

# **HAZARD COMMUNICATION PROGRAM**

## **Environmental Health, Safety & Risk Management**

**Texas State University**

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## **1. General Information**

**1.01** The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1- 295.12), the following written Hazard Communication Program has been established for Texas State University.

**1.02** The master copy of the written hazard communication program will be maintained by the Environmental Health, Safety & Risk Management office (EHSRM) and can be accessed at <http://www.fss.txstate.edu/ehsrn/>. Copies of the written program will be modified as needed for each separate work area where hazardous chemicals are used or stored. A copy may also be maintained at each work area. The written program will be available to all interested employees and their representatives upon request.

**1.03** To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

**a)** Environmental Health, Safety and Risk Management office (EHSRM) - with regard to the university's hazard communication program, EHSRM has the following responsibilities:

**1)** Compilation and review of the departmental Work Area Chemical Lists (WACL) to comprise the University's Workplace Chemical List (WPCL). The WPCL shall be updated throughout the year as additional hazardous chemicals are introduced in departments. The WPCL shall be maintained by the employer (Texas State) for thirty (30) years from WPCL preparation date. EHSRM is designated as the office of record to meet this responsibility.

**2)** Preparation and submission of the annual Texas Tier Two Report and filing fee to the Texas Department of State Health Services of Health (TDSHS). Provide the Local Emergency Planning Committee (LEPC) and the San Marcos Fire Department (SMFD) with a copy of the Texas Tier Two Report.

**3)** Orientation briefings for staff and faculty, including employees' rights under the THCA, at the New Employee Orientation scheduled by the Human Resources office and New Faculty Orientation scheduled by the Faculty Advancement Center.

**4)** Dissemination of the "Notice to Employees" to apprise them of their rights under the THCA, as listed in Attachments D (English) & E (Spanish): (See Also Section 9)

**5)** Reporting Employee Accidents – All accidents resulting in death or the hospitalization of five or more employees must be reported to TDSHS, Code Enforcement Officers as it relates to hazardous chemical exposure or asphyxiation. (See Section 8)

**1.04** Department heads/account managers and all employees identified as having supervisory control over other employees of the University are responsible for their employees' safety and well-being. With regard to this Program, their responsibilities include, but are not limited to, the following:

- a) Written Training Program (Attachment C) - Develop and implement a written hazard communications training program to address the use of hazardous chemicals in their work areas. See Section 12.3 for program format.
- b) Employee Rights - Post the "Notice to Employee" poster in the work area, Attachments D (English) & E (Spanish): (Also see Section 9).
- c) Departmental Work Area Chemical List - Compile a Work Area Chemical List (WACL), not later than December 31 of each year. The WACL must be readily available in the work area and a copy of the list must be furnished to EHSRM, upon request.
- d) Departmental SDSs - provide SDS data in the work area for each chemical listed on the WACL. The SDS will be readily available for review by employees. (See Section 5).
- e) Chemical Container Labels – ensure that all chemical labels have not been defaced in anyway; all secondary containers are properly labeled (See Section 6).
- f) Departmental Training - New and newly-assigned employees, including student workers, must be provided an orientation training session before they are allowed to work with, or in, a work area containing hazardous chemicals. (See Section 7).
- g) Reporting all hazardous chemical accidents (See Section 8).
- h) Provide their employees and/or students with appropriate personal protective equipment (PPE) for the hazardous chemicals in use. (See Section 10)
- i) Account managers who contract for services for the University that are provided on campus must ensure the contractor has a written Hazard Communication Program to cover their employees who will be working at the university job site. Account managers who contract for such services must assure that their contracts with vendors contain wording to meet the requirements of the THCA. A WACL with associated SDS's must be maintained by the contractor at the university job site and be readily available upon request to university personnel. Failure to provide such information may constitute grounds for termination of the contractor.
- j) Appoint an official "Hazard Communication Act (HCA) contact" for each hazardous work area.
- k) Departmental HCA contact in each work area is responsible for: acting as liaison with EHSRM; maintaining department Hazard Communication Plan (HCP), WACL,

reporting accidents and SDS records; and ensuring that new employees are provided training before working with hazardous chemicals.

**2. Exemptions** - Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:

**2.01** Hazardous waste that is subject to regulation by the Texas Commission on Environmental Quality and/or the U.S. Environmental Protection Agency

**2.02** A chemical in a laboratory under the direct supervision or guidance of a **technically qualified individual** if:

- a) Labels on incoming containers of chemicals are not removed or defaced
- b) This employer complies with Sections 502.006 (“SDS”) and 502.009 (“Employee Education Program”) of the THCA with respect to laboratory employees; and
- c) The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes

**2.03** Tobacco or tobacco products

**2.04.** Wood or wood products

**2.05.** Articles formed to a specific shape or design during manufacture and that does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use

**2.06.** Food, drugs, cosmetics or alcoholic beverages

**2.07.** Consumer products or hazardous substances 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 a consumer

**2.08.** Radioactive waste

### **3. Definitions**

**3.01 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).

**3.02 Categories of Hazardous Chemicals** – A grouping of hazardous chemicals with similar properties.

**3.03 Chemical Inventory** – A comprehensive list of chemicals that are a part of the work area i.e. the “Work Area Chemical List (WACL)” This excludes office supplies that may be of a chemical nature.

**3.04 Chemical Hygiene Plan (CHP)** – A lab safety plan that presents the recommendations of EHSRM for the use of chemicals in laboratories at the University. All personnel involved in laboratory research efforts or teaching should be familiar with this document and the protocols which pertain to their work. Every employee is responsible to ensure these procedures are followed.

**3.05. 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 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.

**3.06 Employee** – Those full-time or part-time, faculty, staff and student workers whose compensation is provided, controlled or dispensed by the University and who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies.

**3.07 Expose** – Subjecting an employee 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 reasonable foreseeable emergency.

**3.08 Extremely Hazardous Substance (EHS)** – Material determined by the Environmental Protection Agency (EPA) to be potentially hazardous to life and health if released. EHS’s are listed in 40 CFR 355 (Appendices A and B). <https://www.law.cornell.edu/cfr/text/40/part-355/appendix-A>. <https://www.law.cornell.edu/cfr/text/40/part-355/appendix-B>.

**3.09 Globally Harmonized System (GHS)** - Adopted by OSHA is a revision to the Hazard Communication Standard (HCS) provides coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets. The revised standard will improve the quality and consistency of hazard information in the workplace, making it safer for workers by providing easily understandable information on the safe use of hazardous chemicals.

**3.10 Hazardous Chemical or Chemical** – An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard regardless of its form.

**3.11 Hazard Communication Program** – A written program that describes how aspects of the program will be applied in the workplace and work areas. This program will include elements required by Texas Hazard Communication Act.

**3.12 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 and a chemical which is a toxic agent, irritant, corrosive, or sensitizer.

**3.13 Label** – Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the safety data sheet.

**3.14 Local Emergency Planning Committee (LEPC)** – A committee formed under the Emergency Planning and Community Right to Know Act (EPCRA) section 301, and recognized by the State Emergency Response Commission for the purposes of emergency planning and public information. The University is covered by the Hays County LEPC.

**3.15 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.

**3.16 Personal Protective Equipment (PPE)** – Protective equipment provided to an employee by the employer which 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.

**3.17 Safety Data Sheet (SDS)** – A document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) standard for that document. A **current SDS** is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical's manufacturer. An **appropriate SDS** is one which conforms to the most current requirements set by OSHA standards.

**3.19 Technically Qualified Individual** – An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor's degree in a physical or natural science. Professors and those working under their direct supervision qualify.

**3.20 Texas Tier Two Report** – An annual report required to be sent to TDSHS on hazardous chemicals and extremely hazardous chemicals above the threshold reporting level. Copies of the report are made available to the LEPC and local fire department (San Marcos Fire Department)

**3.21 University** – A reference to Texas State University

**3.22 Work Area** – A room, department, section, studio, lab, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.

**3.23 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 a 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, which is at the discretion of the employer.

**3.24 Work Area Chemical List (WACL)** – A list of specific chemicals in use or stored in each work area. The list contains chemical name, common name, storage location, manufacturer/distributor name, catalog number pertaining to the chemical name, and quantity in use or storage.

**3.25 Workplace Chemical List (WPCL)** – A consolidation of all work area chemical lists (non-exempt) will comprise the University WPCL.

**3.26 Penalties** – Sums of money prescribed by the THCA which constitute administrative penalties and civil or criminal fines. These may range from \$50 to \$100,000 for each violation of the THCA.

**4. Workplace Chemical List..... (HSC §502.005 and 25 TAC §295.4)**

**4.01** The Environmental Health, Safety & Risk Management office (EHSRM) will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives. This WPCL is a compilation of all WACL. (See Attachment A, *Model Workplace Chemical List*) Each work area can use this same form.

a) Work Area Chemical Lists (WACL) are compiled by not later than December 31 of each year. The WACL must be readily available in the work area and a copy must be furnished to EHSRM upon request. Research laboratories are exempt from this process (See Section 2); however, as a matter of practice EHSRM highly recommends that each work area maintain a working chemical inventory to better facilitate accurate maintenance of current SDS. (See Appendix I for recommended Chemical Inventory Program)

b) WACL's and the WPCL must be dated and signed by the person who compiles them.

1) WACL's and the WPCL must indicate those chemicals currently on the EPA Extremely Hazardous Substance (EHS) list. (See Section 3.16)

**4.02** EHSRM will be responsible for reviewing and updating the Workplace Chemical List(s) for the University as necessary, but at least by March 1 of each year when the Tier II Report is due. All WACL's should be turned in by December 31 of the previous year.

**4.03** The Workplace Chemical List will be maintained for at least 30 years.

**5. Safety Data Sheets..... (HSC §502.006 and 25 TAC §295.5)**

**5.01** To comply with the Globally Harmonized System (GHS) Material Safety Data Sheets (MSDS) will now be referred to as Safety Data Sheets (SDS) which will have a 16 section format.

a) SDSs will have the following sections:

- 1) Identification includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
- 2) Hazard(s) identification includes all hazards regarding the chemical; required label elements.
- 3) Composition/information on ingredients includes information on chemical ingredients; trade secret claims.
- 4) First-aid measures includes important symptoms/ effects, acute, delayed; required treatment.
- 5) Fire-fighting measures lists suitable extinguishing techniques, equipment; chemical hazards from fire.
- 6) Accidental release measures lists emergency procedures; protective equipment; proper methods of containment and cleanup.
- 7) Handling and storage lists precautions for safe handling and storage, including incompatibilities.
- 8) Exposure controls/personal protection lists OSHA's Permissible Exposure Limits (PELs); ACGIH Threshold Limit Values (TLVs); and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the SDS where available as well as appropriate engineering controls; personal protective equipment (PPE).
- 9) Physical and chemical properties list the chemical's characteristics.
- 10) Stability and reactivity lists chemical stability and possibility of hazardous reactions.
- 11) Toxicological information includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.
- 12) Ecological information.
- 13) Disposal considerations.

- 14) Transport information.
- 15) Regulatory information.
- 16) Other information, includes the date of preparation or last revision.

5.02 Texas State University will, through electronic databases, maintain a current and appropriate Safety Data Sheet (SDS) for each hazardous chemical purchased.

5.03 EHSRM will be responsible for the overall SDS system for the University by providing access to electronic databases through our website <http://www.fss.txstate.edu/ehsrn/> and will oversee department heads/account managers and all employees identified as having supervisory control to ensure that:

- a) Incoming SDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.
- b). SDSs will be readily available for review by employees or their designated representatives upon request.
- c) SDS files for Texas State University will be kept in the work area either where the chemicals are used or where chemicals are stored.
- d) Affected employees are provided a description of any alternative system (such as electronic databases where SDS's are easily accessible) being used in lieu of hard copy SDSs.
- e) Emergency responders are provided SDSs as soon as practical upon request.
- f) Upon receipt of new duplicate SDSs, the old SDS may be discarded if the information is the same on both SDSs.

**6. Chemical Container Labels ..... (HSC §502.007 and 25 TAC §295.6)**

6.01 All containers of hazardous chemicals used or stored by Texas State University will be appropriately labeled.

6.02 The department heads/account managers and all employees identified as having supervisory control will be responsible for the hazardous chemical labeling system and will verify that:

- a) All **primary containers** of hazardous chemicals are clearly labeled and not defaced so that they include:
  - 1) The identity of the chemical/product as it appears on the SDS.
  - 2) Signal word either “Danger” or “Warning”.

- 3) Hazard statement(s).
- 4) Precautionary statement(s).
- 5) Pictogram(s).
- 6) The name and address of the manufacturer.
- 7) The date that the chemical was received and opened as per the University's Chemical Hygiene Plan (Section 3.5 of the CHP).
- 8) The chemical inventory number (See Attachment D, Chemical Inventory Program)  
**Note: this is a recommendation.**

b) All **secondary containers** of hazardous chemicals are clearly labeled to include:

- 1) The identity of the chemical as it appears on the SDS.
- 2) The appropriate hazard warnings, these may be GHS pictograms.

c) A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704 Standard and the Hazardous Materials Information Systems (HMIS) Standard.

**6.03** Texas State University and its employees will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

#### **6.04 GLOBALLY HARMONIZED SYSTEM (GHS)**

a) The Globally Harmonized System: adopted by OSHA is a revision to the Hazard Communication Standard (HCS) which provides a consistent and understandable approach to classifying chemicals and communicating chemical hazard information on labels and safety data sheets.

b) GHS safety labels have six standardized elements:

- 1) **Product Identifier (name)** – Should match the name on the Safety Data Sheet.
- 2) **Signal Word** – Either uses “Danger” (severe) or “Warning” (less severe).
- 3) **Hazard Statements** – A phrase(s) assigned to a hazard class that describes the products hazards.
- 4) **Precautionary Statements** – Describes recommended measures to minimize or prevent adverse effects resulting from exposure.
- 5) **Supplier Information** – the name, address, and telephone number of the manufacturer or supplier.
- 6) **Pictograms** – Symbols to convey specific hazard information.

The image shows a GHS safety label for n-Propyl Alcohol. The label is white with a black border and contains the following information:

- 1** → **n-Propyl Alcohol** (Product Identifier)
- UN No. 1274
- CAS No. 71-23-8
- 2** → **DANGER** (Signal Word)
- 3** → Highly flammable liquid and vapor. Causes serious eye damage. May cause drowsiness and dizziness. (Hazard Statement)
- 4** → Keep away from heat/sparks/open flames/hot surfaces. No smoking. Avoid breathing fumes/mist/vapours/spray. Wear protective gloves/protective clothing/eye protection/face protection. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses if present. Continue rinsing. (Precautionary Statement)
- 5** → Fill Weight: 18.65 lbs. Lot Number: B56754434  
Gross Weight: 20 lbs. Fill Date: 6/21/2013  
Expiration Date: 6/21/2020  
Acme Chemical Company • 711 Roadrunner St. • Chicago, IL 60601 USA • www.acmechem.com • 123-444-5567 (Supplier Information)
- 6** → Pictograms: A flame (Flammable), a hand being poured on (Irritant), and an exclamation mark (Hazardous for the Environment).

See SDS for further information.

## GHS Hazard Pictograms

<p style="text-align: center;"><b>Health Hazard</b></p>  <ul style="list-style-type: none"> <li>• Carcinogen</li> <li>• Mutagenicity</li> <li>• Reproductive Toxicity</li> <li>• Respiratory Sensitizer</li> <li>• Target Organ Toxicity</li> <li>• Aspiration Toxicity</li> </ul>	<p style="text-align: center;"><b>Flame</b></p>  <ul style="list-style-type: none"> <li>• Flammables</li> <li>• Pyrophorics</li> <li>• Self-Heating</li> <li>• Emits Flammable Gas</li> <li>• Self-Reactives</li> <li>• Organic Peroxides</li> </ul>	<p style="text-align: center;"><b>Exclamation Mark</b></p>  <ul style="list-style-type: none"> <li>• Irritant (skin and eye)</li> <li>• Skin Sensitizer</li> <li>• Acute Toxicity (harmful)</li> <li>• Narcotic Effects</li> <li>• Respiratory Tract Irritant</li> <li>• Hazardous to Ozone Layer (Non-Mandatory)</li> </ul>
<p style="text-align: center;"><b>Gas Cylinder</b></p>  <ul style="list-style-type: none"> <li>• Gases Under Pressure</li> </ul>	<p style="text-align: center;"><b>Corrosion</b></p>  <ul style="list-style-type: none"> <li>• Skin Corrosion/ Burns</li> <li>• Eye Damage</li> <li>• Corrosive to Metals</li> </ul>	<p style="text-align: center;"><b>Exploding Bomb</b></p>  <ul style="list-style-type: none"> <li>• Explosives</li> <li>• Self-Reactives</li> <li>• Organic Peroxides</li> </ul>
<p style="text-align: center;"><b>Flame Over Circle</b></p>  <ul style="list-style-type: none"> <li>• Oxidizers</li> </ul>	<p style="text-align: center;"><b>Environment (Non-Mandatory)</b></p>  <ul style="list-style-type: none"> <li>• Aquatic Toxicity</li> </ul>	<p style="text-align: center;"><b>Skull and Crossbones</b></p>  <ul style="list-style-type: none"> <li>• Acute Toxicity (fatal or toxic)</li> </ul>

**7. Employee Training Program ..... (HSC §502.009 and 25 TAC §295.7)**

**7.01** Texas State University with the help of Environmental Health, Safety & Risk Management will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.

**7.02** Each department head/account manager and all employees identified as having supervisory control over other employees of the University will be responsible for the employee training program and will ensure that:

- a) Appropriate training is provided to all covered employees and includes:
- b) The use of information provided on SDSs and chemical container labels
- c) The location of hazardous chemicals in the employees' work areas (WACL's)
- d) The physical and health effects of exposure.
- e) Proper use of personal protective equipment.
- f) Safe handling of hazardous chemicals.
- g) First aid treatment for exposure to hazardous chemicals.
- h) Safety instruction on clean-up and disposal of hazardous chemicals.
- i) Required training records are maintained and include:
- j) The date of the training session.
- k) A legible list of all employees attending the training session along with the employee's signature.
- l) The subjects covered.
- m) The name of the instructors (Employers may use Attachment B, *Employee Training Roster*, or Attachment C, *Employee Training Sheet*, to comply with this requirement).
- n) All covered employees are identified and incorporated into the training program.
- o) Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
- p) New employees are trained prior to their being required to use or handle a hazardous chemical.
- q) The need and frequency for periodic/refresher training is assessed.

**7.03** Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

**8. Reporting Employee Deaths and Injuries ..... (HSC §502.012 and 25 TAC §295.9)**

**8.01** Texas State University through EHSRM will notify the Texas Department of State Health Services, Division for Regulatory Services, Code Enforcement Officers, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.

**8.02** EHSRM will be responsible for reporting all such accidents to the Texas Department of State Health Services, Division for Regulatory Services, Code Enforcement Officers, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services  
Code Enforcement Officers  
P.O. Box 149347  
Mail Code 1982  
Austin, Texas 78714  
Phone: (512) 834-6628  
Fax: (512) 834-6677

**8.03** Employees will be responsible for immediately reporting all accidents involving a hazardous chemical to their supervisor. The employee must also request the completion of a “Supervisor’s Report of Incident, Injury or Illness” (UPPS 04.04.43).

**8.04** Employees requiring medical examination or treatment should seek medical attention immediately at the following locations:

- a) Central Texas Medical Center (CTMC)  
1301 Wonder World Drive; Phone – 353.8979

**8.05** Supervisors will be responsible for reporting all accidents involving a hazardous chemical to the Claims Coordinator at EHSRM (1-512-245-3616) by completing a “Supervisor’s Report of Incident, Injury or Illness”. This form can be obtained at: <http://www.fss.txstate.edu/ehsrn/>

**9. Posting the Notice to Employees..... (HSC §502.0017 and 25 TAC §295.12)**

**9.01** Texas State University through EHSRM will distribute the most current version of the TDH *Notice to Employees*, informing employees of their rights under the THCA (See attachment D, *Notice to Employees*) for each department to post and maintain in all work areas where hazardous chemicals are used or stored.

**9.02** The *Notice to Employees* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each work area.

**9.03** In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the *Notice*, printed in Spanish, will be posted together with the English version of the *Notice*. (See attachment E, *Notice to Employees*, Spanish version)

**9.04** Additional copies of the *Notice*, in both English and Spanish, are available on the chemical right-to-know website at [www.dshs.state.tx.us/hazcom/](http://www.dshs.state.tx.us/hazcom/) or on request from the Code Enforcement Officers at:

Texas Department of State Health Services  
Code Enforcement Officers  
P.O. Box 149347  
Mail Code 1982  
Austin, Texas 78714  
Phone: (512) 834-6628  
Fax: (512) 834-6677

**10. Personal Protective Equipment ..... (HSC §502.017 and 25 TAC §295.12)**

10.1. Texas State University will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.

10.2. The department head/account manager and all employees identified as having supervisory control over other employees of the University will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:

10.2.1. Proper selection of PPE based on:

10.2.1.1. Routes of entry

10.2.1.2. Permeability of PPE material

10.2.1.3. Duties being performed by the employee

10.2.1.4. Hazardous chemicals present

10.2.2. Proper fit and functionality of PPE as described by the manufacturer's specifications

10.2.3. Appropriate maintenance and storage of PPE

**11. Maintaining Employee Rights ..... (HSC §502.017 and TAC §295.12)**

**11.01** Texas State University shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.

**11.02** Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

## **12. Attachments**

- A. Workplace Chemical List
- B. Employee Training Roster
- C. Employee Training Sheet
- D. Chemical Inventory Program
- E. Notice to Employees (English version)
- F. Notice to Employees (Spanish version)

**Workplace Chemical List (Attachment A)**

**Name of Workplace, Work Area, or Temporary Workplace:**

<b>Identity Used on the SDS &amp; Container Label</b>	<b>Work Area</b>	<b>Quantity</b>	<b>Unit Size</b>

**Workplace Chemical List Prepared By:** \_\_\_\_\_

**Name (Printed)** \_\_\_\_\_ **Signature (Required)** \_\_\_\_\_  
**Date of Preparation (This form must be revised annually)** \_\_\_\_\_



## Employee Training Roster (continued)

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Safety data sheets(SDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Individual hazardous chemicals

C. This hazard communication training was provided as:

- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic/refresher training

**EMPLOYEE TRAINING SHEET (Attachment C)**  
**Texas Hazard Communication Act, Section 502.009(g)**

**Department/Work Area:** \_\_\_\_\_  
\_\_\_\_\_

**Instructor:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
\_\_\_\_\_

Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ~ Reading and interpreting chemical container labels
- ~ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ~ Reading and interpreting Safety data sheets(SDSs)
- ~ Location of hazardous chemicals in the workplace
- ~ Physical and health effects of exposure
- ~ Proper use of personal protective equipment
- ~ First aid treatment for exposure
- ~ Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- ~ Categories of hazardous chemicals
- ~ Individual hazardous chemicals

This hazard communication training was provided as:

- ~ Initial training per Section 502.009(a) and (f) of the THCA
- ~ Periodic/refresher training per Section VII(B)(6) of this policy

**Employee** \_\_\_\_\_ **Date** \_\_\_\_\_  
(Signature)

**Employee** \_\_\_\_\_ **Instructor** \_\_\_\_\_  
(Printed) (Signature)

**\*CHEMICAL INVENTORY PROGRAM (Attachment D)**

**A recommended program for keeping an updated Chemical Inventory/Work Area Chemical List**

- Benefits:
  - Minimize chemical hazards in each laboratory.
  - Maintain overall chemical safety.
  - Manage chemical costs.
  - Conserve valuable lab space.
  - Reduce the amount of time departments spend putting together chemical inventories at the end of each year.
  - Maintain current SDS's more efficiently and accurately.
  
- Procedures:
  - Assign each chemical a number(CIN). This number can be written on small circular stickers and then placed on the chemicals. Each new chemical should receive the next chemical inventory number. Chemicals with the same lots numbers can be assigned the same chemical inventory numbers with letters following. For example: (Three bottles of H<sub>2</sub>SO<sub>4</sub> that have the same lot number would be assigned the numbers 125A, 125B, 125C)
  - The date the chemical is received and opened should be written on the bottle along with the expiration date. Chemicals that do not have expiration dates assigned to them by the manufacturer should be given an expiration date no longer than ten years from the date the chemical was received. Chemicals should be disposed of properly when they have expired.
  - Fill out the chemical inventory each time a new chemical is received.
  - Chemicals that are already in the laboratory should also be listed on the chemical inventory.
  - Information concerning the chemical's disposal or completion should be recorded on the chemical inventory sheet.

\*Note: This is a working document at this time and only a recommendation.

**Work Area:** \_\_\_\_\_  
**Date Submitted:** \_\_\_\_\_



# NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, 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 the 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.

## 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 Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, 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 SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

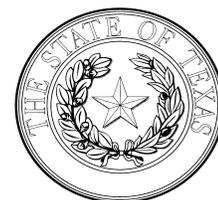
Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers 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  
Policy, Standards, & Quality Assurance Unit  
Environmental Hazards Group  
PO Box 149347, MC 1987  
Austin, TX 78714-9347

(800) 452-2791 (toll-free in Texas)  
(512) 834-6787  
Fax: (512) 834-6726  
[TXHazComHelp@dshs.texas.gov](mailto:TXHazComHelp@dshs.texas.gov)



Worker Right-To-Know Program  
Publication # E23-14173  
Revised 03/2014

# AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

## QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

## LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

## PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

## HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallan los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

## ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

## DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

**LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY**

Puede obtener mayor información en:  
Texas Department of State Health Services  
Division for Regulatory Services  
Policy, Standards, & Quality Assurance Unit  
Environmental Hazards Group  
PO Box 149347, MC 1987  
Austin, TX 78714-9347



(800) 293-0753 (llamada gratuita dentro de Texas)  
(512) 834-6787  
Fax: (512) 834-6726  
[TXHazComHelp@dshs.texas.gov](mailto:TXHazComHelp@dshs.texas.gov)



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