Chapter One

Step by Step:
RIGHT TO KNOW

Step One: Review all Information
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In 1984, the Occupational Safety and Health Administration (OSHA) created the Code of Federal Regulations Title 29, Hazard Communication. This legislation created the Hazard Communication Standard (HCS). The HCS requires employers to implement communication programs relaying information on the hazards of chemicals to their employees. Employers do this by maintaining proper labels on containers, Material Safety Data Sheets (MSDS) and training programs. Implementing these programs ensures that all employees, office and field staff, have the "Right to Know" the hazards and properties of the chemicals, including pesticides, they work with. This information should reduce the incidence of chemically related illnesses and injuries. It is extremely important to keep in mind that *everyone* has the "Right to Know" about chemical hazards. You, your employees, their customers and neighbors have this *right.* It is not for you or anyone else to determine who receives the information. If someone requests information, they **must** receive it. In 1997, the Environmental Protection Agency (EPA) announced it would also enforce the "Right to Know" laws as part of their enforcement efforts.

29 CFR, or "Right to Know" is one of the most basic of the OSHA regulations, yet every year it is in the list of the "top ten" most violated. In 2005 for example, it was number *two.* All companies, in every industry, must have a "Right to Know"/Hazard Communication program in place. As with any OSHA violation, the penalties for not having a program can amount to tens of thousands of dollars and more. For many employers, their only knowledge of the law is the fact they must put up the "Right to Know" poster they get every year from their Worker's Compensation insurance carrier. True, you must put up the poster, but as we will see there is much more to do to comply with the standard. The following information will take you step by step through the process of establishing a Hazard Communication program. Also included are a sample written plan and other documents needed to satisfy the requirements. Be sure to read the information carefully and then put the program into action.

Step One: Review all Information

By definition, a " hazardous" chemical is one which may have a negative impact on your health. **All** pesticides are hazardous chemicals. There are no exceptions for so called "low impact" or "organic" materials. There are no non-toxic pesticides, period. MSDS's must be kept on file and this file must be up to date and accessible to all. An employee may **not** be fired for refusing to work with any material for which they feel their training was inadequate or confusing. **A written plan covering labeling, MSDS's, responsibilities of management, employees and training for all must be in place and easily accessible.**

Please be aware that the law does not only cover pesticides, but also glues, paint, cleaning supplies, oil, gasoline and other chemicals. You will need to collect labels and MSDS sheets for *all* the chemicals your employees may come into contact with.

Your Hazard Communication Program (HCP) must be reviewed with all new employees within 30 days of their employment and at least annually thereafter. It is important to review the six points outlined in the "INFORMATION FOR ALL EMPLOYEES" document included in this workbook. Again, please note employees have the right to refuse to work with any chemicals for which they have not received an MSDS.

One (1) person, the owner or supervisor, must be designated as the caretaker or coordinator of the program.

The toughest part of the entire project is the training of **all** employees. This does not mean only I.D. card holders. **Everyone** who works in your company, including office staff, must be trained. Maintaining proper labels and MSDS's should already be part of your regimen. To guide your training efforts we have included a list of training topics. Take the training step by step, formulate a plan and stick with it. Be sure to solicit employee input and discussion. These meetings do not have to be boring. For smaller companies and one (1) or two (2) person operations, the procedure is the same. Take the process one ste at a time

All employees, upon completion of their training, must sign a form indicating they have received the proper instruction as it pertains to their job. We have included an example of such a form. Place the signed form in the employee's file attached to a copy of the HCP.

The implementation of this program may seem to be a daunting task, perhaps one we will be tempted to put off for some distant rainy day. Unfortunately, because these regulations may be enforced by EPA in the future, state inspectors may appear in your office, without prior notice, asking your secretary for a copy of your written plan. They will then ask the office employees to explain the program.

Please read through the information in this chapter *before* you take action. Prepare a written plan and all associated documents. Formulate a training program. Set up meetings to inform you employees. Be sure all new employees are introduced to the program within the first 30 days of their employment. The program must be reviewed with all employees on an annual basis.

Step Two: Prepare the WRITTEN PLAN

The core of any "Right to Know" program is the Hazard Communication Program (HCP). Included in this workbook is an example of a generic plan that can be used by any size company. Please take the time to read it carefully. You may wish to use this plan, or draft your own. If you create your own, be sure it covers all the topics listed below. Your company may be doing some parts of the plan already, such as maintaining proper labels on containers and MSDS sheets in service vehicles.

The parts of our written plan are as follows:

I. **General:**
A general statement with a blank for the company's name is made to introduce the plan. Employees are instructed to direct inquiries to the coordinator of the plan or their supervisor.

II. **Inventory:**
The coordinator will inventory and make a list of all hazardous chemicals in the workplace. No new chemicals may be purchased without the knowledge of the coordinator. A specific site must be designated for the hazardous chemical list to be located, easily accessible to all employees. A copy of the list must also be attached to the HCP.

III. **Material Safety Data Sheets (MSDS):**
The coordinator is responsible for maintaining a file of current MSDS's. If an MSDS is not received with the first shipment of a chemical or if the current MSDS cannot be located, the coordinator must secure the latest MSDS. Each division of the company (termite, regular pest control, lawn work, fumigation) should have its own MSDS binder. In addition, a binder with MSDS's and labels should be kept in each vehicle. Annually, (more often if possible) the coordinator must check the master file and all binders to be sure they are up to date.

IV. **Labels, Labeling and Warnings:**
The coordinator must be sure all containers are properly labeled. MSDS and label information must be checked to be sure they match.

Damaged or missing labels must be replaced immediately. A check of all labels should be made monthly.

V. **Training:**
Conducting training sessions for all employees to meet the provisions of the HCP is the responsibility of the coordinator. **Before** any new employee is able to begin working, they must attend a training session and understand the HCP.

Managers and supervisors must receive additional training to ensure they can guide the personnel in their departments and maintain proper documentation.

All employees must be instructed in the following items:

a. Review of a listing of all hazardous chemicals used by the company;

b. Introduction to the coordinator and his/her duties;

c. How to read and interpret the information contained on an MSDS;

d. How to read and interpret the information contained on a label;

e. Physical and health hazards presented by the chemicals in the work area;

f. Personal Protective Equipment (PPE), such as gloves and respirators, and when/how to use them;

g. How to clean up chemical spills, both indoors and outdoors;

h. The handling or use of any chemical without first receiving a safety briefing from the coordinator or supervisor.

If a new chemical which has a different mode of action, or presents any new type of hazard, is introduced into the workplace, a meeting will need to be held with all employees who will handle the new chemical. For example, if your termite technicians have been using Pyrethroid materials and a decision is made to switch to a Chloronicotinol, a meeting will have to be held to go over the new label and MSDS. If any chemical is introduced into the workplace that is carcinogenic, a special meeting will have to be held to discuss any cancer risks. This meeting should be handled by a person with medical experience. Routine company staff meetings should devote some time to hazard communication to be sure everyone is up to speed. Care must be taken to ensure no questions are left unanswered. If you do not have the information when the inquiry is made, call the manufacturer or distributor and secure the answer as soon as possible. Meet with the proper personnel and relay the information immediately.

VI. Non-Routine Tasks:

Before engaging in any new or non-routine task such as repairing or cleaning equipment, the coordinator must be notified. These tasks will be evaluated if there is any potential for exposure to chemicals being used.

VII. Contractor Notification:

Contractors, such as cleaning services working in your facility, may be exposed to the chemicals stored on site. The coordinator must provide pertinent HCP information to the contractor's employees.

VIII. Fire Department Notification:

Take a binder with a list of chemicals and a copy of each MSDS to the fire station responsible for responding to any calls from your office. The person in charge will be glad to have it. Without this information, they may **refuse** to fight a fire at your office until they are provided with copies of the MSDS sheets.

IX. Maintaining the Program:

The coordinator will need to stay up to date on the status of the program. Meetings will need to be held with management and supervisors. Any changes to improve the effectiveness of the program must be implemented.

Step Three: Formulate a Training Program

In order to meet the training requirements outlined in the HCP, it will be necessary to set up a series of training meetings. In this chapter we have included a list of training topics and a suggested training program. The amount of material which must be covered is extensive, and should be broken down into sections which can be covered in a regularly scheduled service meeting. For example, one meeting could cover how to read a label. Another could deal with reading a MSDS. Safety issues and spill control must be covered. There is no time limit on the training. One meeting each month, perhaps as short as thirty minutes, will work. Take the time to set up a plan for the meetings *before* you introduce your "Right to Know" program to your employees. Be sure to *document* these meetings with a "sign up" sheet. File these with your copy of the HCP.

Step Four: Plan/Conduct Meetings with Employees

After you have thoroughly reviewed this chapter, the next step is to introduce the "Right to Know" program to your employees. Prepare copies of the written plan, "Information for Employees" page, and the "Verification of Hazard Communication Training" page. Have copies of labels and MSDS sheets handy. Plan a meeting for all employees to review the reason for "Right to Know", employee's rights, your written plan and your training program. Take the time to answer questions. Do not rush this process. It is vital that all employees understand the program and how you will implement it. In the event of an inspection, anyone present in the office must know the basics of the plan and where a copy of the plan and MSDS sheets are kept in the office. Make sure the employees receive a copy of the written plan and retain signed copies in each employee's file. If necessary, schedule a follow-up meeting to cover any lingering questions. As in the case of all safety meetings, keep a "sign in" sheet to further document your safety training efforts.

After the initial meeting, all employees must understand "Right to Know", your written plan, safety procedures and the importance of labels and MSDS sheets.

Step Five: Continually Enforce the Program

Your responsibility to the program does not end after the first round of meetings. The coordinator must keep up on any new chemicals and delete one which the company no longer uses. The program must be reviewed on an annual basis and any adjustments or improvements should be implemented. An employee meeting must be conducted, at least on an annual basis, in order to review the written plan. The "Right to Know" standard was intended to promote an active participation between employees and management in order to reduce illness and injury caused by exposure to chemicals.

Make your "Right to Know" program an integral part of your company's training efforts.

INFORMATION FOR ALL EMPLOYEES: AS AN EMPLOYEE, YOU HAVE THE "RIGHT TO KNOW"

You have the right to:

1. Know the characteristics of the listed toxic substances in your workplace;

2. Obtain a copy of the Material Safety Data Sheet (MSDS) for each listed toxic substance to which you are, have been, or may be exposed in your workplace (upon your written request).

3. Refuse to work with a listed toxic substance, under specified circumstances, if you are not provided a copy of the MSDS for that substance within five (5) working days of your written request to your employer;

4. Instruction, within the first 30 days of employment and at least annually thereafter, on the adverse health effects of each listed toxic substance used in your workplace, and instruction on how each substance is used and procedures in the event of an emergency.

5. Obtain further information about the properties and hazards of listed toxic substances from the manufacturer, your state poison control center, and in an emergency, Chemtrec (800) 424-9300.

6. Protection against discharge, discipline, or discrimination for having exercise any of these rights.

In 1984 the Occupational Safety and Health Administration (OSHA) put in place Federal Regulations that have become known as "Right to Know" laws.

These laws originally affected only those companies that manufactured or used potentially hazardous chemicals. In 1985, the courts decided these regulations apply to ALL companies.

HAZARD COMMUNICATION PROGRAM (HCP)

Date: _____/_____/_____ Company Name _____

Company Location:_____

Program Coordinator:_____

I. General:

The purpose of this written Hazard Communication Program is to explain how _____ ___ meets the requirements of Federal rules on informing employees about the possible hazards of chemicals in the workplace. The coordinator is in overall charge of the program, and is able to answer questions and provide additional information. In cases of multiple workplaces, the employee's immediate supervisor should be contacted for specific information.

II. Inventory:

An inventory of chemicals will be made by the coordinator, who will be responsible for determining whether each product has a Material Safety Data Sheet (MSDS). Information to be used in this inventory will be provided to the coordinator by each supervisor in charge of areas where chemicals are handled. No new hazardous substance may be purchased or brought into the facility unless the coordinator is informed in advance. Whenever possible, the least hazardous substance will be procured.

Using the inventory information, the coordinator will develop and maintain a list of all hazardous chemicals found at the facility. The list will be updated whenever new chemicals are received. The hazardous chemical list is kept at _____ and is available upon request. A copy of the hazardous chemical list is also attached to this HCP.

III. Material Safety Data Sheets:

An MSDS contains detailed information on the health hazards and safety precautions to be used in handling a chemical. An MSDS for each hazardous chemical will be kept in an MSDS binder located at _____ and on each service vehicle. The coordinator will review newly arriving data sheets for current information and will pass the new information to supervisors and employees. If the MSDS is incomplete or missing, the coordinator will request a new MSDS from the manufacturer or supplier. The original MSDS will be maintained by the coordinator and copies will be distributed to each supervisor and all employees.

The supervisor in each area where chemicals are handled is responsible for maintaining a copy of the MSDS for each hazardous chemical used in that area. If an MSDS is not available for a chemical, the supervisor shall notify the coordinator. The chemical will be taken out of service until a current MSDS is procured.

MSDS's which meet the requirements of OSHA must be fully completed and received at the facility prior to, or at the time of receipt of the first shipment of any hazardous material. It may be necessary to discontinue purchasing from vendors who fail to provide MSDS's in a timely manner. The master file and all MSDS binders will be checked by the coordinator at least on an annual basis.

IV. Labels, Labeling and Warnings:

The coordinator will ensure that all chemicals used in the facility are properly labeled. Each container of hazardous chemicals must possess appropriate label relaying contents, hazard warnings, and name and address of the chemical manufacturer. The coordinator will refer to the corresponding MSDS to verify label information. Immediate use containers, small container in which chemicals are held for use by an employee on his/her shift may need labels per state law. Damaged labels or labels lacking necessary information should be reported to the coordinator for immediate replacement. The coordinator will check on a monthly basis to ensure that all containers are properly labeled and that the labels are up to date.

V. Training:

Training sessions will be conducted by the coordinator or by supervisors who have been trained by the coordinator. Training will cover the requirements of the standard, operations where hazardous chemicals are used, the location and availability of the HCP, the list of hazardous chemicals, and the collection of MSDS's for each department. Also included in the training are physical hazards of the chemicals (potential for fire, explosion, etc.) and health hazards, including any signs and symptoms associated with exposure to the chemicals. Medical conditions known to be aggravated by exposure to the chemical will also be discussed. Interpretation of hazard warnings will be explained. If any chemicals are found to be carcinogenic, a special meeting with medical personnel will be scheduled.

Protective measures will be discussed, including Personal Protective Equipment (PPE) required, its proper use and maintenance, and proper work practices for the handling and use of chemicals. Appropriate emergency procedures will be covered including spill control, both indoors and outdoors.

The coordinator will monitor and maintain records of the training and advise the supervisors on future training needs. Training will be carried out **before** an employee is allowed to use or handle any chemical. This training will be updated on an annual basis. As part of the training, all employees will be reminded of their rights under the Hazard Communication Standard.

Additional training will be provided whenever a new hazard is introduced into the workplace. For example, a new material with a different mode of action may be purchased. It is vital that all employees understand the training. If any questions arise, the employee must contact the coordinator.

VI. Non-Routine Tasks:

Supervisors, maintenance personnel or other employees planning a non-routine task, such as spill cleanup or cleaning equipment or repairs, must consult the coordinator before starting the task. The task will be reviewed by the coordinator and supervisor for the potential of exposure to hazardous chemicals. A procedure will be agreed upon, detailing appropriate actions and safeguards to control exposure to hazardous chemicals.

VII. Contractor Notification:

Prior to any outside contractor starting work within the facility, the coordinator and supervisor will meet with the contractor to discuss the work to be done, necessary health and safety measures, and appropriate work practices. Hazardous chemicals used by the contractor, and hazardous materials used or stored at the facility to which the contractor's employees may be exposed, will be identified. An agreement will be reached on how the contractor and the coordinator will exchange information and inform their employees.

VIII. Fire Department Notification:

The coordinator shall provide a list of all hazardous chemicals stored at the facility to the person responsible for the administration and direction of a fire department in the nearest county or municipality. This list shall contain the chemical and common name of each material. In addition, a copy of each chemical's MSDS should be included. This information should be updated at least annually.

IX. Maintaining the Program:

The coordinator will be current on all new and revised information regarding the Hazard Communication Standard in order to comply with the regulations. He/she will schedule an annual review of the company's program with all supervisory personnel. At this time they will assess the effectiveness of the employee training and the methods the company uses to obtain, review, retain and distribute chemical hazard information.

I have received information and training on the Right to Know Program and understand my responsibilities to follow its policies and work safely.

Employee: _____ Date: _____/_____/_____

Company Representative: _____

Attachments: Hazardous Chemical List

VERIFICATION OF HAZARD COMMUNICATION TRAINING

Information reviewed:

1. Company policy statement;
2. OSHA record keeping and training requirements;
3. List of hazardous materials;
4. How to read and understand labels;
5. How to read and understand MSDS;
6. How to store, mix, use, and dispose of hazardous chemicals;
7. Appointment of a program coordinator;
8. Spill control and emergency procedures;
9. Demonstration and fitting of safety equipment;
10. Discussion of exposure limits and recognizing symptoms.

I have received Hazard Communication Training as described above and outlined in the Hazard Communication Program as it pertains to my employment:

_____ _____/_____/_____

Employee Signature Date

_____

Social Security Number

I hereby certify the above named employee has been provided with Hazard Communication training:

_____ _____/_____/_____

Instructor's Signature Date

HAZARD COMMUNICATION TRAINING PROGRAM

The Hazard Communication Standard requires each employer to inform and train all employees about the chemical hazards in the workplace. This training is to take place at the time of an employee's initial assignment and whenever a new hazard is introduced into the work place. Annual refresher training is also required. This training program should be administered by the HCP coordinator or supervisor.

1. The Hazard Communication Program training should include the following:
- Employee rights under the law;
- Reading the Hazard Communication Program aloud to employee(s);
- Advising a copy of the HCP to be kept on file with the MSDS's and chemical list in the immediate supervisor's office.

2. List of hazardous chemicals training should include the following:
- Reading the list of hazardous chemicals aloud;
- Explanation of how the list of hazardous chemicals will be maintained;
- Advising a copy of the list to be on file in the supervisor's office.

3. Material Safety Data Sheets training should include the following:
- Explanation of how to read and understand an MSDS;
- Explanation of how and when MSDS's will be obtained;
- Advising that a copy of the MSDS for each chemical used should be kept on each vehicle and attached to the HCP in the supervisor's office.

4. Labels and Warnings training should include the following:
- That hazard warnings on chemicals must convey specific physical and health hazards;
- That any labels found to be incomplete, or entirely missing, must be reported to the supervisor immediately;
- That labels must be read and understood completely **before** any chemical is used;
- That all containers must be labeled according to the HCP and state laws.

5. Review the different types of chemicals used within the company, *including*:
- General hazards associated with the chemicals;
- Specific hazards associated with the chemicals;
- Proper use and handling of the chemicals;
- How to detect the presence or release of the chemicals;
- What to do in case of leaks or spills of the chemicals;
- Use of protective equipment and other ways to limit exposure to the chemicals.

6. Emergency and first aid procedures training should include the following:
- Serious emergency procedures;
- Minor emergency procedures.