

# Hazard Communication and the Tennessee Right-to-Know Law



29 CFR 1910.1200

29 CFR 1926.59

TDL Rule 0800-1-9



TOSHA believes the information in this presentation to be accurate and delivers this presentation as a community service. As such, it is an academic presentation which cannot apply to every specific fact or situation; nor is it a substitute for any provisions of 29 CFR Part 1910 and/or Part 1926 of the Occupational Safety and Health Standards as adopted by the Tennessee Department of Labor and Workforce Development or of the Occupational Safety and Health Rules of the Tennessee Department of Labor and Workforce Development.

# Bernardino Ramazzini

De Morbis Artificum, 1713

“Various and manifold is the harvest of diseases reaped by certain workers from the crafts and trades that they pursue; all the profit that they get is fatal injury to their health.”

# Basic Nature of Chemicals

- Everything is (a) chemical
- Every chemical can be “hazardous”
- “Hazardous” means there is scientific evidence that the chemical causes harmful effects during normal use
- Harmful effects range from irritation to cancer

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## Paracelsus, 1493-1541

“All substances are poisons, there is none which is not a poison. The right dose differentiates the poison from the remedy.”

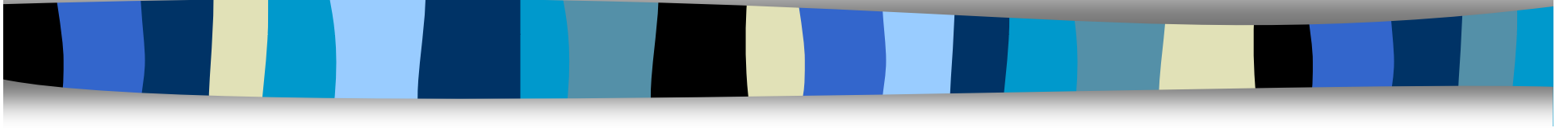
# Hazardous Chemicals

- Hazardous chemicals are of great value
- Most can be used safely
- OSHA does not ban chemicals
- OSHA helps you work with chemicals safely

# Basic Principle of Chemical Safety

- What you don't breathe won't hurt you
- What you don't contact won't hurt you

# What Hazardous Chemicals Do You Use?



# Examples of Hazardous Chemicals

- Solvents--xylene, toluene, acetone
- Corrosives--acids (HCl), bases (KOH)
- Dusts--wood, metal
- Mists--acid
- Fumes--welding
- Compressed gases--oxygen, acetylene, argon
- Flammables--gasoline

# Why a Hazard Communication Standard?

- Employees have a **need** to know the hazards and identities of chemicals they are exposed to while working
- Employees have a **right** to know the hazards and identities of chemicals they are exposed to while working
- Employees **need** to know how to protect themselves from adverse effects of chemicals



# Hazard Communication

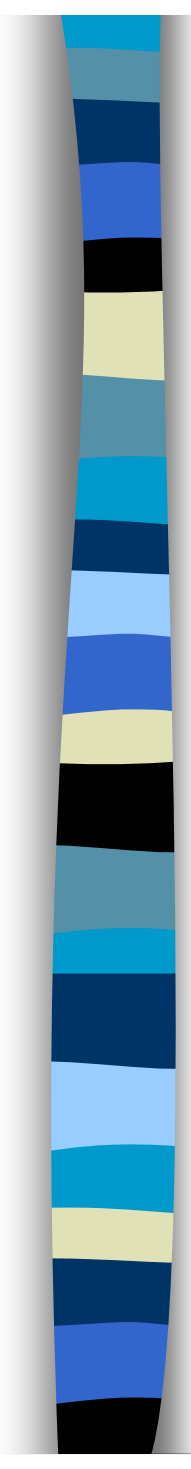


- These standards require that employers:
  - Assess the hazards of chemicals in their workplace
  - Provide information on those hazards to their employees
- It is a “performance standard”
  - Employers are given leeway as to how they accomplish the goals laid out in the standard

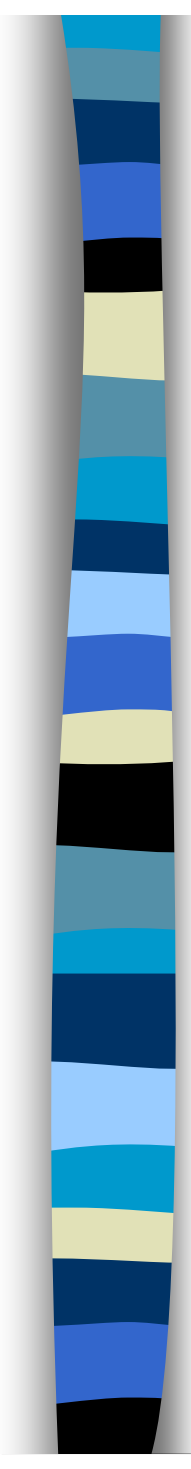
# Scope of the Standards

- The standard covers:
  - All chemicals known to be present in the workplace such that employees can be exposed under **normal conditions** of use or in a **foreseeable emergency**

# Exemptions

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- These are not covered under the standards:
    - Articles
    - Food
    - Pills
    - Cosmetics
    - Consumer products used just like a consumer
      - Same duration and frequency as consumer use
      - Product is used for the purpose intended
    - Nuisance particles
    - Radiation
    - Biological hazards

# What is Required?

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- List of Hazardous Chemicals
  - Written Hazard Communication Program
  - Labels
  - Material Safety Data Sheets
  - Training

# List Of Hazardous Chemicals

- Inventory of materials for which MSDS is needed
- Containerized and **non-containerized** chemicals must be included
  - welding fumes, dusts, exhaust fumes, etc.
- If it's not **hazardous**, it's not covered
- If there's no potential for **exposure**, it's not covered

# Written Program

- How the hazard communication program will be implemented in the facility
- An assurance that all aspects have been addressed
- **Not a paper exercise--** all elements must be implemented
- Laboratories (see 1910.1450) and warehouses are exempt from written program requirement
- Not lengthy or complicated
- Must be site-specific

# Written Program Requirements

- These items must be addressed in the written program:
  - Hazardous chemical inventory list is part of the written program
  - Labeling policy
  - Material Safety Data Sheet policy
  - Training methods and procedures
  - Non-routine tasks training methods
  - Multi-employer activity

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# Labels

- Each container of hazardous chemicals must be labeled with the:
  - Identity
  - Hazard warning
- Label must cross-reference with the MSDS and chemical list entry

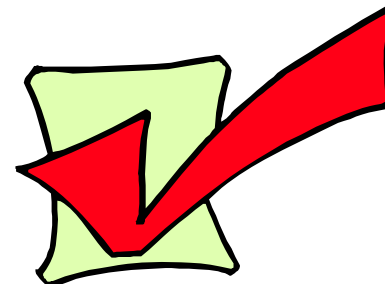
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# Labels

- Portable containers
  - Identity and hazard warning must be transferred unless the portable container is:
    - Under the control at all times of the employee making the transfer from the labeled container and
    - Contents used up in one shift

# Labels

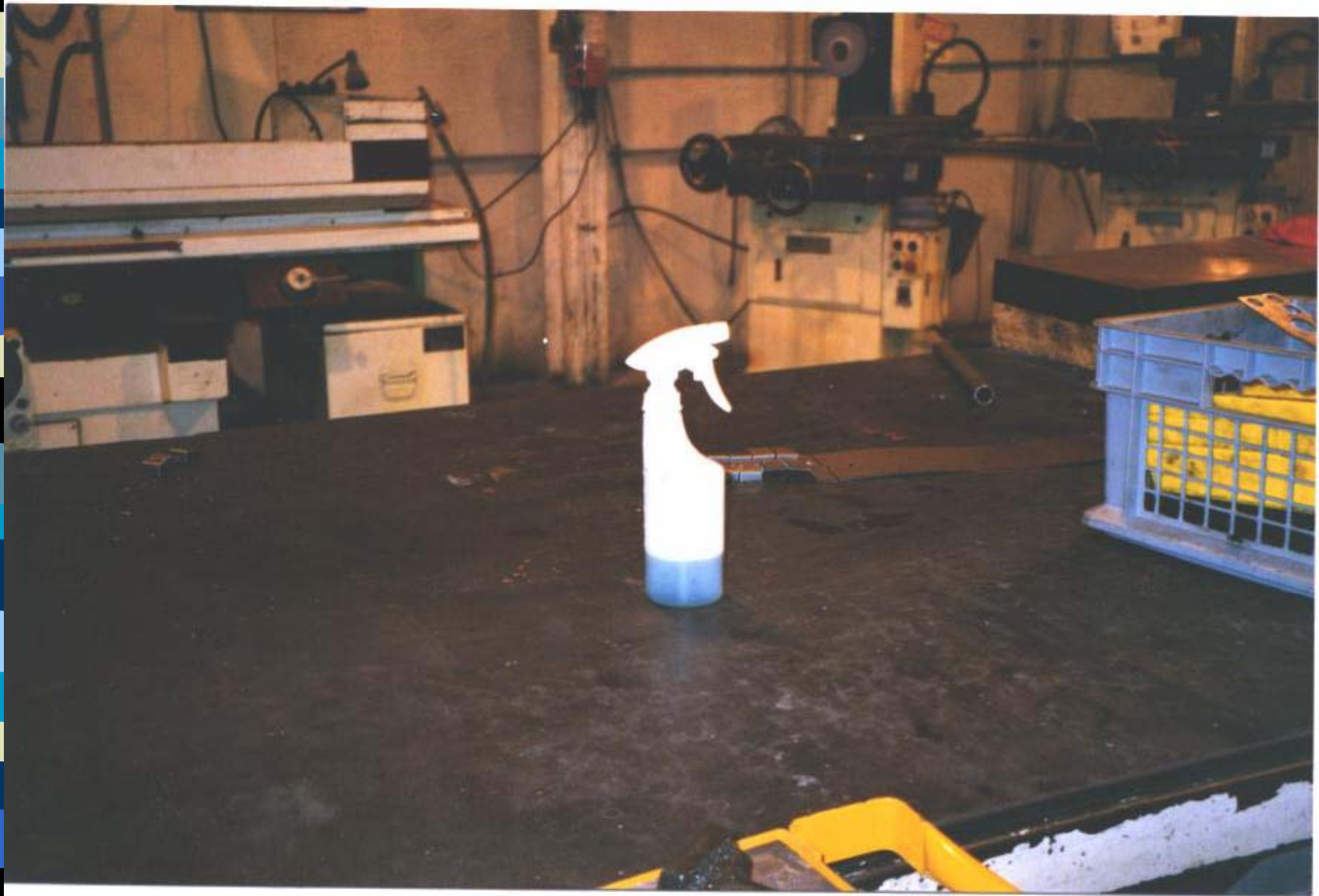
- Appropriate hazard warnings?
  - Do Not Breathe
  - Avoid Contact
  - Do Not Use Near Open Flame
  
  - Damages the Liver
  - Causes Skin Irritation
  - Flammable



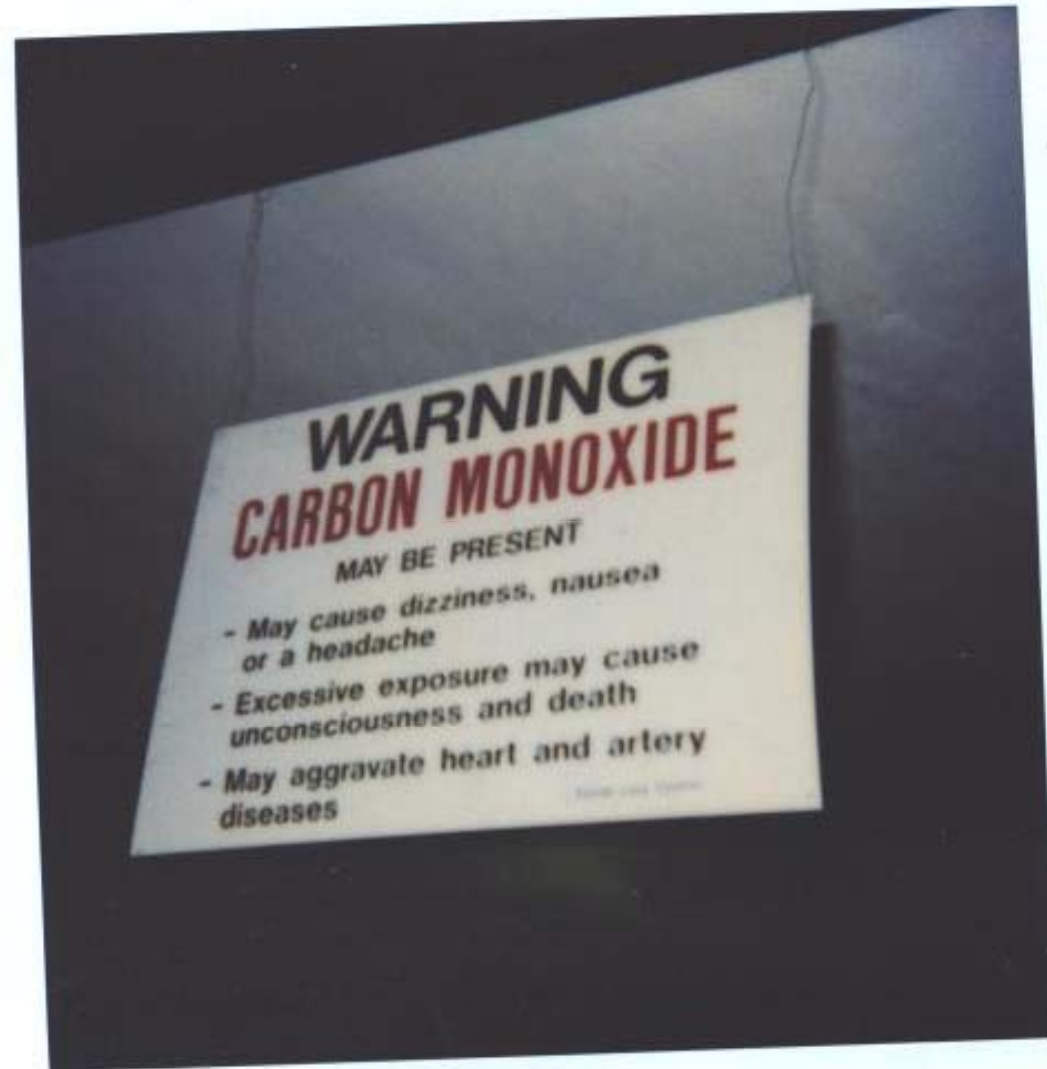
# Labels

- Must be in ENGLISH
- Solid metal, solid wood, or plastic items not exempted as articles because of downstream use must be labeled

# Unlabelled Container



# Non-Containerized Chemical Label



# Defaced Label



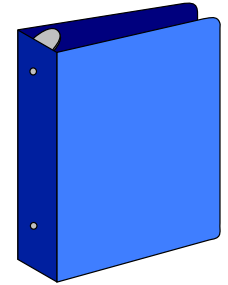
# Alternative Labeling



Route of Entry	3	Health
Health Hazards	4	Flammability
Physical Hazards	3	Reactivity
Target Organs	G	Protective Equipment

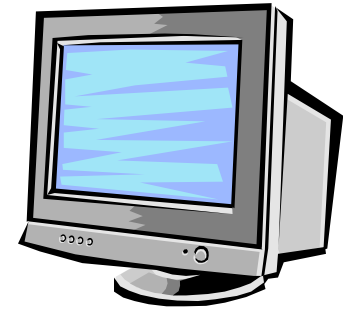
- Permitted when employer's overall program is proven effective
- Must ensure employees are fully aware of hazards/use and understanding of labeling system
- Employer bears burden of establishing that employee awareness equals or exceeds conventional labeling system

# Material Safety Data Sheets



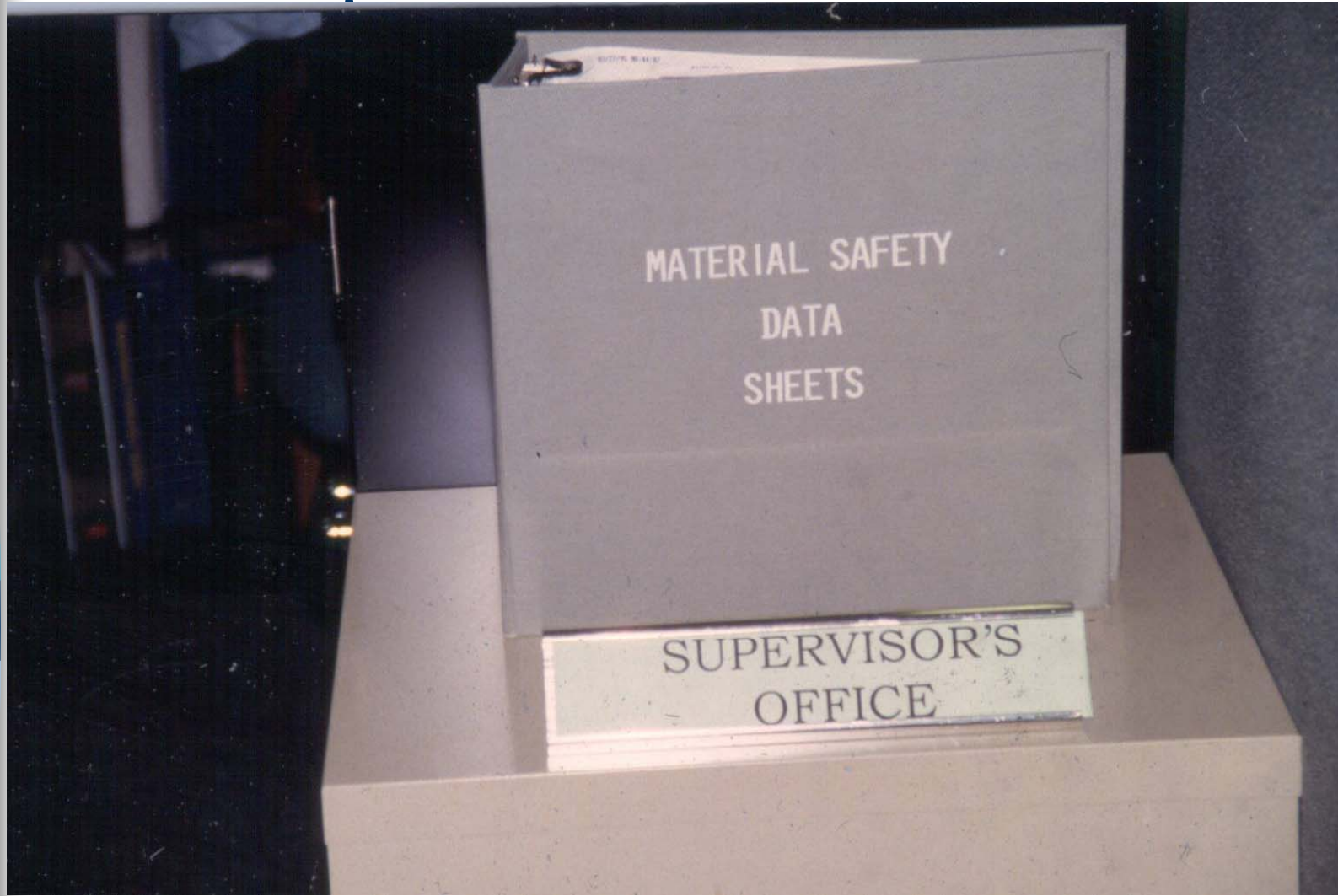
- Designate someone to be responsible
- Obtain one for each hazardous chemical
- Exemptions--no MSDS is required for:
  - Drugs in solid, final form for direct administration to patients (pills, tablets)
  - Consumer products where the employer can show:
    - It is used in the workplace for the purpose intended
    - Duration and frequency of use is not different from that of the consumer
- Must be readily available to employees while they are in their work areas

# Electronic Maintenance of MSDS?



- Acceptable, if
  - Reliable devices are readily accessible
  - Workers are trained in the use of the devices
  - There is an adequate back-up system
  - The system is part of the overall haz com program

# Unacceptable Location for MSDS



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# Hazard Communication Training

- Before employees are exposed
- Annually thereafter, per Tennessee Right to Know Law
- Training must be “effective,” i.e., employees must be able to recall basic information

# Hazard Communication



## 7 Basic Questions for Recall



- What are the requirements of the hazard communication standard?
- What hazardous chemicals are you exposed to (or may be exposed to in an emergency)?
- Where are these chemicals present?
- What are the short and long term effects?
- How can you detect if you are overexposed?
- How can you protect yourself?
- Where are the MSDS and written program?

# Tennessee Right-To-Know Law



# Tennessee Right-to-Know Law

- Definition of employee also includes volunteer firefighters
- MSDS must be made accessible to **students in laboratories**
- Employer must train employees even if they are illiterate
- Effectiveness of the training will be evaluated by verbal recall
- TOSHA will evaluate training through employee interviews

# Tennessee RTK-Training

- Must provide **annual** (within 12 months of previous training) training
- Must maintain **records** of training
  - Identification of those trained
  - Date of the training
  - Brief description (e.g., symptoms of CO poisoning, H<sub>2</sub>SO<sub>4</sub> emergency procedures, etc.)



# Tennessee RTK-Recordkeeping

- Maintain training records for period of employment + 5 years
  - Identity of the employee trained
  - Date(s) of training
  - Brief description of the training
- Maintain MSDS for as long as the chemical is used or stored
- Maintain chemical list for 30 years

# Workplace Chemical List

- Employers must submit a copy of their workplace hazardous chemical list to TOSHA within 72 hours upon request



# Call TOSHA



- **Memphis Office** 901-543-7259
- **Jackson Office** 731-423-5641
- **Nashville Office** 615-741-2793  
1-800-249-8510
- **Knoxville Office** 865-594-6180
- **Kingsport Office** 423-224-2042
- **Chattanooga** 423-634-6424
- **Consultative Services** 1-800-325-9901

# Web Resources

- Federal OSHA
  - [www.osha.gov](http://www.osha.gov)
- TOSHA
  - [www.tennessee.gov/labor-wfd/tosha](http://www.tennessee.gov/labor-wfd/tosha)
- Centers for Disease Control
  - [www.cdc.gov](http://www.cdc.gov)
- National Institute of Occupational Safety and Health
  - [www.cdc.gov/niosh](http://www.cdc.gov/niosh)

