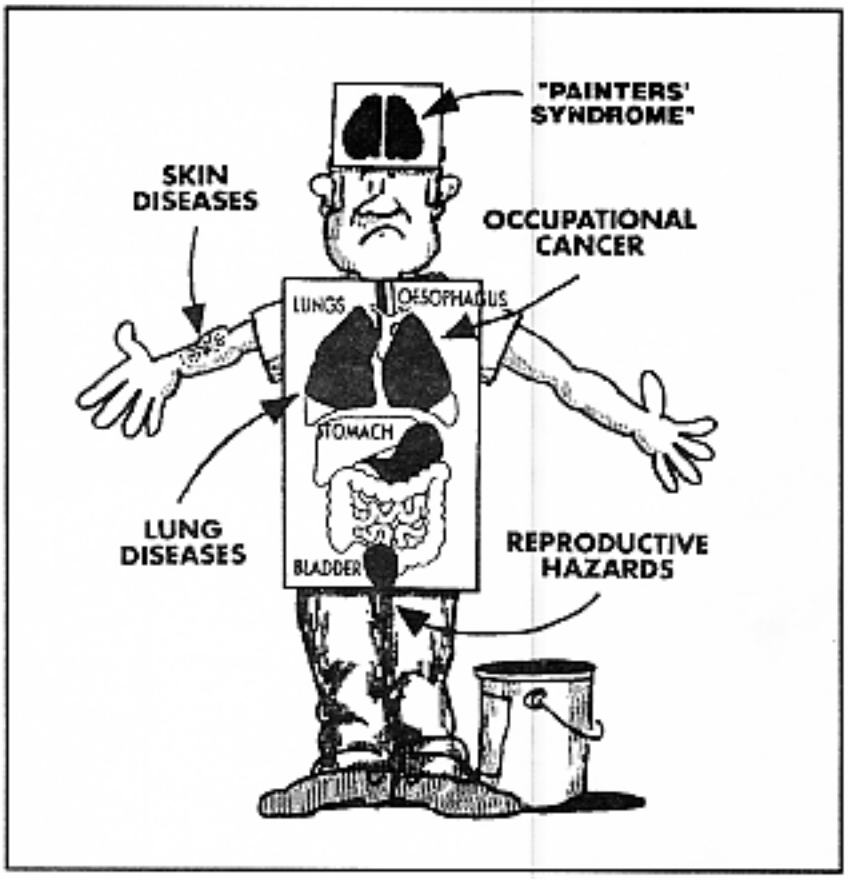
WORKERS' RIGHT TO KNOW



Do any of the chemicals you work with have these hazards?

UAW HEALTH AND SAFETY DEPARTMENT
8000 EAST JEFFERSON AVE.
DETROIT, MI 48214

AN IMPORTANT WORKPLACE RIGHT IS THE RIGHT TO KNOW

It's the law! Under federal and state Right to Know regulations employers must provide workers with basic information about the hazardous materials with which they work. When properly implemented, Right to Know can be a valuable tool to use in identifying workplace health and safety hazards. This section covers the strengths and shortcomings of Right to Know, giving you what you need to get the most of it.

The federal standard is OSHA Hazard Communication Standard, (Haz Com) 29 CFR 1910.1200.

Overview of Haz Com Provisions:

- Ingredient information on all products must be revealed.
- All known and suspected hazards must be disclosed.
- Proper procedures for controlling hazardous substances must be explained.

EMPLOYERS HAVE THE FOLLOWING OBLIGATIONS UNDER THE STANDARD:

1. DEVELOP A DETAILED, WRITTEN PLAN, DESCRIBING HOW EACH ASPECT OF THE HAZ COM STANDARD (HCS) PROVISIONS WILL BE CARRIED OUT.

The plan must describe:

- Who is responsible for implementing the plan;
- How Material Safety Data Sheets (MSDS's) will be secured for all materials before they enter the workplace;
- Where MSDS's will be stored and how they can be obtained;
- How workers can go about getting a copy of MSDS's;
- Who will design and conduct training, and when it will be done.

2. COMPILE AND REVIEW EXISTING LABELS/ENSURE CONTAINERS ARE LABELLED.

All containers of hazardous chemicals must carry a label identifying:

- the manufacturer (name and address);
- the product (chemical or trade name);
- the hazards (all appropriate health and safety warnings, including target organs).

3. SECURE AND MAKE READILY AVAILABLE (MSDS's).

Every hazardous material must be accompanied by a Material Safety Data Sheet which provides more detailed information on toxic ingredients, health effects, and special precautions. MSDS's should even be available for over-the-counter products used in the workplace that contain hazardous materials.

4. PROVIDE EXTENSIVE TRAINING PROGRAMS.

Employers must provide training to all employees who might be exposed to hazardous materials on their jobs.

RIGHT-TO-KNOW EXERCISE

Answer the following questions about federal OSHA's Hazard Communications Standard (HCS). Remember that some states have added requirements to OSHA's — don't worry about those on this exercise. In multiple choice questions, any number of the answers might be correct.

SCOPE

1) The OSHA Hazard Communication Standard (HCS) 1910.1200 (Right to Know or Haz Com) requires which of the following groups to disclose information about hazardous chemicals?

__ chemical manufacturers
__ chemical distributors
__ employers
__ employees

WRITTEN PROGRAM

2) Employers must have a written program on the HCS which is accessible to workers and the union. Which items have to be included in the program?

__ a list of all hazardous chemicals at the worksite
__ instructions on the hazards of non-routine tasks
__ a list of all non-hazardous materials
__ methods to inform workers about the contents of piping

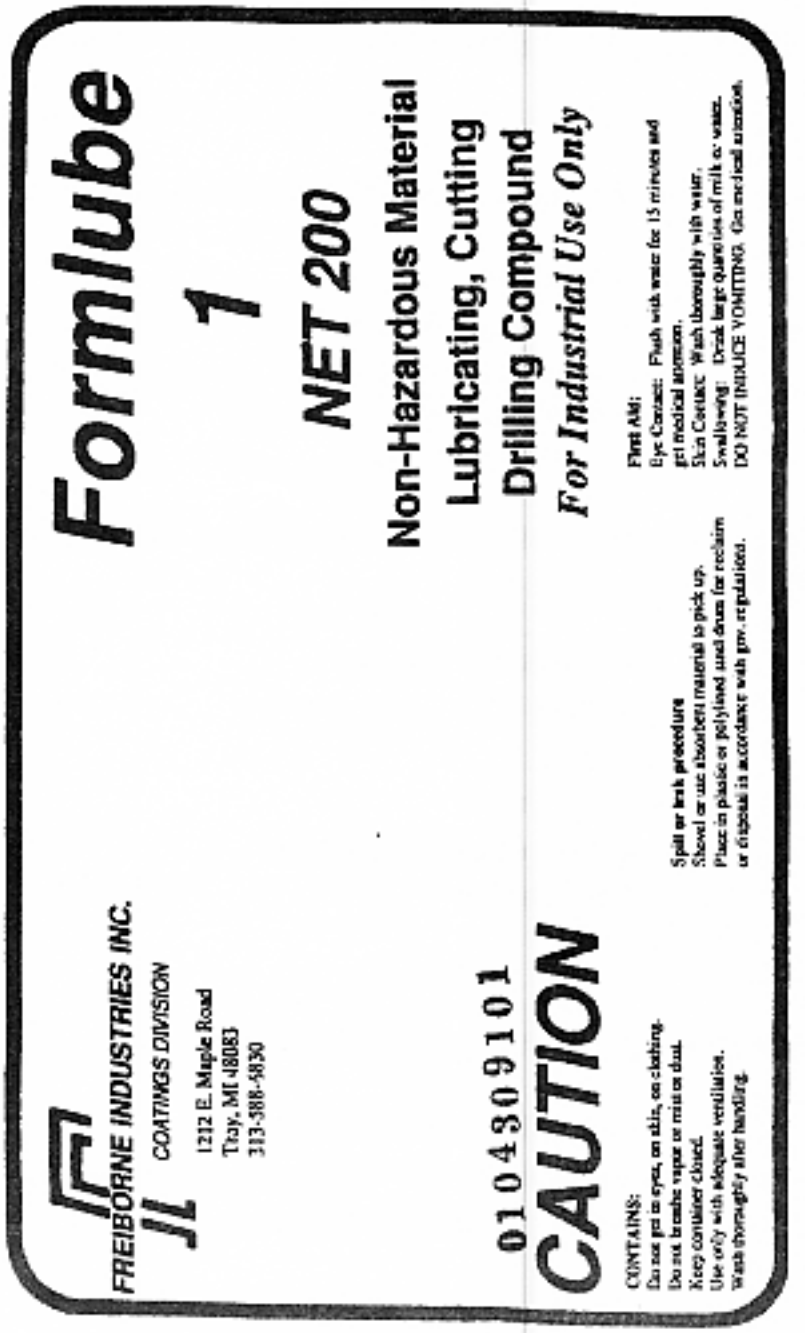
LABELS

3) Which of these containers have to be labeled?

__ pipes
__ portable containers
__ drums
__ storage tanks

4) Does the sample label below have all the hazard information required by the Haz Com Standard?

__YES __NO



MSDS's

5) MSDS's are generally complete and accurate because they are approved by OSHA.

__ TRUE __ FALSE

6) Which of the following items are MSDS's required to include?

__ date MSDS was written
__ all known health & safety hazards of ingredients
__ name, address, and phone of responsible party
__ identity of "hazardous ingredients"
__ short and long term health effects

7) "Hazardous chemicals" might refer to which of the following under the HCS standard?

__ coolants and cutting oils
__ pesticides
__ gasoline
__ welding smoke
__ water-based cleaning agents
__ contact cement

8) Under OSHA, which of the following are workers' rights?

__ review MSDS's during their shift
__ review the MSDS for a chemical before working with it
__ a copy of an MSDS for their own records

TRAINING

9) OSHA requires employers to train workers about chemical hazards after they have been on the job a few months.

__True __False

10) OSHA only mandates training for workers who work *directly* with chemicals.

__ TRUE __ FALSE

11) Once workers receive Right to Know training, they never have to be trained again.

__ TRUE __ FALSE

12) What should be the end result of training in hazardous chemicals?

__ Knowledge about the specific hazards of your job
__ Ideas on how to protect yourself from exposure
__ More responsibility put on workers, less on employers

ENFORCEMENT

13) Which agency or agencies enforce the Hazard Communication Standard?

__ EPA (Environmental Protection Agency)
__ CDC (Centers for Disease Control)
__ OSHA (Occupational Safety and Health Administration)
__ State Police

Q & A

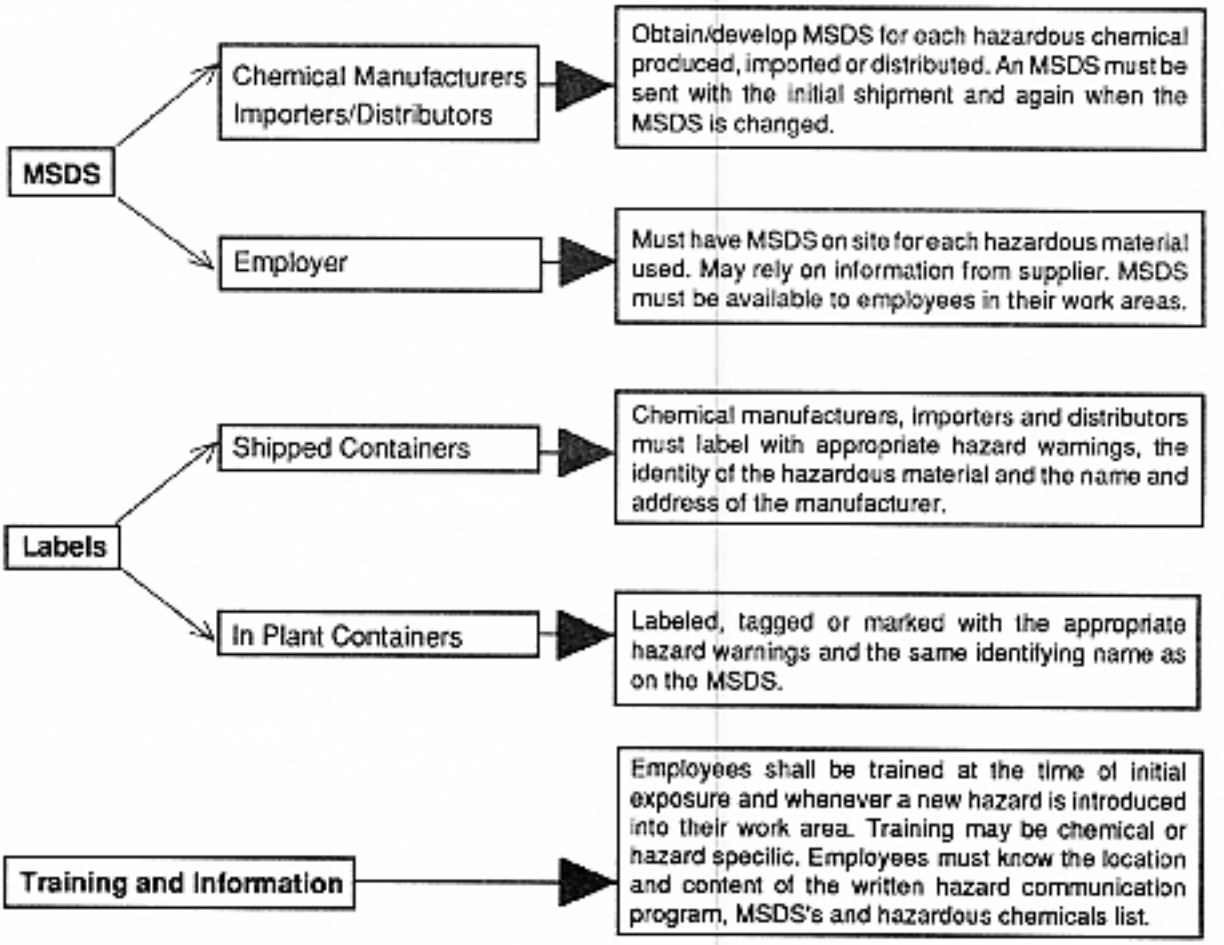
RIGHT TO KNOW

Q. A while ago our company did a right to know training program for all employees. Recently they installed a new paint operation. Do they have to provide more Right to Know training for the employees working that operation?
A. Yes. The Hazard Communication Standard (Section h) stipulates that training must be provided when new hazards are introduced in the work-place — or when workers are given new assignments.

Q. Can graveyard shift workers be denied access to MSDS's with claims that the information is "locked up" or that no one is around to run a computer?
A. No, it must be possible for all workers, on all shifts, to get MSDS's. Readily accessible in the work area means that a worker who asks for an MSDS should get it the same day, during the same shift requested.

Q. Used solvents, coolants and paints are collected in 55-gallon drums at our facility. Do these containers have to be labelled?
A. Yes. Although the Hazard Communication Standard does not apply to waste chemicals, environmental regulations on hazardous waste (RCRA) require that containers carry a hazardous waste label and some warning of the hazard.

OSHA's HAZ COM STANDARD — THE CONDENSED VERSION



Other Requirements

- Employees informed of Haz Com requirements.
- Written Haz Com program and MSDS's available on site to employees and/or their designated.
- Training to include how to use the information on labels and MSDS's, including precautionary measures, known control devices and personal protective equipment.
- MSDS's must be readily accessible to all employees while they are in their work area and must be available at all times and on all shifts.

COMPLIANCE CHECKLIST

Use this list to check compliance with the Hazard Communication Standard. Has the employer:

- Obtained a copy of the rule?
- Read and understood the requirements?
- Prepared an inventory (list) of hazardous chemicals?
- Ensured that containers are labeled before they are put on shop floor?
- Obtained an MSDS for each chemical that explains all health and safety hazards?
- Prepared a written Haz Com program?
- Made an MSDS for any chemical produced in the work-place, e.g. grinding dust, welding fumes?
- Made sure that contents of piping systems are identified?
- Conducted job-specific training?
- Set-up procedures to maintain current program?
- Set-up procedures to evaluate effectiveness?

Sample letter:

Request for Material Safety Data Sheet (MSDS)

[Date]

[Company Address]

Dear [_____]:

Under rights provided under Section 1910.20 of the OSHAct (Access to Records) and the Federal Hazard Communication Standard [and any state Right to Know law], I am requesting all Material Safety Data Sheets including information which reveals the identity of all toxic substances or harmful physical agents.

This information is needed to determine whether any of the chemical exposures at this location may pose a hazard to health. [You must explain why the information is needed]

The OSHAct requires that this information be copied and provided within a reasonable time. Please contact me immediately to make arrangements.

Sincerely,

Material Safety Data Sheets

(Sources: OSHA Sec. g)

Employers must have an MSDS for each hazardous product in the workplace. If an employer mixes hazardous chemicals, they must maintain a system that identifies the appropriate MSDS for each component of the mixture.

An MSDS must list the following:

- hazardous chemical ingredients
- chemical characteristics such as boiling point, flash point, and whether it is lighter or heavier than air.
- Suppliers often don't consider their products to be hazardous even if they are physical hazards. For example, a flammable or combustible product like gasoline.
- health effects
- exposure limits
- precautions for safe handling
- measures to control exposures
- emergency and first aid procedures

No blank spaces are permitted on an MSDS; however, the supplier may indicate that information is unknown or not applicable.

Worker Access to MSDS's

MSDS's won't help if you can't easily get them. By law, the employer must comply with the following requirements:

1) The MSDS's must be readily accessible to employees in their work areas on every shift. Union representatives also have access to all MSDS's.
2) The MSDS's must be organized in a systematic and consistent manner (not just tossed in a cardboard box in a corner), and employers must train workers on how to find a particular MSDS
3) Within five days of receiving a new or updated MSDS, an employer must post a notice for 10 days saying they've received new information and how workers can obtain it
4) Employers must post signs throughout the workplace advising workers about the following:
   - ✓ The location of the MSDS's and the person to contact for access.
   - ✓ That the employer is prohibited from discriminating against or discharging a worker who exercises rights to information on hazardous chemicals.
   - ✓ Finally, the law requires that employers provide proper labels and Material Safety Data Sheets *before* workers use hazardous products, not after.

Questions And Answers

Q. Can an employer deny access to MSDS's to graveyard shift workers by claiming that the info is "locked up" or that no one is around to run a computer?

A. *No. The employer must make it possible for all workers, on all shifts, to get MSDS's.*

Q. Can my employer force workers to sign a form stating why we need an MSDS?

A. *No. This or other similar harassment is unacceptable.*

"Readily accessible in the work area" means that a worker who asks for an MSDS should get it the same day, during the same shift requested.

Trade Secrets: Can They Be Used to Undermine RTK?

(Sources: OSHA Sec. I)

A chemical supplier may claim a trade secret for chemical ingredients of a particular product, thus limiting workers' access to important safety information. The best way to avoid this is for employers, workers and unions to demand that chemical suppliers provide complete ingredient information *as a condition of purchase.*

This approach, which has been used by several large employers, results in access to complete information without going through lengthy bureaucratic procedures. If the supplier will not cooperate, ask your employer to shop around for a supplier who will provide complete ingredient information, regardless of trade secrets.

But what if your employer insists on buying chemicals from a supplier who claims trade secrets? The Right-to-Know law does allow them to keep product ingredients secret in such a case. However, the following restrictions apply -- keep them in mind!

If the manufacturer can't prove the trade secret claim, the ingredients must be revealed.

Restrictions Regarding Trade Secrets:

1) If the hazardous ingredients can easily be discovered by chemical analysis, they cannot be claimed as trade secrets.
2) The MSDS must state that the chemical ingredients are being claimed as trade secrets.
3) Information on chemical characteristics, health effects, physical hazards, safe handling procedures, and protective measures must be provided on the MSDS and cannot be claimed as trade secrets.
4) In medical emergencies, the chemical supplier must provide specific chemical names to a treating physician or nurse.
5) In non-emergencies, hazardous ingredients must be disclosed to health professionals (physicians, occupational health nurses, toxicologists, industrial hygienists, and epidemiologists), exposed workers, and union representatives provided:
   - ✓ the request is in writing
   - ✓ the request describes why the information is needed
   - ✓ the person requesting the information agrees in writing to keep the information confidential.

   A chemical supplier may deny such a request, but the denial must be in writing and must be provided within 30 days. A health professional, exposed worker or union representative can request OSHA to review a denial.

Making Sense Out Of MSDS's

1. This form is a draft MSDS issued by OSHA and is not mandatory. Other forms used by companies should be at least as complete as this one.

2. Check that the product identity is the same as on the label.

3. Check whether all hazardous ingredients are listed by chemical name and CAS number.

4. Make sure the MSDS is current. There must be a date of preparation on the MSDS. Any prepared more than 2 years ago are probably out of date.

5. Check that all limits and percentages are noted. Although not mandatory, the union should request inclusion of these on MSDS's.

6. High vapor pressures and evaporation rates mean that a liquid will vaporize quickly, raising the risk of inhalation or fire.

7. Check here for fire hazard info. Watch out for flash points below room temperature!

Check for the following information:

Material Safety Data Sheet (1)
May be used to comply with OSHA's Hazard Communication Standard 29 CFR 1910.1200. Standard must be consulted for specific requirements.

U.S. Department of Labor
Occupational Safety and Health Administration
(Non-Mandatory Form)

IDENTITY (As used on Label and List) (2)
Safety Clean Brake Cleaner

Note: Blank spaces are not permitted. If any item is not applicable, or no information is available, the space must be marked to indicate that.

Section I

Manufacturer's Name
Safety Kleen Corp.

Emergency Telephone Number
312-697-8460

Address (Number, Street, City, State, and Zip Code)
655 Big Timber Road
Elgin, IL 60120

Telephone Number for Information

Date Prepared (4)
1/27/83

Signature of Preparer (optional)

Section II -- Hazardous Ingredients/Identity Information (3)

Hazardous Components (Specific Chemical Identity; Common Name(s))	OSHA PEL	ACGIH TLV	Other Limits Recommended	% (optional)
1,1,1 - Trichloroethane		350	70	(5)
Perchloroethylene		100	30	

Section III -- Physical/Chemical Characteristics

Boiling Point
160-250°

Specific Gravity (H_2O = 1)

Vapor Pressure (mm Hg.) (6)

Melting Point

Vapor Density (AIR = 1)

Evaporation Rate (Butyl Acetate = 1)

Solubility in Water
N/A

Appearance and Odor

Section IV -- Fire and Explosion Hazard Data

Flash Point (Method Used) (7)
None

Flammable Limits LEL UEL

Extinguishing Media
N/A

Special Fire Fighting Procedures
Water spray may be ineffective. Water may be used to cool closed containers to prevent pressure build up and explosion. If water used, nozzles are preferable. Wear goggles and self-contained breathing apparatus.

Unusual Fire and Explosion Hazards
Cans will rupture from internal pressure at about 190°F and discharge contents. When heated to decomposition toxic fumes are formed.

Page 1 (Continued on Reverse Side)

8.Check here for conditions to avoid.

9.Make sure that all health hazards are disclosed, including cancer hazards and reproductive effects. Whenever possible, obtain fact sheets from the union or local COSH and compare with the MSDS.

10. Are procedures adequate? Check here and compare with the steps followed (or not followed!) in your workplace.

11. Are control measures ok? Protective gloves should specify types of material, such as Viton, PVA or nitrile, for certain solvents. Compare information here with controls in workplace. Have they been implemented?

12. Make sure all spaces are filled-in. Even if no information is available, the supplier must mark "not available" on the sheet.

Section V -- Reactivity Data

Stability: Unstable / Stable (X) — Conditions to Avoid: 8

Incompatibility (Materials to Avoid):

Hazardous Decomposition or Byproducts:

Hazardous Polymerization: May Occur / Will Not Occur — Conditions to Avoid: Storing above 120°F or dropping, as cans may burst

Section VI -- Health Hazard Data

Route(s) of Entry: Inhalation? Skin? Ingestion?

Health Hazards (Acute and Chronic): Inhalation: Anesthetic. Irritation of respiratory or acute nervous system. 9

Carcinogenicity: NTP? IARC Monographs? OSHA Regulated?

Signs and Symptoms of Exposure: Depression characterized by headache, dizziness, staggering gait, unconsciousness or coma.

Medical Conditions Generally Aggravated by Exposure:

Emergency and First Aid Procedures: Fumes: remove from exposure, restore breathing, notify physician. Spray (eyes): flush with lots of running water for 15 min. or more.

Section VII -- Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled: 10
Remove all sources of ignition (flames, hot surfaces, electrical). Avoid breathing vapors.

Waste Disposal Method: Dispose of in accordance with local, state and federal regs. Do not incinerate closed containers.

Precautions to Be Taken in Handling and Storing: Do not store above 120°F. Store large quantities in buildings designed and protected for storage of NFPA Class 1A flammable liquids.

Other Precautions: Do not spray in eyes. Do not puncture or incinerate cans. Do not stick pin, nail or any other sharp objects into can opening.

Section VIII -- Control Measures 11

Respiratory Protection (Specify Type): Avoid breathing vapors

Ventilation: Local Exhaust: Use with adequate ventilation / Mechanical (General) / Other

Protective Gloves: None under normal use

Eye Protection: None under normal use.

Other Protective Clothing or Equipment: Prevent prolonged skin contact to contaminated clothing

Work/Hygienic Practices

12

Page 2

Hazardous Substance Fact Sheets

MSDS's are a valuable, but limited, tool. They should be considered a first step in your search for information on hazardous substances.

Fact Sheets published by the New Jersey Department of Public Health are an excellent secondary source of information. These fact sheets are more detailed than standard MSDS's. They can be used to determine the accuracy of MSDS's and to get helpful facts on health effects and control measures. Although published in New Jersey, the information in these fact sheets is useful for all workers.

To obtain New Jersey Department of Public Health Fact Sheets contact the UAW Health and Safety Department, your local COSH group or the New Jersey Department of Public Health directly at (609) 984-2202.

New Jersey Fact Sheets may be available in your department or from your Health & Safety Representative.

New Jersey Department of Health

HAZARDOUS SUBSTANCE FACT SHEET

COMMON NAME: GASOLINE

CAS NUMBER: 8006-61-9 **DOT NUMBER:** UN 1203

HAZARD SUMMARY

* Gasoline can affect you when breathed in and by passing through your skin.
* Gasoline should be handled as a carcinogen--with extreme caution.
* High exposures during pregnancy may damage the developing fetus.
* It can cause you to feel dizzy, and irritate the nose and throat. Higher levels can cause irregular heartbeat, seizures, and even death.
* Exposure may damage the kidneys.
* Exposure to Gasoline can expose you to toxic additives (such as *Benzene, Tetraethyl Lead* and *Ethylene Dibromide*).
* Gasoline is a HIGHLY FLAMMABLE LIQUID and a DANGEROUS FIRE HAZARD.

IDENTIFICATION

Gasoline is a clear liquid with a characteristic odor. It is used as a fuel for internal combustion engines, (cars, and planes), and as a solvent.

REASON FOR CITATION

* Gasoline is on the Workplace Hazardous Substance List because it is cited by ACGIH, NFPA, and DOT.
* This chemical is also on the Special Health Hazard Substance List because it is FLAMMABLE.
* Definitions are provided on page 5.

WORKPLACE EXPOSURE LIMITS

ACGIH: The recommended airborne exposure limit is 300 ppm averaged over an

HOW TO DETERMINE IF YOU ARE BEING EXPOSED

* Exposure to hazardous substances should be routinely evaluated. This may include collecting air samples. Under OSHA 1910.20, you have a legal right to obtain copies of sampling results from your employer. If you think you are experiencing any work-related health problems, see a doctor trained to recognize occupational diseases. Take this Fact Sheet with you.
* Gasoline causes eye and throat irritation at 160-270 ppm. This irritation only serves as a warning of exposure. Not experiencing it does not mean you are not being exposed.

WAYS OF REDUCING EXPOSURE