



Procedure No 400.13
Subject: Hazard Communication
Reference: CFR1910.1200 & TN Rule 0800-1-9 Effective Date:
Distribution All Employees Review Date: November 2008

Purpose:	The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.
-----------------	---

Program Explanation

The East Tennessee State University Hazardous Chemical Right-To-Know Program is modeled after the Tennessee Hazardous Chemical Right-To-Know Law passed by the General Assembly on May 23, 1985. The Tennessee Right-To-Know Law was enacted because of expressed concern relative to the proliferation and variety of chemicals present in our society and their effect on the safety, health, and welfare of persons living and working in Tennessee.

The intent and purpose of East Tennessee State University's Right-To-Know Program is to provide necessary information that will enable university employees and students to become knowledgeable of the chemicals they work with and to which they may be exposed.

The university's Right-To-Know Program centers around the completion of the following steps:

1. Assigning an individual responsible for implementing the program in each department, clinic, or, if necessary, in each work area.
2. Making a list of all chemicals and by-products used, stored, or produced in each department, clinic, or area.
3. Obtaining a current Material Safety Data Sheet (MSDS) for each chemical, substance, or by-product listed.
4. Determining which chemicals, by-products, or substances are hazardous.
5. Preparing the Workplace Hazardous Chemical List.

6. Submitting the hazardous chemical list to the Health and Safety Office for compilation and submission to TOSHA. In order to meet the TOSHA suspense date of January 31, lists must be received by the Health and Safety Office no later than the 15th day of December each year.

7. Ensuring that all containers are properly labeled.

8. Training the employee

Notification

The State of Tennessee Hazardous Chemical Right-To-Know Poster (Appendix C) will be the authorized means of informing employees about their rights under the Right-To-Know Law. The State of Tennessee Public Employee Safety and Health Protection On The Job Poster (Appendix D) informs employees of their rights under the Tennessee Occupational Safety and Health Law. These posters, available from the Health and Safety Office, must be displayed in a conspicuous location for each area.

Material Safety Data Sheet

All manufacturers and distributors supplying ETSU with products which contain hazardous chemicals, or are in themselves physical hazards, must provide the university with a Material Safety Data Sheet for that product. The Material Safety Data Sheet must be provided prior to, or with, the initial shipment of the product to the university. If an MSDS is updated, a copy must be forwarded with the first shipment after occurrence of that update. If a product is not considered hazardous, the supplier must provide a statement to that effect. If an MSDS is not shipped with the product or received within five (5) days, the department should request it in writing.

Material Safety Data Sheets are not required for products which are:

1. Packaged in small containers (such as spray cans), **AND**
2. Used infrequently, **AND**
3. Obtained from general retail stores

NOTE: The hazardous chemical must meet all three requirements to be exempt from Material Safety Data Sheet rules.

Each department or clinic must maintain a copy of the current Material Safety Data Sheet for each hazardous chemical in the workplace. Material Safety Data Sheets are also maintained by the Health and Safety Office.

Material Safety Data Sheets must be maintained on a current basis and must be readily accessible to employees at all times. MSDS's can be located on the EH&S website at <http://www.etsu.edu/healthsafety/>. If an employee seeks a Material Safety Data Sheet and it is

not available, they may submit a written request through their department representative to the Health and Safety Office or through the EH&S website. The Health and Safety Office is required to furnish a copy within three (3) business days after receiving the written request. If the Material Safety Data Sheet is not available, the Health and Safety Office will notify the requestor that an effort has been made to obtain the MSDS. If after two weeks, the Health and Safety Office is still unable to obtain the requested Material Safety Data Sheet, the employee shall not be required to work with the hazardous chemical for which the MSDS was requested. There shall be no penalty for not doing such work. Reassignment of the employee to other work, at equal pay and benefits, shall not be considered a penalty under this section.

Employee Rights

The following statements of rights are reproduced from Tennessee House Bill 731 - Hazardous Chemical Right-To-Know Law:

- 1. Employees who may be exposed to hazardous chemicals shall be informed of such exposure and shall have access to the workplace chemical list and Material Safety Data Sheets for the hazardous chemicals.*
- 2. No non-manufacturing employer, manufacturing employer, or distributor shall discharge, or cause to be discharged, or otherwise discipline, or in any manner discriminate against an employee because the employee has filed a complaint, assisted an inspector of the commissioner who may make or is making an inspection under Section 16(b) of the Act, or has instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise of any rights afforded pursuant to the provisions of this Act on behalf of the employee or on behalf of others, nor shall pay, position, seniority or other benefits be lost for exercise of any right provided by this Act.*
- 3. Any waiver by a person of the benefits or requirements of this Act shall be against public policy and be null and void. Any employer's request or requirement that a person waive any rights under this Act as a condition of employment shall constitute a violation.*

Container Labeling

All containers of hazardous chemicals must be properly labeled, tagged, or marked. Proper labels should indicate the following:

1. Identity of the hazardous chemical, i.e., the common and/or chemical name as well as any chemical ingredients.
2. The name and address of its manufacturer, importer, or other responsible party.
3. Its potential physical hazards (If not handled properly, it might burn, explode, react, etc.).

4. Its potential health hazards (e.g., overexposure may irritate the skin, burn the eyes, cause dizziness, cause cancer, etc.).

NOTE: Existing labels on containers must not be removed or defaced.

Container Transfer

If a university employee transfers a hazardous chemical from the original container to another container the label information (chemical or product name and associated hazard(s) – i.e. hydrochloric acid, corrosive) from the original container must be transferred to the new container.

Education and Training Program

Prior to beginning work, each new employee should attend a health and safety orientation program at which time information on Right-To-Know and training on hazardous chemicals present in their workplace will be given. Types of training will vary due to job related activities. overview of the requirements of 29 CFR 1910.1200

Hazardous Chemical Inventory

Each department must make a Workplace Hazardous Chemical List of all chemicals (materials) present in that area.

Hazardous Determination

The university is required by the Right-To-Know Law to maintain an inventory of all hazardous chemicals (materials) in the workplace. From this inventory, information is obtained to aid in employee education and training, and data is compiled for required submission to the Department of Labor concerning the hazards on campus. It is essential that all departments complete their inventories as accurately as possible.

Material Safety Data Sheets may be used to evaluate whether the listed chemicals are hazardous. Chemicals which are hazards will be designated as such or listed in the hazardous ingredients section of the Material Safety Data Sheet. If the department does not have an MSDS, it may be requested from the Health and Safety Office.

Additional Requirements

In addition to maintaining Workplace Hazardous Chemical Lists for all chemicals, the university must compile and maintain a separate Workplace Chemical List for all chemicals stored or used in **excess** of 55 gallons or 500 pounds. This list must also include pressurized cylinders if **more than four** are present in the workplace (exception: **all** cylinders of acetylene must be reported, regardless of quantity).