

CHAPTER IX

COMPLAINTS AND REFERRALS

A. Complaints.

1. General. The discussion of complaints in this chapter is confined to when a complaint is received and processed at the division before an inspection rather than when it is given to the compliance officer at the time the establishment is inspected.
 - a. Division Response. The division's response to a complaint will take a variety of forms, ranging from an inspection to a letter, depending upon the formality of the complaint and the nature of the alleged hazard.
 - b. Complainant Identity. The identity of formal and nonformal complainants will be kept confidential pursuant to §396-8(e)(2) of the Law, as a matter of policy even though they may have approved disclosure.
2. Definitions. The following definitions apply in this chapter:
 - a. Complaint. A complaint is a notice of a hazard or a violation of the Law believed to exist in a workplace given by an employee, a representative of employees, or any other source not listed in B.2.b. to the director or his authorized representative.
 - (1) To constitute a complaint the notice must allege that a hazard exists in the workplace or that the Law (meaning a standard or regulation) is violated.
 - (a) If the notice is so vague and unsubstantiated that the branch manager is unable to make a reasonable judgment as to the existence of the alleged workplace hazard, there is no valid complaint. In such a case, however, every reasonable attempt shall be made to contact the person giving the notice to obtain more specific information.
 - (b) If, as a result of a recent inspection or on the basis of other objective evidence, the branch manager determines that the hazard which is the subject of the notice is not present (e.g., it has already been corrected), such a notice is not a valid complaint.
 - (2) The workplace must be one wherein HIOSH exercises jurisdiction. Thus, if the notice involves conditions in the longshoring industry, any hazard or violation clearly falls within Federal jurisdiction. In such a circumstance the notice is not a complaint. Such notices shall be promptly transferred to the OSHA Area Office for action.
 - (3) Anonymous complaints are normally not considered unless alleging an imminent danger or a serious hazard with sufficient detail to enable the division to determine that action is necessary.
 - b. Employee. For purposes of submitting a complaint, an employee is either:
 - (1) A present employee of the employer about whose establishment the complaint is being made.

- (2) A present employee of another employer if that employee is working at or near some other employer's workplace and is exposed to hazards of that workplace.

NOTE: Former employees are not considered employees for purposes of submitting a formal complaint. They can only submit nonformal complaints.

c. Representative of Employees. For purposes of submitting a complaint, a representative of employees is:

- (1) An authorized representative of the employee bargaining unit, such as a certified or recognized labor organization;
- (2) An attorney acting for an employee; or
- (3) Any other person acting in a bona fide representative capacity; e.g., a member of the employee's family or an elected official. In this situation, a complainant purporting to act as a representative of an employee shall be presumed to be so acting unless the compliance officer obtains information that the complaint was not submitted with the knowledge of or on behalf of the employee.

d. Formal Complaint. To meet the formality requirements of §12-51-11(a), a complaint shall:

- (1) Be submitted in writing (either on HIOSHL- 7 Form or in a letter);
- (2) Allege that an imminent danger or a violation threatening physical harm (i.e., a hazard covered by a standard or by the general duty clause) exists in the workplace;
- (3) Set forth with reasonable particularity the grounds upon which it is based. (This does not mean that the complaint must specify a particular standard; it need only specify a condition or practice that is hazardous and, if uncommon, why it is hazardous.); and
- (4) Be signed by at least one employee or employee representative.
- (5) The following are examples of deficiencies which would result in classifying the complaint invalid.
 - (a) A thorough evaluation of the complaint does not establish reasonable grounds to believe that the complaint alleges a hazard.
 - (b) The complaint concerns a workplace condition, which has no direct relationship to safety or health and does not threaten physical harm.
 - (c) The complaint alleges a hazard, which violates a standard but describes no actual workplace conditions and gives no particulars, which would allow a proper evaluation of the hazard. In such a case

the branch manager shall make a reasonable attempt to obtain such information.

e. Nonformal Complaint. Any complaint, such as the examples given under A.2.d.(5), which does not meet any or all of the formality requirements in A.2.d. is a nonformal complaint and is to be handled in accordance with the procedures in A.8.

(1) Examples. Other examples of such complaints include;

(a) Oral complaints filed by employees;

(b) Unsigned written complaints filed by employees;

(c) Written and oral complaints filed by nonemployees (persons or groups other than current employees or their representatives); and

(d) Complaints of violations of rules (rather than standards).

(2) Referrals from Other Agencies. Reports from sources listed in B.2.b, however, are referrals and are to be handled in accordance with the procedures in B.3.

3. Receiving Complaints. An incoming notice of hazards or alleged violations shall first be referred to a supervisor or compliance officer who shall obtain all available information from the person reporting it. The notice shall thereafter be forwarded to the branch manager to complete the evaluation.

a. Employee Rights. When an oral notice is received from an employee or employee representative, that person shall be informed of the right to file a formal complaint in writing under §12-51-11(a) and of the right, as a matter of law and marsh policy, to have the complainant's identity held confidential, if requested, regardless of the formality of the complaint.

b. Workplace Inspections. The person giving notice shall be informed that formal complaints generally lead to workplace inspections while nonformal complaints usually result in letters requesting employers to undertake corrective action.

c. Formalizing Oral Complaints. If the person is filing a notice orally and makes a request to formalize the complaint, the supervisor or designated professional, after confirming that the complainant is an employee or employee representative, shall complete the Complaint, HIOSHL-7 Form, to the extent possible prior to mailing for the complainant's signature.

(1) If the signed complaint form is not returned within 10 working days, it shall be treated as a nonformal complaint; and a letter shall be sent to the employer. If, nevertheless, a signed complaint is received after 10 working days but before other actions have been initiated, the complaint is to be considered formal and evaluated as such.

(2) If a complainant filing orally declines to formalize the complaint, the supervisor or designated professional shall nevertheless request the complainant's name, address, and telephone number.

- d. Section §396-8(e) Complaint. The complainant shall be advised of the protection against discrimination afforded by §396-8(e) of the Law and shall be informed of the procedure for filing a §396-8(e) complaint.
- (1) Safety or health complaints filed by former employees who allege that they were fired for exercising their rights under the Law are discrimination complaints.
 - (a) These complaints shall be recorded on an HIOSHL- 7 and handled in accordance with the procedures outlined in Chapter X, C.1. and the Discrimination Manual. They shall be sent to Administration and Technical Support Branch for logging, screening and investigation assignment.
 - (b) No letter shall be sent to the employer until after the administrator has reviewed the case.
 - (2) When the administrator determines that the existence or nature of the alleged hazard is likely to be relevant to the resolution of the §396-8(e) discrimination complaint, the matter may be referred back to the compliance branch manager for inspection of the alleged hazard and sending letters to the employer and complainant as outlined in A.8.
 - (3) When no inspection is necessary, the ATS manager shall ensure that the complaint is handled as outlined in Chapter X.C1. and the discrimination manual.
 - (4) Any §396-8(e) complaint alleging an imminent danger shall be handled in accordance with the instructions in A.6.
4. Evaluating Complaints. A careful exercise of investigatory techniques is necessary for complete evaluation of complaints.
- a. Classification. Immediately upon receipt of a notice reporting a hazard or an alleged violation, the supervisor shall decide if the notice meets the definition of a complaint. If so, the complaint shall be classified as formal or nonformal.
 - b. Documentation. Supervisory personnel shall evaluate complaints with all evaluation decisions fully documented in the case file including all information obtained pursuant to the procedures outlined in this chapter.
 - c. Both Safety and Health Hazards Alleged. When a complaint alleges both safety and health hazards, the complaint shall be referred to both safety and health branch managers for evaluation. They shall coordinate the handling of the complaint. Branch Manager shall schedule cross-trained compliance officers to consider joint inspections to conduct complaint inspections involving both safety and health hazards.
 - d. Response to Person Reporting. Whenever the branch manager decides that a notice which fails to meet the definition of a complaint given in A.2.a, will not be responded to, or that a complaint submitted by an employee or representative of employees, which fails to meet all of the formality requirements given in A.2.d. will not be inspected, a letter shall be sent to the person submitting the notice (certified with return receipt) communicating that decision and the reasons for it. The person shall be informed that he or she has a right to appeal this decision to the administrator for an informal review in accordance with §12-51-12.

NOTE: Refer to §12-51-12 for the procedure the complainant needs to follow when appealing a decision not to inspect.

5. Information Needed for Complaint Evaluation. As stated in A.4, supervisory personnel shall evaluate complaints. The Complaint HIOSHL-7 Form shall normally be used to record both formal and nonformal complaints. Complaints may be relatively unsophisticated and lacking in details. Thus, the complainant may have to be contacted, when possible, either for additional facts or to verify facts supplied. The evaluator must exercise professional judgment on the basis of the information available to decide whether or not there are reasonable grounds to believe that a violation exists and, if so, how it should be classified.
- a. Taking Complaints. When a compliance officer receives a complaint, by letter, in person or over the telephone, the HIOSHL-7 Form shall be completed. If the complainant wishes to submit a formal complaint, the person taking the complaint shall ask if the complainant is presently an employee or employee representative. If the complaint has been received in writing and has been signed, the complainant shall be contacted, if necessary, for response to questions on the HIOSHL-7 although the form need not be sent for signature.
- b. Additional Information. Additional information is usually needed to improve the quality of the complaints and to aid in determining scheduling priority. Therefore, in completing item 4 on the HIOSHL-7, an attempt shall be made to obtain detailed answers to the following example questions.
- (1) For All Complaints.
- (a) Describe the unsafe or unhealthful conditions; identify the location. What is the nature of the exposure?
- (b) What is the work being performed in the unsafe or unhealthful area? Identify, as well as possible, the type and condition of equipment in use, the materials (chemicals) being used, the process or operation involved, and the kinds of work being done near the hazardous area.
- (c) How often is work done at the task, which leads to the exposure? For how long at one time? How long has the condition existed as far as can be determined? Has it been brought to the employer's attention? Have any attempts been made to correct the condition?
- (d) How many shifts are there? What time do they start? On which shift does the hazardous condition exist?
- (e) What personal protective equipment is required by the company? Is it used by employees? Include all PPE and describe it as specifically as possible. Include the manufacturer's name and any identifying numbers.
- (f) How many people work in the establishment? How many are exposed to the hazardous conditions? What is their proximity?

- (g) Is there an employee representative in the establishment? Include the name, address, and phone number of the union or of the employee representative.
- (h) Identify the standard apparently violated by the conditions described by the complainant.

(2) For Health Hazards.

- (a) Has the employer administered any tests to determine employee exposure levels to the hazardous conditions or substance? Describe these tests. What have been the results?
- (b) What engineering controls are in place in the area in which the exposed employees work? For instance, are there any fans or acoustical insulation in the area, which may reduce exposure to the hazard?
- (c) What administrative or work practice controls has the employer put into effect?
- (d) Do any employees have any symptoms, which may have been caused by exposure to hazardous substances? Have any employees ever been treated by a doctor for a work-related disease or condition? What was it? Have there been any "near-miss" incidents?

(3) For Safety Hazards.

- (a) Under what adverse or hazardous conditions are employees required to work? (This should include conditions contributing to stress and "other" probability factors.)
- (b) Have any employees been injured as a result of this hazardous condition? Have there been any "near- miss" incidents?

6. Responding to Complaints Alleging Imminent Danger Conditions. Any complaint, which, in the professional opinion of the branch manager or supervisor, constitutes an imminent danger, as defined in Chapter VII, shall be inspected irrespective of whether or not it meets the formality requirements of §12-51-11(a). It shall be inspected the same day received, where possible, but not later than the employer's next working day after receipt of the complaint.

7. Responding to Formal Complaints. All formal complaints meeting the requirements of §12-51-11(a) shall be scheduled for workplace inspections.

- a. Determination. Upon determination by the supervisor that a complaint is formal, an inspection shall be scheduled in accordance with the priorities in A.7.b.
- b. Priorities for Responding by Inspections to Formal Complaints. Inspections resulting from formal complaints shall be conducted according to the following priority:

- (1) Formal complaints, other than imminent danger, shall be given a priority based upon the classification and the gravity of the alleged hazards as defined in Chapters IV and VI.
- (2) Formal complaints involving potentially serious hazards shall be investigated within 5 working days; those involving general hazard conditions, within 30 working days.
8. Responding to Nonformal Complaints. All nonformal complaints shall receive a response. The procedures described below include responses to nonformal complaints designed to ensure correction of hazards identified in the complaint.
- a. Responding by Letter to Nonformal Complaints.
- (1) When a nonformal complaint is received, attempt to obtain any necessary information in the customary manner with the appropriate review. Advise the complainant that a nonformal complaint may result in a letter or telephone call and fax to the employer.
- (2) Contact the employer by telephone to notify them that a complaint has been filed, and make them aware of the specific allegation(s). Advise the employer of the response time of five (5) working days for the results of their investigation and the posting requirement for the faxed letter being sent. Be sure to get the name of the contact person if it is not the employer and their telephone and fax number. Ask for the name, address and telephone number of the union and/or employee representative (if applicable).
- (3) Tell the employer what is needed to answer the complaint, in other words, what HIOSH will need to close the complaint. Encourage the employer to use the fax machine to respond, if possible. Explain the use of invoices, screening/sampling results, photos, videos or whatever is necessary to document the abatement necessary.
- (4) The goal of this procedure is to reduce the time it takes to abate the hazard. Assure that, by whatever process is used in your office, the employer is faxed or mailed the notification letter as soon as possible after your call.
- (5) Concurrent with the letter to the employer, a letter to the complainant shall be prepared explaining that the employer has been informed of the complaint. It shall request the complainant to notify the branch manager if no corrective action has been taken or if any adverse or discriminatory action or threats are made against the complainant. A copy of the letter to the employer shall be included with the letter to the complainant. Copies of all subsequent correspondence shall also be sent to the complainant.
- (6) Assemble the complaint file with all the necessary information - HIOSHL- 7, notes and diary sheet.
- (7) On the HIOSHL- 7, complete the data items as follows.
- Item 39- Mark box "d. Nonformal Complaint Notification to Employer".
- Item 40- "Date Letter Sent" -write the date you called Employer.

- Item 41- "Date Response Due" -write date which is five (5) working days later.
- Item 46- "Optional Code" -write N 20 PHONE.

b. Responding by Inspection to Nonformal Complaints. Where the employer fails to respond or submits an inadequate response within the period specified in the letter or where the complainant informs HIOSH that no corrective action has been taken or the action taken is inadequate, the nonformal complaint shall be activated for inspection pursuant to the priorities in A.7.b.(2).

(1) Status of Corrective Action. Where an ambiguity exists or when the employer has a correction plan but has not yet had time to implement it fully, the branch manager shall communicate further, as appropriate, with the employer or the complainant, or both, to determine what interim protective steps have been taken until the corrective action shall have been completed and, later, if the hazard has been adequately corrected. On the basis of information available, the branch manager shall decide whether an inspection is warranted.

(2) Tenth Letter Inspections. Where employers have sent satisfactory corrective action letters, the branch manager shall, nevertheless, select every tenth letter for inspection to ensure that the employer's action corresponds to that asserted in the corrective action letter.

(a) Only satisfactory letters shall be included in this procedure. Letters shall be numbered in order of receipt by HIOSH.

(b) If for any reason the employer returning the tenth satisfactory letter cannot be inspected, the branch manager shall select the next available satisfactory letter for inspection (e.g., the eleventh letter). The next "tenth letter" shall continue to be selected in the same way (i.e., the twentieth letter).

(c) Employers shall be informed at the time that the initial letter is sent out that they are subject to such "tenth letter" inspections.

9. Scope of Inspection. The scope of complaint inspections shall be determined in accordance with the guidelines given in this section. Any departure from these guidelines shall be supported by adequate documentation.

(a) Safety Complaint Inspections. The inspection of a safety complaint shall normally be a comprehensive inspection of the entire workplace. The following are guidelines for determining exceptions.

(1) General Industries. In a high rate establishment (one listed on the establishment list), if one of the deletion criteria given in II.E.2.b.(1)(f) applies, the procedures in d. of this section for a complaint inspection in a low-rate industry shall apply.

(2) Reserved.

(b) Construction Inspections. The inspection of a complaint in the construction industry shall normally be a comprehensive inspection unless a substantially complete

inspection of the worksite has been conducted within the last quarter. In that case, the procedures in d. shall apply.

(c) Health Complaint Inspections. The inspection of a health complaint in a SIC code industry that is listed on the Health Inspection Plan will normally be a comprehensive inspection. Otherwise the procedures outlined in d. for a complaint in a low rate industry shall apply.

(d) Low-hazard Industry Complaint Inspections. Generally, a complaint inspection in a low-hazard industry should be limited to working conditions identified in the complaint. If, however, the compliance officer believes that the scope of the inspection should be expanded because of the information indicating the likelihood of serious hazards in other portions of the plant (e.g., the compliance officer has observed them prior to the opening conference), or because of a formal complaint alleging imminent danger or serious hazards received while conducting the inspection, the supervisor shall be contacted. A decision will then be made on the basis of the information that is available whether or not the inspection is to be extended.

(e) Advising Participants of Extended Scope. Whenever an extended inspection is to be conducted, the compliance officer shall advise the employer and the employee representatives of the extended scope at the opening conference or at the earliest opportunity.

10. Procedures. In general, the procedures in Chapter III shall be followed in conducting complaint inspections. Particular attention, however, is directed to the following special requirements for complaint investigations.

a. Copy of the Complaint. A typed copy of the complaint, which has been purged of any means of identifying the complainant shall be given to the employer at the opening conference.

(1) In the case of a multi-employer worksite, such as a construction site, a copy of every complaint, including those against subcontractors, shall be provided to the general contractor as well as to the employer against whom the complaint has been filed.

(2) A copy of every complaint against the general contractor or against one or more of the subcontractors shall be provided, if possible, to each subcontractor whose employees may be exposed to the alleged hazard.

b. Identity of Complainant. Section 12-51-11(a) requires that names shall be deleted from the employer's copy of the complaint. If handwritten, the complaint shall be typed, and reworded if necessary, so that the identity of the complainant cannot be discerned by the employer.

c. Walkaround Rights. In a complaint inspection the walkaround rights of an employer and an employee representative shall be applicable in accordance with Chapter III. The employee representative will be chosen according to the procedures in Chapter III and, thus, the complainant will not necessarily be the employee representative for walkaround purposes.

d. Results of Inspection to Complainant. After the completion of an inspection based on a formal or a nonformal complaint the complainant shall be informed of the results as follows.

(1) Each complaint item shall be addressed with a reference to a citation item on an attached copy of the HIOSHL-2 issued as a result of the complaint inspection or with a sufficiently detailed description of the findings and why they did or did not result in a citation.

(2) The complainant shall be informed of any subsequent modification of the citation due to an informal conference, a settlement agreement, or a decision of the Appeals Board, together with the reasons for the modification.

e. Notification of Delays. If unusual delays are met in issuing a citation resulting from a complaint inspection, the complainant and, if appropriate, the employee representative shall be informed of such delays. A delay of more than 15 working days following the inspection would warrant this notification.

f. Citation Not Warranted. If the branch manager determines that a citation is not warranted, the complainant shall be informed in writing of such determination as outlined in A.10.d.(1). At the same time, the complainant shall be notified of HIOSH's policy granting the right of informal review of the administrator's determination and the procedure for obtaining this review.

g. Communication to Complainant. Written communications to a complainant shall be sent to the employee's home address unless specific instructions have been given that this mail be sent to the place of employment

B. Referrals.

1. General. As a rule, referrals will be handled in a manner similar to that of complaints.

2. Definitions. For purposes of this chapter, a referral is normally distinguished from a complaint by the source providing information on the alleged hazard.

a. Notices of hazards or alleged violations originated by the sources listed in b. of this section shall be considered as referrals. All other notices of hazards shall be considered as complaints. Formal and nonformal complaints received by other government agencies and simply forwarded to HIOSH for action are complaints since they do not originate with the division or its employees. (See B.2.b.(4).)

b. Referrals may originate from the following sources.

(1) Compliance Officer Referrals. Serious hazards shall normally be investigated by the compliance officer who observed them (after consultation with the supervisor if required).

(a) Types of Referrals. There are two types of compliance officer referrals.

1 Safety (Health to Safety); and

2 Health (Safety to Health).

(b) Subject of Compliance Officer Referrals. Generally, compliance officer referrals shall be limited to potentially serious hazards observed during an inspection or visible from or in public areas, such as streets, highways or the public areas of business premises.

(c) Reinspection Referrals. When a serious citation is withdrawn prior to administrative hearing because of incomplete or erroneous inspection information or because of administrative error which cannot be corrected through an amendment to the citation, the administrator will treat the reinspection of these cases as referrals whenever there is reason to believe that the violative conditions continue to exist. If a reinspection is not to be conducted, the reasons shall be documented in the case file.

(d) Circumstances. There are circumstances when a compliance officer referral may be necessary or appropriate, such as when:

- 1 The compliance officer lacks the necessary expertise;
- 2 The compliance officer observing the hazard is already assigned to an inspection of higher priority;
- 3 The compliance officer observes specific evidence of imminent danger or serious hazards at a worksite not programmed for an inspection;
- 4 Equipment necessary for an inspection is not available at the time;
- 5 Efficient utilization of division resources requires that a referral be made (e.g., the size of the workplace, the number of employees involved, the length of time likely to be required for an inspection, the extent of hazards observed, etc.); and
- 6 The observations occur outside the compliance officer's normal working hours.

NOTE: For inspection classification purposes, if a compliance officer lacks the expertise to handle all complaint items or to complete an imminent danger or fatality/catastrophe investigation or for some other reason requires assistance from another compliance officer, this assistance shall be counted as part of the original complaint, imminent danger or fatality/catastrophe and not as a referral. Such assistance shall not be counted as a separate inspection unless another discipline is involved (e.g., safety to health or health to safety).

(2) Reserved.

- (3) Reserved.
- (4) Other Government Agency Referrals. Notifications of hazards observed and reported (referred) to HIOSH by other Federal, State, or local government agencies or their employees (e.g., local building inspectors, fire marshals, etc.,) are included in this category, as are HIOSH referrals to other government agencies.
- (5) Media Reports. Reports of accidents involving serious injury or of potentially serious workplace hazards in the media shall be considered as referrals. "Reports" shall be understood to include news items reported in the media as well as hazards reported directly to HIOSH by media sources. Thus newspaper or magazine articles, photographs or news items reported over radio or television, are examples of media reports as well as calls to the division office by reporters.
- (6) Employer Reports. Employer reports of accidents, other than fatalities and catastrophes, or incidents, whether required by standard or regulation or not, shall be considered as referrals.
- c. Referral inspections are unprogrammed inspections and shall be recorded using the OSHA-90 Form.
3. Procedures. Each referral shall be evaluated as thoroughly as possible in accordance with the guidelines for evaluating complaints given in A.4 and A.5, to determine whether there are reasonable grounds to believe that a safety or health hazard exists. If so, the hazard shall be classified as imminent danger, serious or general. Referrals to be inspected shall be assigned a priority by the supervisor according to the severity of the alleged hazard.
- a. When the compliance officer observes an imminent danger situation under the circumstances outlined in B.2.b.(1)(c)3, the branch manager shall be contacted immediately, if practicable. Otherwise, an inspection shall be conducted without delay and the supervisor informed as soon as possible after the inspection has been initiated.
- b. If, after evaluation, the supervisor determines that a referral from a safety or health agency should be classified as general, such a referral shall be handled by letter in accordance with d. of this section.
- c. Other government agency referrals shall be handled in accordance with the evaluation of the alleged hazard.
- d. For all referrals handled by letter, the following procedures apply:
- (1) A letter shall be sent to the employer whenever a name and address is given in the referral or is obtainable with reasonable effort. Letters similar to those used for complaints shall be used for referrals also if the most appropriate one is revised in accordance with the particular circumstances of the referral.

- (2) If no employer name or address is obtainable, the referring party shall be notified by telephone of this fact and shall be informed that HIOSH can take no action without being supplied with such information.
- (3) When a letter is sent to the employer, the procedures in A.8. are applicable, except that no tenth letter inspections shall be scheduled.
- e. When the branch manager decides that a Government agency referral identifies a hazard of potentially serious nature, that it shall be inspected with the same response priority assigned to similarly classified formal complaints.
- f. In the case of media reports, reasonable efforts to corroborate the information contained in the report shall be made whenever necessary. Specifically, the supervisor shall attempt, before scheduling an inspection, to determine if the incident is related to a recognized hazard. This may be done by carefully reviewing the facts as reported by the media or, when indicated by the particular circumstances, by contacting a third party such as the police or the ambulance service.
- g. Media reports of general hazards will not normally require a HIOSH response.
- h. Referrals scheduled for inspection shall be investigated within C-SPAM requirements.
- i. No letter of acknowledgement or followup communication with the referring source will be necessary for referrals.
- j. The scope of referral inspections shall be decided in accordance with the guidelines for complaints in A.9.
- k. A case file shall be set up for each referral as it is received. This case file shall contain a copy of the completed HIOSHL-90, all documentation supporting the evaluation and classification of the referral and subsequent action documents. If an inspection is eventually performed, all of the material will be absorbed into the inspection case file.