

Hazard Communication Program

INTERIM PROGRAM

2000

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Environmental Health and Safety
The University of Texas at Austin

Hazard Communication Program

Environmental Health and Safety

The University of Texas at Austin

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INTRODUCTION: TEXAS HAZARD COMMUNICATION ACT

A. BACKGROUND

1. The Hazard Communication Act in the State of Texas was passed by the 69th Legislature and became law effective January 1, 1986. The revised Act, including laws titled chapter 502 (“Hazard Communication Act”) and chapter 506 (“Public Employer Community Right-to-Know Act”), was passed by the 73rd Legislature and became law effective September 1, 1993.
2. Section 502.009(b) of the Texas Hazard Communication Act (THCA) requires The University to develop, implement, and maintain a written hazard communication program (Program). The purpose of The University’s Program is to (1) identify the major requirements of the THCA and (2) define The University’s policies for complying with this law.
3. The format of this program is first to cite (in italics) specific sections of the law. Following this is an explanation of The University’s policies. Only those sections that are pertinent to this written plan are included.

B. APPLICABILITY OF THE TEXAS HAZARD COMMUNICATION ACT

1. This chapter applies only to employers who are not required to comply with 29 CFR 1910.1200 (OSHA Hazard Communication Act). As a public institution, The University of Texas at Austin is not covered by the Occupational Safety and Health Act of 1970 (OSHA) unless a contractual agreement for compliance with OSHA is included in federal grant funding applications.
2. Chemical manufacturers, importers, and distributors—although covered by the federal OSHA law—shall provide Material Safety Data Sheets (MSDSs) as required by Section 502.006. Penalties provided by Sections 502.014, 502.015, and 502.016 may be assessed against chemical manufacturers, importers, and distributors for failure to provide MSDSs.
3. This chapter, except Section 502.009 (“Employee Education Program”), does not apply to a hazardous chemical in a sealed and labeled package that is received and subsequently sold or transferred in that package if:
 - (a) the seal and label remain intact while the chemical is in the workplace;
and
 - (b) the chemical does not remain in the workplace longer than five working days.
4. This chapter does not require labeling of the following chemicals:
 - (a) pesticides;

- (b) any food, food additive, color additive, drug, cosmetic, medical, or veterinary device;
- (c) any distilled spirits that are beverage alcohol, wine, or malt beverages intended for non industrial use;
- (d) any consumer product or hazardous substance, when subject to a consumer product safety standard or labeling requirement of those Acts or regulations issued under those Acts by the Consumer Product Safety Commission.

5. This chapter does not apply to:

- (a) any hazardous waste, as that term is defined by the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.) when subject to regulations issued under that Act by the Environmental Protection Agency;
- (b) a chemical in a laboratory under the direct supervision or guidance of a technically qualified individual if:
 - (i) labels on incoming containers are not removed or defaced;
 - (ii) the employer complies with section 502.006 (“MSDS”) and 502.009 (“Employee Education Program”) with respect to laboratory employees; and
 - (iii) the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes;
- (c) tobacco or tobacco products;
- (d) wood or wood products;
- (e) articles;
- (f) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;
- (g) food, drugs, or cosmetics intended for personal consumption by an employee while in the workplace;
- (h) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, if the employer can demonstrate it is used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;

- (i) any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.);
- (j) radioactive waste.

C. DEFINITIONS (As Listed in Section 502.004 of the Act)

1. “Article” means a manufactured item.
2. “Board” means the Texas Board of Health.
3. “Chemical manufacturer” means an employer in Standard Industrial Classification (SIC) Codes 20-39 with a workplace where chemicals are produced for use or distribution.
4. “Chemical name” means:
 - (a) the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature; or
 - (b) a name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.
5. “Common name” means a designation of identification, such as a code name, code number, trade name, brand name, or generic name, used to identify a chemical other than by its chemical name.
6. “Department” means the Texas Department of Health.
7. “Designated representative” means the individual or organization to whom an employee gives written authorization to exercise the employee’s rights under this chapter, except that a recognized or certified bargaining agent is a designated representative regardless of written employee authorization.
8. “Director” means the director of the Texas Department of Health.
9. “Distributor” means a business in Standard Industrial Classification Major Industry Group 516 or 517 that supplies hazardous chemicals to an employer who must comply with this Act.
10. “Employee” means a person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies, and includes a person working for this state, a person working for a political subdivision of this state, or a member of a volunteer emergency service organization or, if the applicable OSHA standard or MSHA standard is not in effect, a person working for a private employer. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for the purposes of this chapter.

(NOTE: In addition to the final sentence in the foregoing paragraph, the July 21, 1993 ruling of the Texas Attorney General, Opinion No. DM-239, in regard to “students” is deemed of particular importance in both interpreting and implementing the Texas Hazard Communication Act:

“Students are not ‘employees’ for the purpose of the Texas Hazard Communication Act, Texas Health and Safety Code sections 502.001-.016. Therefore, the Act is not applicable to students in their capacity as students, except for the requirements of section 502.004 (e)(5)(B) which requires that material safety data sheets must be maintained by the laboratory and made accessible to students.”

11. “Employer” means a person engaged in private business who is regulated by the federal Occupational Safety and Health Act of 1970 (Pub. L. No. 91-596), or the state or a political subdivision of the state, including a state, county, or a municipal agency, a public school, a college or a university, a river authority or publicly owned utility, a volunteer emergency service organization, and other similar employers. The term does not include any person to whom the federal Occupational Safety and Health Act of 1970 (Pub. L. No. 91-596) is applicable if that employer is covered by the OSHA standard.
12. “Expose” or “Exposure” means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.
13. “Hazardous chemical” or “chemical” means an element, compound, or mixture of elements or compounds that is a physical hazard or health hazard as defined by the OSHA standard in 29 CFR Section 1910.1200 (c), or a hazardous substance as defined in the OSHA standard in 29 CFR Section 1910.1200 (d) (3), or by OSHA’s written interpretations. A hazard determination may be made by employers who choose not to rely on the evaluations made by their suppliers if there are relevant qualitative or quantitative differences. A hazard determination shall involve the best professional judgment.
14. “Health hazard” has the meaning given that term by the OSHA standard (29 CFR 1910.1200 (c)).
15. “Identity” means a chemical or common name, or alphabetical or numerical identification, that is indicated on the material safety data sheet (MSDS) for the chemical. The identity used must permit cross references to be made among the workplace chemical list, the label, and the MSDS.
16. “Label” means any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.
17. “Material Safety Data Sheet” (“MSDS”) means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

18. “MSHA Standard” means the Hazard Communication Standard issued by the Mining Safety and Health Administration.
19. “OSHA Standard” means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.
20. “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive in terms defined in the OSHA standard.
21. “Temporary workplace” means a stationary workplace that is staffed less than 20 hours a week. A temporary workplace may be considered to be a work area of the headquarters workplace from which employees are routinely dispatched. Temporary workplaces may include pumping stations, emergency response sites, and similar workplaces.
22. “Work area” means a room, defined space, utility structure, or an emergency response site in a workplace where hazardous chemicals are present, produced, or used and where employees are present.
23. “Workplace” means an establishment, job site, or project, at one geographical location containing one or more work areas with or without buildings, that is staffed 20 or more hours a week.
24. “Workplace chemical list” means a list of hazardous chemicals developed under section 502.005 (a).

D. ADDITIONAL DEFINITIONS (Texas Department of Health Rules 25 TAC 295.2)

1. Act--The Hazard Communication Act, the Health and Safety Code, Chapter 502.
2. Appropriate hazard warning--Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
3. Appropriate personal protective equipment (PPE) or protective equipment-- Equipment that is provided to an employee by the employer and provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards. In determining the selection of PPE, the employer shall consider all routes of entry, permeability of PPE materials, the duties being performed by the employee, the hazardous chemicals present, and such other factors as may affect the performance of the equipment. The employer must ensure that the provided equipment fits the individual employee and is functional for its intended use as described by the manufacturer's specifications.

4. Asphyxiation--A death or injury from suffocation that is caused by a chemical and which is due to interference with the oxygen supply of the blood, other than drowning.
5. Categories of hazardous chemicals--A grouping of hazardous chemicals with similar properties.
6. Container--Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A primary container is the one in which the hazardous chemical is received from the supplier. A secondary container is one to which the hazardous chemical is transferred after receipt from the supplier.
7. Department--The Texas Department of Health.
8. Director--The Commissioner of Health.
9. Emergency service organization--Any organization established to provide the following services for the general public: fire prevention and suppression, hazardous materials response operations, or emergency medical services. An emergency service organization may consist of volunteer members or be a unit of a political subdivision of the state with compensated employees.
10. Employee education and training program--Actual instruction, regardless of the technology or method used to deliver it, provided by the employer to employees as required by the Act, §502.009. This program is the actual instruction of employees and records of training, as opposed to a written plan for training.
- (11) Employer--The overall organizational public entity rather than individual facilities or workplaces. Examples of public employers are an entire state agency, a county, a city, a public school district, a public university, a public college or community college, a river authority, a public hospital, or a volunteer emergency service organization. Each university, college, or community college in a university or college system shall be considered as a separate employer under the Act, §502.003(11).
12. Handle--To touch, move, or manipulate hazardous chemicals.
13. Health hazard--A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
14. Label--Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, which includes the same name as on the material safety data sheet.

15. OSHA Standard--The Hazard Communication Standard of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Title 29 Code of Federal Regulations, 1910.1200.
16. Stationary Process Container--A tank, vat, or other such container which holds different hazardous chemicals at different times.
17. Workplace--A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters workplace or separate workplaces, at the discretion of the employer.
18. Written hazard communication program--A document which describes an employer's program for compliance with those requirements of the Act imposed on the employer.

REQUIREMENTS

PART I: WORKPLACE CHEMICAL LIST

Sec. 502.005. (THCA)

- (a) *For the purpose of worker right-to-know, an employer shall compile and maintain a workplace chemical list that contains the following information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds or in excess of an amount that the board determines by rule for certain highly toxic or dangerous chemicals:*
 - (1) *the identity used on the MSDS and container label; and*
 - (2) *the work area in which the hazardous chemical is normally present.*
- (b) *The employer shall update the workplace chemical list as necessary but at least by December 31 of each year. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.*
- (c) *The workplace chemical list may be prepared for the workplace as a whole or for each work area or temporary workplace and must be readily available to employees and their representatives. All employees shall be made aware of the workplace chemical list before working with or in a work area containing hazardous chemicals.*
- (d) *An employer shall maintain a workplace chemical list for at least 30 years. The employer shall send complete records to the director if the employer ceases to operate.*

A. CHEMICAL LISTS:

Each University workplace or temporary workplace (The University's definition of workplace is a building) shall compile lists of hazardous chemicals present within these locations in accordance with Section 502.005 above by December 31st of each year and shall forward copies of these lists to Environmental Health and Safety (EH&S) by January 31st of each year. No later than November 30th of each year, Environmental Health & Safety will distribute forms to be used by departments to complete their workplace chemical lists.

Note: The requirement for a workplace chemical list does not apply to chemicals meeting the requirements noted in Section B.5 above.

Employee's will be made aware of the workplace chemical list in General Hazard Communication training. Employing departments are primarily responsible for making applicable workplace chemical lists readily available for their employees and their employee's representatives. Additionally, copies of all workplace chemical lists will be available from Environmental Health & Safety if necessary.

B. CHEMICAL LIST RECORD RETENTION:

Environmental Health and Safety shall maintain chemical lists for a period of at least 30 years.

REQUIREMENTS

PART II: MATERIAL SAFETY DATA SHEETS (“MSDS”)

SEC. 502.006. (THCA)

- (a) A chemical manufacturer or distributor shall provide appropriate material safety data sheets to employers who acquire hazardous chemicals in this state with each initial shipment and with the first shipment after a MSDS is updated. The MSDSs must conform to the most current requirements of the OSHA standard.*
- (b) An employer shall maintain a legible copy of current MSDS for each hazardous chemical purchased. If the employer does not have a current MSDS for a hazardous chemical when the chemical is received at the workplace, the employer shall request a MSDS in writing from the manufacturer or distributor in a timely manner or shall otherwise obtain a current MSDS. The manufacturer or distributor shall respond with an appropriate MSDS in a timely manner.*
- (c) Material safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace.*
- (d) A copy of a MSDS maintained by an employer under this section shall be provided to the director on request.*

A. MATERIAL SAFETY DATA SHEETS—GENERAL PROCEDURES:

All departments are responsible for ensuring that all University purchase orders or telephone requests for hazardous chemicals shall stipulate that the most current Material Safety Data Sheets available for these products must be provided with the shipment or mailed to the purchaser. Upon receipt of the chemical at Central Receiving (main campus) or at a satellite location, the MSDS shall be sent to EH&S and a copy retained with the material or forwarded to the end user accompanying the material. All departments must request or obtain an otherwise unavailable MSDS within 30 business days of receipt of any hazardous chemical and must not permit the use of any hazardous chemical until a current MSDS is available.

If a MSDS is needed for a work area, EH&S should be contacted. These MSDSs should be maintained in an organized manner within the work area and/or workplace and should be utilized in site-specific training of employees.

All University departments are responsible for ensuring that upon request, a current MSDS will be made available to any employee who works with or may be exposed to the hazardous chemical or material. The MSDS must be provided for review at the workplace during the same shift in which it was requested. University departments must be able to provide MSDS for review on request by Texas Department of Health representatives during their inspections of campus operations and to emergency responders as soon as practicable upon request

B. MATERIAL SAFETY DATA SHEETS— ALTERNATE SOURCES FOR:

While the vendor is considered to be the primary source or supplier of Material Safety Data Sheets, the following are alternatives available within the University for obtaining a MSDS:

1. Refer to the EH&S web site MSDS resource page at:

<http://www.utexas.edu/safety/ehs/msds/index.html>
2. Environmental Health and Safety maintains a file of MSDS which may be reviewed for reproduction at Service Building 202.
3. If an MSDS is not otherwise available, contact Environmental Health and Safety. EH&S will either contact the manufacturer or use other means of obtaining the MSDS.

REQUIREMENTS

PART III: LABELS

Sec. 502.007. (THCA)

- (a) *A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary containers must be re-labeled with at least the identity appearing on the MSDS, the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address. Except as provided by Subsection (b), secondary containers must be re-labeled with at least the identity appearing on the MSDS and appropriate hazard warnings.*
- (b) *An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer.*

A. LABELS—GENERAL PROCEDURES:

Supervisor's of every University department where containers of hazardous chemicals are present are responsible for assuring that the manufacturer/supplier label is not removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement.

Supervisor's are also responsible for re-labeling a container, only when the label is illegible or when it comes to their attention that the labeling does not meet the requirements of the OSHA Standard.

A Supervisor who receives an unlabeled or mislabeled container of hazardous chemical from a supplier or a container which requires re-labeling shall ensure that such containers are re-labeled in accordance with this section prior to use by any employee. Supervisors may contact their supplier to request such replacement labels or may prepare their own replacement labels.

Supervisors shall ensure that labels are legible, in English, and prominently displayed on the container throughout each work shift. The label may include information in another language as appropriate.

Supervisors may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials instead of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the label information required in this plan.

Except for those chemicals noted in Section B.5 of the Introduction above, containers of hazardous chemicals which were received prior to the original effective date of the Act, January 1, 1986, and which do not meet these labeling requirements, must be re-labeled in accordance with these requirements.

B. LABELS—PRIMARY CONTAINERS:

A primary container is the one in which the hazardous chemical is received from the supplier. Primary containers of hazardous chemicals that might require re-labeling must be re-labeled with, at minimum, the name appearing on the MSDS, the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address.

C. LABELS—SECONDARY CONTAINERS:

A secondary container is one into which the hazardous chemical is transferred after receipt from the supplier. Secondary containers must be labeled with at least the name of the hazardous chemical appearing on the MSDS and the pertinent physical and health hazards, including the organs that would be affected. Exception: an employee who transfers the contents from a primary container into a secondary container for immediate use is not required to label the secondary container.

REQUIREMENTS

PART IV: EMPLOYEE EDUCATION & TRAINING PROGRAM

Sec. 502.009. (THCA)

- (a) An employer shall provide an education and training program for employees who use or handle hazardous chemicals.*
- (b) An employer shall develop, implement, and maintain at the workplace a written hazard communication program for the workplace that describes how the criteria specified in this chapter will be met.*
- (c) An education and training program must include, as appropriate:
 - (1) information on interpreting labels and MSDSs and the relationship between those two methods of hazard communication;*
 - (2) the location by work area, acute and chronic effects, and safe handling of hazardous chemicals known to be present in the employees' work area and to which the employees may be exposed;*
 - (3) the proper use of protective equipment and first aid treatment to be used with respect to the hazardous chemicals to which employees may be exposed; and*
 - (4) general safety instructions on the handling, cleanup procedures, and disposal of hazardous chemicals.**
- (d) Training may be conducted by categories of chemicals. An employer must advise employees that information is available on the specific hazards of individual chemicals through the MSDSs. Protective equipment and first aid treatment may be by categories of hazardous chemicals.*
- (e) An employer shall provide additional instruction to an employee when the potential for exposure to hazardous chemicals in the employee's work area increases significantly or when the employer receives new and significant information concerning the hazards of a chemical in the employee's work area. The addition of new chemicals alone does not necessarily require additional training.*
- (f) An employer shall provide training to a new or newly assigned employee before the employee works with or in an area containing a hazardous chemical.*
- (g) An employer shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Those records shall be maintained for at least 5 years by*

the employer. The department will have access to those records and may interview with employees during inspections.

- (h) *Emergency service organizations shall provide, to their members or employees who may encounter hazardous chemicals during an emergency, information on recognizing, evaluating, and controlling exposure to the chemicals.*

In order to comply with the “Employee Education & Training Program” requirements of the Texas Hazard Communication Act, the following Hazard Communication training program is required by The University of Texas at Austin for all employees who use or handle hazardous chemicals (including faculty, staff, employed students, post-doctoral fellows):

A. HAZARD COMMUNICATION (GENERAL):

1. By policy, all new employees of the University, both full or part time who will be expected to use or handle hazardous chemicals, shall be given instruction in the basic provisions of the Texas Hazard Communication Act at the time of their orientation, normally held during the initial week of their employment. This briefing will be given by a staff member from Environmental Health and Safety (or someone authorized by that office). This training must be received before the employee is assigned to use or handle hazardous chemicals.

3. General Hazard Communication (General) training will be documented for EH&S, and a copy of the class record shall be maintained by EH&S for at least 5 years.

B. HAZARD COMMUNICATION (“SITE-SPECIFIC”):

1. The Hazard Communication class referenced above provides general information, but information specific to the employee’s particular work area must be provided by the employing department. New employees must be trained before being required to work with, or being exposed to, hazardous chemicals. Representatives from EH&S will assist the departmental instructor, if requested, in understanding the general aspects of the Texas Hazard Communication Act (explanation of Material Safety Data Sheets, labeling, written plan).

2. Site-Specific Hazard Communication training for employees must include:
 - information on labeling and MSDS, and how they are related;
 - for hazardous chemicals known to be in the employee’s work area(s):
 - location of hazardous chemicals

 - physical effects and short-term and long-term health effects of exposure
 - safe handling
 - proper use of personal protective equipment
 - first aid treatment for exposures; and
 - safety instructions on handling, cleanup and disposal.

Site-Specific Hazard Communication training shall be documented on the Hazard Communication Act Site-Specific Training Record and Checklist form (available from EH&S), which shall be forwarded to Environmental Health and Safety. An official copy of these records shall be maintained by the department administering the training for at least 5 years.

REQUIREMENTS

PART V: REPORTING FATALITIES AND INJURIES

Sec. 502.012. (THCA)

- (a) Within 48 hours after the occurrence of an employee accident that directly or indirectly involves chemical exposure or that involves asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees, the employing department of any of the employees so injured or killed shall report the accident either orally or in writing to the department.*
- (b) The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. If it is necessary to complete the investigation of an incident, the department may require additional reports in writing as necessary.*

A. REPORTING FATALITIES & INJURIES – DEPARTMENTAL REPORT:

All departmental supervisory personnel are responsible for reporting to Environmental Health & Safety any employee accident that directly or indirectly involves chemical exposure or that involves lack of air, and is fatal to one or more employees or results in the hospitalization of five or more employees. Whoever reports such an accident shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries to Environmental Health & Safety within 48 hours after the occurrence.

B. REPORTING FATALITIES & INJURIES – EH&S:

Immediately upon notification by a department, Environmental Health & Safety will report the accident to the Texas Department of Health, Toxic Substances Control Division, Hazard Communication Branch at 1-800-452-2791. If further information is needed for investigation of the incident, EH&S may require additional reports from the department in writing as necessary.

REQUIREMENTS

PART VI: EMPLOYEE NOTICE; RIGHTS OF EMPLOYEES

Sec. 502.017. (THCA)

- (a) *An employer shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under this chapter. If the director does not prepare the notice under Section 502.008, the employer shall prepare the notice.*
- (b) *Employees who may be exposed to hazardous chemicals shall be informed of the exposure and shall have access to the workplace chemical list and MSDSs for the hazardous chemicals. Employees, on request, shall be provided with a copy of a specific MSDS with any trade secret information deleted. In addition, the employee shall receive training concerning the hazards of the chemicals and measures they can take to protect themselves from those hazards. Employees shall be provided with appropriate personal protective equipment. These rights are guaranteed.*
- (c) *An employer may not discharge, cause to be discharged, otherwise discipline or in any manner discriminate against an employee because the employee has:*
 - (1) *filed a complaint;*
 - (2) *assisted an inspector of the department who may make or is making an inspection under Section 502.011;*
 - (3) *instituted or caused to be instituted any proceeding under or related to this chapter;*
 - (4) *testified or is about to testify in a proceeding under this chapter; or*
 - (5) *exercised any rights afforded under this chapter on behalf of the employee or on the behalf of others.*
- (d) *Pay, position, seniority, or other benefits may not be lost as the result of the exercise of any right provided by this chapter.*
- (e) *A waiver by an employee of the benefits or requirements of this chapter is void. An employer's request or requirement that an employee waive any rights under this chapter as a condition of employment is a violation of this chapter.*

A. NOTICE TO EMPLOYEES:

1. Departmental supervisors are responsible for ensuring that an 8-1/2 by 11 inches copy of the "Notice to Employees", as illustrated in the Appendix to this plan, or as hereafter updated and revised by the Texas Department of Health, is clearly

posted and unobstructed at all locations where notices are normally posted within every building of The University where their staff are occupied.

2. Departmental supervisors may add the name and telephone number of the Environmental Health & Safety department to the bottom of the workplace notice. A printed poster with this notice and other required notices is available from the Office of Human Resources.

B. RIGHTS OF EMPLOYEES

1. Departments must inform employees if they may have been exposed to hazardous chemicals.
2. Departments must provide access to the workplace chemical list and MSDSs for the hazardous chemicals in the employees workplace. Employees, on request, shall be provided with a copy of a specific MSDS with any trade secret information deleted. In addition, departments must ensure that employees receive training concerning the hazards of the chemicals and measures they can take to protect themselves from those hazards.
3. Departments must provide appropriate personal protective equipment (PPE) for their employees. Departments shall provide appropriate PPE to employees who may be exposed to hazardous chemicals in their workplaces. Departments will ensure that their employees received training regarding how to maintain and store PPE appropriately to ensure that contamination does not occur.
4. The University shall not discipline, harass, or discriminate against an employee for filing complaints, assisting inspectors, participating in proceedings related to the Hazard Communication Act, or exercising rights under the Act.
5. Employees cannot waive their rights under the Act. A request or requirement for such a waiver by any representative of The University violates the Act.

APPENDICES
Notice to Employees

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act (revised 1993), codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

Hazardous chemicals are any products or materials

HAZARDOUS CHEMICALS

that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess

WORKPLACE CHEMICAL LIST

of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered

EMPLOYEE EDUCATION PROGRAM

employees shall receive training from the employer on the hazards of the chemicals and on measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the

MATERIAL SAFETY DATA SHEETS

employer and shall have ready access to the most current material safety data sheets (MSDSs), which detail physical and health hazards and other pertinent information on those chemicals.

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use, the

LABELS

contents of which are known to the user.

Employees have rights to:

- X access copies of MSDSs
- X information on their chemical exposures

EMPLOYEE RIGHTS

- X receive training on chemical hazards
- X receive appropriate protective equipment
- X file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the toll free number provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

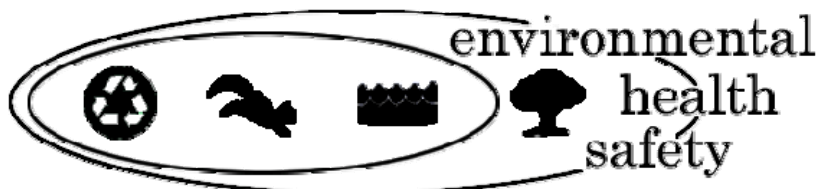
Further information may be obtained from:

Texas Department of State Health Services
Division of Regulatory Services
Enforcement Unit
Hazard Communication Program
1100 West 49th Street
Austin, Texas 78756

1-800-452-2791
(512) 834-6665
Fax: (512) 834-6606



Texas Department of
State Health Services
Approved 10/04



For MSDS call Environmental Health and Safety at 471-3511 or go to the EHS website at:
<http://www.utexas.edu/safety/ehs/MSDS>
24 hours a day.