



The University of Texas  
ARLINGTON™

# HAZARD COMMUNICATION PROGRAM

*Revised 2006*

**Environmental Health & Safety**

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## INTRODUCTION

### TEXAS HAZARD COMMUNICATION ACT

#### A. BACKGROUND

1. The initial Texas Hazard Communication Act (THCA) 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. The provisions of 25 TAC §295 were amended to be effective July 3, 2003, 28 TexReg 4914.
2. Section 502.009(b) of the THCA requires The University to *develop, implement, and maintain a written hazard communication program* (Program). The Program must include a description of how the criteria specified in THCA chapter 502 will be met. In accordance with the Act, the University's Program must (1) identify the major requirements of the Texas Hazard Communication Act (THCA) and (2) define the University's approach or "plan" for complying with this Texas Law.
3. The format of this Program is first to cite (in italicized print) the specific section and requirements. Following this will be an explanation as to the method the University will take in compliance. Any quotations from either THCA 502 or 25 TAC §295 will also be italicized. Only those sections that are pertinent to this written plan are included.
4. Additional copies of this "UTA Hazard Communication Program - Revised 2006" are available on request at the Environmental Health and Safety Office (EH&S), Box 19257, 500 Summit Ave, Ext.2-2185.

#### B. APPLICABILITY OF THCA 502 (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 Arlington does not come under the Occupational Safety and Health Act of 1970 (OSHA) unless contractual agreement for compliance with federal standards has been entered into on applications for federal grant funding.
2. *Chemical manufacturers, importers, and distributors 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 MSDS.*
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 devices;*
  - (c.) *Any distilled spirits that are beverage alcohols, wines, 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 provided that:*
    - 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.*

**NOTE: For a chemical in a laboratory to be excluded from meeting all the requirements of the THCA chapter 502, laboratories must first verify that they are consistently meeting all of the aforementioned requirements. Failure to meet any of these requirements will disqualify a laboratory's chemicals from being excluded. In order to receive this exemption, the University must have a written hazardous communication policy and training program describing how the criteria in THCA chapter 502 will be met. The University will verify by laboratory inspection that labels are not defaced or removed, and that the laboratory is not producing bulk commercial chemicals. Employee compliance with the University's Hazard Communication Program ensures chemical exemption.**

C. DEFINITIONS (Listed in Section 502.003 of the Act)

1. *Article – A manufactured item:*
  - (a) that is formed to a specific shape or design during manufacture;*
  - (b) that has end-use functions dependent in whole or in part on its shape or design during end use; and*
  - (c) that does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.*
2. *Board – The Texas Board of Health.*
3. *Chemical manufacturer – An employer in Standard Industrial Classification (SIC) Codes 20-39 with a workplace where chemicals are produced for use or distribution.*
4. *Chemical name –*
  - (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 – the 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 –The Texas Department of State Health Services.*
7. *Designated representative – An individual or organization to which 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 – The director of the Texas Department of State Health Services.*
9. *Distributor – 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 – 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, 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 the MSDSs must be maintained by the laboratory and made accessible to students.**

11. *Employer – 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 – 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 – 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. A chemical or compound may be judged non-hazardous if the MSDS states that it contains no hazardous ingredients or that it is a non-hazardous product.*

14. *Health hazard – has the meaning given that term by the OSHA Standard (29 CFR 1910.1200(c)).*
15. *Identity – 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 – Any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.*
17. *Material Safety Data Sheet ("MSDS") – 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 – The Hazard Communication Standard issued by the Mining Safety and Health Administration.*
19. *OSHA Standard – The Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.*
20. *Physical hazard – 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 – A stationary workplace that is staffed less than 20 hours a week. A temporary workplace may be considered 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 – 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 – 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 – A list of hazardous chemicals developed under section 502.005(a).*

1. *Act – The Hazard Communication Act, the Health and Safety Code, Chapter 502.*
2. *Appropriate hazard warning - Any word, picture, 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 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. *Emergency service organization - Any organization established to provide the following service 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.*
8. *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.*
9. *Employer - The overall organizational public entity rather than individual facilities or workplace. Example 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).*
10. *Handle - To touch, move, or manipulate hazardous chemicals.*

11. *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 that are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosive, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.*
12. *Label - Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals that includes the same name as on the material safety data sheet.*
13. *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.*
14. *Stationary Process Container - A tank, vat, or other such container that holds different hazardous chemicals at different times.*
15. *University - The University of Texas at Arlington, UTA*
16. *Workplace - A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. At the University, a workplace is a building.*
17. *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 shall compile a list of hazardous chemicals in excess of 5 gallons or 50 pounds. This list (EXHIBIT 1) shall be forwarded, signed and dated by the responsible party, to the EH&S Office (Box 19257) by December 31 of each year. It is the responsibility of the supervisor of the work area to make their employees aware of the workplace chemical list before working with or in a work area containing hazardous chemicals. This list also provides information on the compiling of a database for Material Safety Data Sheets.

**NOTE: The requirement for a workplace chemical list does not apply to chemicals meeting the requirements noted in Section B.5 on page 2 of this document.**

Employees 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 employees' representatives. Additionally, copies of all workplace chemical lists will be available from EH&S if necessary.

Any controlled substance will be specially stored and inventoried in a special locked containment within a locked access room. Controlled substances will be monitored by a real-time inventory. Each item will be listed with its quantity. When an item is removed, it will be noted.

#### B. CHEMICAL LIST RECORDS

Each work area, other than those exempted, is required to submit an annual inventory by chemical name and estimated quantity. Once the inventory is submitted, it will be entered into the EH&S chemical list inventory.

The EH&S Office 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 MSDS 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 coordinators 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 MSDSs available for these products must be provided with the shipment or mailed to the purchaser. A current MSDS must contain the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer. Upon receipt of the chemical at Central Receiving or at another location (e.g. laboratories or shops), a copy of the MSDS shall be sent to the EH&S office and a copy retained with the material or forwarded to the end user accompanying the material. If the hazardous chemical was received prior to the original effective date of the Act, January 1, 1986, an MSDS is not required.

All departments must report 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 (25TAC§295.5). An employer shall not permit the use of any hazardous chemical for which a current MSDS is not available. EH&S should be contacted if a workplace, including a laboratory, requires an MSDS.

These MSDSs should be maintained in an organized manner within the work area and/or workplace; they should be utilized in the mandated training of employees. On request, these MSDSs shall be made available to any employee who works with or may be exposed to these hazardous chemicals or material. Upon request, an MSDS must be available for review by the Texas Department of State Health Services during their inspections of campus operations. MSDSs, whether in printed or electronic form, are considered "readily available" if they can be accessed for review at the workplace during the same work shift in which they are requested. Departments should maintain hard copies of those MSDS that correspond to their chemical inventories as a backup in the event of a power failure or other situations in which electronic copies cannot be viewed.

MSDS information is standard in sequence and format. A datasheet will always contain the same information in the same sequence, though they may appear different. Copies may be obtained from the supplier, either by request or by downloading the information from their website, from EH&S website or directly from EH&S (see below). Each MSDS will provide the following information, in English, about the hazardous chemical:

- Chemical and common name
- Physical and chemical characteristics
- Signs and symptoms of exposure
- Primary route of body entry
- OSHA permissible exposure limit
- Whether is it listed in the National Toxicology Program
- Generally applicable precautions for safe handling

- Generally applicable control measures
- Emergency and first aid procedures
- Dates of the MSDS preparation and last changes to it
- Name, address, and phone number of the manufacturer

#### B. MATERIAL SAFETY DATA SHEETS - ALTERNATE SOURCES

While the vendor is considered the primary source or supplier of MSDSs, the following are alternatives available within the University for obtaining an MSDS:

1. The EH&S Office maintains a master file of MSDSs which may be reviewed or reproduced.
2. MSDSs are also available online at <http://msdspro.utsystem.edu/>.
3. Where a copy of an MSDS is not otherwise available, complete the MSDS Request Form (EXHIBIT 2) and forward to the EH&S Office. EH&S will either contact the manufacturer or use other means of obtaining the data sheet and send it to the party making the request.
4. Additionally, sites on the World Wide Web (www) may be utilized providing the MSDS is for the specific chemical required. Copies of MSDSs obtained in this manner should be forwarded to the EH&S Office. A chemical manufacturer or distributor must provide an appropriate MSDS to an employer within three business days of receipt of the employer's written request.

## REQUIREMENTS

### PART III: SIGNS AND 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 relabeled 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 relabeled 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

Supervisors of every University department (including laboratories) 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. All containers must be labeled and sealed. At the time of receipt, all containers must be dated. Chemicals shall be stored by hazard class, alphabetically in the appropriate storage rooms or cabinets.

Waste chemicals are consolidated into common containers that are properly labeled with the following information:

1. name,
2. first date of compilation,
3. last date of compilation,
4. date of pick-up,
5. and must be stored sealed.

All waste container labels must be updated each time generated waste has been stored. Chemicals without the required information cannot be moved on a public road to the waste collection point, nor stored, nor picked up by the contractor, nor remediated at the final disposal site. All hazardous materials, in all locations, at all times, must be labeled, capped, and dated. All hazardous waste stored in glass or other such breakable material must be stored in secondary containment, such that if the primary container is broken the hazardous material is not exposed to the student, public, or employee population. Contact EH&S if secondary containment for hazardous waste is needed for a workplace.

Supervisors are responsible for the relabeling of 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. 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.

If multiple containers, i.e. vials or bottles containing the same substance, exist in a common location, the use of signs, placards, process sheets, batch tickets and any other written material may be used instead of affixing labels to each container. This alternative method may be used if the label clearly identifies the containers to which it is applicable and convey the label information required in this plan.

The following Hazard Communication signs and placards may be used in laboratories as applicable:

- “No Eating or Drinking” to prevent ingestion of hazardous materials
- “No Smoking” to prevent inhalation
- Clothing restrictions to prevent spillage from direct contact
- Signs on the basins forbidding pouring of waste into the sanitary sewer
- Signs to forbid children in the lab
- Signs on equipment or vent hoods for proper operation and closure spacing

## B. LABELS - PRIMARY CONTAINERS

A primary container is the one in which the hazardous chemical is received from the supplier. A supervisor, who receives an unlabeled or mislabeled hazardous chemical container from a supplier or from another laboratory or shop, which requires relabeling, shall ensure that prior to use by any employee such containers are relabeled with, at minimum:

- the common name appearing on the MSDS (in English),
- the pertinent physical and health hazards, including the organs that would be affected,
- and the manufacturer's name and address, prior to use by any employee.

Supervisors may contact their supplier to request such replacement labels or may prepare their own replacement labels. Primary hazardous chemical containers must be dated when they are received, effective after January 1, 1986.

Except for chemicals that are exempt (Section B.5 of the Introduction), 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 relabeled in accordance with these requirements. Alternative labeling systems may be used by employers; examples of such labeling systems are the National Fire Protection Association (NFPA) 704m Standard; the Hazardous Materials Information Systems (HMIS) Standard; and the U.S. Department of Transportation shipping label system.

## 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. Laboratory chemicals that are common in the laboratory and which everyone in the laboratory knows the hazardous effects may be labeled with the common English name from the MSDS, however chemical formulas and abbreviations will not be acceptable. Water is the only exception that can be written as a chemical formula; the formula “ $\text{dH}_2\text{O}$ ” is more accurate than “water.”

Secondary containers must be constructed of materials that are compatible with their contents. Containers that previously contained consumable items, such as beverages, or which are intended as food containers, such as glasses or cups, must not ever be used as secondary containers for hazardous chemicals.

**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.**

An example of an acceptable Secondary container label:

<b>HEXANE</b> CAS NO. 110-54-3	
Physical Hazard:	Flammable
Health Hazard:	Irritant - Eyes, Nose, Respiratory tract May cause: cough, mild depression, cardiac arrhythmia, lightheadedness, nausea, headache, dermatitis, pulmonary edema, numbness  Consult Material Safety Data Sheet Before Using

## REQUIREMENTS

### PART IV: OUTREACH PROGRAM

*Sec. 502.008 (THCA)*

- (a) *The director shall develop an outreach program that:*
- (1) *Consists of an education and training program in the form of instructional materials to assist employers in fulfilling the requirements of Section 502.009; and*
  - (2) *Includes the development and distribution of a supply of informal leaflets concerning employers' duties, employee rights, the outreach program, and the effects of hazardous chemicals.*
- (b) *The director may contract with a public institution of higher education or other public or private organization to develop and implement the outreach program.*
- (c) *The director shall develop and provide to each employer a suitable form of notice providing employees with information relating to employee rights under this chapter.*
- (d) *The director shall publicize the availability of information to answer inquiries from employees, employers, or the public in this state concerning the effects of hazardous chemicals.*
- (e) *In cooperation with the director, an employer may provide an outreach program in the community.*

Texas Department of State Health Services "Outreach Program": as program materials are developed and become available through the Texas Department of State Health Services, the EH&S Office will incorporate them into the written Hazard Communication Program.

An employee who seeks new or additional information regarding the Hazard Communication Program may call the EH&S Office, ext. 2-2185 or may contact the Texas Department of State Health Services direct at the address below:

Texas Department of State Health Services	
Hazard Communication Program	
Division of Occupational Health	In area (512) 834-6600
1100 West 49th Street	TEX-AN (512) 241-6600
Austin, Texas 78756	Fax (512) 834-6644
Office: 8407 Wall Street	Toll Free 1-800-452-2791

## REQUIREMENTS

### PART V: EMPLOYEE EDUCATION AND 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 MSDS 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 MSDS. 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 Program" requirements of the Texas Hazard Communication Act, the following Hazard Communication training programs are established by The University of Texas at Arlington for all employees who use or handle hazardous chemicals (including laboratory faculty, staff, employed students, post-doctoral fellows):**

**A. HAZARD COMMUNICATION COORDINATOR/ SAFETY REPRESENTATIVE**

Supervisors or other personnel assigned as Hazard Communication Coordinators have the responsibility of conducting Employee Site-Specific Hazard Communication Training and are required to complete the General Hazard Communication Training. Each Instructor will be issued a copy of the UTA Hazard Communication Training Program upon completion of General Hazard Communication training.

**B. EMPLOYEE HAZARD COMMUNICATION TRAINING ("GENERAL")**

By policy, all new employees of the University, both full-time and part-time, that use or handle hazardous chemicals, shall complete the web-based General Hazard Communication Training module, normally during the initial week of their employment. Additional training will be provided as deemed necessary when the potential for exposure to a hazardous chemical increases, a new hazardous chemical is received in the workplace, there is new or significant information concerning the hazards of a chemical in the employee's work area, or when the need arises based on an individual or laboratories' compliance history. This training must be received before the employee is assigned to use or handle hazardous chemicals. Instruction will be in the basic provisions of the Texas Hazard Communication Act.

General training should include:

- (1) Information on the location, proper use, handling, and storage of the hazardous chemicals in the department.
- (2) Information on ways to detect the release of hazardous chemicals in the workplace.
- (3) What to do if they suspect they are being overexposed, employees are encouraged to inform their supervisor and the EH&S department when they detect any unfamiliar smells or experience any discomfort which could be related to chemicals overexposures.
- (4) How to read an MSDS.
- (5) Employees should also be trained on what to do during foreseeable emergencies.
- (6) Work practices and personal protective equipment (PPE) that employees can use to reduce or eliminate the hazard.
- (7) Procedures to follow in the event of a spill or release of a hazardous chemical. Small chemical spills are handled by the department, larger spills are handled by EH&S,

which is on-call 24 hours a day.

- (8) First aid treatment to be used with respect to the hazardous chemicals the employee will handle, including proper use of the showers and eyewashes.

C. EMPLOYEE SITE-SPECIFIC HAZARD COMMUNICATION TRAINING ("WORK AREA SPECIFIC")

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 (an explanation of Material Safety Data Sheets, labeling, written plan, etc.).

Work Area Specific or Site Specific Hazard Communication Training must include:

- (1) information on labeling and MSDS; the relationship between those two methods of hazard communication;
- (2) location of and access to MSDS in the workplace during normal and off-shift working hours; and
- (3) for hazardous chemicals known to be in the employee's work area(s):
  - the location of hazardous chemicals,
  - safe handling
  - warning signs of overexposures and first aid treatment for exposures
  - physical effects, both short-term (acute) and long-term (chronic) health effects of exposure,
  - proper use and selection of Personal Protective Equipment (PPE), and
  - general instructions on handling, cleanup, and disposal of hazardous chemicals.

Assistance with spill clean up and disposal is available from the EH&S Hazardous Materials Section at ext. 2-2185.

In addition, this employee training may be augmented with educational training programs and materials provided by or available from the Texas Department of State Health Services "Outreach Program."

Work area specific training must be accomplished prior to an employee being exposed to the hazards of their workplace. This training must include topics detailed in Part V, D and shall be documented on the UTA Hazard Communication Program Site-Specific Training Record (EXHIBIT 3a & 3b). A copy of this form shall be forwarded to the EH&S Office. These records shall be maintained for at least 5 years after an employee separates from the University.

## **HAZARD COMMUNICATION TRAINING RECORD KEEPING**

Hazard Communication training will be documented and will be maintained by EH&S for at least five years after an employee separates from the University. A training record will be updated electronically each time an employee finishes the web-based General Training module. Upon the completion of Site-Specific training, records should be faxed (ext. 2-2144), or delivered to EH&S for record keeping purposes. Training records will be maintained by EH&S in either printed or electronic form. The record maintained by EH&S shall contain all of the following information:

- (1) the date of the training session;
- (2) a legible list of names of all the employees who have attended the training session;
- (3) the subjects which were included in the training session, i.e. general safety instructions on the handling, cleanup procedures, and disposal of hazardous chemicals, and
- (4) the names of the categories of chemicals that were covered in the training session, if training is conducted by such categories; and
- (5) a legible list of names of all instructors who provided the training for that session, if applicable.

## REQUIREMENTS

### PART VI: 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, the employer of any of the employees so injured or killed shall report the accident either orally or in writing to the department.*
- (b) *The report to the department 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.*

**All accidents involving injuries or fatalities must be reported to the Director of Environmental Health and Safety, or his appointed representative, immediately.**

#### A. REPORTING FATALITIES & INJURIES – DEPARTMENTAL REPORT

All departmental supervisory personnel are responsible for reporting to the EH&S Office any employee accident that directly or indirectly involved chemical exposure or asphyxiation, and is fatal or results in the hospitalization of one 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 EH&S, ext. 2-2185, immediately. Written reports may be transmitted via facsimile, ext. 2-2144, or electronic means.

#### B. REPORTING FATALITIES & INJURIES – EH&S

Immediately upon notification by a department, EH&S will report the accident to the Texas Department of State Health Services, Product Safety Division, Hazard Communication Branch, at toll free telephone number 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.

**REQUIREMENTS****PART VII: 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 MSDS 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 requestor 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 8½ by 11 inch copy of the "Notice to Employees," attached, or as hereafter updated and revised by the Texas Department of State Health Services, is clearly posted and unobstructed at all locations within the "work area" and/or "workplace" where notices are normally posted.
- 2. "Notice(s) to Employees" are available from the EH&S Office. (EXHIBIT 4)

**B. RIGHTS OF EMPLOYEES**

1. Departments must inform employees if they will be or may have been exposed to hazardous chemicals.
2. Departments must provide access to the workplace chemical list and MSDS for the hazardous chemicals in the employee's workplace. Employees, on request, shall be provided with a copy of a specific MSDS with any trade secret information deleted. In addition, the 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 who may be exposed to hazardous chemicals in the workplace. Departments will ensure that their employees received training regarding how to maintain and store PPE appropriately to ensure that contamination does not occur. These rights are guaranteed.
4. As an employer in the State of Texas, The University may not discharge, cause to be discharged, harass, otherwise discipline, or in any manner discriminate against an employee for filing complaints, assisting inspectors, participating in proceedings related to the Texas 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.











## UTA Hazard Communication Program Site-Specific Training Record

Instructor: \_\_\_\_\_  
(Please print) (Signature) (Date)

Department: \_\_\_\_\_

- General Training                       Site-Specific Training

**List of Subject(s) Discussed:**

- MSDS Interpretation/ Labeling Interpretation/ How MSDS & Labels Relate
  - Location of Hazardous Chemicals/ Health Effects/ Safe Handling
  - Personal Protective Equipment/ First Aid for Specific Hazardous Chemicals
  - Handling/ Clean-up/ Disposal of Chemicals
  - Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# 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

Hazardous chemicals are any products or materials 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.

## WORKPLACE CHEMICAL LIST

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

## EMPLOYEE EDUCATION PROGRAM

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

## MATERIAL SAFETY DATA SHEETS

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

## LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use, the contents of which are known to the user.

## EMPLOYEE RIGHTS

Employees have rights to:

- access copies of MSDSs
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- 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 for Regulatory Services  
Enforcement Unit  
West 49th Street  
Austin, Texas 78756

(512) 834-6665  
Fax: (512) 834-6606



Texas Department of  
State Health Services

Approved 5/05