

**SUNY OSWEGO FACILITIES SERVICES
ENVIRONMENTAL HEALTH & SAFETY**

Hazard Communication/Right To Know Program

Program Number	Original Effective Date	Revision Date
EHS-HCP -02	1986	January 2014

- 1.0 **Purpose**
- 2.0 **Scope**
- 3.0 **Applicability**
- 4.0 **Regulatory Requirements**
- 5.0 **Definitions**
- 6.0 **Responsibilities**
- 7.0 **Procedures/Implementation**
- 8.0 **Training**
- 9.0 **Record Keeping**
- 10.0 **References/Definitions**
- 11.0 **Appendices/Forms**

1.0 Purpose:

Hazardous chemicals, and products containing hazardous chemicals, are used at SUNY Oswego. In order to protect the health and safety of employees that may be exposed to hazardous chemicals under normal conditions, or in foreseeable emergencies, SUNY Oswego will comply with the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (29 CFR 1910.1200) as well as the NYS Right to Know Law 12NYCRR 820 Toxic Substances: Information, Training and Education.

The Hazard Communication Standard requires employers to provide information to employees regarding hazardous chemicals in the workplace and the hazardous properties of those chemicals. The information must be conveyed through a combination of a written hazard communication program, hazardous chemical inventories, container labeling, safety data sheets or safety data sheets, and employee training.

Hazard Communication (Haz-Com) is a Federal Law adopted by state law through the Public Employees Safety and Health Act, which is enforced by Public Employees Safety and Health Bureau. RTK (Right To Know) is a State Law which PESH monitors for compliance. The RTK Law guarantees employees the right to information, training and education regarding toxic substances in the workplace. Some items that are included in the RTK program are:

- Annual training and information about hazardous chemicals in the workplace
- A listing of hazardous chemicals used, stored or produced in the workplace
- A Material Safety Data Sheet (SDS) for each hazardous chemical used, stored or produced in the workplace
- Procedures to assure that containers of hazardous chemicals are properly labeled
- A RTK poster must be posted in the workplace (can be found in Appendix - C).

Additionally, employers must keep a record of the name, address, and social security number (for tracking purposes) of every employee who handles or uses toxic substances (listed in Subpart Z of 29 CFR 1910). These records must be maintained for forty years and shall be made available to affected employees, former employees, a designated physician, or a representative of the Commissioner of Health.

Note: OSHA's Hazard Communication Standard underwent major revision in 2012 and now includes provisions adopted from the UN's Globally Harmonized System of Classification and Labeling of Chemicals (GHS). SUNY Oswego's Hazard Communication Program includes information for both the old and newly-revised Standard since both are valid during the transition period that runs through December 1, 2015.

This document constitutes SUNY Oswego's written Hazard Communication Program.

2.0 Scope:

This program applies for all hazardous chemicals used by SUNY Oswego employees with the exception of those covered by the SUNY Oswego Chemical Hygiene Program.

3.0 Applicability:

This program applies to all SUNY Oswego employees with the exception of those faculty and related staff in the Technology Education, Biological Sciences, Chemistry, Earth Sciences, Atmosphere and Geological Sciences and Physics departments. The health and safety of faculty and staff working in these research and academic laboratories are covered under the SUNY Oswego Chemical Hygiene Program. SUNY Oswego Environmental Health and Safety (EH&S) is responsible for the development, implementation and periodic review of this program. In addition the following types of materials are not covered by the regulations:

1. **Consumer products** when those products are used for the same purposes and in the same amounts, frequencies and durations as consumers could reasonably be expected to use them outside the workplace (ex. Glass-cleaner, bleach, etc.).
2. **Food, alcoholic beverages, and tobacco or tobacco products.**
3. **Prescription drugs**, over-the-counter drugs, and cosmetics intended for personal use in the workplace.
4. **Articles** that contain hazardous chemicals as components, but do not release the hazardous chemicals in more than minute or trace amounts which do not pose a hazards (ex. Mercury containing thermostats).
5. **Chemicals and substances being managed as hazardous wastes** or being managed as part of an environmental remediation project.
6. **Wood or wood products** that will not be sawed or cut, generating dust. Note Pressure-treated wood, regardless whether it will be sawed or cut, is covered by the hazard communication program, since the process to pressure treat the wood involves use of either chromated copper arsenate (CCA), amine copper quat (ACQ) or copper azole (CA) that remain in the wood for an extended period of time.

4.0 Regulatory Requirements:

This program is required under Hazard Communication [29 CFR 1910.1200](#). Which can be found in Appendix A of this program. Public Employers in New York State are also required to comply with [12NYCRR Part 820 Toxic Substances](#) commonly referred to as the NYS Right to Know Law. Which can be found in Appendix B of this program.

5.0 Definitions:

For the purpose of this program the definitions as found in [29 CFR 1910.1200\(c\)](#) The Hazard Communication Standard will be used as well as some additional definitions from New York State [12NYCRR Part 820 Toxic Substances](#) § 820.2 Definitions.

6.0 Responsibilities:

The Environmental Health and Safety Department will have overall responsibility of the program. The Occupational Safety and Training Coordinator has the overall responsibility for the program, including reviewing and updating this plan as necessary.

For this program to be effective various divisions and departments at SUNY Oswego will have responsibilities as follows:

1. Environmental Health and Safety Department

- a. Having a working knowledge of **29 CFR 1910.1200 and 12NYCRR Part 820** in order to provide guidance and direction for compliance.
- b. Ensuring adequate training and information on the use of chemicals in the workplace is available.
- c. Review and update of the written program at least every three years.
- d. Maintaining the on-line Right-to Know training presentation and quiz.
- e. Receiving and inputting the new employee data into the Training Database.
- f. Correcting all quizzes and following-up with employees on the results if needed.
- g. Maintaining a database of Chemical Lists and Safety Data Sheets provided by Department Supervisors.
- h. Review and discuss with the Department Supervisor the Safety Data Sheets for products that are being considered for use at SUNY Oswego. If product is not recommended for use by EHS an alternative suggestion may be provided.
- i. Provide Annual Training for Facilities and Operations Staff as well as to other staff upon request.
- j. Update the education and training program before any new toxic substance may be introduced into the workplace.
- k. Provide prompt training upon receipt of information that indicates a toxic substance is already in use in the workplace and training has not been provided.
- l. Conduct audits of program compliance.
- m. Upon request assist Departments with chemical inventories/creation of a chemical list for the chemicals used by their departments.

- n. Assist Departments with obtaining Safety Data Sheets for chemicals used or on hand if requested.
- o. Obtain additional information from the manufacturer if needed.
- p. Post signs required under Labor Law section 876 on bulletin boards. The information posted will include who to contact for more information as well as a phone number(s).
- q. Provide written information on this program and copies of SDS with-in 72 hours excluding weekends and public holiday to employees or their representative if requested in writing.
- r. Maintain on line data base [MSDS Online](#)

2. Human Resources Department

- a. Notify all newly hired employees of this training obligation and providing directions as to how to complete the training on-line.
- b. Provide the informational leaflets they receive about the Toxic Substance Information Program to new employees.
- c. Provide the Environmental Health and Safety Department with new employee name, department and start date.
- d. Issue notification of annual training to be completed on-line or as otherwise determined.
- e. Provide documentation to the Environmental Health and Safety Department of staff that have completed their annual training requirement.
- f. Notify Department Supervisors/Department Chairs of staff under their supervision who have failed to complete the annual training as required

3. Department Chairs, facilities Managers and Supervisors

- a. Provide a list of the chemicals used in their areas or by the staff under their supervision to the Environmental Health and Safety Department.
- b. Provide the Environmental Health and Safety Department with the Safety Data Sheets for the chemicals used in their areas or by staff under their supervision.
- c. Provide computer access and allow time for staff to complete the on-line training as required. Annual Training is required.

- d. Training is to be provided during normal working hours without loss of pay.
- e. On the first day of employment, before a new employee starts performing their job, the supervisor will instruct the employee on the potential chemical hazards they may face, how to work safely with the chemical and issue any personal equipment they need to use while working with the chemical, as well as the location of the SDS and where to find additional information. The new employee will also need to complete the on-line training.
- f. If on-line training is not feasible arrange for training through Environmental Health and Safety.
- g. Provide training on how to use new products or changes to the chemical information and issue any personal protective equipment needed prior to requiring staff to use the new product.
- h. Providing additional training/information for non-routine tasks to include:
 - i. The specific hazards associated with the performance of the task;
 - ii. Protective measures that must be used;
 - iii. Measures that the department has taken to lessen these hazards(ventilation, ppe, presence of another employee; and
 - iv. Specific emergency procedures to be used in the event of an accident or injury.
- i. Contact Environmental Health and Safety for assistance with training/re-training or to assist in answering chemical related questions.
- j. Provide labels for any chemicals that are transferred from their original container into a secondary container.
- k. Request Environmental Health and Safety to review SDS for new products that are being considered for use prior to introducing them into the workplace.
- l. Notify Environmental Health and Safety of written request for information (information is to be given to the employee with-in 72 working hours with the exception of weekends and holidays).
- m. In the event written information is not provided to the employee in the required time frame and the employee exercises their right to refuse to work with the chemical in question- re-assign tasks for the employee until the written information is provided.

4. Receiving/Stock Room

- a. Forward SDS to the appropriate department or shop with chemicals when they are received.

- b. Maintain a chemical list for chemicals that are stored and dispensed through the stock room.
- c. Have a copy of SDS for the chemicals which are stored and dispensed through the stock room.

5. SUNY Staff/Employees

- a. Attend or complete training as required under this program.
- b. Use chemicals/products for their intended use and as directed, including wearing the appropriate personal protective equipment.
- c. Know the location of and review SDS for the chemicals which they use.
- d. Ask supervisor for clarification/ direction/training on the use of chemicals they use.
- e. Ensure products they use are in properly labeled containers.
- f. Only use chemicals that are approved by their supervisors (do not purchase any or bring in a product from home to use).
- g. Submit a written request for information on items allowed under this program to their Department/Shop Supervisor who will notify and forward the request to the Environmental Health and Safety Department. Written information will be provided in accordance with Labor Law Sec 876 and charges will apply as noted under 820.3(f). Items that may be requested include:
 - i. A copy of the written program
 - ii. SDS on chemical th individual works with or is exposed to
 - iii. Informational leaflets about the Toxic Substance Information Program.

7.0 Procedures/Implementation

To ensure compliance with the applicable laws/regulations addressed in this program, SUNY Oswego has adopted the following procedures as an integral part of this program:

1. Hazardous Chemical Inventories/Chemical List-

- a. All Departments/Shops are required to maintain hazardous chemical inventories and to report those inventories to EH&S at least once per year
- b. Whenever a new hazardous chemical is used for the first time it must be added to the inventory and the updated inventory and SDS sent to EH&S.
- c. Chemical inventories must contain the following information:

- i. # Assigned to corresponding SDS
 - ii. Product (Chemical Name)
 - iii. Manufacturer
 - iv. Use (what is it used for)
 - v. Location Used (where is it Used)
 - vi. Storage Location (Main)
 - vii. Maximum Quantity Stored
 - viii. GHS Hazard Class
 - ix. NFPA/HMIS Hazard Class
 - x. SDS Available? (Y or N)
- d. Inventories may also be submitted to EH&S electronically in word processor or spreadsheet formats as long as all the required information is provided.

2. Introduction of New Chemicals in the Workplace

- a. Prior to the purchase of new chemicals for use an evaluation will be conducted to review if the chemical is safe for use or if there an alternative chemical that is more user friendly can be used.
- b. SDS will be submitted to EHS for review/approval prior to purchase.
- c. After approval and prior to use of the chemical
 - i. Training will be provided
 - ii. Any personal protective equipment that is needed will be issued
 - iii. The chemical will be added to the department chemical list and the SDS will be placed in the Binder for the Department and added to the [MSDS Online](#) Data Base.

3. Safety Data Sheets

- a. All Departments/Shops must have a Safety Data Sheet (SDS) on hand for each hazardous chemical in their inventories. They will be contained in a binder and/or electronically if all staff will have computer access.
- b. The SDS needs to have a number assigned to it that corresponds to the order it is on the chemical list for each Department/Shop. This will also identify where the SDS is located in the Department/Shop SDS Binder. The online database [MSDS Online](#) list the chemicals alphabetically.
- c. SDS must be located in an area that is readily accessible to the Department/Shops employees using the hazardous chemicals.
- d. Electronic SDS files are acceptable.
- e. The transition period for manufacturers to supply revised, GHS-compliant SDS runs until December 1, 2015; after which time, all operating units must have

revised SDS on file for all of their chemicals. Old SDS are to be replaced and archived per the procedure described in this section.

4. Labeling

- a. SUNY Oswego uses a combination of manufacturer labeling systems and internal labeling systems to identify containers of hazardous chemicals.
- b. Only chemicals that are transferred from a labeled container to another container by the user for use in its entirety during their shift may be used without labels. In such cases the chemicals will not be left unattended by the user.
- c. Under the revised Hazard Communication Standard (2012), GHS-compliant labeling is required.
- d. Manufacturer's labeling systems provide, at a minimum: the identity of the chemical, appropriate hazard warnings, and the name and address of the manufacturer.
- e. New GHS-compliant labels are also starting to become available. These labels have a standardized format and must include, at a minimum, the following content: a product identifier, signal word, hazard statement (s), pictogram (s), precautionary statement (s), and the name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.
- f. Internal labeling systems provide, at a minimum, the identity of the chemical and appropriate hazard warnings. Both systems may use a combination of American National Standards Institute (ANSI), National Fire Protection Association (NFPA), Hazardous Materials Identification Guide/System (HMIG/HMIS) and U.S. Department of Transportation (DOT) labeling protocols. Employees are familiarized with these labeling protocols during hazard communication training.
- g. Hazardous chemical container labels may not be removed or defaced until the container has been cleaned or purged of its contents, and there is no longer any hazard associated with the container. The labels from containers that contain P-listed waste/residue are not to be removed. These containers should be turned over to EH&S for proper management and disposition.

5. Use of Chemicals Outside of Shops

- a. In order to ensure that the Universities facilities are maintained, it is necessary for the Facilities Maintenance Operations Staff to use chemicals outside of their Shop areas. Any University employee who has concerns regarding the chemicals that are used for general/routine maintenance practices can:
 - i. Contact Facilities at x 3200
 - ii. Contact EH&S at x 3157
 - iii. Submit a written request for specific SDS as described in section VI(5)(g) of this program.

6. Hazardous Chemical Piping Systems

- a. Where pipes and piping systems contain hazardous chemicals and they are accessible to employees, the pipes and piping systems will be labeled as to their contents. Employees will be informed of the potential hazards associated with hazardous chemicals in unlabeled pipes during hazard communication training.

7. Contractors

- a. In cases where the University contracts with an outside contractor to provide services on University property, and the outside contractor's employees may be exposed to University owned hazardous chemicals, the person overseeing the contract for the Department requesting the services must inform the contractors representative of the following hazard communication items:
 - i. The availability of on-site SDS
 - ii. Precautionary measures for normal and emergency operations
 - iii. Information about the University's labeling system.
- b. The above may be accomplished by giving the contractor's representative a copy of the Hazard Communication/Right to Know Program and referring them to EH&S for any additional questions.
- c. Outside contractors (or vendors) who use hazardous chemicals in areas where University Staff may be exposed must provide the same information to the University. The person overseeing the contract for the Department requesting the services must advise the contractors' representative to submit a copy of the contractors Hazard Communication Program, and ensure that SDS are available.
- d. In cases where construction/remodeling vendors are working in isolation from University employees, they need not provide the University with the hazard communication information, but they must have their own Hazard Communication Program in place for their own employees.

8. Non-Routine Tasks

- a. From time to time, employees may be required to perform non-routine tasks that involve the use of hazardous chemicals or processes. For example, acid washing concrete surfaces or recoating swimming pools could be considered non-routine tasks. Before conducting non-routine tasks supervisors shall ensure that employees are informed of:
 - i. The specific hazards associated with the performance of the task;
 - ii. Protective measures that must be used;
 - iii. Measures that the department has taken to lessen these hazards (ventilation, personal protective equipment, or the presence of another employee); and
 - iv. Specific emergency procedures to be used in the event of an accident of injury.

8.0 Training

Education and training will be provided to ensure that the purpose and function of this procedure is understood by employees. Training will be provided prior to initial assignment

and/or prior to the initial use of a chemical. Annual refresher training will also be held. All new employees will be required to complete the on-line Right-to-Know training as a part of their orientation. The training will combine the requirements of both the Hazard Communication Standard and the NYS Right to Know Law.

1. General Training Requirements

- a. Training will be provided during regular working hours with no loss of pay in a location convenient for the employees.
- b. Will include an oral explanation of any written training material presented.
- c. If a substantial number of employees do not speak English, the training will be provided in that language as well as in English.
- d. Training will be conducted by qualified trainers. Trainers will be familiar with the scientific principles conveyed and the specific toxic substances in the workplace.
- e. Training will include introductory material including:
 - i. Routes of exposure;
 - ii. Target organs of various toxins and how toxic substances reach such organs;
 - iii. The retention and accumulation of toxic substances in the body;
 - iv. The concept of synergistic, additive, and antagonistic interactions between substances whereby their toxic effects may be multiplied or otherwise increased;
 - v. The concept of biological threshold level of exposure for the effects of some toxic substances and the absence of any threshold exposure level for other toxic substances, such as chemical carcinogenicity;
 - vi. The inability of the body to reverse some toxic effects
- f. Training on toxic substances known to be present in mixtures if they comprise 1% or greater, by weight, or if they are known to be hazardous in trace amounts.
- g. Training shall include the use of cleanup equipment, firefighting equipment, PPE, in both ordinary and special use conditions. This shall include any workplace policies directing or restricting the use of this equipment.
- h. Trainees will be provided with handouts as well as information on where to obtain further information concerning toxic substances in their workplace.
- i. Employees will be encouraged to ask their supervisors and safety representatives questions about toxic substances any time they have questions. SUNY Oswego safety personnel will respond to all inquiries regarding toxic substances in a timely manner.

2. Hazard Communication Training Requirements -As required by 29 CFR 1910.1200(h) - the following topics/subjects will be covered:

- a. The requirements of the Regulation
- b. Any operations in their work areas where hazardous chemicals are present;
- c. The location and availability of the written hazard communication program including the list of hazardous chemicals and the SDSs.
- d. Information on the physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified of the chemicals in the work area and the methods and observations that may be used to detect the presence of the hazardous chemicals.
- e. Information on how employees can protect themselves from the hazards associated with the chemicals they use. Including the control measures, work practices, personal protective equipment (PPE), and emergency procedures.
- f. Emergency procedures and precautions to use in order to protect themselves from the effects of chemical products.
- g. Specifics of the labeling systems used including how to read and understand what they mean.
- h. Where the chemicals are used and stored.
- i. How to read and understand safety data sheets and where they can be found.

2. NYS Right-to-Know Law -As required the following topics/subjects will be covered:

- a. The location, properties, names, trade names of toxic substances to which the employees may be exposed;
- b. The acute and chronic effects and symptoms of exposure at hazardous levels;
- c. The potential for flammability, explosion and reactivity of such substance;
- d. Appropriate emergency treatment;
- e. Conditions for safe use and exposure
- f. Procedures for proper cleanup of leaks and spills.

9.0 Record Keeping

In order to maintain employee records of exposure for 40 years the following is required:

1. **Human Resources** is responsible to maintain individual employee records that include the employees name, address, social security number as well as the dates the employee was employed and the various department(s) and positions held.
2. **Environmental Health and Safety (EHS)** is responsible to maintain a master list of chemicals used as provided by the various departments/shops on campus.
3. **Department/Shop Supervisors** will maintain a chemical inventory and a SDS or SDSs for the products used by employees under their supervision. When a product is no longer used the chemical will remain on the inventory list with a date it was removed from use.

Training Documentation will be maintained as follows:

1. Human Resources

- a. Will inform new employees of the requirement to complete the on-line Right- to - Know training.
- b. Will inform the Environmental Health and Safety Department when new employees are hired.
- c. Will notify employees of annual on-line Right-to-Know training requirement.

2. Environmental Health and Safety

- a. Maintain documentation of Annual Training Records for Facilities and Maintenance Staff.
- b. Documentation of on-line training that has been completed.
- c. Paper copies of sign in sheets will be maintained for a minimum of 3 years.

4. Departments/Shops

- a. Documentation of initial training on chemicals used in their areas will be forwarded to EHS for inclusion in the Compliance Suite.

10.0 References/Definitions

The following References were used to create this document:

1. 29 CFR 1910.1200 – Hazard Communication Standard - Appendix A
2. 12NYCRR Part 820 Toxic Substances – Appendix B
3. Florida Atlantic University Hazard Communication Program

4. OSHA -Hazard Communication: Small Entity Compliance Guide for Employers That Use Hazardous Chemicals

11.0 Appendices

The following is a list of appendices for the program:

1. [29 CFR 1910.1200](#) – Hazard Communication - Appendix A-1
2. [12NYCRR Part 820 Toxic Substances](#) – Appendix A-2
3. Definitions – Appendix B
4. Forms used for this program – Appendix C

Appendix A-1

29 CFR 1910.1200

Hazard Communication

Appendix A-2

12NYCRR Part 820 Toxic Substances

NYS Right to Know Law

Appendix B

Definitions

Definitions:

The definitions from Hazard Communication [29 CFR 1910.1200](#)(c) will be used for this program

Article - means a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees.

Assistant Secretary - means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

Chemical - means any substance, or mixture of substances.

Chemical manufacturer - means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name - means 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 that will clearly identify the chemical for the purpose of conducting a hazard classification.

Classification - means to identify the relevant data regarding the hazards of a chemical; review those data to ascertain the hazards associated with the chemical; and decide whether the chemical will be classified as hazardous according to the definition of hazardous chemical in this section. In addition, classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for health and physical hazards.

Commercial account - means an arrangement whereby a retail distributor sells hazardous chemicals to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

Common name - means 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.

Container - means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

Designated representative - means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated

representative without regard to written employee authorization.

Director - means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

Distributor - means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

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

Employer - means 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 or exposed - means that 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.)

Foreseeable emergency - means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazard category - means the division of criteria within each hazard class, e.g., oral acute toxicity and flammable liquids include four hazard categories. These categories compare hazard severity within a hazard class and should not be taken as a comparison of hazard categories more generally.

Hazard class - means the nature of the physical or health hazards, e.g., flammable solid, carcinogen, oral acute toxicity.

Hazard not otherwise classified (HNOC) - means an adverse physical or health effect identified through evaluation of scientific evidence during the classification process that does not meet the specified criteria for the physical and health hazard classes addressed in this section. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in this section, but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by OSHA (e.g., acute toxicity Category 5).

Hazard statement - means a statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard.

Hazardous chemical - means any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

Health hazard - means a chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200—Health Hazard Criteria.

Immediate use - means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

Importer - means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or employers within the United States.

Label - means an appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

Label elements - means the specified pictogram, hazard statement, signal word and precautionary statement for each hazard class and category.

Mixture- means a combination or a solution composed of two or more substances in which they do not react.

Physical hazard - means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to §1910.1200—Physical Hazard Criteria.

Pictogram -means a composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about

the hazards of a chemical. Eight pictograms are designated under this standard for application to a hazard category.

Precautionary statement - means a phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling.

Produce- means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

Product identifier - means the name or number used for a hazardous chemical on a label or in the SDS. It provides a unique means by which the user can identify the chemical. The

product identifier used shall permit cross-references to be made among the list of hazardous chemicals required in the written hazard communication program, the label and the SDS.

Pyrophoric gas - means a chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

Responsible party - means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

Safety data sheet (SDS) - means written or printed material concerning a hazardous chemical that is prepared in accordance with paragraph (g) of this section.

Signal word - means a word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used in this section are "danger" and "warning." "Danger" is used for the more severe hazards, while "warning" is used for the less severe.

Simple asphyxiant - means a substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

Specific chemical identity - means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

Substance - means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Trade secret - means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Appendix E to §1910.1200—Definition of Trade Secret, sets out the criteria to be used in evaluating trade secrets.

Use - means to package, handle, react, emit, extract, generate as a byproduct, or transfer.

Work area - means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace - means an establishment, job site, or project, at one geographical location containing one or more work areas.

The following definitions that apply for the NYS Right to Know are as follows:

Right-to-Know – The New York State Law is comprised of Article 28, "Toxic Substances", and, "Information, Training and Education" which is Part 820 of Title 12. The Right-to-Know

law (RTK) is intended to guarantee workers the right to information, training, and education regarding toxic substances.

Toxic substance – As defined by the RTK law, means any substance that has yielded positive evidence of acute or chronic health hazards in human, animal, or biological testing. This includes any substance listed in the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS).

Routinely exposed – In the context of RTK, means that an exposure to a toxic substance can be expected to occur in the course of employment through any actual or potential route of entry, even if the exposure is accidental and PPE is in use.

Substantial number – In the context of RTK, means 10 employees or 20% of the total number of employees, whichever number is lower.

For the purpose of this program the following terms from New York State will also be used/applied:

§ 820.2 Definitions. As used in Labor Law, article 28, and these regulations:

Chemical name means the scientific designation of a substance in accordance with the nomenclature developed by the International Union of Pure and Applied Chemistry or by the Chemical Abstracts Service.

Employee includes all regular and temporary, full-time and part-time employees, former employees employed after the effective date of Labor Law, article 28, and employees on lay-off and leaves of absence for any reason, but does not include domestic workers or casual laborers employed at their employers' place of residence.

Exposure or exposed means being subjected to a toxic substance through any actual or potential route of entry, including inhalation, ingestion, injection, skin contact or absorption, for any period of time, even if such exposure is accidental or if actual exposure is being prevented in whole or in part by the use of protective devices.

Hazardous means causing, potentially causing, or contributing to an acute or chronic illness or any other risk to health or life.

Routine exposure means exposure (as defined in subdivision [c] of this section) which can be expected to occur in the course of employment as part of an employee's job duties or incidental thereto.

Trade name means any designation or identification of a chemical or combination of chemicals, such as a common name, code name, code number or brand name, used to identify a chemical or combination of chemicals other than by their chemical names.

Substantial number means 10 employees or 20 percent of the total number of employees, whichever number is lower.

As used in these regulations, the terms employer; toxic substance and workplace have the same meaning as provided in Labor Law, section 875..

“Employer” means any individual, partnership, corporation or association engaged in a business who has employees including the state and its political subdivisions. The term “employer” does not include the employment of domestic workers or casual laborers employed at the place of residence of his or her employer.

“Toxic substance” means any substance which is listed in the latest printed edition of the national institute for occupational safety and health registry of toxic effects of chemical substances or has yielded positive evidence of acute or chronic health hazards in human, animal or other biological testing.

“Workplace” means any location away from the home, permanent or temporary, where any employee performs any work-related duty in the course of his employment

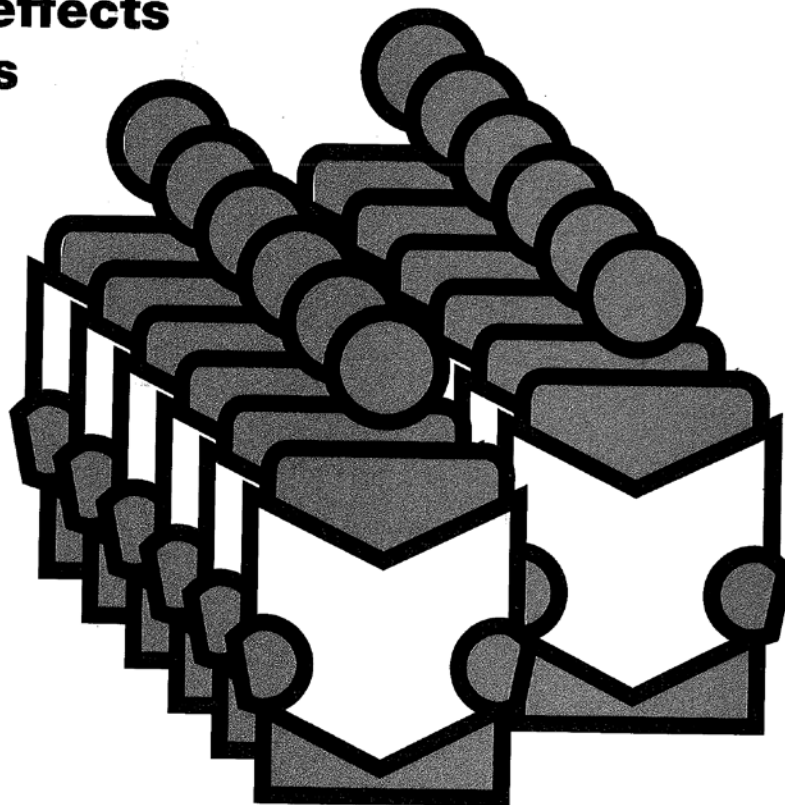
Appendix C

Forms for this Program

YOU have a right to know!

**Your employer must inform you of
the health effects
and hazards
of toxic
substances
at your
worksite.**

Learn all
you can
about toxic
substances
on your job.
For more
information,
contact:



(name)

(location & phone number)

THE RIGHT TO KNOW LAW WORKS FOR YOU.
New York State Health Department

2706

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