

MODEL WRITTEN HAZARD COMMUNICATION PROGRAM

**For Public Employers in Texas
Subject to the Texas Hazard Communication Act**

Prepared by:

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A. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1- 295.12), the following written Hazard Communication Program has been established for _____ (name of public employer) _____.

B. The master copy of the written hazard communication program will be maintained in _____ (location) _____. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.

C. To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

1. The _____ (position/person) _____ will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.

2. Supervisors will be responsible for _____

_____.

3. Individual employees will be responsible for _____

_____.

II. Exemptions

A. Per Section 502.004(f), the following chemicals are exempt from the requirements of

the THCA and are outside the scope of this written program:

1. Hazardous waste that is subject to regulation by the Texas Natural Resource Conservation Commission and/or the U.S. Environmental Protection Agency
2. A chemical in a laboratory under the direct supervision or guidance of a **technically qualified individual** if:
 - a. Labels on incoming containers of chemicals are not removed or defaced
 - b. This employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and
 - c. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes
3. Tobacco or tobacco products
4. Wood or wood products
5. Articles formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
6. Food, drugs, cosmetics or alcoholic beverages
7. Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by a consumer
8. Radioactive waste

III. Definitions

- A. **“Appropriate Hazard Warning”** – Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects, of the chemical(s) in the container(s).
- B. **“Categories of Hazardous Chemicals”** – A grouping of hazardous chemicals with similar properties.
- C. **“Container”** – Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term “container” does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A **primary container** is one in which the hazardous chemical is received from the supplier. A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier.
- D. **“Employee”** – A person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for purposes of this Act.
- E. **“Expose”** – Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonable foreseeable emergency.
- F. **“Hazardous Chemical”** or **“Chemical”** – An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard.
- G. **“Health Hazard”** – A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. **“Label”** – Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.

III. Definitions (continued)

- I. **“Material Safety Data Sheet” (“MSDS”)** – A document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) standard for that document. A **current MSDS** is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical’s manufacturer. An **appropriate MSDS** is one which conforms to the most current requirements set by OSHA standards.
- J. **“Physical Hazard”** – A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- K. **“Personal Protective Equipment”** – Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- L. **“Stationary Process Container”** – A tank, vat, or other such container which holds different hazardous chemicals at different times.
- M. **“Technically Qualified Individual”** – An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor’s degree in a physical or natural science.
- N. **“Work Area”** – A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.
- O. **“Workplace”** – A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters’ workplace or separate workplaces, which is at the discretion of the employer.

IV. Workplace Chemical List (HSC §502.005 and 25TAC §295.4)

- A. The _____ (name of employer or workplace) _____ will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.
(Employers may use Attachment A, *Model Workplace Chemical List*, to comply with this requirement)
- B. The _____ (position/person) _____ will be responsible for reviewing and updating the Workplace Chemical List(s) for the _____ (name of employer or workplace) _____ as necessary, but at least by December 31 of each year.
- C. The Workplace Chemical List will be maintained for at least 30 years.
- D. Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the Material Safety Data Sheet (MSDS) located in each workplace where these chemicals are used or stored.

V. Material Safety Data Sheets (HSC §502.006 and 25 TAC §295.5)

A. The _____ (name of employer or workplace) _____ will maintain a current and appropriate Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.

B. The _____ (position/ person) _____ will be responsible for the MSDS system for _____ (name of employer or workplace) _____ and will ensure that:

1. Incoming MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.
2. Hazardous chemicals received without an MSDS are withheld from use until a current MSDS is obtained.
3. Missing MSDSs are requested from an appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
4. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of hard copy MSDSs.
5. Emergency responders are provided MSDSs as soon as practical upon request.

C. MSDS files for _____ (name of employer or workplace) _____ will be kept in _____ (location) _____.

D. MSDSs will be readily available for review by employees or their designated representatives upon request.

VI. Chemical Container Labels (HSC §502.007 and 25 TAC §295.6)

- A. All containers of hazardous chemicals used or stored by _____
_____ (name of employer or workplace) _____ will be appropriately labeled.
- B. The _____ (position or person) _____ will be responsible for the hazardous chemical labeling system and will verify that:
1. All **primary containers** of hazardous chemicals are clearly labeled to include:
 - a. The identity of the chemical as it appears on the MSDS
 - b. The appropriate hazard warnings
 - c. The name and address of the manufacturer
 2. All **secondary containers** of hazardous chemicals are clearly labeled to include:
 - a. The identity of the chemical as it appears on the MSDS
 - b. The appropriate hazard warnings
 3. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard.
- C. The _____ (name of employer or workplace) _____ will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

VII. Employee Training Program (HSC §502.009 and 25 TAC §295.7)

- A. The _____ (name of employer or workplace) _____ will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.
- B. The _____ (position/person) _____ will be responsible for the employee training program and will ensure that:
1. Appropriate training is provided to all covered employees and includes:
 - a. The use of information provided on MSDSs and chemical container labels
 - b. The location of hazardous chemicals present in the employees' work areas
 - c. The physical and health effects of exposure
 - d. Proper use of personal protective equipment
 - e. Safe handling of hazardous chemicals
 - f. First aid treatment for exposure to hazardous chemicals
 - g. Safety instruction on clean-up and disposal of hazardous chemicals
 2. Required training records are maintained and include:
 - a. The date of the training session
 - b. A legible list of all employees attending the training session
 - c. The subjects covered
 - d. The name of the instructors(Employers may use either Attachment B, *Employee Training Roster*, or Attachment C, *Employee Training Sheet*, to comply with this requirement)
 3. All covered employees are identified and incorporated into the training program.
 4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
 5. New employees are trained prior to their being required to use or handle a hazardous chemical.
 6. The need and frequency for periodic/refresher training is assessed.
- C. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

VIII. Reporting Employee Deaths and Injuries (HSC §502.012 and 25 TAC §295.9)

A. The _____ (name of employer or workplace) _____ will notify the Texas Department of State Health Services, Division for Regulatory Services, Enforcement Unit, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.

B. The _____ (position/person) _____ will be responsible for reporting all such accidents to the Texas Department of State Health Services, Division for Regulatory Services, Enforcement Unit, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services
Division for Regulatory Services, Enforcement Unit
1100 West 49th Street
Austin, Texas 78756
Phone: (512) 834-6665
Fax: (512) 834-6606

C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.

D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to _____ (position/person) _____.

- A. The _____ (name of employer or workplace) _____ will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH *Notice to Employees*, informing employees of their rights under the THCA. (See attachment D, *Notice to Employees*)
- B. The *Notice to Employees* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- C. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the *Notice*, printed in Spanish, will be posted together with the English version of the *Notice*. (See attachment E, *Notice to Employees*, Spanish version)
- D. Additional copies of the *Notice*, in both English and Spanish, are available on the chemical right-to-know website at www.tdh.state.tx.us/beh/hazcom.htm or on request from the Enforcement Unit at the address or telephone number listed on the cover page of this written program.

X. Personal Protective Equipment (HSC §502.017 and 25 TAC §295.12)

- A. The _____ (name of employer or workplace) _____ will provide appropriate personal protective equipment (PPE) to all employees who use or handle

hazardous chemicals.

B. The _____ (position/person) _____ will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:

1. Proper selection of PPE based on:
 - a. Routes of entry
 - b. Permeability of PPE material
 - c. Duties being performed by the employee
 - d. Hazardous chemicals present

2. Proper fit and functionality of PPE as described by the manufacturer's specifications

3. Appropriate maintenance and storage of PPE

XI. Maintaining Employee Rights (HSC §502.017 and TAC §295.12)

A. The _____ (name of employer) _____ shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related

to the Texas Hazard Communication Act, or exercising any rights under the Act.

- B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

The Division for Regulatory Services, Enforcement Unit, welcomes your questions or comments regarding this Model Written Hazard Communication Program, the Texas Hazard Communication Act, or any aspect related to the Enforcement Unit's administration and enforcement of the Act. You may contact the Enforcement Unit at:

**Texas Department of State Health Services
Division for Regulatory Services, Enforcement Unit
1100 W. 49th Street, Austin, TX 78756
Phone: (512) 834-6665
Fax: (512) 834-6606**

XII. Attachments

- A. Workplace Chemical List
- B. Employee Training Roster
- C. Employee Training Sheet
- D. Notice to Employees (English version)

E. Notice to Employees (Spanish version)

Workplace Chemical List

Name of Workplace, Work Area, or Temporary Workplace:

Identity Used on the MSDS & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: _____
Name (Printed) Signature (Required)

Date of Preparation (This form must be revised annually) _____

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ❑ Reading and interpreting chemical container labels
- ❑ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ❑ Reading and interpreting Material Safety Data Sheets (MSDSs)
- ❑ Location of hazardous chemicals in the workplace
- ❑ Physical and health effects of exposure
- ❑ Proper use of personal protective equipment
- ❑ First aid treatment for exposure
- ❑ Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- ❑ Categories of hazardous chemicals
- ❑ Individual hazardous chemicals

C. This hazard communication training was provided as:

- ❑ Initial training per Section 502.009(a) and (f) of the THCA
- ❑ Periodic/refresher training per Section VII(B)(6) of this policy

EMPLOYEE TRAINING SHEET
Texas Hazard Communication Act, Section 502.009(g)

Department/Work Area: _____

—

Instructor: _____ **Date:** _____

Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ~ Reading and interpreting chemical container labels
- ~ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ~ Reading and interpreting Material Safety Data Sheets (MSDSs)
- ~ Location of hazardous chemicals in the workplace
- ~ Physical and health effects of exposure
- ~ Proper use of personal protective equipment
- ~ First aid treatment for exposure
- ~ Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- ~ Categories of hazardous chemicals
- ~ Individual hazardous chemicals

This hazard communication training was provided as:

- ~ Initial training per Section 502.009(a) and (f) of the THCA
- ~ Periodic/refresher training per Section VII(B)(6) of this policy

Employee _____

Date _____

(Signature)

Employee
Instructor _____

(Printed)

(Signature)

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act (revised 1993), codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

MATERIAL SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current material safety data sheets (MSDSs), which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- C access copies of MSDSs
- C information on their chemical exposures
- C receive training on chemical hazards
- C receive appropriate protective equipment
- C file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the toll free number provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Division of Regulatory Services
Enforcement Unit
1100 West 49th Street
Austin, Texas 78756

(512) 834-6665
Fax: (512) 834-6606



Texas Department of
State Health Services
Approved 5/05

AVISO A LOS TRABAJADORES

La Ley sobre Comunicaciones de Peligro en Texas (revisión de 1993), codificada bajo el Capítulo 502 del Código de Salud y Seguridad de Texas, exige que los patrones o empleadores del sector público ofrezcan a los trabajadores con información específica sobre los peligros de aquellos productos químicos a los que trabajadores pueden estar expuestos en su lugar de trabajo. De acuerdo con la ley, el patrón debe ofrecer la información y entrenamiento correspondiente. A continuación tenemos un breve resumen de la ley.

PRODUCTOS QUÍMICOS PELIGROSOS

Los productos químicos peligrosos pueden ser cualquiera de los productos o materiales que presentan algún peligro físico o de salud cuando se está usando, a menos de que sea uno de los exentos por la ley. Algunos ejemplos de los productos químicos peligrosos usados más comúnmente son los combustibles como la gasolina, productos de limpieza y muchos tipos de pinturas, pesticidas, herbicidas, congelantes, productos químicos de laboratorio, cemento, varillas de soldadura, etc.

LISTA DE PRODUCTOS QUÍMICOS EN LOS CENTROS DE TRABAJO

Los patrones deben desarrollar en el lugar de trabajo una lista de productos químicos peligrosos usados o almacenados de tamaño mayor de 55 galones o de 500 libras de peso. Esta lista deberá ser renovada por el patrón, cuando sea necesario, pero cuando menos una vez al año, y debe ponerse al alcance de los trabajadores y sus representantes cuando lo soliciten.

PROGRAMA DE EDUCACIÓN PARA EL TRABAJADOR

Los patrones deberán proveer entrenamiento a los trabajadores nuevos asignados antes de que los trabajadores trabajen en una área que contiene un producto o material peligroso. Los trabajadores cubiertos deberán recibir entrenamiento por parte del patrón sobre el peligro de los productos químicos y sobre las medidas que pueden tomar para protegerse a sí mismos de esos peligros. Este entrenamiento deberá ser repetido tantas veces como sean necesario, pero por lo menos cuando un nuevo producto peligroso es introducido en el lugar de trabajo o se reciba nueva información sobre los productos químicos que ya están presentes.

HOJAS DE DATOS SOBRE LA SEGURIDAD DEL MATERIAL

Los trabajadores que pueden estar expuestos a productos químicos peligrosos deberán ser informados por el patrón sobre esa exposición y deberán tener libre acceso a las hojas de datos más recientes sobre la seguridad de los materiales vigentes (MSDSs), en donde se explican los peligros físicos y de salud y dan información adicional sobre estos productos químicos.

ETIQUETAS

Los trabajadores no deberán trabajar con productos químicos peligrosos con recipientes sin etiquetas, a excepción de los recipientes portátiles para su uso inmediato, cuyos contenidos son conocidos por el usuario.

DERECHOS DE LOS TRABAJADORES

Los trabajadores tienen los siguientes derechos:

- C tener acceso a las copias de MSDSs.
- C recibir información sobre su exposición a productos químicos peligrosos.
- C recibir entrenamiento sobre los productos químicos peligrosos.
- C recibir equipo de protección apropiado.
- C levantar quejas, ayudar a los inspectores, o atestiguar contra su patrón.

No se pueden despedir o discriminar contra los trabajadores en ninguna forma por hacer ejercicio de cualquiera de estos derechos proporcionados por esta Ley. La renuncia de un trabajador a sus derechos es nula; el patrón que solicita tal renuncia comete una violación de esta Ley. Los trabajadores pueden llamar al número de información que aparece más adelante, para levantar quejas ante el Departamento Estatal de Servicios de Salud.

LOS PATRONES PUEDEN RECIBIR PENALIZACIONES ADMINISTRATIVAS Y MULTAS CRIMINALES O CIVILES QUE VARÍAN DE \$50 HASTA \$100,000 POR CADA VIOLACIÓN A ESTA LEY.

Para poder recibir más información por favor llame al:

Texas Department of State Health Services
Division for Regulatory Services
Enforcement Unit
1100 West 49th Street
Austin, Texas 78756

(512) 834-6665
Fax: (512) 834-6606



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Services
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