

| | | |
|--|---|---|
| CITY OF APPLETON PERSONNEL POLICY | TITLE: RIGHT TO KNOW 29 CFR 1910:1200 & Wis. Stats. 101.58 <u>& DSPS Code 332.15</u> | |
| ISSUE DATE: 1986 | LAST UPDATE: -2007 2015 <u>2021</u> | SECTION: Safety |
| POLICY SOURCE: Human Resources Department | POLICY AUDIENCE: All City Employees | TOTAL PAGES: 5 |
| Reviewed by Legal Services Date: December 2, 1999 May 23, 2007 November 2015 <u>2021</u> | Committee Approval Date: December 9, 1999 June 27, 2007 December 7, 2015 <u>2021</u> | Council Approval Date: December 15, 1999 July 5, 2007 December 16, 2015 <u>2021</u> |

Formatted: Normal

- I. **PURPOSE:**
 The purpose of “The Right to Know” policy is to establish guidelines and assign responsibilities, thereby protecting employees who work with toxic substances, infectious agents and pesticides, as they relate to the federal and state law.
- II. **POLICY:**
 The policy is written to ensure that the city is in compliance with OSHA ~~and Wisconsin Statutes relating to the “Hazard Communication Standard” commonly referred to as “The Right to Know” law~~ Hazard Communication Standard 29 CFR 1910.1200 incorporated by reference is SPS 332.15 for Public Employee Safety and Health and Wisconsin Statutes 101.58-Employees’ Right to Know. ~~thereby protecting employees who work with toxic substances, infectious agents and pesticides.~~ Violations of this policy will be subject to disciplinary action, up to and including discharge.
- III. **DISCUSSION:**
 This policy outlines the regulations and training requirements, mandated by the Hazard Communication Rule OSHA 29 CFR 1910.1200 and Wis. Stats. 101.586—101.599 commonly known as the “Right to Know” law. This in addition to other mandated laws is subject to change. The City of Appleton has contracted with an on-line company to store/make available all SDS documents. The link to the SDS online system can be accessed on the menu bar from the Intranet or via the back-up jump drive located in all facilities.
- IV. **DEFINITIONS:**
- A. **Employee:** Any person whose service is currently or was formerly engaged by an employer.

- B. Employee Representative:** An individual or organization to whom an employee gives written authorization to exercise his or her rights to request information, i.e. parent of a minor employee or a recognized or certified collective bargaining agent.
- C. Employer:** Any person with control or custody of an employment or workplace who engages the services of an employee.
- D. Overexposure:** Any chronic or acute exposure to a toxic substance or infectious agent, which results in illness or injury.
- E. Workplace:** Any location where an employee performs a work-related duty in the course of his or her employment, except a personal residence.
- F. Infectious Agent:** A bacterial, mycoplasmal, fungal, parasitic or viral agent identified by DWD and OSHA as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. “Infectious Agent” does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.
- G. Pesticide:** Any substance or mixtures of substances which are registered with the Federal Environmental Protection Agency or the Department of Agriculture, Trade and Consumer protection and which is labeled, designed or intended to prevent, destroy, repel or mitigate any pest or is a plant regulator defoliant (chemical sprayed or dusted on plants) or desiccant (drying) agent.
- H. Toxic Substance:** Any substance or mixture containing a substance regulated by the Federal Occupational Safety and Health Administration under Title 29 of the Code of federal regulations part 1910, subpart z, which is introduced by an employer to be used, studied or produced in the workplace.
- I. Contact Person:** The individual responsible for the program at each major City facility. Please refer to the poster on departmental bulletin boards that lists the individual’s name.
- J. PPE:** Personal Protective Equipment.
- K. ~~DWD: Abbreviation for Department of Workplace Development.~~ DSPS: Abbreviation for Department of Safety and Professional Services**
- L. OSHA:** Abbreviation for Occupational Safety/Health Association.
- M. SDS:** Safety Data Sheet. These documents contain the following sections:
1. Identification
 2. Hazard(s) Identification
 3. Composition Ingredients
 4. First Aid Measures
 5. Fire Fighting Measures
 6. Accidental Release Measures
 7. Handling and Storage
 8. Exposure Controls and PPE
 9. Physical and Chemical Properties
 10. Stability and Reactivity

- 11. Toxicological Information
- 12. Ecological Information
- 13. Disposal Information
- 14. Transport Information
- 15. Regulatory Information
- 16. Other Information

V. PROCEDURES:

A. RESPONSIBILITIES OF DEPARTMENT AND CONTACT PERSON

1. **Post a Notice:** Each major department or City facility post a notice entitled "Employee's Right to Know Law" (see Exhibit I, page 6). This informs employees of their right to request information about toxic substances, infectious agents and pesticides. The notice will also list whom to contact for additional information.
2. Train all employees within your department/division on an annual basis or when using a new chemical.
3. Keep all SDSs updated in the electronic system. When a new product requiring a SDS is purchased or stored in a City facility, the SDS shall be provided to the department safety representative so it can be entered into the SDS database and will be retained for 30 years beyond the last use.
4. Be familiar and know how to interpret all SDSs.
5. Adhere to all the policies and procedures set forth in this document.
6. Forward Training Sign-in Sheet to Human Resources Generalist or maintained in Fire Department records system.
7. Notify parents of a minor (in writing) about the use of pesticides, toxic substances, or infectious agents prior to any minor working with these products.
8. **Respond to Inquiries:** Employees have the right to ask for information relating to a product they are using. This inquiry must be in writing and the supervisor or individual who is listed as the contact person must respond in the following manner:
 - a. **Toxic Substances:** If the contact person has the information in house, (SDS) it must be provided within 15 days (excluding holidays and weekends) after receiving a written request from the employee. If the contact person does not have the information, he/she is allowed 30 days (exclusive of weekends and holidays) to respond. If the information cannot be obtained from the manufacturer or supplier, there is no longer any obligation to provide the information. However, the contact person must inform the employee that the information was requested but not available.
 - b. **Infectious Agents:** If the contact person has the information (SDS), it must be provided to the employee within 72 hours after receiving a written request from the employee. If the contact person does not have the information, he/she is allowed 30 days after the request to respond in writing (exclusive of weekends and legal holidays). Again if the contact person cannot get the information, then he/she is no longer obligated to provide the information. But as stated above, the employee must be notified in writing that the contact person has not received it, and does not otherwise have the information.

- c. Pesticide Information Requirements: employer or agricultural employer to employee: Within 72 hours of a request from an employee or employee representative, (exclusive of weekends and legal holidays) an employer or agricultural employer shall provide the requesting employee or employee representative with access to the container label or the information required by the federal environmental protection agency or the department of agriculture, trade and consumer protection to be on the container label, for any pesticide with which the employee works or to which the employee is likely to be exposed.

B. TRAINING

Each employee who works with or is potentially exposed to hazardous chemicals, infectious agents or pesticides will receive initial training upon hire or before using the product and then yearly thereafter. The training will include the following:

1. Explain how to access and use the online electronic system and the backup system.
2. Identify and create a list of potentially hazardous materials employees may encounter. The materials must be identified with warning labels and SDSs.
3. Inform employees of any operations in the work area where hazardous materials are present.
4. Explain the methods and observations that may be used to detect the presence or release of a hazardous chemical.
5. Inform employees of ways to protect themselves using safe work practices, emergency procedures and PPE.
6. Explain the location and availability of the City's written policy including details of the labeling system, SDSs and how to use this information effectively.
7. Provide additional training whenever a new material is introduced into the workplace and whenever any hazard regarding a material changes.

C. WARNING LABELS

A label on a chemical container will provide important warnings about potential hazards. The label will be legible, prominently displayed and include the following information:

The preferred method of labeling will be labels from the manufacturer or those generated by the on-line system.

1. The identity or name of the chemical.
2. The appropriate warnings such as **FLAMMABLE** or **EXPLOSIVE**.
3. The name and address of the chemical manufacturer, importer or other responsible party.
4. If any of the information changes, it will be the departmental contact person's responsibility to make sure that the labels are updated.

When Warning Labels are not required:

- a. Pipes are not considered containers so they don't have to be labeled. Employees should not assume the chemical inside is safe just because there is no label.

- b. Portable containers do not have to be labeled if the chemicals inside were transferred from a labeled container and immediately used by the employee who transferred them. Employees should never leave an unmarked container of hazardous material unattended.
- c. Individual process containers can be marked with other signs, placards, process sheets, batch tickets, operating procedures, or other written forms – instead of labels – but only under two conditions:
 - 1. The placard or other written method must identify which containers the warnings refer to.
 - 2. The written method used must contain some information that would be on a warning label, such as the physical and health hazards.

EMPLOYEES' RIGHT TO KNOW LAW

- TOXIC SUBSTANCES
- INFECTIOUS AGENTS
- PESTICIDES

Any employee may request information about these materials in the workplace.

INFORMATION AVAILABLE INCLUDES:

- The identity of any toxic substances and infectious agents you work with or are likely to come into contact with or have been exposed to.
- A description of the hazardous effects of the toxic substances and infectious agents.
- Handling precautions for toxic substances and infectious agents.
- Procedures for emergency treatment in the event of overexposure.

An agricultural employer using pesticides shall provide employees who work with or are exposed to the pesticides with access to the information on the label of the pesticide's container.

For details on how to request information on toxic substances, infectious agents and pesticides in your workplace, contact:

Exhibit I