

## DHHS POLICIES AND PROCEDURES

---

<b>Section V:</b>	<b>Human Resources</b>
<b>Title:</b>	<b>Safety and Benefits</b>
<b>Chapter:</b>	<b>Hazard Communications and Right to Know Policy</b>
<b>Current Effective Date:</b>	<b>5/1/09</b>
<b>Revision History:</b>	<b>5/1/09, 9/1/05</b>
<b>Original Effective Date:</b>	<b>6/1/93</b>

---

### **Purpose**

To assure that employees and the community are effectively informed concerning workplace safety and health hazards. By comprehensively addressing the issue of evaluating the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to employees and establish protocol for the development of a written Department of Health and Human Services (DHHS) Hazard Communications Program at each division/facility/school.

### **Policy**

Division/Facility/School Directors shall ensure all department employees receive Hazard Communications, Right to Know information and training as required by OSHA 1910/1926 General Industry and Construction Standards.

**Definitions** (See DHHS Safety and Benefits Policy, Establishment of the Safety and Health Program, Definitions Section)

1. **Substance** - an item meeting one (1) or more of the following conditions:
  - A. Any element, chemical compound, or mixture of one (1) or both in liquid, aerosol, or gaseous form.
  - B. Any solid material small enough to enter the body through ingestion or respiration.
  - C. Any solid material which is changed or converted during use in a manner which may create or release a dust, vapor or fume.
  - D. Any medication that is intended to be mixed or changed from its original form prior to use.
2. **Extremely Hazardous Chemical** - any chemical listed on the Environmental Protection Agency's List of Extremely Hazardous Chemicals.
3. **Hazardous Substance** - any substance which could result in harm to an employee if ingested, absorbed, inhaled, or touched.

4. **Material Safety Data Sheet (MSDS)** - a document, prepared by the manufacturer of a hazardous substance, which contains information on the hazards associated with that substance.

## **Implementation**

1. Each division/facility/school shall have a written Hazard Communications Program which shall address the elements below:
  - A. Development, maintenance and access to a Master Chemical List of the hazardous chemicals known to be present and identify each chemical using a name that is referenced on the appropriate Material Safety Data Sheet (MSDS). A list shall be in each MSDS binder. There shall be a Master Chemical List of all chemicals as well as a Work Area Specific Chemical List for those chemicals in the immediate work area.
  - B. Develop procedures to control the introduction of chemicals into the work place. All chemicals used in the work place shall be approved for use by division/facility/school management and have an MSDS on file for all chemicals, prior to authorizing their use in the work place.
  - C. The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, identifying unlabeled potentially hazardous waste), and the hazards associated with chemicals contained in unlabeled pipes and containers in their work areas.
  - D. Labels and other forms of warning used.
  - E. Distribution, use, access to and training of Material Safety Data Sheets (MSDS).
  - F. The means by which the division/facility/school shall provide the employee with HAZCOM information and training requirements.
  - G. The means and methods by which the Master Chemical List and the Facility Map will be provided to the Local Fire Chief, Local Emergency Response Committee, State Emergency Response Committee and the DHHS Safety Program Office.
2. Each division/facility/school shall maintain a master list of all hazardous substances used or stored at the facility and each substance that field employees can be reasonably anticipated to encounter while performing their job duties (which shall be called the Master Chemical List).
3. The Master Chemical List shall include the following information:
  - A. Common or trade name
  - B. Chemical name

- C. Location stored
  - D. Average amount stored (pounds or gallons)
  - E. Maximum amount stored on an annual calendar basis (pounds or gallons)
1. The Master Chemical List shall be updated annually or whenever a new substance is added or deleted from the inventory.
  2. Each division/facility/school shall maintain a current Material Safety Data Sheet (MSDS) on each chemical listed in the Master Chemical List:
    - a. MSDS shall be readily available to employees on all shifts and work schedules.
    - b. MSDS may be kept in any form (paper, digital, online) as long as the employee's ability to access the information is not compromised. Additionally, Employees shall be adequately trained on and able to locate an MSDS regardless of the methods used.
    - c. MSDS shall be provided to members of the community within ten working days of receipt of written request.
    - d. Each division/facility/school shall have available at the appropriate worksite the personal protective equipment required by the MSDS for each substance and shall enforce its use.
    - e. Where each division/facility/school maintains an Employee Health Clinic, the Master Chemical List and associated MSDS shall be maintained within that facility for the purpose of having first aid measures readily available to emergency services personnel.
  4. For each hazardous substance stored in quantities greater than 55 gallons or 500 pounds, each division/facility/school shall:
    - A. Indicate those substances on the Master Chemical List or incorporate them in a second list.
    - B. Maintain a facility map that indicates the bulk storage areas of the substances.
    - C. Submit the Master Chemical List and the facility map to the following agencies:
      1. Local Fire Chief
      2. Local Emergency Response Committee
      3. State Emergency Response Committee
      4. DHHS Safety Program Office

5. Where applicable, each division/facility/school shall prepare a Superfund Amendments and Reauthorization Act (SARA) Title III, Tier II Report annually.
  - A. This provision is applicable to each division/facility/school that stores one or more hazardous substances at the facility in the following quantities:
    1. The Threshold Planning Quantity (TPQ) for these chemicals is: *either* 500 pounds or 50 gallons.
    2. The TPQ listed (**whichever is lower**) for the 356 chemicals listed under Section 302, also known as Extremely Hazardous Substances (EHS).
    3. 10,000 pounds for any other chemical.
  - B. The Tier II Report shall be maintained at the facility and provided to the State Emergency Response Committee, the Local Emergency Response Committee, or the local Fire Chief within five (5) days of receipt of written request.
  - C. A copy of the Tier II Report shall be provided to the DHHS Safety & Benefits office within two (2) weeks of final submission of the report to the appropriate reporting agency.
6. Each division/facility/school shall ensure that all containers of hazardous substances are properly labeled with the manufacturer's original label or one which contains the product name and any hazard warnings contained on the original label and are legible at all times.
7. Each division/facility/school shall train its employees on the content and requirements of the Hazard Communication Program and the proper use and handling of relevant hazardous substances.
  - A. General training shall include, at a minimum:
    1. The content of this policy and the division/facility/school's associated policy and/or procedures.
    2. The employee's rights to access information under the "Right to Know" act with regards to chemical hazards in the workplace.
    3. How to read MSDS and labels.
    4. The process by which to obtain the policy, procedures, Hazardous Substances List and MSDS.
    5. The meaning of safety markings, safety signs, and the NFPA 704 sign.
  - B. Specific training shall include, at a minimum, one of the following:

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
  2. The physical and health hazards of the chemicals in the work area;
  3. The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,
  4. The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.
- C. During the New Employee Orientation process each employee shall receive the general training stipulated above, and shall receive specific training from the work area supervisor prior to performing any task which exposes the employee to a hazardous substance in their work area.
- D. Employees shall receive re-training whenever a new chemical is introduced into the workplace; the employee's supervisor/manager becomes aware the employee has demonstrated unsafe work practices, upon recommendation following an accident investigation or whenever the supervisor/manager deems appropriate and necessary to maintain safe work practices.
8. All persons contracted to work on division/facility/school property shall:
- A. Be informed by the division/facility/school Safety and Health Director of identified safety hazards within their projected work area and be provided a copy of this policy and the associated division/facility/school procedures.
  - B. Be provide with information regarding the hazardous chemicals they could reasonably be expected to come into contact with in the course of their work and given access to MSDS information for those chemicals.
  - C. All Contractors/Contracted Personnel shall provide to the division/facility/school Safety and Health Director an MSDS for each hazardous substance they bring into the workplace to which department employees could be exposed.
    1. The DHHS Safety Program Manager shall develop general procedures to guide divisions/facilities/schools in developing their own procedures.

2. Each division/facility/school shall develop specific operating procedures for the implementation of this policy and the maintenance of the records required within, and shall maintain those records in accordance with those procedures.
3. Each supervisor/manager shall ensure that supervised employees comply with the requirements of this policy and its associated procedures.
4. Each employee shall comply with the requirements of this policy and its associated procedures.

## References

North Carolina General Statutes:

1. Chapter 95, Occupational Safety and Health Act of North Carolina: 95-129(2) and 95-148(1)
2. Chapter 95, Article 18: Hazardous Chemicals Right-to-Know Act
3. Chapter 143, Article 63: State Employees' Workplace Requirements Program for Safety and Health: 143-582(1), (3), (4) and (6)
4. North Carolina Administrative Code:
  - A. 25 NCAC 1N.0105(a)
5. North Carolina State Employees' Workplace Requirements Program for Safety and Health:
  - A. Section 3: Policy 3.12 and Policy 3.17
  - B. Section 5: Policy 5.6
6. North Carolina Occupational Safety and Health Standards for General Industry:
  - A. 29 CFR 1910.145
  - B. 29 CFR 1910.1200
7. Title 42, Chapter 116, Superfund Amendments and Reauthorization Act, Title III

*For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).*