete all required safety training.
2. Discuss, direct, and coordinate safety activities within area of responsibility.
3. Ensure all employees are aware of and comply with requirements for safe practices as stipulated in the Health & Safety Manual and/or other standard operating procedures.
4. Conduct monthly safety inspections of work areas and personally take corrective actions to correct any unsafe conditions.
5. Conduct periodic job safety inspections and take corrective measures to correct any unsafe conditions or behaviors.
6. Ensure safety equipment is available, properly stored and inspected periodically. Require all employees to utilize the proper individual protective equipment and job safety devices.
7. Ensure employees are trained and/or certified on how to operate machinery or equipment in a safe and effective manner. When project/job task is complete, ensure machinery and equipment is stored properly and no unsafe conditions exist.
8. Require all employees be familiar with the chemicals used, know how to use them for best job results, and know their dangers as well as limitations.
9. Ensure that all contractors and subcontractors comply with all Federal and State safety rules and regulations, as well as the FairPoint Contractor Code of Practice.
10. Report all accidents and incidents within 24 hours of occurrence. Complete the Incident Investigation and Analysis Report (Forms Appendix) within two days. If an accident or incident occurs, an accident investigation must occur as soon as possible to determine the ultimate cause(s) and to prevent a reoccurrence.

## **Employee Responsibilities**

1. Work in a safe manner and adhere to all safety rules, regulations, and procedures stipulated in the Health & Safety Manual or other standard operating procedures.
2. Complete all required annual safety training including on-line courses, group sessions and equipment inspections.
3. Advise the supervisor or local management immediately of any potential hazards, unsafe conditions or acts, and/or working conditions.
4. Perform assigned duties in a manner that does not present a hazard to fellow employees and the general public. Do not engage in any conduct or “horseplay” that urges a person to take unnecessary risk.
5. Do not use any tools or machinery without full knowledge of how to operate them and conducting a pre-use inspection for safety hazards.
6. Utilize all safety equipment required for the protection of oneself, fellow employees, and the public. Inspect equipment each time before and after use to ensure it is in good repair and safe condition.
7. Help support and promote safety initiatives and encourage fellow employees to participate.
8. Report each accident or injury promptly to the supervisor regardless of how minor and fully cooperate with any subsequent accident investigation.
9. Do not utilize any non-medically prescribed drugs or alcohol during working hours or in close proximity to the beginning or continuation of a work assignment.
10. Pinpoint critical actions to identify the risks associated with work related tasks, provide helpful feedback to coworkers, develop a safety mindset and utilize hazard recognition skills to see dangers in the work environment.

## **HCS (Hazard Communication Standard) Coordinator Responsibilities**

1. Identification and evaluation of hazardous materials.
2. Create and maintain written Hazardous Materials Program for the safe handling of site-specific materials, which may be hazardous in their use or disposal including biological and pathological materials.
3. Evaluate, Coordinate and Administer the Hazardous Materials Program.
4. Maintain inventory of chemicals and material safety data sheets.
5. Coordinate with Purchasing and Receiving to ensure that an MSDS is received from each vendor. Make sure no material is placed into use without either an MSDS or a letter of disclaimer.
6. Create, update and post subordinate lists containing the hazardous materials used in specific areas or departments.
7. Approve proper labeling and storage of hazardous materials.
8. Supervise the storage and disposal of all hazardous materials.
9. Help coordinate all HCS communication and training and keep copies of training documentation records.
10. Coordinate all Incidental and Emergency Chemical Releases and Spills. Maintain records of the incidents and forward copies to FairPoint Risk Management.

# Contractors – Code of Practice

## Independent Contractor

- Generally, one who, in exercise of an independent employment, contracts to do a piece of work according to his own methods and is subject to his employer's control only as to end product or final result of his work.
- One who renders service in course of independent employment or occupation, and who follows employer's desires only as to results of work, and not as to means whereby it is to be accomplished.
- An independent contractor is a person who contracts with another to do something for him but who is not controlled by the other nor subject to the other's right to control with respect to his physical conduct in the performance of the undertaking. He may or may not be an agent.

## General Safety Requirements

The contractor should note that, in accordance with conditions of contract, he is responsible for the safety of site operations under the contractor's control.

The contractor must comply with all the requirements described under the contract.

The contractor will comply with his duties under all approved codes and all relevant health and safety legislation. Where no specific legislative requirements exist, the contractor will comply with guidance provided by codes of practice or industry standards as a minimum standard of safety.

The contractor will be responsible for ensuring compliance with this document throughout the project including the activities of his appointed sub contractors or temporary visitors.

The contractor must submit prior to any work commencing, the following:

1. Company Safety Policy Document
2. Details of any prohibition or improvement notices and prosecutions by the enforcing authorities, during the last 5 years.
3. Risk Assessments and method statements (if needed)
4. Certificate of Insurance as stipulated in written contract but at a minimum should reflect workers compensation, employer's liability, auto liability and general liability in accordance with FairPoint's Risk Management's approved

limits and certificate of insurance requirements. Certificate must be on file prior to commencing work.

## **Accident Reporting**

Local management will be responsible for investigating the incident and reporting all incidents to Risk Management.

## **Alcohol**

No alcohol will be consumed by contractor's personnel at any time. Those persons reporting for duty and believed to be under the influence of alcohol will be refused entry. It is the contractor's responsibility to ensure all his employees are made aware of this requirement and to enforce compliance.

Failure to comply with these requirements will result in the immediate removal of the offending employee from the contract. Repeated non-compliance with these requirements may lead to termination of the contract.

## **Appointments by the Contractor**

The contractor will ensure that the following duties are fulfilled only by qualified persons who are competent, experienced and have received relevant training. Records should be maintained to document the names and their training achievements.

The following list of duty holders is not all-inclusive. The contractor may extend the policy as necessary

- Risk Assessment Co-coordinator
- Safety Supervisor
- Material Assessments
- Noise Assessments
- Scaffold Erection and Inspection
- Lifting Equipment inspections
- Excavation Inspections
- Temporary Workers Co-coordinator
- Crane Driving
- Signalperson / Slinger

- Hoist operation
- Use of Cartridge or Powder-Actuated Equipment
- Driver/Operators of Major equipment
- Fitting of Abrasive Wheels
- Gas Detection Equipment Supervisor
- First-aid providers
- Demolition Operatives
- Woodworking Equipment Operatives

## **Asbestos**

On discovering any hazardous materials the contractor will immediately cease all operations and notify local management. **NO ATTEMPT WILL BE MADE TO REMOVE THE ASBESTOS.** It must be left undisturbed until further instructions are given by local management. If Asbestos Containing Materials have been identified and signage posted, local management must coordinate with Risk Management prior to any contract work being done, which may disturb Asbestos Containing Materials.

## **Compressed Gas Cylinders**

All such cylinders must be supported at all times. Only trained and authorized personnel may use compressed gas.

**Flammable gases and oxidizing gases must be kept strictly separate.**

## **Confined Spaces**

Contractors are responsible for the supply of all safety equipment including all portable gas detection devices, escape breathing apparatus, harnesses and other escape equipment and safety equipment must be in good order.

Contractors must be familiar with the system of clarification, the appropriate procedures that apply and follow a safe system of work in order that danger both to themselves and others is avoided. A permit to work may be required.

Contractors staff who enter a confined space must be formally trained and hold an up to date certificate of competence.

It is strongly suggested that contractors and FairPoint personnel exchange information regarding (1) the hazards likely to be encountered when entering confined spaces, (2) the local procedures for entry into permit required confined spaces and (3) conduct a debriefing after entry operations.

## **Cranes, Hoists, Platforms etc.**

The contractor will ensure that all lifting equipment is of an approved type and used in the approved manner. A current copy of the examination and insurance certificates will be kept on site and made available to local management upon request.

Each item of lifting equipment will be marked with its safe working load (SWL), which must not be exceeded, and also with its unique identification marks. All lifting equipment must be maintained in a safe condition and when not in use stored as safe as possible.

The contractor will ensure that lifting equipment and plant is tested, inspected and examined at specified intervals by an insurance company inspector who is trained and authorized to do so and that records of the examination are maintained in the relevant statutory register.

Any lifting equipment showing signs of wear or damage to safety critical parts will be taken out of service immediately.

Only authorized signalpersons may give approved signals to crane operators. The contractor must ensure that the crane operator accepts signals only from an authorized signalperson. The certified signalperson must be readily identifiable.

Any chain or strap etc. used for restraining load must not be used if showing signs of wear or damage.

The contractor will ensure that any temporary platform must be securely attached or fixed. It must have handrails, intermediate guardrails and toe boards to prevent persons or materials falling from the platform. If the platform is attached to hydraulic or rope operated plant then in the event of a hydraulic power failure a 'fail safe device' will be fitted to the item of plant.

## **Electrical Equipment**

Supplies to portable, electrical powered tools and temporary site lighting **must** be 110v.

The contractor will produce an electrical safety plan and ensure that only equipment designed for operating at the supply voltage is used on site. Where supplies greater than 110-120v have to be used the need must be fully justified, supported by a full method statement, before permission is obtained from the Project Manager. All electrical tools will be protected by a GFCI and regularly checked and documented by a competent person.

The contractor will ensure that all tools and distribution equipment including cables, plugs etc. are complete and examined for signs of damage or wear prior to use.

Trailing cables across operational or public areas are not permitted. Worn or damaged equipment must not be used. Any non-compliant equipment found on site must be immediately removed. All 110-120v distribution equipment and cables, including lighting festoons must be routed and adequately supported to avoid creating hazards on site or damage to the cable or equipment.

## **Emergency Procedures**

The contractor will ensure that emergency procedures are provided for the work site and that all staff understands their actions in the event of an emergency. All procedures must be cleared with FairPoint to ensure that they do not conflict with Company arrangements. Emergency procedures must be reviewed and updated as major project works progress.

## **Excavations and Openings**

All excavations and openings must be maintained with adequate structural support, access and egress and provision of fences and handrails.

Lights will be used to mark the edge of excavations and openings at night.

Services clearance must be obtained before any excavation commences.

## **Firearms and Explosives**

The bringing of firearms and/or explosives on to site is strictly forbidden.

## **Fire Protection**

### **General**

Contractors must conform to the requirements of Fire Safety Standards for FairPoint. The fire risk assessment and emergency procedures will be discussed with the local management and fire precautions will be agreed prior to commencement of works. The contractor must ensure that operatives on site are familiar with the emergency procedures. Adequate means of extinguishing fires as detailed in the hot work permit will be provided by the contractor. The contractor will ensure that all site staff are adequately briefed and instructed on fire safety arrangements for the site. All combustible materials will be stored in a position and in a manner approved by local management.

### **Access for Emergency Services**

Areas should be set aside for the access of fire fighting equipment or other like appliances including ambulances and must be maintained; kept clear of obstructions at all times and marked/signed accordingly.

### **Hot Working**

Hot working includes all types of welding work involving the use of bitumen heaters and thermic lance equipment and any work involving naked flames or sparks.

Prior to any hot work being carried out by the contractor a correctly endorsed Hot Work permit will be obtained from local management. The permit will carry endorsements as to the type of fire fighting equipment to be provided by the contractor, and the authorizing person will enter the starting and completion times. Upon the completion of the work the permit must be returned to local management for cancellation.

Contractors will be advised of local safe areas for welding cutting and brazing, and the local procedures for cutting and welding outside those areas, as well as the existence and hazards of flammable materials not apparent to the contractor.

Prior to any Hot Work commencing, the Contractor will assure that contract personnel performing the hot work are suitably trained.

### **Site Welding**

No welding will be carried out in the site without prior approval from the Regional Operations Manager which will not be given until all conditions stipulated by the Hot Work permit have been met. The contractor must give reasonable notice of his requirements to carry out welding on the site.

The contractor must ensure that any welding operations are screened or carried out in such a way as to prevent the flashes from the process affecting any persons immediately adjacent to the operation, including any persons who have gained unauthorized access, from the affects of 'arc eye'.

### **Hazardous Material Assessments**

A material assessment will be carried out for every substance brought onto site, copies of assessment and material safety data sheets (MSDS) will be readily available for the local management to examine. A suitable and sufficient risk assessment should be made.

### **Hazardous Substances and Materials**

Local management must be informed in writing of all substances intended for use on site which are classified as toxic, very toxic, corrosive, flammable, highly flammable or explosive.

### **Housekeeping**

Contractors will ensure the site is continuously monitored to ensure housekeeping standards are maintained.

### **Insurance Risk Assessment**

The objective of risk assessment is to highlight project related hazards and to develop methods to deal with those hazards.

These assessments must be in writing and include but not restricted to the following activities:

- Major Construction Elements
- General public and third party safety
- Location of site access/egress
- Vehicle movements on and off site
- Vehicle, Machinery and equipment hazards within the site
- Vehicle/Pedestrian segregation
- Temporary services distribution
- Sitting of static plant and equipment
- Scaffolding
- Trench/Ground works
- Hazardous Chemicals
- Services Clearances
- Excavation and underground services
- Manual Handling
- Use of portable hand tools
- Emergency procedures including evacuation routes
- Fire
- Materials storage
- Site hoarding
- Contaminated ground
- Lifting new elements of structure

All risk assessments will be reviewed and revised as necessary to accommodate any changes in methods of working, plant, equipment, material and/or site development. The management team will be available to liaise on all matters of health and safety relevant to these risk assessments.

### **Lockout/Tagout**

Whenever required by the nature of the work performed, FairPoint and its contractors will meet and exchange lockout/tagout procedures.

### **Manual Handling**

Where manual handling operations may cause an injury at work a risk assessment must be carried out.

## **Noise Protection**

Sources of noise should be eliminated where practical. Contractors are responsible for providing and ensuring the use of suitable hearing protection by their employees and their sub-contractors.

## **Non English Speaking Personnel**

The contractor will ensure that all Non English speaking employees fully understand the site safety requirements and their duties covering safety, health and welfare whilst on site. This will include any emergency procedures i.e. fire drill. The language needs of non English speaking personnel must be adequately catered for during induction, other training and supervision.

## **Permits to Work**

The contractor will ensure that when working on or in facilities owned or leased by FairPoint all 'Permits to Work' or authorizations have been obtained from FairPoint for the type of work.

- Hot work permit
- Confined spaces
- Lock out / Tag out
- Excavations and openings
- Working at Height

## **Personal Protective Equipment**

The contractor must select PPE appropriate to the work hazards identified. Adequate arrangements are to be made for the storage, cleaning, maintenance and replacement of PPE.

## **Plant and Equipment**

The contractor must ensure that employees are trained, competent and authorized to drive or operate any plant or equipment that they may use, whether regularly or on an occasional basis. Training records should be maintained and may be requested by FairPoint. Such equipment will include, but not restricted to:

- Dumpers
- Forklift Trucks
- Derricks
- Hoists
- Cranes
- Excavators
- Mobile elevating work platforms
- Hand tools

Documentary evidence of such authorization will be provided as required. Only training which is specific to the actual plant or equipment to be used will be considered acceptable.

All equipment provided will be in good order and suitable for the use for which it is intended for. The contractor will ensure that site plant and equipment is inspected and thoroughly examined at regular intervals by person(s) who are appropriately skilled and authorized to do so and that records of such inspections/examinations are maintained in a register which may be available for examination by FairPoint Communications upon request. When selecting equipment the contractor will take into account the working conditions and potential site hazards.

All construction plant will be maintained in such a manner that smoke is not emitted.

## **Safety Harnesses**

The contractor will make safety harnesses and suitable training available for all employees who work where there is a risk of falling more than 7 feet and a safety barrier or cover or crawling boards cannot be practicably provided.

## **Smoking**

**Smoking is only permitted in authorized areas. IF IN DOUBT - DO NOT SMOKE.**

## **Sprinkler/Fire Suppression System Work Zones**

The contractor will exercise all due caution when working on or near or where works may affect any sprinkler/fire suppression system. It is the contractors' responsibility to safeguard the sprinkler/fire suppression system(s).

## **Training**

The contractor will ensure that all employees (including sub-contractors) are adequately trained to carry out their particular duties or tasks including driving plant and operating equipment.

## **Waste**

The contractor will be responsible for the safe disposal of waste arising from construction activities under his management and for ensuring that disposal is carried out in accordance with the legislation relevant to the waste category involved.

## **Work Equipment**

The contractor must ensure that all work equipment identified for use during the project (including but not restricted to construction plant) is designed, selected, procured, used and maintained so as to enable the task to be safely completed.

The general requirements are that each employer must ensure that:

- Equipment is selected to be suitable for the intended purpose, particularly with regard to the site conditions in which the equipment will be used.

- Appropriate maintenance is carried out and any associated logs kept up to date.
- Specific Health and Safety risks associated with the equipment are considered and where appropriate.
  - Use of the equipment is restricted to competent, nominated persons.
  - Maintenance/Service is restricted to designated persons with the appropriate competence.
- Persons who will use, supervise and manage equipment receive information and instruction on training to cover
  - The conditions and circumstances in which the equipment may be safely used.
  - The methods by which the equipment is to be used including operating procedures.
  - Actions to be taken in the event of abnormal situations including emergencies.

## **Working Aloft**

A safe working platform with secure edge protection, intermediate guard rails and safe means of access must be installed. In instances where this cannot be achieved alternative arrangements must be made to prevent persons or materials falling to the ground.

Crawling boards and similar safety equipment must be used on fragile roof surfaces.

Adequate containment measures will be included to ensure that tools or materials cannot fall, or barriers are to be erected to keep people away from areas where overhead work is being carried out.

The contractor will ensure that fixed scaffolds and mobile scaffold towers comply fully with all statutory requirements before and during use.

# **Safety Committees**

## **Safety Committee Purpose**

Safety Committees will be established at each company for the purpose of promoting, supporting and monitoring the company's health & safety program through the following methods:

1. Reviewing the company's health & safety policies and their effectiveness in achieving work place safety in all areas of operations.
2. Discussing the company's health & safety program with employees to solicit comments and suggestions.
3. Reviewing all accident reports, including follow up investigations, in an effort to discover underlying causes and to seek out means of preventing reoccurrence.
4. Conduct group safety meetings.

Safety Committees will work toward improvement of the overall health & safety program by:

1. Providing recommendations for changes in policies, methods of operations, and tools & equipment in order to achieve a more effective health & safety program.
2. Making recommendations for specific training needs recognized by the Safety Committee.
3. Determining "action items" that may have an immediate impact on the health & safety program and its effectiveness.

## **Safety Committee Members**

The Safety Committee members will be chosen to maintain a balanced functional cross-section of employees. All disciplines within the work location will be represented. Company management may appoint a Chairperson for the Safety Committee. The Chairperson will be responsible for coordinating the Safety Committee activities and completing the Safety Committee Report. To preserve committee continuity, it is recommended that committee members serve staggered terms.

If practical, each operating company should have its own safety committee. When impractical, multiple locations may form a combined local or regional safety committee. It is recommended that each region have its own Regional

Safety Committee that has representation from each operating location in that respective Region. This will help foster knowledge and resource sharing. The following indicates a practical deployment of safety committees.

<b>REGIONAL COMMITTEE</b>	<b>SUB-COMMITTEES</b>
Southeast	Port St Joe Blountstown Floral East Point Perry
Mid-Atlantic	Chatham/Berkshire Westfield Bentleyville/Mariana/Scenery Hill Columbus Grove/Leipsic Orwell Gretna Germantown
Northeast	Individual Safety Representatives from each location
Midwest	Individual Safety Representatives from each location  Peculiar/Unite
Northwest	Ellensburg Yelm Fremont

## **Safety Committee Responsibilities**

1. Promote and publicize safety by example and also by posting literature regarding safety. Post safety meeting minutes, as appropriate, on the company safety bulletin board.
2. Act as a liaison between the respective department and the management team on issues of safety and employee training.
3. Assist management in identifying and eliminating workplace hazards.
4. Accept and review employee suggestions.
5. Monitor the safety program effectiveness.
6. Meet at a minimum on a quarterly basis.
7. Maintain safety committee attendance and reports on file for one year. Forward copies of reports to designated management and regional delegates.
8. Conduct facility self-inspections in conjunction with local supervision of physical and behavioral safety exposures to allow preventive measures be taken. Refer to the safety inspection forms in the Forms Appendix.
9. Participate in safety inspections at different job sites prior to committee meetings.
10. Review and analyze the previous quarter's work-related accidents and injuries, job-related illnesses, hazards, incidents and near-misses.

## **Safety Committee Member Duties**

1. Work safely yourself—set the example in the department.
2. Attend and actively participate in safety committee meetings.
3. Work with local management to eliminate hazardous conditions and unsafe work practices. Speak to your fellow employees if you believe that they are engaged in an unsafe work practice; report things which you feel you can't handle to your supervisor for further action.
4. Investigate with your supervisor any injuries which occur at your location.
5. Listen to employee suggestions about safety and bring those that appear to have merit to the Safety Council and department supervisor for review.
6. Coordinate with your alternate to conduct safety inspections in the first week of each month, using the checklist as your guide. Each quarter participate with a management member in a facility wide safety audit.
7. Before each safety meeting review minutes and open items affecting your department and have answers or a progress report on each item for the meeting.

## **Company Safety Bulletin Board**

The purpose of the company safety bulletin board is to increase employee safety and health awareness, and convey the company's safety message. A bulletin board or central wall designated for safety serves as a good tool and should be contained in a securable glass or Plexiglas protected case. Safety information may be posted on the Company Employee Board.

## **Suggested Safety Items**

1. Safety and health posters
2. Minutes of crew leader/safety meetings
3. Date, time, and place of next safety meeting
4. Safety Awards and employee recognition
5. Pertinent safety concerns, news clippings, and other off-the-job or family related items that may be of significant importance to employees

6. OSHA citations and notices – if received, it must be posted until all citations are abated.
7. OSHA No. 300 form summary – during February of each year.

## OSHA Record Keeping Requirements

The following information related to OSHA record keeping requirements is discussed:

- OSHA Record Keeping Guidelines for Occupational Injuries and Illnesses
- Maintenance of Occupational Injury and Illness Records
- OSHA Record Keeping Forms

**Note:** Company management is responsible for designating an individual responsible for maintaining records and ensuring proper posting.

### OSHA Record Keeping Guidelines for Occupational Injuries and Illnesses

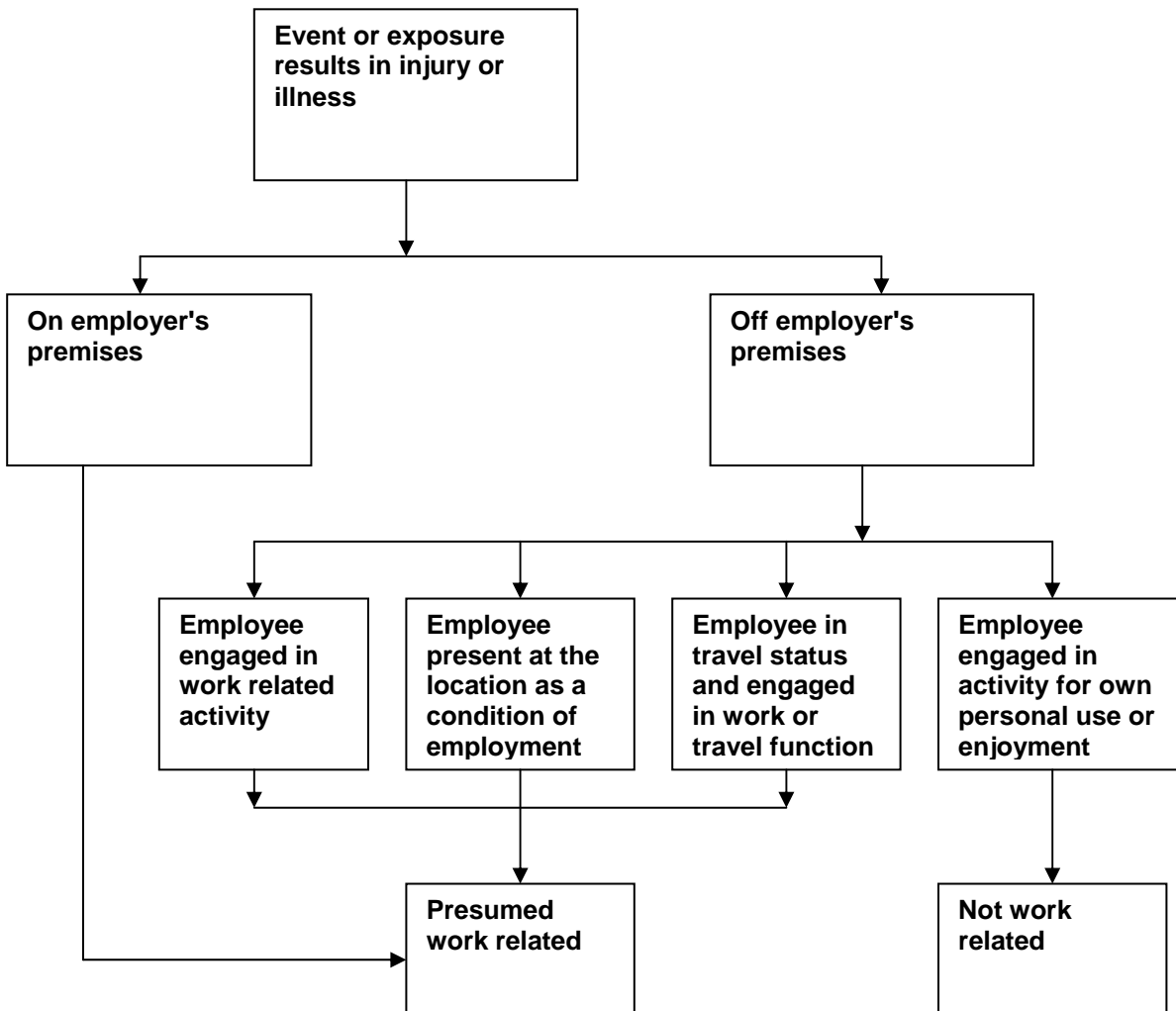
Basic record keeping concepts and guidelines are included with instructions on the back of the OSHA No. 300 form. The following information summarizes the major record keeping concepts and provides additional information to aid in keeping accurate records.

1. An injury or illness is considered work related if it results from an event or exposure in the work environment. The work environment is primarily composed of:
  - a. The employer's premises that include not only the primary work facility, but also areas such as company storage facilities, cafeterias, and restrooms. In addition to physical locations, equipment or materials used in the course of an employee's work are also considered part of the employee's work environment.
  - b. Other locations where employees are engaged in work-related activities or are present as a condition of employment.

When an employee is on the employer's premises, injuries or illnesses resulting from an event are presumed work related. When an employee is off the employer's premises, the work relationship must be established.

Refer to Figure 2-1, Work Relationship Guidelines, to determine if an injury or illness is work related.

**Figure 2-1. Work Relationship Guidelines**

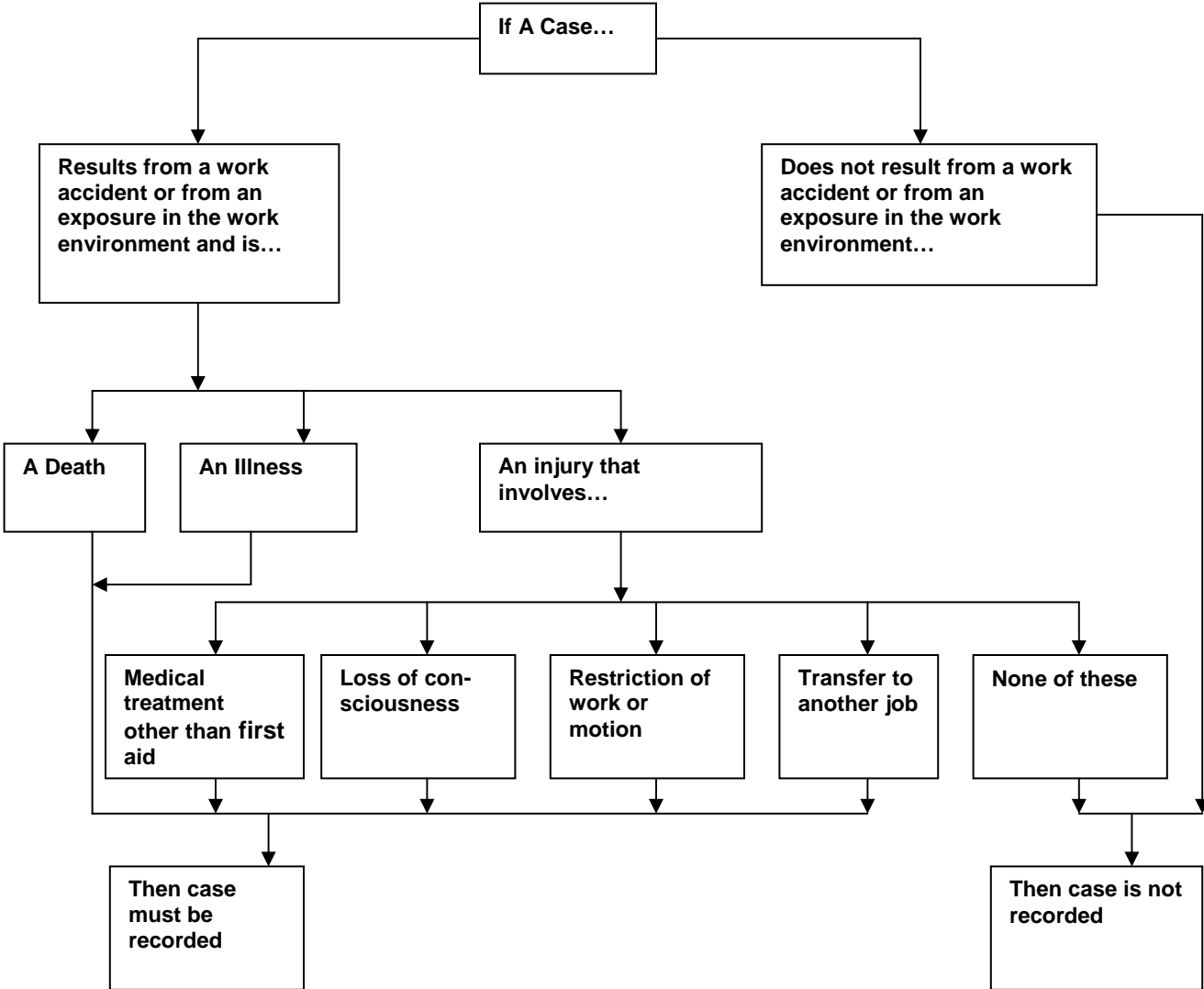


2. All work-related fatalities are recordable.
3. All recognized or diagnosed work-related **illnesses** are recordable.
4. **Recordable and Nonrecordable Injuries:** Refer to the following table to determine if a work-related injury is recordable or nonrecordable.

<b>If. . .</b>	<b>Injury is. . .</b>
<b>Medical treatment</b> was provided to the injury or should have been provided	Recordable
Injury only required <b>first aid treatment</b>	Not Recordable
Injury involved loss of consciousness, restriction of work or motion, or transfer to another job	Recordable

Refer to Figure 2-2, Recording of Cases under the Occupational Safety and Health Act, to determine if a case must be recorded.

**Figure 2-2. Recording of Cases Under the Occupational Safety and Health Act**



5. **Medical Treatment:** The following procedures are generally considered medical treatment. Work-related injuries for which this type of treatment is provided or should have been provided are almost always recordable if the injury IS work related.
- a. Treatment of INFECTION
  - b. Application of ANTISEPTICS during second or subsequent visit to medical personnel
  - c. Treatment of SECOND OR THIRD DEGREE BURN(S)
  - d. Application of SUTURES (stitches)
  - e. Application of BUTTERFLY ADHESIVE DRESSING(S) OR STERI STRIP(S) in lieu of sutures
  - f. Removal of FOREIGN BODIES EMBEDDED IN EYE
  - g. Removal of FOREIGN BODIES FROM WOUND, if procedure is COMPLICATED because of depth of embedment, size, or location
  - h. Use of PRESCRIPTION MEDICATIONS (except a single dose administered on first visit for minor injury or discomfort)
  - i. Use of hot or cold SOAKING THERAPY during second or subsequent visit to medical personnel
  - j. Application of hot or cold COMPRESS(ES) during second or subsequent visit to medical personnel
  - k. CUTTING AWAY DEAD SKIN (surgical debridement)
  - l. Application of HEAT THERAPY during second or subsequent visit to medical personnel
  - m. Use of WHIRPOOL BATH THERAPY during second or subsequent visit to medical personnel
  - n. POSITIVE X-RAY DIAGNOSIS (fractures, broken bones, etc.)
  - o. ADMISSION TO A HOSPITAL or equivalent medical facility FOR TREATMENT

6. **First Aid Treatment:** The following procedures are generally considered first aid treatment (one-time treatment and subsequent observation of minor injuries) and should not be recorded if the work-related injury does not involve loss of consciousness, restriction of work or motion, or transfer to another job:
- a. Application of ANTISEPTICS during first visit to medical personnel
  - b. Treatment of FIRST DEGREE BURN(S)
  - c. Application of BANDAGE(S) during any visit to medical personnel
  - d. Use of ELASTIC BANDAGE(S) during first visit to medical personnel
  - e. Removal of FOREIGN BODIES NOT EMBEDDED IN EYE if only irrigation is required
  - f. Removal of FOREIGN BOBIDES FROM WOUND, if procedure is UNCOMPLICATED and is, for example, by tweezers or other simple technique
  - g. Use of NONPRESCRIPTION MEDICATIONS AND administration of a single dose of PRESCRIPTION MEDICATION on first visit for minor injury or discomfort
  - h. SOAKING THERAPY on initial visit to medical personnel or removal of bandages by SOAKING
  - i. Application of hot or cold COMPRESS(ES) during first visit to medical personnel
  - j. Application of OINTMENTS to abrasions to prevent drying or cracking
  - k. Application of HEAT THERAPY during first visit to medical personnel
  - l. Use of WHIRLPOOL BATH THERAPY during first visit to medical personnel
  - m. NEGATIVE X-RAY DIAGNOSIS
  - n. OBSERVATION of injury during visit to medical personnel

7. The administration of TETANUS SHOT(S) or BOOSTER(S) is not considered by itself medical treatment. However, these shots are often given in conjunction with more serious injuries. Consequently, injuries requiring tetanus shots may be recordable for other reasons.

**Reminder:** Work-related injuries that require only first aid treatment and do not involve loss of consciousness, restriction of work or motion, or transfer to another job are not recordable.

## **Maintenance of Occupational Injury and Illness Records**

In accordance with applicable requirements of state and federal OSHA standards, FairPoint Communications, Inc. ensures occupational injury and illness records are kept as follows:

1. Maintain a log and summary of occupational injuries and illness on the OSHA No. 300 form. Refer to the OSHA No. 300 form in the Forms Appendix. Recordable cases include every:
  - a. Occupational death
  - b. Occupational illness
  - c. Occupational injury that involves:
    - 1) Unconsciousness
    - 2) Inability to perform all phases of the regular job
    - 3) Inability to work full time on a regular job
    - 4) Temporary assignments to another job
    - 5) Medical treatment other than first aid
2. Keep copies of all reports generated when an employee is injured on the job.
3. Post the completed summary portion of the OSHA No. 300 form for the previous year during the month of February at each operating location.
4. Regional Human Resources are to maintain records for five years.

5. Enter each recordable injury and illness on the job on the OSHA No. 300 form as early as practical, but no later than six working days after receiving information.
6. Use the Supplementary Record of Occupational Injuries and Illnesses, OSHA No. 301 form, to record additional information for every injury or illness entered on the OSHA No. 300 form. Refer to the OSHA No. 301 form in the Forms Appendix. The supplementary record must be available for inspection 6 working days after a recordable case occurs. The State First Report of Injury may be used as a substitute for the OSHA No. 301 form.

## **OSHA Record Keeping Forms**

Two forms are used for OSHA record keeping:

1. OSHA No. 300 – Log and Summary of Occupational Injuries and Illnesses

This form serves two purposes:

- a. Log of occupational injuries and illnesses on which the occurrence, extent, and outcome of cases are recorded during the year.
- b. Summary of occupational injuries and illnesses that is used to summarize the log at the end of the year to satisfy employer posting obligations.

2. OSHA No. 301 - Supplementary Record of Occupational Injuries and Illnesses

This form provides additional information on each case recorded on the OSHA No. 300 form.

Refer to the forms and instructions to complete the forms in the Forms Appendix.

### **OSHA No. 300 Form**

The OSHA No. 300 form is used as a log to record and classify recordable occupational injuries and illnesses, and to note the extent and outcome of each case. The form records when the occupational injury or illness occurred, to whom, what the injured or ill person's regular job was at the time of the injury or illness exposure, the department in which the person was employed, the kind of injury or illness, how much work time was lost, and whether the case resulted in a fatality.

Each recordable injury and illness must be recorded on the OSHA No. 300 form no later than 6 working days after receiving information that a recordable injury or illness occurred. A copy of the log must be available at each of the employer's establishments and must be complete and current to date within 45 calendar days.

The form consists of the following parts:

- Identification of employee and brief description of injury or illness
- Injury information
- Illness information
- Summary Information

The summary section summarizes the injuries and illnesses in an establishment for the previous calendar year. Every nonexempt employer required to keep OSHA records must prepare an annual summary for each establishment based on the information in the log section of the form. Prepare the summary by totaling the column entries on the log (or its equivalent) and signing and dating the certification portion of the form at the bottom of the form.

The following guidelines apply to the summary section:

1. Each subsidiary posts an annual summary of occupational injuries and illnesses for each establishment. The summary consists of the year's totals from the OSHA No. 300 form and the following information:
  - a. Calendar year covered
  - b. Company name
  - c. Establishment address
  - d. Certification signature, title, and date
2. If no injuries or illnesses occurred during the year, enter zeros on the total line and post the form.
3. The summary covering the previous year must be completed and posted no later than February 1, and must remain in place until March 1 of each year.

4. The employee who supervises the preparation of the log and summary must certify the annual summary of occupational injuries and illnesses is true and complete.
5. Each employer posts in a conspicuous place a copy of the establishment's summary in each establishment in the same manner all other company required notices are posted.
6. Failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties pursuant to Sections 9 and 17 of the Act.

### **OSHA No. 300 Form Frequently Asked Questions**

Q: Who must maintain the log?

A: Every subsidiary of FairPoint Communications, Inc. must maintain a log.

Q.: How must the log be maintained and retained?

A: Maintain the log on a calendar-year (not fiscal) basis. Keep logs current and retain them for 5 years. If there is a change in the extent or outcome of a case entered on the log, line out the first entry and correct the entry. Line out entries if a case is later found to be nonrecordable. Make entries for previously unrecorded cases that are discovered or found to be recordable. Make the new entry on the log for the year in which the case occurred.

Q: When must an employer make an entry on the log?

A: Normally, an employer must make an entry on the log no later than 6 working days after receiving information that a recordable case occurred. However, an exception to this rule exists for situations where the log is maintained at a place other than the establishment or where it is maintained by means of data processing equipment. These situations require: (1) Sufficient information available at the alternative location to complete the log within 6 working days after receipt of information; and (2) a copy of the log updated within 45 calendar days present at all times in the establishment.

Q: What form must be used?

A: Use the official OSHA No. 300 form. Order/download the form from the OSHA website or use the approved Excel spreadsheet distributed by FairPoint Risk Management. Absolutely no formatting changes should be made to the Excel file as OSHA must approve all changes.

- Q: Is an employer required to have a log for years in which there are no recordable cases?
- A: An employer is not required to have a log for any year during which there are no recordable cases. However, complete the summary portion of the OSHA No. 300 form with zero entries and retain the summary for 5 years.
- Q: What is accomplished by posting an annual summary in the workplace?
- A: Posting the annual summary: (1) provides employees with their establishment's record of injuries and illnesses; (2) makes employers and employees more safety conscious; and (3) promotes joint labor-management safety and health efforts.
- Q: How long must the summary be posted at each establishment?
- A: The annual summary is posted by February 1 of each year and must remain in place until March 1. It must be posted at each establishment in a conspicuous place where notices to employees are customarily posted.
- Q: Who is responsible for the preparation of the annual summary?
- A: The employer is ultimately responsible for preparation of the annual summary. However, in many instances, an employee actually prepares and certifies the annual summary.
- Q: What is meant by certification of the summary?
- A: The summary must be signed and dated by the employer or whoever is responsible for completing the summary. The summary is certified that it is true and complete to the best of the person's knowledge.
- Q: If no recordable cases occurred during a reporting period, must a summary be prepared?
- A: Yes. Even though there were no recordable cases during the previous year, the summary portion of the OSHA No. 300 form must be completed and posted in each establishment no later than February 1 and remain in place until March 1. Enter zero in all columns on the "totals" line. Retain all summaries for 5 years.
- Q: Can the summary at the end of the year be on a total company basis or is it completed for each establishment?
- A: A summary must be prepared for each establishment and posted in each establishment.

Q: Must a copy of the annual summary be posted on every bulletin board or is the posting of only one copy complying with the requirements of the law?

A: It depends upon the particular establishment. The regulations state the annual summary must be posted "at each establishment in a conspicuous place where notices to its employees are posted customarily." The purpose of this requirement is to ensure employees are actually notified. In some circumstances, such as large facilities, this may require more than one posting.

Q: How do workers review the annual summary when they don't work at a fixed worksite?

A: During the posting period, employers are required to present or mail a copy of the annual summary to employees with no fixed worksite.

Q: Is it necessary to post the annual summary if an establishment closes?

A: It is not necessary to post a summary in an establishment that has closed by the time the summary is prepared. The primary purpose of posting is to inform employees of the past year's injury and illness record.

Q: Must the employer post the annual summary at the jobsite of a seasonal operation if the site is shut down during the posting period?

A: Posting informs the employees of the past year's injury and illness experience for that establishment. Since posting in a vacated establishment would not accomplish this purpose, posting is not required. However, employers in these situations must present or mail a copy of the annual summary to their permanent employees.

Q: When must an establishment send its annual summary to the Bureau of Labor Statistics?

A: Never. The employer must retain OSHA No. 300 forms and OSHA No. 301 forms in the establishment for 5 years after the reference year of the records. Establishments selected to participate in the statistical survey receive a survey reporting form (OSHA No. 300-S) in the mail. If an establishment does not receive this form, the employer only needs to maintain and retain records according to the regulations.

Q: How is a lost workday case handled on the summary if it carries over into the next year? What if, for example, an employee is injured in December 1985 and is still out on January 31, 1986?

A: Two important considerations are involved: (1) The same case should not appear in the records for 2 years; and (2) it is important not to lose the count of the actual number of lost workdays, which is a measure of the severity of the case. The original entry for this case should be on

the 1985 log. At the end of calendar year 1985, the employer should estimate the number of workdays the employee is expected to lose in 1986 and add that to the number of workdays lost up to the time of making the estimate. That number should be entered in column 4 and/or 5 or column 11 and/or 12 of the 1985 log, depending on the type of case. When the employee returns to work and/or is able to perform all the duties of his or her regular job or the count of lost workdays is otherwise ended, the employer should verify the actual number of lost workdays (days away from work and days of restricted activity) and correct the entry on the 1985 log as necessary. No entries should be made for this case on the 1986 log. Also, the summary for 1985 does not have to be corrected.

### **OSHA No. 301 Form**

For every injury or illness entered on the OSHA No. 300 form, it is necessary to record additional information on the supplementary record, OSHA No. 301. The supplementary record describes how the injury or illness exposure occurred, lists the objects or substances involved, and indicates the nature of the injury or illness and the body part(s) affected.

Each establishment must have available, within 6 working days after receiving information that a recordable case occurred, a supplementary record for each occupational injury or illness.

Workers' compensation insurance or other reports are acceptable alternative records if they contain the information required by the OSHA No. 301 form. If no acceptable alternative record is maintained for other purposes, use the OSHA No. 301 form.

### **OSHA No. 301 Form Frequently Asked Questions**

Q: When must a supplementary record be prepared?

A: A supplementary record must be prepared for each case within the same time frame required for entering a case on the log - within 6 workdays after receipt of information that a recordable case occurred.

Q: Must all employers complete the OSHA No. 301 or equivalent for all cases entered on the log of occupational injuries and illnesses?

A: Yes, all employers regularly keeping OSHA records must complete a supplementary record for each entry on the log, OSHA No. 300 form.

However, there is one exception to this rule. A small percentage of firms regularly exempt from OSHA record keeping are selected each year to participate in the Annual Survey of Occupational Injuries and Illnesses.

Those firms selected are required to maintain a log of occupational injuries and illnesses but are not required to complete any other OSHA records.

Q: What form must be used as the supplementary record?

A: Either the OSHA No. 301 or any other form, which contains the same information, may be used. Employers are not required to prepare an OSHA No. 301 if they complete any other form that contains identical information. Many state workers' compensation first report of injury forms contain all the OSHA No. 301 items. In addition, many large employers prepare internal accident report forms, which contain all the necessary items.

Q: Does this mean employers don't need to complete an OSHA No. 301 if they presently use a state workers' compensation form?

A: It depends upon the particular workers' compensation form used. Workers' compensation first reports of injury forms are acceptable if they contain all the items on the OSHA No. 301 or are supplemented to contain all necessary information. Employers should ensure all OSHA No. 301 items are on the first report forms; otherwise, missing items may be entered on a separate attachment. Many states have modified their first report forms to include this information.

Q: Our state workers' compensation form lists only disabling injuries. How can we use this in place of an OSHA No. 301?

A: If a state requires reports of disabling injuries only, the employer must complete additional forms to comply with OSHA requirements. The OSHA No. 301 or an acceptable substitute, such as an insurance form or internal accident report form, may be used to record the nondisabling injuries.

Q: Who evaluates a state first report of injury form to ensure it satisfies the requirements of the OSHA No. 301?

A: The Bureau of Labor Statistics is available to evaluate state first report of injury forms upon request.

- Q: If a company's injury form, which is generally similar to OSHA No. 301, does not include information such as social security number, sex, etc., must the company apply to BLS for a variance?
- A: No. Also, it is not mandatory to use the OSHA form as the supplementary record. Any other form may be used if it contains all of the OSHA No. 301 items or is supplemented with the necessary information. In this case, a longhand entry that includes the individual's sex, social security number, and other missing information satisfies the requirement. An alternative record, which does not contain all of the OSHA No 301 items, can be supplemented by adding the missing information.
- Q: Does information on the supplementary record (OSHA No. 301) need to be on one form? What if a company wants to split this information between the mailing department, safety department, and workers' compensation department?
- A: Yes. This information must be on one form, either the OSHA No. 301 or a satisfactory substitute. Therefore, the information should not be split between different departments.

## **Access to Employee Exposure and Medical Records**

The following information related to access to employee exposure and medical records is discussed:

- Maintenance of Employee Exposure and Medical Records
- General Considerations for Accessing Records
- Access to Employee Exposure Records
- Access to Employee Medical Records
- Access to Analyses Using Exposure or Medical Records
- OSHA Access to Records
- Trade Secrets
- Transfer of Records

Upon an employee first entering into employment and at least annually thereafter, current employees are informed of the following:

- Existence, location, and availability of employee exposure and medical records
- Person responsible for maintaining and providing access to records
- Employee's rights of access to these records

Record keeping information is available, upon request, to employees. Employees and their designated representatives have a right to access relevant exposure and medical records. Also, representatives of the Assistant Secretary of Labor for Occupational Safety and Health have a right to access these records to fulfill their responsibilities under the Occupational Safety and Health Act.

Access is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Except as expressly provided, nothing in this section is intended to affect:

- Existing legal and ethical obligations concerning the maintenance and confidentiality of employee information
- The duty to disclose information to a patient/employee or any other aspect of the medical care relationship
- Existing legal obligations concerning the protection of trade secret information

Nothing in this section intends to mandate the form, manner, or process in which a record is preserved as long as the information contained in the record is preserved and retrievable, except chest x-ray films must be preserved in their original form.

## **Maintenance of Employee Exposure and Medical Records**

Unless a specific occupational safety and health standard states a different time period, FairPoint Communications, Inc. ensures employee exposure and medical records are kept as follows:

1. Employee exposure records are preserved and maintained for at least thirty (30) years, except:
  - a. Environmental monitoring or measuring background data, such as laboratory reports and worksheets, need to be retained for one (1) year as long as sampling results, collection methodology, description of the analytical and mathematical methods used, and summary of other background data relevant to interpretation of the results are retained for at least thirty (30) years.
  - b. Material safety data sheets and chemical identify records do not need to be retained for any specified period as long as a record of the substance or agent identity (chemical name if known), where it was used, and when it was used is retained for at least thirty (30) years.
  - c. Biological monitoring results designated as exposure records by specific safety and health standards are preserved and maintained as required by the specific standard.

2. Employee medical records are preserved and maintained for at least the duration of employment plus thirty (30) years, except for the following records that don't need to be retained for any specified period:
  - a. Health insurance claim records maintained separately from the employer's medical program records
  - b. First aid records of one-time treatments and subsequent observation of minor scratches, cuts, burns, splinters and the like that do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on site by a non-physician and maintained separately from the employer's medical program records
  - c. Medical records of employees who worked less than one (1) year need not be retained beyond the term of employment if they are provided to the employee at termination of employment
3. Analyses using exposure or medical records are preserved and maintained for at least thirty (30) years.

## **General Considerations for Accessing Records**

To allow access to employee exposure and medical records by employees or designated representatives, FairPoint Communications, Inc.:

1. Provides access to records in a reasonable time, place, and manner. If access to a record cannot reasonably be provided within fifteen (15) working days, employees or designated representatives are notified of the reason for the delay and the earliest date the record is available.
2. Requires of the requester only pertinent information necessary to locate or identify the requested records.
3. Ensures copies of records are provided in one of the following ways:
  - a. A copy of the record is provided without cost.
  - b. Necessary mechanical copying facilities are made available without cost to copy the record.
  - c. The record is loaned to the employee or representative for a reasonable time to enable a copy be made.

4. Makes suitable arrangements for original x-ray requests. Access may be restricted to on site examination. However, arrangements may be made for the temporary loan of the x-ray.
5. Charges reasonable non-discriminatory administrative costs for additional copies of a record if the record was previously provided without cost to an employee or designated representative. If new information is added to a record previously provided, there is no charge for an initial copy of the new information. No charges are assessed for initial copy requests by recognized or certified collective bargaining agents.

## **Access to Employee Exposure Records**

Except as limited by trade secrets, FairPoint Communications, Inc. ensures access to employee exposure records relevant to an employee. Exposure records relevant to an employee may consist of:

1. Records that measure or monitor the amount of a toxic substance or harmful physical agent to which an employee is or has been exposed.
2. Records of other employees with past or present job duties or working conditions related to or similar to those of an employee to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which an employees is or has been subjected. This may be necessary in the absence of directly relevant records.
3. Exposure records to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents at workplaces or under working conditions to which an employee is assigned or transferred.

Requests by a designated representative for access to employee exposure records must be in writing and specify:

- Records requested
- Occupational health need for gaining access to the records

## Access to Employee Medical Records

FairPoint Communications, Inc. ensures access to employee medical records as follows:

1. Access to employee medical records of which the employee is the subject is ensured except for the situation described in the following paragraph.
2. Whenever an employee requests access to his or her employee medical records, and a physician representing FairPoint Communications, Inc. believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, FairPoint Communications, Inc. may inform the employee that access is only provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information. When a designated representative with specific written consent requests access to information so withheld, FairPoint Communications, Inc. ensures the designated representative access to this information, even when it is known the designated representative will give the information to the employee.
3. Access to employee medical records by a designated representative of the employee is ensured for any employee who gives the designated representative specific written consent.
4. Whenever access to employee medical records is requested, a physician representing FairPoint Communications, Inc. may recommend the employee or designated representative:
  - a. Consult with the physician for the purposes of reviewing and discussing the records requested
  - b. Accept a summary of material facts and opinions in lieu of the records requested or
  - c. Accept release of the requested records only to a physician or other designated representative

5. A physician, nurse, or other responsible health care person maintaining medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

## **Access to Analyses Using Exposure or Medical Records**

FairPoint Communications, Inc. ensures access to analyses using exposure or medical records as follows:

1. Access to employees or designated representatives to each analysis using exposure or medical records concerning an employee's working conditions or workplace is ensured.
2. Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, etc.), personal identifiers are removed before access is provided. If removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

## **OSHA Access to Records**

FairPoint Communications, Inc. upon request and derogation of any rights under the Constitution or the Occupational Safety and Health act of 1970, 29 U.S.C. 651 et Seq., ensures prompt access to representatives of the Assistant Secretary of Labor for Occupational Safety and Health to employee exposure and medical records, and to analyses using exposure or medical records. Rules of agency practice and procedure governing OSHA access to employee medical records are contained in OSHA Standard **29 CFR 1913.10**.

Whenever OSHA seeks access to personally identifiable employee medical information by presenting a written access order pursuant to OSHA Standard **29 CFR 1913.10(d)**, FairPoint Communications, Inc. prominently posts a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.

## Trade Secrets

The following information pertains to trade secrets:

1. Except in a medical emergency situation where the specific chemical identity of a toxic substance is necessary for treatment, trade secret data such as manufacturing processes or the percentage of a chemical substance in a mixture may be deleted from records, as long as the health professional, employee or designated representative requesting the record is notified information has been deleted. Whenever deletion of trade secret information substantially impairs evaluation of the place or time when exposure to a toxic substance or harmful physical agent occurred, alternative information is provided that is sufficient to permit the requesting party to determine where and when the exposure occurred.
2. The specific chemical identity, including the chemical name and other specific identification of a toxic substance, may be withheld from a record provided that:
  - a. The claim can be supported that the information withheld is a trade secret.
  - b. All other available information on the properties and affects of the toxic substance is disclosed.
  - c. The requesting party is informed the specific chemical identity is being withheld as a trade secret.
  - d. The specific chemical identity is made available to health professionals, employees, and designated representatives in accordance with the specific applicable provisions.
3. Where a treating physician or nurse determines a medical emergency exists and the specific chemical identity of a toxic substance is necessary for emergency or first-aid treatment, the specific chemical identity of a trade secret chemical is immediately disclosed to the treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. A written statement of need and confidentiality agreement may be required as soon as circumstances permit.

4. In non-emergency situations, a specific chemical identity may be disclosed to a health professional, employee, or designated representative that otherwise is permitted to be withheld if:
  - a. The request is in writing.
  - b. The request describes with reasonable detail one or more of the following occupational health needs for the information:
    - 1) To assess the hazards of the chemicals to which employees will be exposed
    - 2) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels
    - 3) To conduct pre-assignment or periodic medical surveillance of exposed employees
    - 4) To provide medical treatment to exposed employees
    - 5) To select or assess appropriate personal protective equipment for exposed employees
    - 6) To design or assess engineering controls or other protective measures for exposed employees
    - 7) To conduct studies to determine the health effects of exposure
  - c. The request explains in detail why the disclosure of the specific chemical identity is essential and that without disclosure of the following information the health professional, employee or designated representative would not be able to assess the occupational health needs described in the above paragraph:
    - 1) Properties and effects of the chemical
    - 2) Measures for controlling workers' exposure to the chemical
    - 3) Methods of monitoring and analyzing worker exposure to the chemical
    - 4) Methods of diagnosing and treating harmful exposures to the chemical

- d. The request includes a description of the procedures used to maintain confidentiality of the disclosed information.
- e. The health professional, employee, or designated representative and FairPoint Communications, Inc. or contractor of the services of the health professional or designated representative agree in a written confidentiality agreement that the health professional, employee or designated representative will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA except as authorized by the terms of the agreement or by FairPoint Communications, Inc.

## **Transfer of Records**

The following information pertains to the transfer of records:

1. Whenever business is ceased, all records are transferred to the successor employer. The successor employer receives and maintains the records.
2. Whenever business is ceased and there is no successor employer to receive and maintain the records, affected current employees are notified of their rights of access to records at least three (3) months prior to the cessation of business.
3. Whenever business is ceased and there is no successor employer to receive and maintain the records, and records required to be preserved for at least thirty (30) years are intended to be disposed of:
  - a. Transfer the records to the Director of the National Institute for Occupational Safety and Health (NIOSH) if required by a specific occupational safety and health standard.
  - b. Notify the Director of NIOSH in writing of the impending disposal of records at least three (3) months prior to the disposal of the records.
4. If records required to be preserved for at least thirty (30) years are regularly destroyed, notify the Director of NIOSH on an annual basis with at least (3) months notice of the records intended to be disposed of in the coming year.