

# OOSH BULLETIN

## The Hazard Communication Standard & Right-to-Know Laws

September, 2008

In the past, workers were not legally entitled to information about the chemical hazards on the job. Today, the Right-to-Know laws guarantee this right and mandate that employers provide employees with information and training on their workplace exposure to chemicals. The Right-to-Know laws consist of the Hazard Communication Standard and the New York State Right-to-Know law.

### The Hazard Communication Standard

The Hazard Communication Standard (29 CFR 1910.1200), was passed by the Occupational Safety and Health Administration (OSHA) in the 1980's and was adopted by the New York State Department of Labor (NYSDOL). This law requires employers to provide employees with information regarding the hazards and identities of the chemicals they are exposed to in the workplace and to develop and maintain a Hazard Communication Plan (HCP). The Hazard Communication Standard is enforced by the New York State Department of Labor.



### The New York State Right-To-Know Law

The New York State Right-To-Know Law (12 NYCRR Part 820) is an expansion of the New York State Public Health and Labor laws. This law guarantees employees in New York State access to information regarding hazardous and toxic substances. The Right-to-Know law is enforced by the Attorney General's office.

### The PESH Act of 1980

The Public Employee Safety and Health Act, passed in 1980, is the equivalent of the OSHA Act of 1970. It requires public sector employers to provide a safe and healthy workplace for employees.

### Right-to-Know laws:

- **Cover all Hazardous Substances** - They cover chemicals, asbestos, lead, radiation, and infectious diseases in the workplace. They do not cover physical hazards, such as noise or electrical hazards.
- **Cover all workers** - Full time, part time, provisional, and non-English speaking employees are covered.
- **Guarantee employees certain rights :**
  1. **Right of Notification** - Signs must be posted in the workplace informing employees that they have a right to information regarding the toxic chemicals found on the job.

2. **Right to Information** - The employer must provide the following information about products used on the job:
  - a. The name of the product (chemical, trade name, generic);
  - b. The name of the manufacturer;
  - c. The chemical ingredients;
  - d. Safe work practices;
  - e. Levels at which chemicals in the product are hazardous;
  - f. Short-term and long-term health effects;
  - g. Symptoms of overexposure;
  - h. Flammability and reactivity;
  - i. Emergency treatment;
  - j. Emergency response to chemical leak, spill or fire.

Much of this information can be found on a Material Safety Data sheet (MSDS). These sheets are developed by the chemical manufacturer and/or distributor and contain all that is known about the chemical.

3. **Right to Information on site** - MSDS and fact sheets for all chemical and biological exposures must be readily accessible on-site.
4. **Right to request information within 72 hours**  
The employer is required to provide information within 72 hours upon the employee's request.
5. **Right to refuse to work with the chemical in question** - If the information is not provided within 72 hours, the worker has the right to refuse to work with that product until the information is provided.
6. **Right to training** - Employees must be trained upon initial hire, annually, and when new hazards are introduced into the workplace. Training must include:
  - a. Summary of the regulation;
  - b. How information will be made available;
  - c. Hazardous chemical properties including methods to detect the presence or release of chemicals;
  - d. Physical and health hazards associated with potential exposure to workplace chemicals;
  - e. Procedures to protect against hazards;
  - f. Where MSDSs are located.

## Employer responsibility – NYCDOE is required to:

- 1. Develop a written Hazard Communication Plan (HCP)** - The plan is prepared and distributed by the Office of Occupational Safety and Health (OOSH) and should be easily accessible to employees. This plan details the law, and the program the NYCDOE has in place in order to comply with the requirements of the standard. A HCP should be available in every school. The plan must be made site specific, to do so; Site Safety Officer must fill in the requested information about your school/facility in the blank tables.
- 2. Designate a Site Safety Officer (SSO)**  
A Site Safety Officer coordinates the program in each school. However, the Principal is responsible for compliance.
- 3. Labels and Warning Signs**  
All chemicals should be properly labeled. Building occupants should be knowledgeable about the labeling system and the warning signs for all chemicals that are being used in the facility.  
  
Any material which the manufacturer determines is harmful must be labeled as follows:
  - a. Name of the chemical
  - b. Manufacturer's information
  - c. The most immediate hazard warning  
Materials being transferred from the original container to a new one must be labeled. Except when inappropriate to label tanks or containers, alternatives may be used -e.g. batch tickets, placards, operating instructions.
- 4. Maintain Chemical Inventory**  
Current information concerning the chemicals that are in the building is an important tool in keeping the work environment safe. To do this, a chemical inventory must be conducted and/or updated each year. Your Site Safety Officer will distribute a chemical inventory form to be filled out for each room in the building.
- 5. Maintain Material Safety Data Sheets (MSDS)**  
The MSDS is the most readily available summary of the toxic ingredients for a chemical product. The Site Safety Officer must be made available a MSDS for all the chemicals in the chemical inventory lists.
- 6. Provide Information and Training**  
As a new employee, and each year as a current employee, you should receive training on hazard communication and the right-to know laws. Training records must be kept on file at the site for 3 years.
- 7. Provide personal protective equipment (PPE)**  
Disposable gloves must be provided to you as needed. Depending on your duties, other forms of PPE may be needed. Discuss this with your Site Safety Officer. Contact your supervisor or your Site Safety Officer regarding replacements.

## 8. Recordkeeping

The names and social security numbers of workers exposed to some 400 specific chemicals must be kept on file for 40 years (OSHA's Subpart Z list) (See Appendix A-1 of the HCP).

### Work-Related Injuries and Illnesses

The SH900, SH900.1 and SH900.2 forms record specific information of occupational illnesses or injuries that occur in the school or any NYCDOE facility. All three forms must be maintained collectively. The SH 900.1, from the previous year (like taxes), should be posted from **February 1 through April 30** of the current year. The SH 900.1 should be posted in an area where similar notices are posted. **Thereafter, this form is kept on file for 5 years.** The SH 900 should be updated as necessary. The SH 900 and the SH 900.2, a confidential injury and illness report form; should not be posted as they contain information concerning employee health. If you are the injured/ill employee, you are entitled to a copy of the SH 900.2 pertaining to your case for your files.

## 9. Posters

The PESH poster, DOE/RTK poster, DOL/RTK poster should be conspicuously posted in your school or any DOE facility. These posters serve to keep you aware of who you may contact for assistance in making complaints should you have any concerning chemicals in the school.

## 10. No Discrimination

Employees cannot be discriminated against for exercising their rights under the law.

## FAQs

### Where can I find Material Safety Data Sheets?

MSDSs for all hazardous chemicals used or stored in a school should be kept on file at the school and should be accessible to all employees. They must be provided to an employee within 72 hours or three working days of the employee's request. If information about the chemical is not provided within 72 hours, the employee may refuse to work with that specific chemical. The employee however, must perform their other assigned responsibilities.

### What should I know about Chemical Exposure?

Route of exposure depends on the type and formulation of chemical that is being used. There are four main routes of chemical entry into the body:

- a. Inhalation – example, breathing in gases, vapors,
- b. Skin absorption - a chemical that spilled onto the skin could result in exposure through absorption,

- c. Ingestion - a chemical that is accidentally consumed.
- d. Injection - a chemical can be injected into the body/muscles.

Chemical exposure may be acute or chronic. An acute exposure is a one time event, for example, a bottle of Hydrochloric acid is dropped in the lab. A chronic exposure is an exposure over a prolonged period of time, for example, those who work with dry cleaning chemicals and work in the industry for years and years.

**What should I do with unlabeled chemicals or chemicals that are not being used?**

Do not open or use any unlabeled chemicals and do not try to identify them through taste or smell. Notify your supervisor who will make the necessary arrangements for the chemicals to be removed. These arrangements include notifying the Custodian, who will complete a Work Order request and submit it to the Division of School Facilities. The Division of School Facilities, Hazardous Waste Unit, (718) 361-3701, provides contracted services for the identification of unlabeled chemicals and also for the proper disposal of hazardous chemicals.

**Where can I get more information?**

See your supervisor, your Site Safety Officer, or the Office of Occupational Safety and Health's website at <http://schools.nyc.gov/offices/DHR/OSH>.



Joel Klein  
Chancellor

Office of Occupational Safety and Health  
65 Court Street, Room 706  
Brooklyn, NY 11201  
(718) 935-2319