

Policy: **Hazard Communication Program and Right to Know**

Functional Lead on Policy: Environmental Health & Safety

Governance Body Oversight: College Council

Date of Last Review: September 2012

Policy Number: **E-6**

Approval date: August 2019

### **Policy Statement**

Finger Lakes Community College employees, including part-time and provisional, have a right to be informed of potentially hazardous chemicals they may use in their employment. This policy defines College and employee responsibility, expectations and actions involving the safe handling of chemicals at the College.

### **Reason for Policy**

#### Right to Know

- Under Article 28 of the New York State Labor Laws Sections 875-882 (cited as 12 NYCRR Part 820) employees in 1980 were given the "Right-To-Know" about the effects inherent in the use of toxic substances with which they are working.
- In 1981, New York State governmental agencies became subject to the New York State Occupational Safety and Health Act (OSHA). The Department of Labor of New York State enforces OSHA standards and the Right-To-Know.
- Specifically, in order to comply with these regulations, FLCC will:
  - Post notices of the Right to Know conspicuously on employee bulletin boards (Article 28 § 876 and 12 NYCRR Part 820).
  - Provide information to employees on the toxic substances in their work environment. Provide training to all employees routinely exposed to toxic substances (Article 28 § 878 and 12 NYCRR Part 820).
  - Maintain records (for 40 years) on exposures of employees, training materials and safety data sheets (Article 28 § 879 and 12 NYCRR Part 820).
  - Provide information requested by an employee within 72 hours (Article 28 § 876 and 12 NYCRR Part 820).

#### Hazard Communication

- In 1987, the Federal OSHA Law was expanded to include the Hazard Communication Standard (29 CFR 1910.1200). Since Federal standards are enforced for all New York State Agencies, FLCC will:
  - Maintain appropriate labels on all containers of hazardous chemicals (29 CFR 1910.1200 (f) (5)).
  - Develop and maintain a written program on how the campus complies with the Hazard Communication Standard (29 CFR 1910.1200 (e) (1)).
  - Develop and maintain a list of all chemicals on campus (29 CFR 1910.1200 (e) (1) (i)).
  - Maintain files of Safety Data Sheets for all chemicals in the work environment, readily accessible during each work shift (29 CFR 1910.1200 (g)(8)).

### **Applicability of the Policy**

The policy applies in all departments where employees may be routinely exposed to hazardous chemicals. In addition, this policy imposes obligations on department heads and the purchasing department relating to procurement and provision of safety data sheets.

### **Definitions**

Chemical: any element, chemical compound or mixture of elements and/or compounds

Chemical Name: the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation

Common Name: any designation or identification such as code name, code number, trade name, brand name or generic

name used to identify a chemical other than by its chemical name

Employee: a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies; workers such as office workers who encounter hazardous chemicals only in non-routine isolated instances are not covered

Employer: a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor

Exposure/Exposed: occurs when an employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (*e.g.* accidental or possible) exposure; “subjected” in terms of health hazards includes any route of entry (*e.g.* inhalation, ingestion, skin contact or absorption)

Hazardous Chemical: any chemical that is a physical hazard or a health hazard

Health Hazard: a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees

Label: any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals

Safety Data Sheet (SDS): written or printed material concerning a hazardous chemical

Physical Hazard: a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive

#### **Related Documents**

- 29 CFR Part 1910.1200 – Hazard Communication
- NYS Right to Know Law (RKL)
- NYS Labor Law, Article 28 – Toxic Substances
- Title 12 of the NY Codes, Rules & Regulations, Part 820-Toxic Substances-Information, Training & Education
- FLCC Laboratory Safety & Chemical Hygiene Plan

The OSHA Hazard Communication Standard has been adopted by the NYS Commissioner of Labor as an applicable standard for the health and safety of public employees

#### **Review date/action taken:**

- March 2011: original approval date
- September 2012: substantive revisions to policy
- July 2015: no revisions
- 2019: nonsubstantive revisions to policy

Procedure: **Hazard Communication Program and Right to Know**  
Responsible for Procedure: Environmental Health & Safety

Procedure Number: **E-6**  
Most recent effective date: July 2015

## **Procedures**

Environmental, Health & Safety will have direct supervisory responsibility for the Right-to-Know Program and will manage the College's Safety Data Sheets (SDS) library, training, personnel exposure and labeling records.

## **Introduction**

### Right to Know

- Specifically, in order to comply with these regulations, FLCC will:
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  - Provide information to employees on the toxic substances in their work environment. Provide training to all employees routinely exposed to toxic substances (Article 28 § 876 and 12 NYCRR Part 820).
  - Maintain records (for 40 years) on exposures of employees, training materials and safety data sheets (Article 28 § 876 and 12 NYCRR Part 820).
  - Provide information requested by an employee within 72 hours (Article 28 § 876 and 12 NYCRR Part 820).

### Hazard Communication

- FLCC will:
  - Maintain appropriate labels on all containers of hazardous chemicals (29 CFR 1910.1200 (f) (6)).
  - Develop and maintain a written program on how the campus complies with the Hazard Communication Standard (29 CFR 1910.1200 (e) (1)).
  - Develop and maintain a list of all chemicals on campus (29 CFR 1910.1200 (e) (1) (i)).
  - Maintain files of Safety Data Sheets for all chemicals in the work environment. These files are to be readily accessible during each work shift (29 CFR 1910.1200 (g)).

### Inventory of Hazardous Chemicals

Environmental, Health & Safety will manage a master list of all hazardous chemicals used in the College and ensure the list is updated annually.

The departmental chemical inventory shall be the responsibility of the department and will contain the following information:

- Chemical name or family
- Hazard(s) if known
- CAS number
- Quantity
- Catalog # and Manufacturer
- Location: Building/Room/Shelf
- Date inventory prepared
- SDS

### **Safety Data Sheets (SDS)**

- Environmental, Health & Safety will maintain a current SDS master library on every chemical in use at FLCC.
- Each department will manage a current point-of-use SDS for hazardous materials used in that area or has available a link to the electronic SDS library
- Departments will complete a Chemical Procurement and Project Authorization Form in accordance with the FLCC Chemical Hygiene and Laboratory Safety Plan and ensure that all SDSs for newly procured hazardous chemicals are included in their point-of-use (if available) and master collections.

- Whenever an updated or more current edition of an SDS is received, the new SDS will be placed in the point-of-use collection (if available) and the older version will be retained electronically by Environmental, Health & Safety.
- SDS's that meet the requirements of the Hazard Communication Standard must be fully completed and received at the facility either prior to, or at the time of receipt of the first shipment of any potentially hazardous chemical. It may be necessary to discontinue procurement from vendors failing to provide approved SDS's in a timely manner. Purchases should not be paid until the appropriate SDS is received by the College.
- SDS's are readily available to all employees on campus.

Obtaining an SDS - Employee requests for information:

- Employees may obtain SDS's from Environmental, Health & Safety
- Supervisors shall supply the correct name of the chemical to the employee

**Labels**

It is the responsibility of the individual to ensure proper labeling of chemicals worked with in accordance with the FLCC Chemical Hygiene and Laboratory Safety Plan. (29 CFR 1910.1200 e-f)

**Training and Education**

The New York State "Right-to-Know" Law (12 NYCRR 820) and the federal Hazard Communication Standard (29 FCR 1910.1200 (h)) require all employees to receive training and education on the hazards of chemicals in their work areas.

**Training**

Training of employees will take place:

- Initially upon implementation of the safety programs;
- Annually thereafter for all employees;
- Whenever new chemicals are introduced into the work environment; and
- Before new employees begin carrying out their job responsibilities.

**Record Keeping**

New York State Right-to-Know mandates that two explicit sets of records be maintained: RTK training (12 NYCRR 920.4 (7)) and employee exposure to substances listed in OSHA's Hazard Communication Standard, Subparagraph Z list (12NYCRR 920.5).

**Right to Know Training Record Keeping**

- The College shall maintain a record of training given to employees. The record shall be maintained for the duration of their employment and should include:
  - Employee name
  - Trainer's name
  - Dates of training
  - Materials used
- These records are to be prepared and maintained by the Human Resources.
- The records shall be made available upon request to the employee, his or her representative, the New York State Department of Labor and the Attorney General of the State of New York.

**Exposure Record Keeping**

- Environmental Health & Safety shall maintain a record as required by PESH of employee's exposure to use of substances on OSHA's Hazard Communication Standard sub-part Z lists.
- The records shall be maintained by Environmental Health & Safety for 40 years

### Outside Contractor

Outside contractors will be advised of any chemical hazards which may be encountered in the normal course of their work on the premises.

### Non-routine Tasks

Supervisors contemplating a non-routine task, e.g. boiler repair, will consult with Environmental, Health & Safety and will ensure that employees are informed of chemical hazards associated with the performance of these tasks and take appropriate protective measures before such work is begun.

### **Forms/Online Processes**

- Safety Data Sheet library and inventory

#### **Review date/action taken:**

- March 2011: original effective date
- September 2012: substantive revisions to procedure
- 2019: substantive revisions to procedure

