

Rules & Regs on Chemical Safety

Many laws regulate chemical hazards in the workplace. Some, often called *Right to Know* laws, require employers to inform employees about chemical hazards in the worksite. Some direct employers to disclose information to state and local agencies such as fire departments, and the public. Certain rules require employers to address how chemicals emergencies will be handled.

Right to Know

A key federal rule requiring disclosure of chemical hazards is the OSHA Hazard Communication Standard (1910.1200) known as HAZCOMM, or HCS, or Right to Know. An employer must assemble information on the hazards of the chemicals they use. (Most will get this data from their chemical suppliers who are under OSHA mandates to supply the information.) Employers are then required to establish a written program that communicates these hazards to their workers.

Chemical hazards must be communicated to employees through the HAZCOMM triangle of a) training, b) labeling, and c) employee access to Material Safety Data Sheets.

- **Training** must be performed prior to a job assignment or whenever a new chemical hazard is introduced into the work area. (*A separate Rhode Island rule requires that this training be done annually.*) Training is to cover the following:
 - ❖ Operations in work areas where chemical hazards are present
 - ❖ Appropriate means to detect hazards
 - ❖ Hazards of chemicals in the work area
 - ❖ Measures the employer has adopted to protect workers.

- ❖ Unforeseen hazards while performing non-routine tasks.
- ❖ Details of site's HAZCOMM program (e.g., how to read labels, and how to get a Material Safety Data Sheet).
- **Labels.** A simple way to warn about the hazards of a chemical is through labels. The HAZCOMM rule states that each hazardous chemical container must be labeled or tagged to identify the chemical, and include a hazard warning. (If, however, a chemical is governed by a specific OSHA standard, then the label must follow the format dictated by that standard.)

Labels should clearly identify the substance and hazards. If chemicals are in a process, sealed containers or pipes, then it is sufficient to post a placard or use a process sheet to inform those workers. (In cases where an employee transfers a substance from a labeled container to a smaller container for his/her own use, then the smaller container need not have a label).

- **Material Safety Data Sheets.** A cornerstone of all chemical hazard regulation is the Material Safety Data Sheet (the MSDS). OSHA requires employers to obtain and maintain MSDSs for chemicals they use.
- (Other regulations such as the RI Right to Know act require employers to provide these MSDSs to local emergency response agencies on request.)

An MSDS is a document designed to answer questions like:

- What is the identity of the product?
- What are the hazards of the product?
- What methods can control exposure?
- Can the product explode?
- Is it a fire hazard?
- What can happen in the case of a spill or accidental release?
- How should the product be handled or stored safely?

Under the OSHA rule employees have the right to examine and copy MSDSs. And these MSDS are to be used by the employer in training and informing workers about chemical hazards.

OSHA has other rules that deal with chemical safety.

- **Medical Access Standard** (1910.1020) gives employees and physicians the right to review and copy records of records on chemical *exposures*.
- **Confined Space** (1910.146) directs employers to survey their facility for *confined* spaces where serious chemical hazards may pose a threat to anyone who enters that space. Employees not specifically trained and protected should not be allowed to enter such spaces.
- **Emergency Response** (1910.120) Employer must be prepared to respond to chemical emergencies.
- **Flammable and combustible liquids (1910.106)/Compressed gases (1910.101-105)** regulate handling storage of chemicals.
- **Process Safety Management** (1910.119) Certain commercial/industrial processes contain highly hazardous chemicals. In order

to prevent accidental releases of these chemicals employers must have a process safety plan. A process safety plan must contain information on these chemicals, as well on the technology and equipment involved in the process.

RHODE ISLAND Right to Know Law

Rhode Island has a Right to Know regulation that require all employers (including state agencies and municipalities) to disclose information about hazardous chemicals used at a worksite to their employees in a very similar approach to the OSHA rule. It requires that employers also provide information to local fire departments, local emergency response committees and the public. ***Federal Environmental laws require similar disclosures as well as information about releases into the environment.***

Many features of the Rhode Island Right to Know Law are similar to the OSHA HAZCOMM rule. Areas where they differ include the following:

- Each employer must develop an alphabetical list of hazardous chemicals. Under RI statute this list must be sent to the local fire department, and to the RI Department of Labor & Training annually.
- Both OSHA and RI require training (1) prior to their initial job assignment, (2) whenever a new chemical hazard is introduced into the work area. But, RI requires the training at annually with a notice of same sent to the RI Department of Labor & Training.

