



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

DATE: August 26, 2026

FROM: Carrie-Lee Early, Chief Counsel to the Chairman, Occupational Safety and Health Review Commission (OSHRC)

SUBJECT: OSHRC Controlled Unclassified Information (CUI) Limited CUI Marking Waiver within the Agency

Executive Order (EO) 13556, Controlled Unclassified Information (CUI), 75 Fed. Reg. 68,675 (Nov. 9, 2010), establishes a program for managing CUI across the executive branch. The National Archives and Records Administration (NARA) is responsible for implementing the Executive Order. To effectuate the requirements of NARA regulations, the Occupational Safety and Health Review Commission (“OSHRC” or “Agency”) has established a CUI Program. The Agency’s Chief Counsel to the Chairman serves as its CUI Senior Agency Official (SAO).

CUI is information, in paper and electronic formats, that requires safeguarding or dissemination controls (such as by “marking”) pursuant to and consistent with applicable statutes, regulations, and government-wide policies but is not classified under EO 13526, Classified National Security Information, 75 Fed. Reg. 707 (Dec. 29, 2009). In accordance with 32 C.F.R. § 2002.18(b), any documents that are released to the public by affirmative, proactive disclosure, such as final Commission decisions published on the Agency’s website, are decontrolled as CUI and therefore do not need to be marked.

NARA regulations provide that when an agency “determines that marking [information] as CUI is excessively burdensome, an agency’s CUI SAO may approve waivers of all or some of the CUI marking requirements while that CUI remains within agency control.” 32 C.F.R. § 2002.38(a). Further, NARA regulations require that an agency must notify authorized recipients and the public of such waivers. 32 C.F.R. § 2002.38(e)(3).

Pursuant to this framework, OSHRC’s CUI SAO has determined that marking all CUI documents and information within the Agency and within Agency control would be excessively burdensome. Therefore, OSHRC hereby issues this limited CUI marking waiver, pursuant to 32 C.F.R. § 2002.38(a), waiving the requirement to mark CUI within the Agency; OSHRC CUI will be marked only when disseminated outside the Agency.

Most, if not all, of OSHRC’s CUI is covered by a Privacy Act system-of-records notice, available on our [privacy page](#), which describes procedures for safeguarding and disposing of records. To the extent CUI is included in paper or electronic documents that do not fall within a Privacy Act system of records, efforts are made to ensure that such records are periodically reviewed (pursuant, for example, to the Agency’s annual review of records to eliminate any unnecessary collections of social security numbers). Moreover, all paper records are maintained in OSHRC offices. During duty hours, the records are under surveillance of personnel charged with their custody. After duty hours, the offices are accessible only using an office key or access card. Access to electronic records maintained on an OSHRC shared drive, Microsoft

OneDrive, or dedicated .gov email accounts is restricted to personnel who require access to perform their official functions.

Pursuant to 32 C.F.R. § 2002.38(e)(3), the Agency hereby notifies authorized recipients and the public of this waiver.

/s/_____

Carrie-Lee Early, Chief Counsel to the Chairman and CUI SAO
Occupational Safety and Health Review Commission