**SEC. 8. Inspections, Investigations, and Recordkeeping**

**29 U.S.C. 657**

(a) In order to carry out the purposes of this Act, the Secretary, upon

presenting appropriate credentials to the owner, operator, or agent in

charge, is authorized --

(1) to enter without delay and at reasonable times any factory,

plant, establishment, construction site, or other area, workplace or

environment where work is performed by an employee of an

employer; and

(2) to inspect and investigate during regular working hours and at

other reasonable times, and within reasonable limits and in a

reasonable manner, any such place of employment and all pertinent

conditions, structures, machines, apparatus, devices, equipment,

and materials therein, and to question privately any such employer,

owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the

Secretary may require the attendance and testimony of witnesses and

the production of evidence under oath. Witnesses shall be paid the

same fees and mileage that are paid witnesses in the courts of the

United States. In case of a contumacy, failure, or refusal of any person

to obey such an order, any district court of the United States or the

United States courts of any territory or possession, within the

jurisdiction of which such person is found, or resides or transacts

business, upon the application by the Secretary, shall have jurisdiction

to issue to such person an order requiring such person to appear to

produce evidence if, as, and when so ordered, and to give testimony

relating to the matter under investigation or in question, and any failure

to obey such order of the court may be punished by said court as a

contempt thereof.

(c) (1) Each employer shall make, keep and preserve, and make

available to the Secretary or the Secretary of Health and Human

Services, such records regarding his activities relating to this Act as the

Secretary, in cooperation with the Secretary of Health and Human

Services, may prescribe by regulation as necessary or appropriate for

the enforcement of this Act or for developing information regarding the

causes and prevention of occupational accidents and illnesses. In order

to carry out the provisions of this paragraph such regulations may

include provisions requiring employers to conduct periodic inspections.

The Secretary shall also issue regulations requiring that employers,

through posting of notices or other appropriate means, keep their

employees informed of their protections and obligations under this Act,

including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health and

Human Services, shall prescribe regulations requiring employers to

maintain accurate records of, and to make periodic reports on,

work-related deaths, injuries and illnesses other than minor injuries

requiring only first aid treatment and which do not involve medical

treatment, loss of consciousness, restriction of work or motion, or

transfer to another job.

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(3) The Secretary, in cooperation with the Secretary of Health and

Human Services, shall issue regulations requiring employers to

maintain accurate records of employee exposures to potentially toxic

materials or harmful physical agents which are required to be

monitored or measured under section 6. Such regulations shall

provide employees or their representatives with an opportunity to

observe such monitoring or measuring, and to have access to the

records thereof. Such regulations shall also make appropriate

provision for each employee or former employee to have access to

such records as will indicate his own exposure to toxic materials or

harmful physical agents. Each employer shall promptly notify any

employee who has been or is being exposed to toxic materials or

harmful physical agents in concentrations or at levels which exceed

those prescribed by an applicable occupational safety and health

standard promulgated under section 6, and shall inform any

employee who is being thus exposed of the corrective action being

taken.

(d) Any information obtained by the Secretary, the Secretary of Health

and Human Services, or a State agency under this Act shall be obtained

with a minimum burden upon employers, especially those operating

small businesses. Unnecessary duplication of efforts in obtaining

information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of

the employer and a representative authorized by his employees shall be

given an opportunity to accompany the Secretary or his authorized

representative during the physical inspection of any workplace under

subsection (a) for the purpose of aiding such inspection. Where there is

no authorized employee representative, the Secretary or his authorized

representative shall consult with a reasonable number of employees

concerning matters of health and safety in the workplace.

(f) (1) Any employees or representative of employees who believe that

a violation of a safety or health standard exists that threatens physical

harm, or that an imminent danger exists, may request an inspection by

giving notice to the Secretary or his authorized representative of such

violation or danger. Any such notice shall be reduced to writing, shall

set forth with reasonable particularity the grounds for the notice, and

shall be signed by the employees or representative of employees, and a

copy shall be provided the employer or his agent no later than at the

time of inspection, except that, upon the request of the person giving

such notice, his name and the names of individual employees referred

to therein shall not appear in such copy or on any record published,

released, or made available pursuant to subsection (g) of this section. If

upon receipt of such notification the Secretary determines there are

reasonable grounds to believe that such violation or danger exists, he

shall make a special inspection in accordance with the provisions of this

section as soon as practicable, to determine if such violation or danger

exists. If the Secretary determines there are no reasonable grounds to

believe that a violation or danger exists he shall notify the employees or

representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees

or representative of employees employed in such workplace may

notify the Secretary or any representative of the Secretary

responsible for conducting the inspection, in writing, of any violation

of this Act which they have reason to believe exists in such

workplace. The Secretary shall, by regulation, establish procedures

for informal review of any refusal by a representative of the

Secretary to issue a citation with respect to any such alleged

violation and shall furnish the employees or representative of

employees requesting such review a written statement of the

reasons for the Secretary's final disposition of the case.

(g) (1) The Secretary and Secretary of Health and Human Services are

authorized to compile, analyze, and publish, either in summary or

detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health and Human Services

shall each prescribe such rules and regulations as he may deem

necessary to carry out their responsibilities under this Act, including

rules and regulations dealing with the inspection of an employer's

establishment.

(h) The Secretary shall not use the results of enforcement activities,

such as the number of citations issued or penalties assessed, to

evaluate employees directly involved in enforcement activities under

this Act or to impose quotas or goals with regard to the results of such

activities.