

# Hazard communication, employeeright-to-know model program

Minnesota OSHA Compliance

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In 1983, the Minnesota Legislature passed the Employee Right-to-Know (ERTK) Act, requiring employers to develop written training programs for their employees regarding the hazardous chemicals, harmful physical agents and infectious agents they are routinely exposed to in the workplace. Also in 1983, federal OSHA adopted the Hazard Communication (HAZCOM) standard, 1910.1200. Unlike ERTK, HAZCOM covered only hazardous chemicals. In 2012, the standard underwent a major revision with the alignment with the U.N. Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

Minnesota OSHA (MNOSHA) decided to replace the ERTK requirements for hazardous chemicals with the federal HAZCOM standard, while keeping the annual refresher training and recordkeeping requirements under ERTK. Employers must comply with all aspects of HAZCOM no later than June 1, 2016. The requirements for harmful physical agents and infectious agents under ERTK have not changed. Because the purpose and content of the two standards are nearly identical, this guide will refer to the HAZCOM requirements when discussing hazardous chemicals.

A written HAZCOM program must include:

* a description of how labels, placards and signs will be used to identify hazardous chemicals or work areas where harmful physical agents are present at levels approaching regulatory limits;
* the methods for making ERTK information, such as safety data sheets (SDSs), readily accessible to employees in their work areas;
* a plan for providing training to employees before their first exposure or change in work assignment or conditions, and annual refresher training, including an outline of training content;
* a list of hazardous chemicals and agents present in the workplace; and
* the methods used to inform employees of the hazards of nonroutine tasks and unlabeled pipes.

Employers who work on sites where they might expose other employers’ workers to a hazard, such as contractors, must include information in their written program about how they will notify the other employers of the hazard and provide them with the SDSs and labeling information.

The attached program is a sample HAZCOM/ERTK program. If you choose to use the sample program as a model, you must adapt it to fit your needs and your organization. Minnesota OSHA has also developed two guides to further assist you in creating your own program: An employer’s guide to developing a hazard communication or employee right-to-know program and Hazard communication or employee right-to-know on construction sites. Both documents are available online at [www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries](http://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries) or by contacting MNOSHA.

## Minnesota hazard communication/employee right-to-know program for [company name]

### General company policy

The purpose of this notice is to inform you our company is complying with the Minnesota OSHA (MNOSHA) Employee Right-to-Know standard and Hazard Communication standard by providing you with training about the hazardous chemicals, harmful physical agents and infectious agents you are exposed to on the job. As part of this effort, we have compiled a list of the hazardous chemicals used in our facility, collected safety data sheets (SDSs) from our vendors for these chemicals, received reference material about the harmful agents you are exposed to, ensured our containers are labeled and posted signs in the hazardous areas.

This program applies to all work operations in our company where you may be exposed to hazardous chemicals, harmful physical agents or infectious agents during normal working conditions or an emergency situation.

(The) [name or job title] is the program coordinator and has overall responsibility for the program. [Name or job title] will review and update the program, as necessary. Copies of the written program may be obtained from [name or job title].

With this program, you will be informed of the contents of the MNOSHA Employee Right-to-Know standard, the Hazard Communication standard, the hazardous properties of the chemicals you work with, safe handling procedures and measures to take to protect yourselves from these chemicals. You will also be informed of the hazards associated with nonroutine tasks and the hazards associated with chemicals in unlabeled pipes. [For construction contractors and other multi-employer worksites, insert: We will also inform you of any hazards created by other employers and their employees working in the same area.]

### Training

Everyone who works with or is potentially exposed to hazardous chemicals, harmful physical agents or infectious agents will receive initial training about the Employee Right-to-Know and Hazard Communication standards and the safe use of those chemicals or agents prior to their work assignment. A program has been prepared for this purpose and is outlined below. Whenever a new hazard is introduced, additional training will be provided. Training updates will be performed at least annually and may be brief summaries of information included in past training sessions. The program coordinator is responsible for ensuring this training is provided.

### Training plan

The employee right-to-know and hazard communication training will include:

* a summary of the standards and this written program;
* the chemical and physical properties of hazardous chemicals and methods that can be used to detect the presence or release of chemicals (including chemicals in unlabeled pipes);
* the physical hazards of chemicals (e.g., potential for fire, explosion, etc.);
* the name of the chemical or agent and the level, if established, at which exposure to the hazard has been restricted according to MNOSHA standards or, if no standard has been adopted, according to guidelines established by competent professional groups;
* the health hazards, including signs and symptoms, associated with exposure to chemicals, harmful physical agents and infectious agents, and any medical condition known to be aggravated by exposure to these hazards;
* the procedures to protect against those hazards (e.g., use and maintenance of personal protective equipment, work practices or methods for proper use and handling of chemicals, and procedures for emergency response);
* the work procedures to follow to assure protection when cleaning up incidental spills and leaks of hazardous chemicals;
* the location in the facility of SDSs, physical agent data sheets (PADSs) and infectious agents information;
* instruction about how to read and interpret the information on labels, SDSs and PADSs; and
* direction about how to obtain more hazard information.
* Records of training will be maintained for three years in [location] and will include:
* the dates of training;
* the name, title and qualifications of the person who conducted the training;
* the names and job titles of the employees who completed the training; and
* a brief summary or outline of the information that was included in the training session.

### List of hazardous chemicals

[Name or job title] has created the list of all hazardous chemicals used at the company and related work practices in the facility, and will update the list as necessary. A separate list is available for each individual work area. Each list also identifies the corresponding SDS for each chemical. The master list of all chemicals used by [company name] can be found below.

[Insert the hazardous chemical list here.]

### List of harmful physical agents (if applicable to the facility)

[Name or job title] has created a list of the harmful physical agents that are present in the workplace in amounts approaching regulatory limits through equipment use, product handling, etc. Heat, noise, and ionizing and nonionizing radiation sources have been identified for each work area. Each list also identifies the corresponding PADS for each source. The master list of all physical agents can be found below.

[Insert the harmful physical agents list here.]

### List of infectious agents (if applicable to the facility or when workers are assigned first aid responsibilities as part of their job duties)

[Name or job title] has created a list of infectious agents workers are routinely exposed to in the course of assigned work. This includes designated first aid providers who have potential exposure to bloodborne pathogens. For further information, see the written exposure control plan for the facility that meets the requirements set forth in 29 CFR 1910.1030 and that covers all infectious agents, including bloodborne pathogens.

### Safety data sheets

Safety data sheets provide you with specific information about the hazardous chemicals you use. The program coordinator will maintain a binder in [location] with an SDS for every chemical on the list of hazardous chemicals. (If SDSs are available on the company’s network, provide that electronic location.) Facilities with a computer available to all employees to view SDSs are not required to keep paper copies on site.

The program coordinator is responsible for acquiring and updating SDSs. He or she will contact the manufacturer or vendor if additional research is necessary or if an SDS has not been supplied with an initial shipment. All new chemicals to be brought into the facility must be cleared by the program coordinator.

### Harmful physical agents information (if applicable to the facility)

The program coordinator is responsible for acquiring a PADS or similar written information about the identified harmful physical agents you may be exposed to in the course of assigned work. The PADS or other written information will be maintained in a binder in [location].

### Infectious agent information (if applicable to the facility)

A current copy of the American Public Health Association publication Control of communicable diseases manual or similar written information is available in [location]. Further information about infectious disease hazards in the workplace can be found in the organization’s exposure control plan located in [location].

### Labels and other forms of warning

The program coordinator will ensure all hazardous chemicals in the facility are properly labeled and updated as necessary. Manufacturer’s container labels should be left on the containers if possible and must list, at a minimum, the product’s identity, a signal word (“danger” or “warning”), the appropriate hazard statement, pictogram(s), precautionary statements (how employees can protect themselves) and the name, address and telephone number of the manufacturer, importer or other responsible party.

If you transfer hazardous chemicals from a manufacturer’s container into another container, the new container must have a label that identifies the chemical’s identity and any appropriate hazard warning. Immediate-use containers, which are containers of hazardous chemicals under the control of one employee and that are emptied during the same work shift, do not have to be labeled.

Pipes or piping systems do not have to be labeled, but their contents will be described in the training session.

(If applicable to the facility) The program coordinator will ensure equipment or work areas that specifically generate harmful physical agents at a level that may be expected to be near or greater than the permissible exposure limit or applicable action level are posted with the name of the physical agent and the appropriate hazard warning.

(If applicable to the facility) The exposure control plan for the facility addresses the labeling procedures for receptacles containing potentially infectious material.

### Nonroutine tasks

When you are required to perform hazardous nonroutine tasks, a special training session will be conducted by the [job title] to inform you about the hazardous chemicals you might be exposed to and the proper precautions to take to reduce or avoid exposure. SDSs will be available about the hazardous chemicals used. The program coordinator is responsible for ensuring this training is provided.

### Multi-employer workplace (if applicable to the facility)

If another employer has its employees working at the facility, such as service representatives or subcontractors, the program coordinator will:

* provide the other employer with copies of the SDSs for the hazardous chemicals its employees may be exposed to while working at the facility;
* inform the other employer of any precautionary measures that need to be taken to protect the employees during both normal working conditions and in foreseeable emergencies; and
* inform the other employer about the labeling system used in the facility.
* The program coordinator will document in writing that the above information was conveyed to the other employer.

### Frequency of training

The program coordinator will review our employee training program on a regular basis and will advise management regarding initial or annual refresher training needs. Retraining is also required whenever a new hazard is introduced into the workplace. As part of the assessment of the training program, the program coordinator will obtain input from employees regarding the training they have received and their suggestions for improving it. This review will be performed annually; necessary changes will be made to keep the program up to date.

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Program coordinator Date

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Reviewed by Date