



michigan municipal league

Liability & Property Pool Workers' Compensation Fund

RISK CONTROL SOLUTIONS

A Service of the Michigan Municipal League Liability and Property Pool and
the Michigan Municipal League Workers' Compensation Fund

THE HAZARD COMMUNICATION (RIGHT-TO-KNOW) STANDARD (OSHA 1910.1200; MIOSHA R325.77001-77003)

Introduction

Municipal employees frequently have exposure to chemicals that pose a threat to their safety and health. To protect them, the Michigan Occupational Safety and Health Administration (MIOSHA) adopted the Occupational Safety and Health Administration's (OSHA) Hazard Communication standard, Title 29, Code of Federal Regulations (CFR) 1910.1200. OSHA first enacted the Hazard Communication Standard, also known as the Right-to-Know Law, on November 25, 1983. A modified version, containing minor changes and technical amendments, took effect in March 1994.

The purpose of the standard is to provide information to employers and employees exposed to hazardous chemicals in the workplace. Under the standard, employers must identify and evaluate chemical hazards in the workplace and then communicate information concerning those hazards to employees. The standard also requires employers to make sure that employees receive this information by implementing a comprehensive hazard communication program. The program includes container labeling and other forms of warning as well as Material Safety Data Sheets (MSDSs) and employee training.

The Right-to-Know Law

The standard covers six major areas:

- 1) Evaluation of Hazardous Chemicals,
- 2) A Written Communication Program,
- 3) Labeling of Hazardous Chemicals,
- 4) Material Safety Data Sheets,
- 5) Posting requirements to inform employees of information regarding MSDSs, and
- 6) Employee Training.

Evaluation of Hazardous Chemicals

Unless they manufacture or import chemicals, employers usually do not have to evaluate chemicals. An exception is an employer who mixes chemicals to produce a new hazardous chemical. However, the standard requires employers to identify all the hazardous chemicals they use in the workplace.

MIOSHA classifies the following as physical or health hazards: combustible liquids, oxidizers, corrosives, reproductive toxins and non-toxins.

The following are exempt from the standard:

- wood and wood products (except wood dust),
- regulated hazardous waste,
- tobacco products,
- food, drugs, and cosmetics,
- alcoholic beverages,
- various types of pesticides,
- nuisance particulate and articles,
- agricultural or vegetable seed treated with pesticides.

These items are exempt because separate government standards regulate them.

Written Program. This section requires employers to fully explain how they will comply with the provisions of the standard and to list the responsible person(s) for each area of the program. The written program must also:

- include a list of the hazardous chemicals present in the workplace,
- describe how the employer will inform employees of the hazards of non-routine tasks such as cleaning a tank, pit, or a spill.

Employers must make a copy of the written program available, upon request, to all employees and MIOSHA officials.

Labeling of Hazardous Chemicals

The standard requires labels on all chemicals in the workplace. Each label should identify the material by name and the name must match the one on the MSDS. The label must also contain appropriate hazard warnings. If chemicals remain in their original containers, the containers must have labels that show the name and address of the manufacturer, importer or other responsible party. Employers may use other means of providing appropriate warning information (such as pictures and symbols) in conjunction with the hazard information. Labels must be legible and in English. Employers may add labels in a second language as long as the English label is present.

Besides appropriate labels, employers must also implement a system for pipes and piping that contain hazardous chemicals. In place of labels, employers may use placards, operating instructions, process sheets or other written materials for pipes, piping, vats, mixing tanks, and other stationary process containers.

The standard does not require labels on portable containers if both of the following conditions exist:

1. An employee dispenses a small quantity of a chemical from a large container into a small one, and
2. only the **same** employee will use the chemical during a single work shift.

Otherwise, portable containers must have appropriate labeling.

The Material Safety Data Sheet (MSDS). Once an employer identifies all the hazardous chemicals in the workplace, he or she must document them and obtain an MSDS for each item. MSDSs are available from the chemical supplier or manufacturer. The chemical manufacturer or importer prepares the MSDS after conducting an evaluation of the chemical. These sheets contain specific chemical hazard information such as:

- physical hazards,
- health hazards,
- routes of entry,
- exposure limits (if any),
- precautions for safe handling and use (if known),
- known or suspected cancer causing agents,
- spill clean-up and procedures,
- emergency and first aid procedures, and
- the name, the address, and the telephone number of the chemical manufacturer.

All the information on the MSDS must be in English and be available to employees working with or near the hazardous chemical. Employers may also provide the MSDS in a second language if necessary. The Hazard Communication Standard contains a provision allowing manufacturers to protect **trade secrets**. A chemical manufacturer may withhold the chemical identity, including the chemical name and other specific information, from the MSDS. However, under special conditions, health care professionals, treating an individual exposed to such a chemical, may obtain the necessary information from the manufacturer.

Posting Requirements

As part of the requirement to clearly communicate the presence of hazardous chemicals to employees, employers must post where employees can find the MSDSs for the chemicals in their work area. The employer must also post whenever he or she introduces a new chemical into the workplace.

Employee Training

The standard requires employers to provide employees with effective information and training on hazardous chemicals in their work areas. Training must take place at the time of initial assignment, whenever the employer introduces a new physical or health hazard into the area, and when an employee transfers to a new job. The training should include information about:

- the requirements and purpose of Michigan's Right to Know law,
- the employer's written hazardous communication program, the employer's list of hazardous chemicals,
- the methods that employees can use to detect the presence or release of a chemical,
- the organization's procedures
- physical and health hazards of chemicals,
- protective measures employees can take when handling hazardous chemicals,
- labeling and the MSDSs.

Sources for More Information

29 CFR 1910.1200, Hazard Communication
Federal Register, February 9, 1994



Important Telephone Numbers

MML Risk Management Services	734/662-3246 or 800/653-2483
Loss Control Services	800/482-0626
Michigan Department of Public Health	517/335-8250
Michigan Department of Labor -- SET Division	517/322-1809

Note

This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their own procedures with an expert or an attorney who is knowledgeable about the topic.



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THE HAZARD COMMUNICATION (RIGHT-TO-KNOW) STANDARD SELF-ASSESSMENT

Municipal management is responsible for providing its employees with a safe and healthful work place. Compliance with the Hazard Communication Standard assures that exposure to hazardous chemicals are minimized and that all employees are aware of the chemical hazard they may face while performing their normal duties. It also assures that employees know what to do in non-routine and/or emergency situations involving hazardous chemicals.

Has Your Organization:

1, Reviewed the standard and provided managers and supervisors with appropriate training?

Yes No

Do You:

- Understand the purpose and requirements of the standard?
- Make certain that managers and supervisors understand their responsibilities?

2. Conducted an evaluation of the hazardous chemicals used in the workplace?

Yes No

Have You:

- Identified all chemicals in the workplace?
- Identified those chemicals that the standard considers to be hazardous?
- Identified the location of the chemicals by department?
- Prepared a list of all chemicals used in the workplace?
- Made the list available to employees upon request?
- Established, at a minimum, an annual review for the list?

3. Developed a written communication program?

Yes No

Does the Program:

- Explain clearly the steps the organization takes to protect employees from hazardous chemicals?
- Establish accountability and responsibility for implementation of the program?
- Describe the employee training component of the program?
- Receive, at a minimum, an annual review?
- Include the master list of hazardous chemicals in use in the workplace?

4. Made sure all chemicals have labels that comply with the standard?

Yes No →

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- Do You:
- Make certain that all original containers have appropriate labels?
 - Replace labels on original containers if they become worn or illegible?
 - Check that labels are in English?
 - Provide supplementary labels in a second language if necessary?
 - Make certain that employees label temporary containers properly?

5. Made sure that manufacturers, importers or distributors provide you with Material Safety Data Sheets as the standard requires?

Yes No →

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- Do You:
- Check each incoming shipment for the required MSDS?
 - Make sure that each department using a specific chemical has the correct MSDS?
 - Request additional information from the manufacturer, importer, or distributor if necessary?
 - Understand the "Trade Secret" provision of the standard?
 - Review the MSDSs, at a minimum, annually?
 - Notify MIOSHA when a manufacturer, distributor or importer fails to provide an MSDS even after a written request?

6. Meet the posting requirements of the standard ?

Yes No →

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- Do You:
- Post the location of the Written Program?
 - Post the location of MSDSs?
 - Post when you receive new MSDSs?
 - Keep the postings where employees can readily see them?
 - Put up postings in all departments where hazardous chemicals are in use?
 - Review postings, at a minimum, annually?

7. Provide employee training that meets the requirements of the standard?

Yes No →

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- Do You:
- Have a written training program?
 - Include department specific information as the standard requires?
 - Make certain that employees receive training before their initial assignment?
 - Train employees whenever you introduce a new hazardous chemical into the workplace?
 - Provide retraining for employees who transfer to a new job assignment?
 - Document all training properly?

Conclusions

- ☺ If you were able to honestly answer “yes” to all seven of the questions and your organization follows most or all of the suggested practices, then your organization has reduced its exposure to future claims. You should congratulate yourself.
- ☹ If you were unable to answer “yes” to one or more of the critical questions, your organization may have a greater exposure to claims. Missing components of one or more of the recommended practices may also indicate a deficiency in your current program. You should take one or more of the following actions:
- Correct any deficiency that may exist;
 - Contact MML Risk Management Services at 800/653-2483;
 - Contact the League’s Loss Control Services at 800/482-0626;
 - Contact the Michigan Department of Labor, SET Division at 517/322-1809; or
 - Contact the Michigan Department of Labor, Bureau of Occupational Health Division at 517/335-8250.

NOTE: This document is not intended to be legal advice or implied to identify all occupational health concerns. Public agencies are encouraged to contact a specialist for assistance in implementing these or other changes.