

STATE UNIVERSITY COLLEGE AT FREDONIA

FEDERAL HAZARD COMMUNICATION STANDARD/NYS TOXIC SUBSTANCES ACT ("RIGHT TO KNOW LAW") POLICY AND PROGRAM

I. Policy Statement

The State University of New York College at Fredonia fully endorses and supports compliance with both Federal Hazard Communication Standard 29CFR1910.1200 and the New York State Toxic Substances Act ("Right-to-Know Law") 12 NYCRR820. All employees are required within the scope of their job responsibilities, to comply with all pertinent laws, codes, rules and regulations.

II. Program General Statement

The purpose of the Hazard Communication/Right to Know Program is to ensure that Fredonia and all of its facilities are in compliance with the Hazard Communication Standard and the regulations under the New York State Right to Know Law.

The Department of Environmental Health and Safety will take the necessary steps to ensure that employees at all facilities and locations are apprised of the substance of the Hazard Communication Standard and the Right to Know regulations, the hazardous properties of chemicals they work with and measures to take to protect themselves from these chemicals.

The College has designated the Director of Environmental Health and Safety coordinator of its Hazard Communication/Right to Know Program, acting as the representative of the Vice President for Administration who has the overall responsibility.

III. Procedures:

To ensure compliance with both federal and state "Right-to-Know" Laws, the following procedures shall be established and maintained:

1. Posting of "Right to Know" Sign

A legible and conspicuous sign informing employees of their right to information regarding toxic substances found in the workplace must be posted conspicuously on employee bulletin boards or in similar places. This Right to Know notice must list a contact name and location.

2. **Inventory List of Toxic Substances**

Annually, at or near the beginning of each academic year, each department and division on campus will be requested to inventory chemicals and other hazardous substances using guidelines supplied by the Environmental Health and Safety Office. The information requested on the inventory will include the product identification or trade name as it appears on the container label, the manufacturer or distributor's name, the quantity of the material and the building name and room(s) where each material is stored and used. This inventory must be updated whenever a new chemical or substance is introduced into the workplace.

3. The Environmental Health and Safety office will act as the agent in gathering, organizing, maintaining and distributing Material Safety Data Sheets (MSDS's) for each of the hazardous materials present on campus and used by College employees during the course of their employment.

a. **Location of MSDS files**

The master MSDS file shall be located in the Environmental Health and Safety office. Additional MSDS files containing MSDS's for the materials used in specific areas or departments shall be available for employee examination during all shifts of employee working hours. Each MSDS will consist of a fully completed OSHA form 174 or equivalent.

b. **Contents of MSDS files**

Each MSDS file will contain copies of the appropriate MSDS's for the respective area arranged in alphabetical order by trade name of the substance.

c. **Custodian of MSDS files**

The department head or director or a designee shall be custodian of their MSDS files. Each MSDS file custodian shall be responsible for maintaining the file as directed by the Environmental Health and Safety office.

d. **MSDS's received from outside Distributors**

Any MSDS received by a department directly from a manufacturer or distributor should be forwarded to the Environmental Health and Safety office for review and inclusion into the master file.

e. **Copies of MSDS files**

Copies of an MSDS and/or appropriate information will be provided to employees by the Environmental Health and Safety office within seventy-two (72) hours after receipt of a formal written request.

f. **MSDS from Contractors**

Whenever outside employers or contractors are working on the premises of any Fredonia College facility or location, they must provide the College with MSDS's for each product they bring on campus. Copies must be sent to the office of Environmental Health and Safety. It may be necessary to advise such outside contractors of any chemical hazards, which may be encountered in the normal course of their work on the premises because of work performed by the College.

The office of Environmental Health and Safety or designee is responsible for making reasonable and practical decisions in such situations.

g. **MSDS for Non-Routine Tasks**

Whenever employees are to be involved in non-routine tasks, supervisors must consult, where appropriate, with the Environmental Health and Safety office or Department Chair or Director or designated persons responsible for other College locations, to ensure that such employees are informed of any chemical hazards which may be associated with the performance of these tasks and of the appropriate protective measures. A meeting of the appropriate supervisors, managers and the involved employees may be necessary before such work is begun.

h. **Obtaining New MSDS's**

The Purchasing Department, Research Foundation and Environmental Health and Safety Office will work together to ensure that all new procurements are accompanied, where appropriate, by Material Safety Data sheets that meet the requirements of the Hazard Communications Standard and the Right to Know Regulations. Copies of these MSDS's will be included in the department's library of Material Safety Data Sheets. Where potentially hazardous materials purchased are not accompanied by the appropriate MSD sheets, the Environmental Health and Safety Office is responsible for following up with the vendor or company involved to ensure that the appropriate MSDS's are acquired. It may be necessary to discontinue procurements from vendors failing to provide approved MSDS's in a timely manner.

As a general rule, where options exist and whenever possible, the least hazardous substance available will be procured.

4. **Employee Information, Education and Training**

By recognizing the variety of toxic substances or materials containing toxic substances and the varied job duties of College employees, the College is assuming that all employees are regularly "exposed" to toxins. Therefore training sessions will be offered initially upon employment and annually there after to all employees of Fredonia. Additional training must be provided to employees whenever a new hazard is introduced into their work areas. Hazardous chemical training may be conducted by the Environmental Health and Safety office, persons responsible for other locations, the vendor, the manufacturer or consultants.

A new employee shall be defined as any individual who will be hired by the College. A new employee is also an individual who has been transferred between departments on campus where new or additional hazardous materials could be encountered. Training will be performed prior to the initial assignment and will consist of a video presentation along with several handouts: video and handouts will be appropriate to employee job duties. It will also include an explanation of the College's Right to Know Program and a listing of hazardous materials to which they may be exposed during their job assignment. In addition, a representative of the Environmental Health and Safety office will be available to answer questions and to ensure that all the requirements of both the federal and state statutes are met.

Training must be provided during employee's regular working hours, with no loss of pay, in a location convenient to their job site. Training sessions will be geared specifically to three groupings based on individual job title and extent of chemical exposure. These groupings are as follows:

Physical Plant Operations

Extensive Chemical Exposure:

Laboratory Personnel
Art Department Personnel
Photography Personnel
Print Shop Personnel

Limited Chemical Exposure

All other employees

The Office of Environmental Health and Safety will keep the records of training, including dates, names of employees, names of trainers, and description of training.

Training will encompass but not be limited to the following points:

- a. The requirements of the Federal Hazard Communication Standard: rights and responsibilities as promulgated in the state Toxic Substances Act; the College's Policy and Procedures with respect to employee's "Right-to-Know".
- b. The locations and availability of the MSDS files, the hazardous materials lists, and the written Policy and Procedure.
- c. The general locations of hazardous materials and various hazards associated with each area.
- d. How to understand the information provided in Material Safety Data Sheets including the physical hazards (flammability, reactivity) and health hazards (routes of exposure, target organs, retention and accumulation of toxins, symptoms of exposure).
- e. The use and types of personal equipment and work practices to be employed for protection against various hazards that may be encountered in the workplace.
- f. The concepts of dosage and Threshold Limit Values (T.L.V.'s).
- g. The methods and observations that may be used to detect the presence of a hazardous chemical in the workplace (such as visual appearance, odor, area environment monitoring, etc...)
- h. Emergency response to hazardous material incidents, including acute exposure to a hazardous material, fire extinguishing procedures, and clean up procedures for spills and other releases.

5. **Health Record Requirement**

An annual health record must be kept of the names, addresses and social security numbers of each employee handling or using certain toxic substances listed in 29 CFR Subpart Z, specifying the substances to which each employee has been exposed. These records must be kept for 40 years and made available upon written request to the employee, a former employee, their physician or designated medical representative and the NY State Department of Health. These annual health records will be assembled by and kept in the office of Environmental Health and Safety.

6. **Labeling Requirements**

a. **Responsibility**

Each supervisor is responsible for assuring that all containers used by employees are properly labeled or marked.

b. **Marking Containers**

All containers, (including but not limited to squirt and spray bottles, safety cans, jars, and storage containers,) shall be labeled or permanently marked with the identity of its contents. In addition, the appropriate hazard warnings are also to be exhibited on each container. Affixing a copy of the manufacturer's label or using containers already imprinted with the manufacturer's hazard warning is the preferable method of labeling.

c. **In House Labels**

Three sizes of labels, printed in-house, are available through the storehouse. Labels should list, at least, the chemical identity, appropriate hazard warnings, and the name and address of the manufacturer, or other responsible party.

d. **Labeling Exceptions**

The following are exempt from all or part of the labeling requirements herein:

1. Portable containers into which materials are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer (e.g. mop buckets containing detergent and other cleaning agents which are to be used by an individual and will be emptied before leaving work area).
2. Laboratory chemicals, including solvents and reagents, used in the laboratory shall have their containers marked/labeled with the chemical's identity. However, the hazard warning requirement is waived. Any labels or markings applied by the manufacturer or distributor on incoming chemical containers shall not be defaced or removed without proper authorization.
3. Reaction vessels such as beakers, flasks, burets, etc., which are intended to be under immediate use by an individual (and will be emptied and cleaned immediately after use) are exempt of all labeling requirements.

7. **Written Program**

This policy and procedures are the written plan for how the law will be administered in the College workplace. The Department of Environmental Health and Safety will maintain and update this plan when needed.

Questions regarding the administering of this plan should be directed to the immediate supervisor. Further information on the procedures, the Hazard Communication Standard, Right to Know Law regulations and applicable MSDS's may be obtained from:

Office of Environmental Health & Safety
302 Maytum Hall
SUNY College at Fredonia
673-3796