

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
POLICY AND PROCEDURES MANUAL**

**ORDER TO PRESERVE  
AND THE NOTICE**

P&P C-25A  
Issue Date:  
3/21/94  
Revised: 8/1/94

**AUTHORITY:** California Labor Code Sec. 6314.

**POLICY:** It is the policy of the Division of Occupational Safety and Health to ensure that the integrity of an accident site, or physical evidence contained at an accident site, shall not be compromised until the Division can complete its investigation of the cause(s) of an accident or occupational illness.

**PROCEDURES:**

**A. ISSUANCE**

1. Order to Preserve (Cal/OSHA Form 25A)
  - a. Whenever it is necessary to determine the cause of an accident or an occupational illness, and the accident site or physical evidence at the site is in potential danger of being removed, altered or tampered with, compliance personnel shall immediately issue to the employer who controls the site or the evidence an Order to Preserve in a manner that avoids, to the extent possible, any interference with the normal business operations.
  - b. When issuing an Order to Preserve, compliance personnel shall ensure that the Order be limited to the immediate area and the machines, devices, apparatus, or equipment directly associated with the accident or illness.
2. Notice (Cal/OSHA 250)

Compliance personnel shall affix a Notice:

- a. To preserve an accident site and any machine, device, apparatus, or equipment associated with the accident or occupational illness from being removed, altered or tampered with until the investigation is concluded; and
- b. To warn that any use or disturbance of the accident site, machine, device, apparatus, or equipment constitutes a violation of law punishable by a maximum fine of \$5000.

## B. REFUSAL OF ENTRY

### 1. Inspection Warrant

If the Division is refused entry to a place of employment subject to an accident or occupational illness investigation, compliance personnel shall immediately notify the District Manager. The District Manager shall contact the Legal Unit through the Regional Manager to obtain an Inspection Warrant. See P&P C-25.

### 2. Order to Preserve and Notice

- a. When entry has been refused but before an Inspection Warrant can be served, compliance personnel shall determine the necessity to preserve the site, or physical evidence contained at the site, from being removed, altered or tampered with. If it is determined that the site and/or evidence contained therein is in danger of being removed, altered or tampered with before an inspection warrant can be issued, compliance personnel shall immediately issue to the employer who controls the site or the evidence an Order to Preserve and a Notice.
- b. When issuing an Order to Preserve and a Notice when entry has been refused, compliance personnel shall instruct the employer that the employer is required to affix the Notice(s) to the accident site and any machine, device, apparatus, or equipment associated with the accident or occupational illness.

## C. WITHDRAWAL OF AN ORDER TO PRESERVE AND REMOVAL OF A NOTICE

An Order to Preserve and the Notices shall remain valid until the Division determines that the preservation of the accident site or physical evidence at the site is no longer necessary. When such a determination has been made, compliance personnel shall withdraw the Order to Preserve and shall remove all Notices from the investigation site and from any physical evidence.

NOTE: After removal, all Notices shall be kept in the District Office's inspection file.

## D. VIOLATION OF AN ORDER TO PRESERVE OR NOTICE

1. Any person who knowingly violates an Order to Preserve issued by the Division is subject to prosecution and a fine of not more than \$5000.

2. When the Division learns that an Order to Preserve has been violated, compliance personnel shall immediately notify the District Manager. The District Manager shall notify the Legal Unit, or the Bureau of Investigation, through the Regional Manager, of the violation.

#### E. COMPLETION OF Cal/OSHA FORM 25A

1. Compliance personnel shall develop an original and one copy of the Cal/OSHA Form 25A at the investigation site.
2. Enter the employer's name, address in the Heading section at the top of the Cal/OSHA Form 25A.
3. "Order to Preserve" Portion of Cal/OSHA Form 25A
  - a. Enter the date of the inspection when a determination was made by the compliance personnel that it was necessary to issue an Order to Preserve.
  - b. Enter the name and address of the place of employment.
  - c. Enter accident or illness about which the Division is conducting an investigation.
  - d. Enter a description of the site and any machine, device, apparatus, or equipment associated with the accident or illness.
  - e. Enter your name and the date and time that the Order to Preserve was served on the employer or his or her representative.

NOTE: This date should correspond with the date of the determination that it was necessary to issue an Order to Preserve.

4. "Notice" Portion of the Cal/OSHA Form 25A
  - a. Enter the name of the employer or his or her representative who received the Notices to affix at the site, or the name of the compliance personnel who affixed the Notices.
  - b. Enter in the number of Notices which were affixed at the site or which were given to the employer to affix.
  - c. Enter the date and time the Notices were affixed or given to the employer to affix.
5. Enter the Region and District ID Number, the compliance personnel ID Number and the Cal/OSHA Form 1 Inspection Number at the bottom of the Cal/OSHA Form 25A
6. "Declaration of Service" Portion on Backside of Cal/OSHA Form 25A
  - a. Enter the date and year the Order was served.
  - b. Enter the name of the person upon whom the compliance personnel served the Order.

c. Sign, date, and indicate the City or County, State and Zip Code.

F. FORM 25A DISTRIBUTION

Compliance personnel shall issue the original to the employer and place a copy in the District's inspection file.

Attachments:

A --[Cal/OSHA 25A](#)

B --[Cal/OSHA 25AX](#)

C --Cal/OSHA 250 [A](#) and [B](#)