Brown County Hazard Communication: The Right To Know Law §1910.1200

If your workers come into contact with hazardous chemicals in the workplace each day, they are definitely not alone. One out of every four workers contacts hazardous chemicals on the job. In many cases, the chemicals they deal with may be no more dangerous than those used at home, but in the workplace, exposure is likely to be greater, concentrations higher, and exposure time longer. Therefore, the potential danger is greater on the job.

The Hazard Communication Standard first went into effect in November 1985. It contains a number of elements: Hazard evaluation, MSDSs, the written program, labels, and employee training.

Where are the Regulations?

The Occupational Safety and Health Administration (OSHA) has issued a regulation to help control chemical exposure on the job. The regulation is called the Hazard Communication Standard, but is more commonly called Hazcom or the "Right to Know Law." It can be found in the Code of Federal Regulations, at 29 CFR §1910.1200.

The Standard says you have a right to know what chemicals you are working with or around. Its intention is to make your workplace a safer place. So it's important that you have some basic understanding of the Standard and the rights it grants you.

The Hazard Communication Standard requires that all chemicals in the workplace be fully evaluated for possible physical or health hazards. And, it mandates that all information relating to these hazards be made available to workers.

For further information on OSHA’s view of Hazard Communication, check CPL 2-2.38C.

Who and What Does the Standard Cover?

The Hazard Communication Standard really involves just about anyone who comes into contact with hazardous chemicals. Everyone needs to be informed about the hazardous chemicals they work with and how to protect themselves. You and your fellow employees will learn about the chemicals you work with and how to take precautions against any potentially negative effects associated with them.

Both training and written materials will inform the workers about the chemicals they work with. In the training session, workers should feel free to ask questions about any information they do not understand. When looking at MSDSs or the written program a supervisor should be able to help with any questions they might have.

The areas specifically covered in the Standard include:

• Determining the Hazards of Chemicals §1910.1200(d)
• Material Safety Data Sheets (MSDSs) §1910.1200(g)
• Labels and Labeling §1910.1200(f)
• A Written Hazard Communication Program §1910.1200(e)
• Employee Information and Training §1910.1200(h)
• Trade Secrets §1910.1200(i)

The Hazard Communication Standard is intended to cover all employees who may be exposed to hazardous chemicals under normal working conditions or where chemical emergencies could occur. As mentioned previously, the Standard applies to those chemicals which pose either a physical or health hazard.

**What Are Physical and Health Hazards?**

Physical hazards are exhibited by certain chemicals due to their physical properties - flammability, reactivity, etc. These chemicals fall into the following classes:

• flammable liquids or solids
• combustible liquids
• compressed gases
• explosives
• organic peroxide
• oxidizers
• pyrophoric materials (may ignite spontaneously in air at temperatures of 130°F or below)
• unstable materials
• water reactive materials

A health hazard is that which occurs when a chemical brings about an acute or chronic health effect on exposed employees. It can be an obvious effect, such as immediate death following inhalation of cyanide. But a health hazard may not necessarily cause immediate, obvious harm or make you sick right away. You may not see, feel or smell the danger.
An acute health effect usually occurs rapidly, following a brief exposure. A chronic health effect is long, continuous and follows repeated long-term exposure.

What Kinds of Chemicals Cause Health Hazards?

Some examples of chemicals which exhibit health hazards are:

<table>
<thead>
<tr>
<th>Type of Chemical</th>
<th>Specific Example of Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carcinogens</td>
<td>(cancer-causers): formaldehyde or benzene.</td>
</tr>
<tr>
<td>Toxic Agents</td>
<td>lawn and garden insecticides, arsenic compounds.</td>
</tr>
<tr>
<td>Reproductive Toxins</td>
<td>thalidomide or nitrous oxide.</td>
</tr>
<tr>
<td>Irritants</td>
<td>bleaches or ammonia.</td>
</tr>
<tr>
<td>Corrosives</td>
<td>battery acid or caustic sodas.</td>
</tr>
<tr>
<td>Sensitizers</td>
<td>creosote or epoxy resins.</td>
</tr>
<tr>
<td>Organ-Specific Agents</td>
<td>sulfuric acid (affects skin), or asbestos (affects lungs) act on specific organs or parts of the body.</td>
</tr>
</tbody>
</table>

The Hazard Communication Standard doesn't apply to hazardous waste regulated by the Environmental Protection Agency (EPA), tobacco products, wood or wood products, or food, drugs or cosmetics intended for personal consumption.

The Material Safety Data Sheet (MSDS)

Your company must have MSDSs for every hazardous chemical it uses. Copies of those MSDSs must be maintained in a file that's readily accessible to all workers during their workshift. In some cases where the worker must travel between workplace locations during the workday, MSDSs may be kept at a central location.

No specific format is mandated for MSDSs but they must be in English and contain certain items of information:

- identity of the chemical (as used on the label)
- physical hazards
- health hazards
- primary routes of entry
- whether it is a carcinogen
- precautions for safe handling and use
- emergency and first aid procedures
• date of preparation of latest revision

• name, address and telephone number of manufacturer, importer or other responsible party.

If any relevant information in one of the categories was unavailable at the time of preparation, the MSDS must indicate that no information was found. Blank spaces are not permitted. If you find a blank space on an MSDS, contact your supervisor immediately.

Labels On Shipped Containers

There are two types of labeling referred to in the Standard. Those are labels on shipped containers, and labels on in-plant containers. Chemical manufacturers, importers, and distributors must make sure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked with the following information:

• identity of the hazardous chemical,

• appropriate hazard warnings, and

• name and address of the chemical manufacturer, importer or other responsible party.

Let’s define some terms.

A container is any bag, barrel, bottle, can, drum, reaction vessel, or storage tank that contains a hazardous chemical. This definition does not include pipes or piping systems, nor engines, fuel tanks, or other operating systems in a vehicle.

The chemical identity is any chemical name or common name designation for the individual chemical or mixture, as long as the term is used on the MSDS for the particular chemical and on the chemical inventory list. Be sure to refer to the chemical by this same name during training, also, so employees connect the identity on the label with the training they received.

For example: You may see many different types of designations on labels – Formula 1509, XYZ Acetone, Black Ink. All of these are acceptable, as long as the name indicated on the MSDS is also Formula 1509, etc.

A hazard warning is any words, pictures, symbols, which convey the hazards of the chemical in the container.

If you are a manufacturer, importer, or distributor of hazardous chemicals, you have labeling responsibilities. You can use computer-generated labels, preprinted labels, even hand-written labels. When you become aware of any new information regarding the hazards of a chemical, you must revise your labels within three months of becoming
aware of the new information. Hazardous chemical labels shipped after that date must incorporate the new information.

**Chemicals in Bulk Shipping Containers**

Where the shipping container is a tank truck, rail car, or the like, the appropriate label may be provided with the shipping papers. DOT placards are intended to provide protection for those involved in transportation. The OSHA label is intended to protect the employees of the downstream recipient. Providing the label separately will satisfy this concern.

**DOT Labels and Placards on Bulk Containers of Hazardous Materials**

Packages, containers, rail cars, or similar vessels holding hazardous materials required to be marked, placarded, or labeled according to hazardous materials regulations (HMR) must retain the labels until the hazardous materials are removed. This requirement comes from “retention of DOT markings, placards, and labels” (29 CFR 1910.1201), an OSHA rule related to the hazard communication standard.

The rule applies primarily to bulk packages (defined by the Department of Transportation (DOT) as containers whose capacity is more than 119 gallons) but also applies to non-bulk receptacles that are repackaged and reshipped. Other non-bulk containers and inner packagings of combination packages that will not be reshipped but will remain at the worksite are covered under OSHA’s hazard communication standard (HCS) and not by this regulation.

**Labels on In-Plant Containers**

Employers shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

- identity of the hazardous chemical
- appropriate hazard warnings

**Checklist For Label Compliance**

(Labels and Other Forms of Warning):

- Have you read and understood the labeling requirements?
- Have you designated a person to ensure correct labeling on containers received?
- Have you designated a person to ensure correct labeling on containers being shipped out?
• Have you set up a periodic audit system, to check for labels that have fallen off or become unreadable?

• If you do any relabeling, have you selected a system that conveys the chemical name and the hazard warning?

• Does each of the hazard warnings contain target organ effects”?

• If the chemical is a carcinogen, is that information indicated on the label?

• Do you have hazard label information for all solid metals that result in hazardous chemical exposure?

• Have you set up procedures to review and update label information?

• Do you understand the definition of a portable container?

• Are all secondary containers, e.g., spray bottles, old coffee cans, etc., labeled if they don't meet the portable container definition?

• Do you have a system to ensure that no DOT markings on containers are removed?

• Do you use any alternative systems to convey hazard information - batch tickets, wall placards, posters?

• If you do welding, is your welding area "labeled" as to air emissions being produced?

**Written Hazard Communication Programs**

Your company is required by the Hazard Communication Standard to have developed and implemented a written hazard communication program. This Program details how the company you work for will meet the standard's requirements for labels, MSDSs and employee information and training.

Your company's written program needs to include:

• a list of the hazardous chemicals known to be present in your workplace

• how the MSDS requirements are being met

• what type of labeling system, if any, is used

• detailed information on training compliance

• methods your company will use to inform you of the hazards of non-routine tasks and such things as unlabeled piping
• methods your company will use to inform the employers (outside contractors) of the workers on your site, such as service representatives, repairmen and subcontractors among others.

**Workers Must Be Trained**

Workers must be trained at the time of their initial employment or assignment, as well as whenever a new hazard is introduced into the workplace.

According to the Hazard Communication Standard, they are to be informed of the requirements of the standard. They are to be informed of any operations in the work area where hazardous chemicals are present.

They also need to be informed of the location and availability of the company's written hazard communication program. Even more important, the location and availability of the MSDS file should be stated.

Your training must contain all of the following elements:

• methods or observations used to detect the presence or release of hazardous chemicals in your work area

• physical and health hazards of chemicals in your workplace

• measures you can take to protect yourself from the hazards, including work practices and personal protective equipment

• details of your employer's Hazard Communication Program, including complete information on labels and MSDSs.