

Personnel Notebook

For Your Most Important Resource -- The Human Resource

Prepared By:

HUMAN RESOURCE ASSOCIATES

Personnel Consultants

HAZARD COMMUNICATION STANDARD

What You Don't Know Can Hurt You

April 22, 1990 was officially designated "Earth Day". This was the 20th anniversary of the first "Earth Day", the day the Environmental Protection Agency (EPA) was created. The original event started with outlawing the historic pesticide "DDT".

This anniversary was not just a march in the street by a few hundred college students with signs. This was a worldwide media event which started earlier and lasted for many months after. There were new movies, TV dramas, documentaries, books, celebrity endorsements, consumer boycotts and newspaper exposes. Many countries were involved and many violators were exposed. EPA supported these efforts. Tough new legislation followed and court actions created a cast of heroes and villains. One of the goals of these activities was to make the 1990s the Decade of the Environment, and that is just what happened. It is now clear that here in the 21st century the environment as a social imperative as well as an economic reality is part of American society.

The major villain and the easiest target was identified as industry, not just big industry, but business in general. Waiting this out is no longer an option, and we certainly don't want to be caught in violation of the regulations. Violators have been treated harshly and a whole new generation of environmental activists has arrived. Although there are many laws affecting chemicals, chemical usage, chemical waste and chemical disposal, "HR University" concentrates

on the employment issues.

So let's take a look at the most sweeping regulation of all, the one that affects all of our employees, the Hazard Communication Standard (HCS).

What Is The Hazard Communication Standard (HCS)?

The HCS is regulated by the 1970 Occupational Safety and Health Act (OSHA) and is an updated section of that original act. It is a regulation that is intended to protect your employees from any hazardous chemicals you may be using.

Essentially HCS says that you must create a written Hazard Communication Program in your company that will inform your employees of any hazardous chemicals in the work place and how to protect themselves from those chemicals.

Who Is Covered?

All employers who have potentially hazardous chemicals or substances in the work place are covered and are required to create the program.

What Is A Hazardous Chemical?

Any element, chemical compound or mixture of elements and compounds that is a physical hazard (i.e., explosive or flammable) or a health hazard (i.e., an irritant or carcinogen) is

considered a hazardous chemical.

Exempt from this category and, therefore, not considered a hazardous chemical for the purposes of HCS are: tobacco products, wood products, office supplies, most food, drugs, cosmetics, alcohol, consumer products (when used as a consumer would use them), hazardous waste, pesticides (because they are already covered in other laws), color additives and distilled spirits, wine or malt beverages not intended for industrial use.

You may rely on the information you receive from the chemical manufacturers regarding hazardous materials, as *they* are primarily responsible for informing users of the hazard.

But note this: if you choose not to accept the manufacturer's information for any reason, then you must determine the hazardous qualities yourself following the same strict procedures the manufacturer must use.

How Do I Create This Hazard Communication Program?

If you are an employer and you have potentially hazardous chemicals or substances in your work place, then you are required to have a Hazard Communication Program. The following 6 steps describe how to create the program:

1. Conduct an inventory of your entire work place to determine where any and all chemical substances are kept. Make a list.
2. Determine which chemicals are considered hazardous and will be included in your HCS program. Make a list.
3. Obtain a Material Safety Data Sheet (MSDS) for each hazardous chemical. (If you are the manufacturer of this chemical, you must prepare the MSDS yourself and provide it to all users. If you are a purchaser or user, you must obtain the MSDS from the manufacturer.) There is no standard MSDS form available. The

form must identify:

- the substance
- its physical characteristics (explosiveness, flammability)
- its health hazards (causes burns, inhibits breathing, etc.)
- primary route of entry into the body
- permissible exposure limits
- carcinogenic qualities
- handling precautions
- protective equipment and practices to be used
- emergency first aid for this substance
- date container was prepared (or date information was updated)
- manufacturer's name, address and phone number

4. File these MSDS forms in a place where they are readily available to all employees, OSHA inspectors and emergency aid teams. Also, file the inventory list and the hazardous chemical list with the MSDS forms.
5. Put labels on all containers holding hazardous chemicals.

Labels must be:

- legible
- in English (plus other languages, if desired), or pictures or symbols which convey the hazard. Message should be specific as in "Inhalation May Cause Lung Damage;" instead of "Do Not Inhale". First aid information should appear on the MSDS, not on the container label.

A hand bucket or other portable container used to carry hazardous chemicals in the course of performing the job need not be labeled if it is for

immediate use. Pipe lines and piping systems need not be labeled either.

6. Create an employee hazardous chemical training program. This program must train employees:

- to understand the hazards of chemicals in the work place
- to know which hazardous chemicals are in their work place and where they are
- to detect the presence of hazardous chemicals. (By odor or appearance or with monitoring devices)
- to protect themselves through proper working procedures
- to use personal protective equipment
- to perform emergency aid procedures
- to understand the Material Safety Data Sheets (MSDSs) and to know where they are
- to understand the labeling system
- how to respond to a related emergency
- how to find information on hazardous chemicals (i.e., the inventory list, the MSDSs, calling the manufacturer, etc.)
- how to add or delete chemicals from the list if your usage changes
- to inform them of this Hazardous Communication Program. (Items 1 through 6 above)

Penalties For Non-compliance

OSHA enforces compliance through routine inspections, employee complaints or as a result of an accident. It has been reported that if an employer has not complied, it will be considered an open and shut case. "Ignorance of the law is no excuse!" Fines range from \$1,000 per incident or up to \$1,000 per day for failure to correct a violation and up to \$10,000 and six

months in jail for a willful or repeated violation, which results in the death of an employee. Repeated convictions can result in fines up to \$20,000 and a year in jail.

To Summarize

If you are an employer who has potentially hazardous chemicals in the work place, you must assure the following steps.

1. Conduct an inventory of all chemicals. Make a list.
2. Determine which are considered hazardous. Make a list.
3. Obtain Material Safety Data Sheets (MSDSs) for each hazardous chemical from the supplier.
4. File all 3 items for quick and easy retrieval.
5. Put labels on all hazardous chemical containers.
6. Create an employee training program.

Some Points Of Interest

- OSHA estimates that construction contractors come in contact with about 12 hazardous substances and will spend approximately \$169 to set up compliance. However, one industry association contends that the contractors come into contact with 100 to 200 hazardous substances and could spend \$2,000 to \$10,000 to comply.
- An Indiana industry representative stated that the HCS is the nation's sixth highest paper-generating federal employment law. The U.S. Federal Office of Management and Budget filed a suit (unsuccessfully) against OSHA alleging that HCS violated the Paperwork Reduction Act of 1980.
- HCS covers chemicals that the employer

knows are in the work place. It does not require testing to locate or identify chemicals that might be present, such as substances buried before you were there and are unknown to you.

- Although it requires a great burden of paperwork and the bureaucracy of enforcement is still cumbersome, this is generally considered to be a very good law, not only because of its need and beneficial purpose but also because it establishes one standard for all to follow. Prior to this final HCS law, one small Midwestern town required companies to identify and provide MSDSs on over 100,000 substances.
- Labor unions and other organizations have set up centers where they are testing workers and *retirees* for toxic elements in their systems. They then trace it back to the employer who exposed them to it to file lawsuits for health damages.
- The EPA's Community Right-to-Know Act (CRKA) is a related, far-reaching environmental law. CRKA requires all private employers with 10 or more employees to supply essentially this same information to the local offices of EPA. The purpose is to allow the community to be aware of potentially dangerous chemicals in the area.

Bill Cook
Human Resource Associates

HUMAN RESOURCE ASSOCIATES
6050 Greenway Court
Manassas, VA 20112-3049
(703) 590-3841, FAX: (703) 590-6437
website: www.consulthra.com
e-mail: hrahtl@consulthra.com