

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES/RISK MANAGEMENT	REFERENCE NUMBER: 409.09
SUBJECT: HAZARD COMMUNICATION	INITIAL EFFECTIVE DATE: 08/12/2013
TITLE: HAZARD COMMUNICATION DIRECTIVE	LAST REVISION DATE:

ADMINISTRATIVE DIRECTIVE:

It is the policy of the City of Denton (City) to comply with applicable Federal and State Regulations regarding employee Health and Safety to assure a safe workplace for our employees. Employee's have a "Right to Know" what Hazardous Chemicals they are working with and what Hazardous Materials they may be exposed to. This Directive was written to comply with Section 502.009(b) of the Texas Hazard Communication Act (THCA), Section 295.7(a) of the THCA Rules, and the Occupational Safety and Health Administration standard 29 CFR 1910.1200, as amended.

ADMINISTRATIVE PROCEDURES:

I. *Definitions*

- A. "*Appropriate Hazard Warning*" is 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 target organ effects, of the chemical(s) in the container(s).
- B. "*Categories of Hazardous Materials*" is a grouping of hazardous chemicals with similar properties.
- C. "*Container*" is any bag, barrel, box, can, cylinder, drum, reaction vessel, storage tank, or the like, that contains hazardous chemicals, 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*" is 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 clerical staff, who encounter hazardous chemicals only in non-routine, isolated instances, are not employees for the purpose of this directive.

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- E. *“Expose”* is subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, and/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”* is an element, compound, or mixture of elements or compounds, that is a physical hazard or a health hazard.
- G. *“Health Hazard”* is 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”* is any written, printed, or graphic material, displayed on or affixed to containers of hazardous materials, and which includes the same name as on the material safety data sheet (MSDS) or the safety data sheet (SDS).
- I. *“Material Safety Data Sheet (MSDS)”* or *“Safety Data Sheet (SDS)”* is a document containing chemical hazards 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, or SDS, is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemicals manufacturer. An appropriate MSDS, or SDS, is one which conforms to the most current requirements set by OSHA standards.
- J. *“Physical Hazard”* is 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 (PPE)”* is protective equipment provided to an employee, by the employer, provides a level of protection to chemicals to which the employee may be exposed, and that will be adequate to ensure their health and safety, based on current industry standards.
- L. *“Stationary Process Container”* is a tank, vat, or other such container, which holds different hazardous chemicals at different times.
- M. *“Technically Qualified Individual”* is 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”* is 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.

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- O. “*Workplace*” is a contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the City. Normally this subdivision would be for a building, cluster of buildings, or other structures, or a complex of buildings, but could be for a portion of a building if the City 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 City.
- P. “*Workplace Chemical List*” is a list of chemicals and their location at the City in which there are quantities of 55 gallons, 500 pounds, or more.

II. *Workplace Chemical List*

The City 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 stored and will be available for review by employees and their designated representatives, if applicable.

Risk Management will be responsible for reviewing, updating, and retaining the Workplace Chemical List for the City as necessary, but at least by December 31 of each year. The Workplace Chemical List will be maintained for at least 30 years. Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the MSDS, or the SDS, located in each workplace where these chemicals are used or stored.

III. *Material Safety Data Sheets (MSDS) or Safety Data Sheets (SDS)*

The City will maintain a current and appropriate MSDS, or SDS, for each hazardous chemical purchased. MSDS’s, or SDS’s, will be kept in a readily accessible location in various workplaces throughout the City to ensure compliance with this directive. MSDS’s or SDS’s will be readily available for review by employees, and/or their designated representatives, upon request. The department who purchases, uses, and/or stores the chemical will be responsible for the MSDS, or SDS, and will ensure that:

- A. Affected employees will be provided a description of any alternative system (such as an electronic database) being used in lieu of hard copy MSDS’s, or SDS’s;
- B. Incoming MSDS’s, or SDS’s, are reviewed for new and significant health and safety information and that any new information is passed on to the affected employees;
- C. Hazardous chemicals received without an MSDS, or SDS, are withheld from use until a current MSDS, or SDS, is obtained;

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- D. Missing MSDS's, or SDS's, are requested from an appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 calendar days from receipt of the hazardous chemical; and
- E. Emergency responders will be provided MSDS's, or SDS's, as soon as practical if requested.

IV. Personal Protective Equipment

The supervisor will provide appropriate personal protective equipment (PPE) to all employees who use or handle a hazardous chemical. In addition, the supervisor will ensure that employees are trained on how to use the required PPE and that the PPE is properly fitted.

Proper selection of PPE will be based on:

- The routes of entry;
- Permeability of PPE material;
- The duties being performed by the employee; and
- The hazards the chemical presents.

Employees are responsible for utilizing, maintaining, inspecting, and storing the PPE issued to them by the City. Any lost or damaged PPE should be immediately reported to their supervisor for replacement and/or repair.

V. Labels

All containers of hazardous chemicals used or stored by the City will be appropriately labeled. The department who purchases, uses, and/or stores the chemical will be responsible for their MSDS's, or SDS's, and will ensure that primary containers are properly labeled. Each employee will be responsible for the hazardous chemical labeling on secondary containers. Employees should never use the contents of a chemical container that is not properly labeled, and should immediately notify their supervisor and ensure that the chemical container is properly re-labeled.

- A. All primary containers of hazardous chemicals will be clearly labeled to include:
1. The identity of the chemical as it appears on the MSDS, or SDS;
 2. The appropriate hazard warnings; and
 3. The name and address of the manufacturer.
- B. All secondary containers of hazardous chemicals will be clearly labeled to include:
1. The identity of the chemical as it appears on the MSDS, or SDS; and
 2. The appropriate hazard warnings.

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The City will rely on 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.

VI. *Employee Training*

The City will provide an education and training program to all employees who routinely use or handle hazardous chemicals in the workplace. Risk Management will provide a broad overview of this directive and a general familiarity of the employee's "Right to Know." This training will typically take place during the employee's "in processing."

The supervisor will be responsible for training employees who routinely use or handle hazardous chemicals related to their position.

A. Training shall include at a minimum:

1. The use of information provided on a MSDS, or SDS;
2. Reading and interpreting chemical container labels;
3. The location of hazardous chemicals present in the employees' work areas;
4. The physical and health effects of exposure;
5. Proper use of PPE;
6. Safe handling of hazardous chemicals;
7. First aid treatment for exposure to hazardous chemicals;
8. General safety instruction on the handling, cleanup procedures, and disposal of hazardous chemicals; and
9. Location of emergency equipment, first aid kits, and AEDs.

B. Training records are required and shall contain:

1. The date of the training session;
2. A legible list of all employees attending the training session;
3. The subjects covered;
4. The name of the instructor; and
5. The employee's signature.

NOTE - Supervisors shall ensure that all employees that are required to receive this training are identified and incorporated into this training program. Supervisors shall ensure these employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks and that employees are trained prior to their being required to use or handle a hazardous chemical. Supervisors shall conduct annual training, at a minimum, and document this training as outlined in "B" of this section. In addition, the supervisor shall evaluate the need for periodic or refresher training (i.e. when new chemicals are introduced to the workplace).

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VII. *Reporting Employee Deaths and/or Injuries*

Employees are responsible for reporting all accidents involving a hazardous chemical to their supervisor immediately, or as soon as practical. The supervisor will immediately notify Risk Management of any employee accident that involves a hazardous chemical exposure, asphyxiation, a fatality to one or more employees, and/or results in the hospitalization of one or more employees.

Risk Management will be responsible for reporting all such accidents to the appropriate State of Texas regulatory agency.

VIII. *Posting Notice to Employees*

The supervisor, in coordination with Risk Management, will be responsible for ensuring that the most current version of the Texas Department of Health (TDH) - *Notice to Employees* is posted and maintained in all workplaces where hazardous chemicals are used or stored. This notice informs employee of their rights under the THCA and shall be posted at all locations in the workplace where notices are normally posted. In workplaces where employees have difficulty reading or understanding English, a copy of the notice will be placed in Spanish.

IX. *Employee Rights*

Supervisors shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceeding related to the THCA, or exercising any rights under the Act.

Employees cannot waive their rights under the THCA. A request or requirement for such a waiver by an employer is a violation of the Act.