

**TARLETON STATE UNIVERSITY  
HAZARD COMMUNICATION PROGRAM**

Office of Risk Management and Safety  
August 2009

## 1. GENERAL

The 69<sup>th</sup> Legislature of the State of Texas, in 1985, enacted the Texas Hazard Communication Act. The purpose of the Act includes improving the health and safety of persons living and working in the State of Texas by providing access to information regarding hazardous chemicals to which they may be exposed either during the course of their normal employment activities, during emergency situations, or as the result of proximity to the manufacture or use of those chemicals.

It is also the intent and purpose of the Act that information is provided to emergency service organizations responsible for dealing with chemical hazards during emergency situations and to the Commissioner of Health so as to make the information available to the general public.

Tarleton State University as an employer within the State of Texas, must comply with the requirements of the Act. Employees of Tarleton State University are likewise required to comply with the provisions and the spirit of the Act.

## 2. PURPOSE

The purpose of this policy and procedure is to provide a written program that assigns responsibilities and procedures for compliance with the Texas Hazard Communication Act (hereafter referred to as the "Act").

## 3. SCOPE

Tarleton State University employees, including student employees, are covered by the Act. Graduate/undergraduate students are covered in that they must be provided access to Material Safety Data Sheets (MSDS).

Tarleton State University shall provide information to employees on the hazards of chemicals they work with or may be exposed to and how they can protect themselves from these hazards. Tarleton shall make this information available by compiling chemical inventory lists, conducting training programs, maintaining MSDS files, and properly labeling containers.

Neither the benefit nor the requirements of the Act can be waived.

Responsibility for ensuring that employees have access to and appropriate information on hazardous chemicals is relegated throughout administrative channels to every supervisor.

#### 4. RESPONSIBILITIES

- i. Office of Risk Management and Safety Responsibilities:
  - a. Monitor and coordinate program compliance for Tarleton State University.
  - b. Provide a list of chemicals to be inventoried (chemical reference list) in compiling work area and workplace chemical lists. Copies should be made by departments as needed.
  - c. Provide the local fire department the names and telephone numbers of emergency contacts, and provide designated workplace chemical lists and MSDS's upon request.
  - d. Assist departments in their training programs, as appropriate.
  - e. Assist departments in obtaining MSDS's, as appropriate.
  - f. Maintain designated workplace chemical lists for a minimum of 30 years.
  - g. Maintain liaison with the TAMUS Risk Management and Safety office.
  
- ii. Administrators, Deans, Department Heads, Directors:
  - a. Post "Notice to Employees" document at locations where notices are normally posted in each workplace. (See Appendix A for information.) A copy of the approved form for reproduction shall be secured from the Office of Risk Management and Safety.
  - b. Assign departmental work areas within each designated workplace.
  - c. Conduct annual chemical inventories and provide employee access to chemical lists.
  - d. Ensure that employees and students are properly trained and advised of their rights under the Texas Hazard Communication Act.
  - e. Provide MSDS's for hazardous chemicals and provide employee and student access to MSDS's.
  - f. Provide information to employees and students on the location and availability of chemical lists and MSDS's.
  - g. Ensure proper labeling of chemical containers.
  - h. Provide workplace chemical lists, notice of completion, names and telephone numbers of emergency contacts to the Office of Risk Management and Safety.
  - i. Maintain workplace chemical lists for a minimum of 30 years.
  - j. Maintain a written hazard communication program, a record of each training session given to employees, including the date, a roster of attendees, the subject covered and the names of instructors. These records must be maintained for five years by the employer.
  - k. Allow local fire department to conduct on-site chemical inspections upon request.

1. Appoint a “department hazard communication coordinator” to monitor departmental compliance and to be a liaison with Office of Risk Management and Safety.

## 5. EXEMPTIONS

Notwithstanding any language to the contrary, the provisions of this Act do not apply to chemicals in the following categories:

- i. Any article that is formed to a specific shape or design during manufacture, that has end-use functions dependent in whole or in part on its shape or design during end use, and that does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use (e.g., tires, PVC piping).
- ii. Products intended for personal consumption by employees in the workplace (e.g., aspirin, hair spray).
- iii. Retail food sale establishments and all other retail trade establishments, exclusive of processing and repair areas.
- iv. Any food, food additive, color additive, drug, or cosmetic as those terms are defined in the Federal Alcohol Administration Act.
- v. Hazardous waste regulated pursuant to the federal Resource Conservation and Recovery Act.
- vi. Radioactive waste.

## 6. DEFINITIONS

- i. **Hazardous Chemical** – A hazardous chemical is defined as any element, chemical compound or mixture of elements or compounds that is a physical hazard or a health hazard.
- ii. **Health Hazard** – A health hazard includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hemopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
- iii. **Physical Hazard** – A physical hazard includes chemicals which are a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.
- iv. **Work Area** – A work area is a room or defined space within a workplace where hazardous chemicals are produced, used, or stored and employees are present.

## 7. CHEMICAL INVENTORY REQUIREMENTS

The Act requires employers to compile and maintain a workplace chemical list(s). Chemicals to be inventoried shall include the chemicals referenced under section 1910.1200(d)(3) & (4) of the Occupational Safety and Health Act (OSHA) standard and the Superfund Amendments and Reauthorization Act (SARA) Title III list of extremely hazardous substances. A reference list of the above chemicals is available from the Tarleton State University Office of Risk Management and Safety.

Each department shall conduct an inventory of referenced chemicals at least annually. The inventory data shall include the identities, quantities and locations of the chemicals. Work area and workplace inventory forms are available from the Tarleton Office of Risk Management and Safety for copying. Procedures shall be as follows:

- i. Chemicals that are included in the reference list of chemicals, including products with referenced chemicals as ingredients, shall be inventoried within each department work area regardless of chemical quantity.
- ii. Each department shall combine department work area inventories into a department workplace chemical list for each designated workplace. Information on the workplace inventory form shall include the common name and chemical name used on the MSDS and container labels, the product name and hazardous ingredients, the work areas where the chemical/product is stored or used, and the quantity of the chemical/product.
- iii. Departments shall make work area and workplace chemical lists readily accessible to employees.
- iv. Departments shall provide a copy of the department workplace chemical list(s) to the Office of Risk Management and Safety. This shall be so stated on the form. Department workplace lists shall be provided by November 30<sup>th</sup> of each year.
- v. If a designated workplace is occupied by more than one department, a single workplace chemical list shall be compiled by combining the department workplace lists.

## 8. TRAINING REQUIREMENTS

The Act requires employers to provide a training program that is designed to ensure an appropriate level of understanding by employees of the dangers of hazardous chemicals used and what employees can do to minimize risks. The level of training required will depend upon the employee's work assignment and potential exposure to hazardous chemicals.

Chemicals for which education and training shall be provided include those which are considered a health hazard or a physical hazard (see definitions). Each department and ultimately each supervisor shall determine training needs.

- i. Departments with educational research labs and other jobs where hazardous chemicals are routinely used or handled shall do the following departmental training at least annually. Each department shall be responsible for:
  - a. Require employees to read and sign a statement that they have read representative MSDS's for each hazardous chemical category they use.
  - b. Provide, when requested by an employee, one-on-one instructions concerning information on an MSDS.
  - c. Provide and/or make available periodic chemical training sessions to employees. These training sessions shall include instructions on:
    - 1) Interpreting labels and MSDS's
    - 2) Location, acute and chronic effects, and safe handling of hazardous chemicals
    - 3) Personal protective equipment and first aid treatment
    - 4) Clean-up and disposal procedures
  - d. Provide departmental training to new or newly assigned employees prior to their working with or in a work area containing hazardous chemicals.
- ii. Provide written notification to the Office of Risk Management and Safety when annual employee training has been completed, and any other training information requested.
- iii. Training sessions shall be documented and training records shall be maintained for a minimum of 5 years. Records shall include the dates of training sessions, the training subjects covered including the types of chemicals reviewed, attendance rosters and the names of instructors. Refer to Appendix B, HazCom Acknowledgement of Training Form.
- iv. Provide graduate/undergraduate students who handle hazardous chemicals during their class work the following:
  - a. Access to MSDS's.
  - b. Safety training as part of their normal class work.

Category I and II Training can be accomplished by completing the online training module at the Office of Risk Management and Safety's Website, <http://www.tarleton.edu/~safety/training-online.html>

## 9. EXCHANGE OF INFORMATION REQUIREMENTS

Employers need to provide an exchange of information between outside contractors, maintenance personnel, and workplace occupants to lessen potentially harmful exposures from the use of chemicals/products within a workplace.

At a preconstruction conference, outside contractors shall provide a list of the standard chemicals/products to be used in conducting their work and shall provide an MSDS for each chemical/product. The preconstruction conference shall be attended by at least a contractor representative, a RMS representative, the project manager, and by affected department hazard communication coordinators

(DHCCs). Information about what type of work is to be done, when the work is scheduled, and how the chemicals/products are to be used shall be discussed. Precautions necessary to minimize potentially harmful exposures to the contractor's operations shall be discussed. Location of and access to workplace chemical lists and MSDS's shall also be addressed.

Maintenance supervisors and DHCC(s) shall exchange information as appropriate in order to determine safety precautions necessary to minimize potentially harmful exposures to either maintenance personnel or to workplace occupants at or near the work site. MSDS's for chemicals/products used shall be made available for review by the maintenance supervisors and the DHCC(s) upon request.

## 10. MATERIAL SAFETY DATA SHEET REQUIREMENTS

Material Safety Data Sheets (MSDS's) shall be maintained and be readily accessible to employees and students. MSDS requirements are as follows:

- i. Departments shall maintain a file of MSDS's for those hazardous chemicals purchased and/or in use by department employees and students.
- ii. Departments shall provide ready access to MSDS's for those hazardous chemicals present in the workplace.
- iii. Departments shall provide a copy of MSDS's to the Office of Risk Management and Safety upon request.

## 11. CONTAINER LABELING REQUIREMENTS

The Act states that all containers must be labeled except for portable container(s) intended for the immediate use by the employee who performs the transfer. It is recommended that in order to minimize risks no container be excluded from labeling. Labeling requirements are as follows:

- i. Primary container labels shall not be removed or defaced.
- ii. Secondary container labels shall include the chemical identity, appropriate hazard warning, and date of transfer. The appropriate hazard warning shall include as a minimum the key word(s) of the chemical hazard (e.g., flammable, corrosive, poison, etc., and if the chemical is a carcinogen or radioactive).
- iii. MSDS's and/or primary container labels shall be available for chemical specific information when chemical transfer to secondary containers is performed.
- iv. Use of precautionary labels, such as the NFPA 704 Standard and HMIS System, is allowed for showing hazard warnings, but employees shall be trained on the system used and shall have access to chemical specific information.

## 12. FIRE DEPARTMENT REPORTING REQUIREMENTS

The Office of Risk Management and Safety shall provide the following information to the fire department having jurisdiction over the respective area of responsibility, upon request:

- i. Shall provide, in writing, the names and telephone numbers of knowledgeable representatives for each designated workplace who can be contacted for information in case of an emergency.
- ii. Shall provide, upon request, a copy of each designated workplace chemical list and a copy of the MSDS for any chemical on the workplace chemical list.
- iii. Shall notify the fire chief of any significant changes that occur in the workplace chemical lists.

## 13. COMMISSIONER OF HEALTH REPORTING AND FEE REQUIREMENTS

Notification of training completion, designated workplace chemical lists, and required fees shall be sent to the Commissioner of Health, the Texas Department of Health, annually through the TAMUS reporting network.

In the event of a related death (deaths) or the hospitalization of five or more employees the Texas Department of Health shall be contacted immediately.

## REFERENCES

Most recent version of the Texas Administrative Code, "Hazard Communication", 25 TAC 295.1-295.13.

Most recent version of the Texas Administrative Code, "Hazardous Chemical Right-to-Know", 25 TAC 295.181-295.183.

Most recent version of the Texas Health and Safety Code, Chap. 502, Hazard Communication Act.

APPENDIX A  
Sample “Notice to Employee”

# NOTICE TO EMPLOYEES

The Texas Hazard Communication Act (revised 1993), codified 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 which 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**

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

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



Texas Department of  
State Health Services

Approved 5/05

APPENDIX B  
HazCom Acknowledgement of Training  
Form

**TARLETON STATE UNIVERSITY**  
**Hazard Communication Program**  
**Department HazCom Training**

I hereby acknowledge receipt of the Tarleton State University Hazard Communication Program Departmental Training. My Department Hazardous Chemical Coordinator has provided information regarding:

1. Labeling requirements, location of MSDS's, information on interpreting labels and MSDS's, and the relationship between those two methods of hazard communication;
2. The location (by work area), acute and chronic health effects, and safe handling of hazardous chemicals known to be present in the work area and to which the employees may be exposed;
3. Methods to minimize exposure to hazardous chemicals through proper use of appropriate protective clothing and equipment (e.g., gloves, goggles, chemical fume hood);
4. Proper storage of chemicals and separation of incompatible chemicals;
5. Methods of detecting the presence of hazardous chemicals;
6. Recognition of signs and symptoms of exposure; emergency procedures and first aid treatment to be used with respect to the hazardous chemicals to which the employees may be exposed;
7. General safety instructions on the handling, cleanup procedures, and disposal of hazardous chemicals.

Chemical Categories Reviewed: Ignitable\_\_\_\_\_ Corrosive\_\_\_\_ Toxic Reactive\_\_\_\_\_

I understand that my department/unit will provide access to chemical information and will provide additional/continuous training as appropriate, regarding hazardous chemicals to which I may be exposed during my employment activities.

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
Employee Department/Unit

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
DHCC Signature

\_\_\_\_\_  
Date