

HAZARDOUS SUBSTANCE AWARENESS

43.01 PURPOSE

The purpose of this regulation is to establish policy and procedures for Department personnel concerning *The Worker and Community Right to Know Act (P.L. 734, No. 159), October 5, 1984*, and the requirement that information about hazardous substances in the workplace be made available to all Department personnel.

43.02 POLICY

It is the Department's policy to be in full compliance with the requirements of *The Worker and Community Right to Know Act*, and Management Directive 505.27 Amended, *The Worker and Community Right-To-Know Act*, dated August 3, 1993, in order to ensure the health and safety of all personnel.

43.03 DEFINITIONS

- A. Hazardous Substance: Any chemical and/or hazardous mixture as defined under Section 2 of the Act (35 P.S. § 7303). Excluded are substances existing naturally and not created as part of a manufacturing process or items that are available for retail sale to the general public.
- B. Workplace: A building or continuous group of buildings and/or work areas at one geographical location used to conduct business on either a permanent or temporary basis.
- C. Work Area: Any defined space within the workplace where personnel regularly perform their assigned duties.
- D. Material Safety Data Sheet (MSDS): A written document prepared by a manufacturer, supplier, or importer which lists/describes information about a specific chemical or chemicals in a product.
- E. Hazardous Substance Survey Form (HSSF): The form which contains specific information about the substances stored or used in the workplace.

43.04 DUTIES AND RESPONSIBILITIES

A. Director, Bureau of Human Resources:

1. Ensure implementation of the Department Hazardous Substance Awareness (HSA) Program and compliance with (a) *The Worker and Community Right to Know Act*, and (b) Management Directive 505.27 Amended, dated August 3, 1993, The Worker and Community Right-To-Know Act.
2. Appoint an HSA Coordinator. The Department's HSA Coordinator will be the Department Safety Coordinator.

B. Department Safety Coordinator:

1. Develop and implement a comprehensive HSA Program in conjunction/coordination with the Office of Administration and the Department of Labor and Industry.
2. Provide technical information and assistance to Troop/Bureau/Office HSA Coordinators.
3. Maintain the HSSF submitted by the Troop/Bureau/Office HSA Coordinators.
4. Ensure that Troop/Bureau/Office HSA Coordinators are trained annually.
5. Ensure that Troop/Bureau/Office HSA Coordinators maintain an MSDS for each hazardous substance/product stored or used at their respective workplace, and that they are readily available to any personnel upon request.
6. Ensure all personnel exposed to hazardous substances receive mandatory annual training.
7. Ensure HSA training is conducted for all newly hired personnel as part of their New Employee Orientation.
8. Maintain annual HSA training records submitted by Troop/Bureau/Office HSA Coordinators.

9. Maintain HSA health and exposure records in separate folders and ensure confidentiality at all times.
- C. Troop Commanders and Bureau/Office Directors:
1. Ensure overall compliance with the requirements of the HSA Program.
 2. Designate the Staff Services Section Commander or other appropriate staff as the Troop/Bureau/Office HSA Coordinator.
 3. Ensure HSSFs and training records are submitted by the Troop/Bureau/Office HSA Coordinators to the Department Safety Coordinator no later than April 1 of each year.
- D. Troop/Bureau/Office HSA Coordinators:
1. Ensure compliance with the HSA Program through cooperation and coordination with the Department Safety Coordinator.
 2. Obtain HSA information, forms, notices, and training materials from the Bureau of Human Resources web page on the PSPiNet.
 3. Post an Employee Workplace Notice in a conspicuous location at each work site for all personnel to see.
 4. Designate HSA Trainers, as needed, to facilitate compliance with the HSA Program.
 5. Ensure HSA Trainers conduct annual training for personnel who are exposed to hazardous materials in the workplace.
 6. Forward a copy of the dated annual training agenda and attendance roster to the Department Safety Coordinator in the Bureau of Human Resources no later than April 1 of each year.
 7. Ensure hazardous substances are properly labeled so personnel can easily identify the contents.

8. Conduct an annual inventory of hazardous substances stored or used by personnel at the Troop/Bureau/Office no later than April 1 of each year in order to complete an HSSF.
9. Complete and post the HSSF in a conspicuous location.
10. Forward a copy of the current HSSF annually to the Department Safety Coordinator in the Bureau of Human Resources no later than April 1 of each year.
11. Revise the HSSF immediately whenever a hazardous substance stored or used in the workplace changes.
12. Retain an MSDS for all hazardous materials at the work site.
13. Provide current copies of HSSFs and MSDSs to the Department Safety Coordinator, the Department of Labor and Industry, emergency response organizations, and/or Pennsylvania residents when requested.
14. Complete an HSSF if requested by the Department of Labor and Industry.
15. Submit a negative response via Department Correspondence, SP 3-201, to the Department Safety Coordinator no later than April 1 of each year if no hazardous substances are present in the workplace.
16. Submit to the Department Safety Coordinator any and all documentation of exposure to hazardous substances for inclusion in the HSA Health/Medical and Exposure file.

43.05 PROCEDURES

A. Material Safety Data Sheet:

1. An MSDS shall be maintained for each hazardous substance/product stored or used at the Troop/Bureau/Office. If a hazardous substance or product shipment does not contain an MSDS, one may be obtained online or by contacting the product manufacturer.

2. The MSDS must be accessible to all personnel without permission and without intervention by supervisors or the chain of command.
3. New or revised copies of MSDSs shall be provided to the Troop/Bureau/Office HSA Coordinator as new products arrive or changes occur.

B. Hazardous Substance Survey Form:

1. An HSSF, including Column C, shall be completed listing each hazardous substance in the workplace using Option 1 as specified in the Department of Labor and Industry's Pennsylvania Worker and Community Right to Know "Compliance Materials for Public Sector Employees" publication. This document can be found on the Bureau of Human Resources web page on the PSPiNet.
2. A completed or revised HSSF must be prominently posted in each Troop/Bureau/Office whenever a new hazardous substance is received for storage or use.
3. A completed HSSF must be prominently posted in each Troop/Bureau/Office where hazardous substances are present.
4. A completed HSSF shall be submitted to the Department Safety Coordinator in the Bureau of Human Resources no later than April 1 of each year.
5. An HSSF does not need to be completed in Troops/Bureaus/Offices where no hazardous substances are present.
6. A blank HSSF and instructions for its completion may be obtained from the Bureau of Human Resources web page on the PSPiNet.

C. Health/Medical and Exposure Records:

1. The HSA Health/Medical and Exposure file is a separate, single file and shall contain all documents pertaining to personnel incidents or accidents involving a hazardous substance or mixture.

2. The HSA Health/Medical and Exposure file shall be maintained in the Bureau of Human Resources by the Department Safety Coordinator.
3. When an HSA Health/Medical and Exposure file is created, the Official Personnel Folder, Form STD-301, of the individual shall be annotated, indicating an HSA Health/Medical and Exposure file exists.
4. The HSA Health/Medical and Exposure file must be maintained for the duration of the individual's employment plus 30 years.
5. If personnel transfer to another Commonwealth agency, the Bureau of Human Resources shall forward the HSA Health/Medical and Exposure file to the gaining agency.
6. Confidentiality of all HSA Health/Medical and Exposure files of affected personnel must be maintained at all times.

D. Training:

1. Troop/Bureau/Office HSA Coordinators shall ensure annual training is conducted for personnel whose job duties expose them to hazardous substances.
2. Training must include the provisions of *The Worker and Community Right to Know Act* and personnel's rights under the law.
3. Newly hired personnel shall receive HSA training as part of their New Employee Orientation.
4. Records documenting the training conducted by HSA Trainers, including the training date and attendance rosters, shall be forwarded to the Department Safety Coordinator no later than April 1 of each year.
5. Troops/Bureaus/Offices whose personnel are not exposed to hazardous substances in their respective workplaces are not required to conduct HSA training.

E. Labeling:

1. The Troop/Bureau/Office HSA Coordinator shall ensure that each hazardous substance and/or hazardous mixture container is labeled with:
 - a. The chemical or common name of the substance as found on the MSDS.
 - b. A hazard warning indicating the specific nature of the hazard arising from the substance.
 - c. The name, address, and telephone number of the manufacturer.

2. The following containers of hazardous substance are not required to be labeled:
 - a. Any chemical or mixture transferred by an individual from labeled containers, which is intended only for the immediate use by personnel who performed the transfer.
 - b. Any pesticides as defined in the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 135 et seq.).
 - c. Any food, drug, or cosmetic as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. §301 et seq.).
 - d. Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as defined in the Federal Alcohol Administration Act (27 U.S.C. § 201 et seq.).
 - e. Hazardous waste from spills and disposal site rehabilitation projects handled pursuant to the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. § 6901 et seq.) or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 26 U.S.C. § 4611 et seq. and 42 U.S.C. § 9601 et seq.).

43.06 RETENTION OF FILES

- A. MSDSs, HSSFs, and training records shall be maintained by the Department Safety Coordinator in accordance with records management procedures contained in Management Directive 210.5, Amended, The Commonwealth's Enterprise Records Management Program, dated May 2, 2006.
- B. All HSA Health/Medical and Exposure files shall be maintained by the Department Safety Coordinator for the duration of the individual's employment with the Department, plus 30 years.

43.07 MISCELLANEOUS

- A. No personnel shall be discharged, disciplined, or harassed for exercising his/her rights granted under *The Worker and Community Right to Know Act*, existing Commonwealth policies, or this regulation.
- B. Technical assistance is available to all charged with implementation of the HSA regulation from the Department Safety Coordinator.
- C. Links to HSA forms, publications, and training materials are available to Troop/Bureau/Office HSA Coordinators on the PSPiNet under the Bureau of Human Resources web page.