

ARCHER COLE  
President  
THOMAS FRICANO  
Secretary-Treasurer  
LARRY COHEN  
First Vice-President  
CAROLE GRAVES  
Vice-President  
for Public Employees

*from the* **NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO**

16 Commerce Drive, Cranford, N.J. 07016 (201) 272-4200

-E-3

February 14, 1986

TO: IUC Executive Board

FROM: Rick Engler, Assistant to the President

SUBJECT: **Proposed IUC Right-to-Know Program**

Despite confusing legal judgements concerning the New Jersey Worker and Community Right to know law, the fact is that most workers in New Jersey now clearly have the Right to Know about toxic exposures. Under either the state law or OSHA's Hazard Communication rule, most New Jersey workers have rights to:

- ° have hazardous chemicals labeled;
- ° receive factsheets and/or material safety data sheets indicating health and safety hazards and protective measures;
- ° receive training about hazardous chemicals

Community rights to environmental discharge information have been entirely upheld.

These rights have been won because the IUC, along with allies, won the strongest state Right-to-Know law in the nation and helped force federal OSHA to issue its national rule.

Now is the time to utilize our rights!

The purpose of the IUC Right-to-Know program is to get our affiliates and other New Jersey unions to know and utilize their rights through:

- 1) IUC sponsorship of a central training workshop(s);
- 2) IUC provision of practical guidelines, factsheets and organizing aids on how to use the laws;
- 3) IUC assistance to affiliates in use of the laws to insure that they obtain the needed information and that this information is used to improve conditions.
- 4) Building of pressure, in cooperation with the Right-to-Know Coalition, on the State DOH and DEP to insure that agency compliance public and workers outreach programs are effective.



## **Proposed IUC Right-to-Know Program**

February 14, 1986

Page 2

The following is a proposed agenda for the IUC training workshop, held in cooperation with the Rutgers Labor Education center:

**WHEN:**            **Monday, April 7, 1986**  
                         **12:15 p.m. - 4:30 p.m.**  
                         **(other days are booked at the Labor Ed. Ctr.)**

**WHERE:**           **Rutgers Labor Education Center**

**COST:**            **\$10.00 Pre-registration**  
                         **\$15.00 at the door**

### **A G E N D A**

12:15 p.m.        **Registration** - coffee (people eat an early lunch on their own).

1:00 p.m.        **Welcome** - Archer Cole

1:15 p.m.        Workshops (separate)  
Both workshops will use problem solving exercises.

I. OSHA Hazard Communication Rule (for manufacturing sector workers).

II. New Jersey Worker and Community Right-to-Know law (for state, school, utility, communication, hospital, and other workers).

(Note: building and construction trades, nursing homes, farm workers, and other groups are not currently covered by either law.)

3:15 p.m.        **Coffee Break**

3:30 p.m.        **General Session**

**Panel and Discussion:** Using Right-to-Know information once you get it - Success Stories (2)

4:15 p.m.        **Organizing Follow-Up**

Getting commitments to use the law, put pressure on departments, etc.

4:30 p.m.        **Adjourn**

**Proposed IUC Right-to-Know Program**

February 14, 1986

Page 3

**Potential Teachers - Resources**

New Jersey Department of Health Right-to-Know Project (K. O'Leary)

United States Department of Labor OSHA (Joe Rufalo)

Rutgers Labor Education Center (Paul Landisburgis)

Bill Kane, UAW

Eric Scherzer, OCAW

Sharon Treat, Attorney

Jerry Balter, Attorney

Jim Moran, Philaposh

RE/mfc

opeiu494

AN IUC WORKSHOP

USING OUR RIGHT-TO-KNOW

April 7, 1986

1:00 p.m.

Welcome and Introduction

- Archer Cole, President  
Industrial Union Council, AFL-CIO

1:15 p.m.

Workshops (Pick One)

A. OSHA Hazard Communication Standard  
for workers in manufacturing

Location: Here in the auditorium

- Rick Engler, IUC Director of  
Safety and Health
- Joseph Rufalo, Area Director, OSHA
- Michael Yarnell, Industrial Hygienist, OSHA

B. New Jersey Worker's Right-to-Know Law

Location: Room 130/133A

- Paul Landsbergis, Occupational Health  
Specialist, Rutgers LEC
- John Molinaro and Garrett Keating  
Right to Know Program, New Jersey  
Department of Health
- Sharon Treat, Attorney,  
Ball, Kiernan, Livingston & Smith

Information packets will be distributed in  
workshops.

3:10 p.m.

Coffee Break

3:25 p.m.

Victories: Tactics to Win Better Working  
Conditions

- Bill Kane, International Representative, UAW
- Eric Scherzer, Secretary-Treasurer,  
Oil, Chemical & Atomic Workers, Local 8-149
- Majorie Egarian, Staff Representative  
Communications Workers Local 1033

4:10 p.m.

Moving Ahead Together

Winning Right-to-Know for Farmworkers

- Angel Dominguez, Organizing Director  
COTA-Agricultural Workers Organizing Committee

Follow-Up Activities

- Rick Engler, IUC

4:30 p.m.

Announcements and Adjourn

SPONSORED IN COOPERATION WITH THE RUTGERS LABOR EDUCATION CENTER,  
THE NEW JERSEY DEPARTMENT OF HEALTH, AND THE U. S. OCCUPATIONAL  
SAFETY AND HEALTH ADMINISTRATION



PARTICIPATING UNIONS  
(Partial List)

COMMUNICATION WORKERS 1031, 1084, 1006, 1061, 1062, 1037, 1150, 1009  
1034, 1040, 1039, 1022, 1060, 1012, 1033, District 1

INTERNATIONAL UNION OF ELECTRONICS WORKERS 134, 469, 370, 140,  
498, 417, 409, 496, 433, 499, 412

INTERNATIONAL CHEMICAL WORKERS 825, 527, 9, 626, 183, 155, 153, 144, 271

UNITED AUTO WORKERS 731, 191, 1035, 950, 1038, 502, 1668, 593  
REGION 9

OIL, CHEMICAL, AND ATOMIC WORKERS 8-166, 8-149, 8-760, 8-95, 8-956  
8-406, 8-337, 8-575, 8-5570, 8-490, 8-397, 8-891, 8-559

UNITED STEEL WORKERS 2026, 5262, 2399, 1394, 12882, 8169, 5928, 13939

GLASS, POTTERY, AND ALLIED WORKERS 6, 250, 93, 175

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS 827, 1355, 1820, 1576  
SYSTEMS COUNCIL U-2

MACHINISTS 329, 677, 315

TEAMSTERS 810, 877

AFSCME 2216, Council 1, 2217

AMALGAMATED CLOTHING & TEXTILE WORKERS JOINT COUNCIL 13, 1298, 630, 2269

BOILERMAKERS 661

OFFICE AND PROFESSIONAL EMPLOYEES UNION 32

NEW JERSEY BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

UNITED PAPER WORKERS 1308, 1712, 1564, Region

UNITED FOOD AND COMMERCIAL WORKERS 56, 1

UNITED TEXTILE WORKERS 284, 276, 2569

INTERNATIONAL UNION OF OPERATING ENGINEERS 68

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS F-106

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL EMPLOYEES 195

NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES 1199J

CAMDEN-GLOUCESTER CENTRAL LABOR UNION, AFL-CIO

MERCER COUNTY CENTRAL LABOR UNION, AFL-CIO

COMMITTEE OF INTERNS AND RESIDENTS

COTA (AGRICULTURAL WORKERS ORGANIZING COMMITTEE)

HOSPITAL PROFESSIONALS AND ALLIED EMPLOYEES OF NEW JERSEY (AFT)

NEW JERSEY EDUCATION ASSOCIATION

NEW JERSEY CIVIL SERVICE ASSOCIATION COUNCIL 10

CHEMICAL WORKERS ASSOCIATION

ESSO SEAMAN'S ASSOCIATION

BAYWAY SALARIED EMPLOYEES

GRASSELLI EMPLOYEES ASSOCIATION

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

NEWSPAPER GUILD 10

REPORT AND EVALUATION OF THE  
NEW JERSEY INDUSTRIAL UNION COUNCIL'S  
APRIL 7TH RIGHT-TO-KNOW PROGRAM

On April 7, 1986, the IUC held a training session/workshop on the federal Hazard Communication law and the New Jersey Right-to-Know law at the Rutgers Labor Education Center.

The agenda (attached) primarily consisted of two, simultaneous workshops on how to use these laws for the particular workers affected by them.

The following is an evaluation of the turnout, program contents and follow-up plans.

Turnout

Over 260 people from 125 unions attended. The great majority were local officers, safety and health committee representatives, and shop stewards. Thirteen union staff were present. Three AFL-CIO central labor unions were represented.

The unions with the most locals represented were CWA (15), OCAW (13), IUE (11), ICWU (9), UAW (8) and USWA (8). A list of the participating unions is attached.

The program was primarily publicized through mailings directly to local unions by the IUC, Rutgers Labor Education Center, and New Jersey Department of Health. Through use of a U. S. Department of Labor mailing list, virtually every industrial union in the state was contacted. (Building trades and almost all federal employees who are not covered by these laws were not invited.)

Mailings to Districts and Central Labor unions which then mailed to their local affiliates were also important in building this turnout.

What is most notable about the great turnout is that only a handful of phone calls to local unions were made. Apparently the issue is of sufficient concern to attract a big turnout without the usually prerequisite phone work.

Program Content

The almost overwhelming attendance made it necessary to modify the workshop format, since it became impossible to break workshops down into small groups. Also due to the great participation, there were many questions, and it was impossible to cover all the material intended.



However, the core material on worker rights was covered in both workshops and people had time to study the regulations, use the problem-solving exercises and ask questions. The extensive materials that were given out meant that not every point had to be addressed.

One hundred and seventy-five attended the Hazard Communication Workshop and 75 attended the New Jersey Right-to-Know Workshop. The overall response to the Hazard Communication Workshop was very positive. Even more effort in the future should be focused on key points. Despite our efforts, there is still a tendency to get too technical or complex. One still got the sense that people left the workshop intending to use the law.

Response to the New Jersey Right-to-Know Law Workshop was mixed. The major problem was that people toward the back of the room could not consistently hear. A microphone should have been used. It is unfortunate that this type of problem undermined the workshop, given the extensive preparation that went into it.

Somewhat more time could have been devoted to audience participation in the panel that followed the workshops.

The program could easily have been a day long, but arrangements for food would have been required and perhaps attention spans would have been undercut.

Overall, the agenda was uncluttered, to-the-point, and successful.

#### Press Coverage

The workshop was covered by the Newark Star Ledger, Home News, Camden Courier Post, and 3-4 radio stations, including WHYY-FM, national public radio for South Jersey. A press liaison should help handle the press at the next program as this was somewhat uncoordinated.

#### Follow-Up

A follow-up form was used to learn about how participants were willing to get further involved:

- 1) 20 unions requested speakers on Right-to-Know or Hazard Communication. A speaker's bureau will be developed to respond to these requests and hopefully OSHA and the DOH will cooperate

in providing speakers (4 requesting unions are covered by Right-to-Know and 16 by Hazard Communication.)

- 2) Thirty unions indicated they would send a letter to management to request information and/or a meeting to discuss training. (Sixteen of these unions are covered by Hazard Communication.) An actual letter used by a UAW local is attached.
- 3) Twenty-six unions indicated they would send representatives to the kickoff meeting of the IUC Health and Safety Committee on April 30th.
- 4) Twenty-three individuals made suggestions for other workshop topics, including:

Chemical Hazards	Respirator Training
Asbestos	Using PEOSHA
Medical Testing	Health Care Hazards
Protective Clothing	Office Hazards
Safety Hazards	Contract Language
DOH Smoking Regulations	Stress
	Alcohol/Drug Abuse
- 5) Roughly 125 individuals signed to public letters:
  - A) Opposing weakening of the Right-to-Know law
  - B) Supporting increased funding for Right-to-Know and more coverage of chemicals
  - C) Supporting Right-to-Know for Farmworkers
  - D) Supporting state funding for occupational health education by unions.

Issues A and B will be handled by the New Jersey Right-to-Know Coalition and C and D by the IUC at the appropriate time.

- 6) Twenty one unions asked to be contacted about joining the IUC, including:

IUE 498	OCAW 8-337
IUE 496	GPPAW 93
UAW 502	ICWU 153
AFSME 2217	ICWU 527
USWA 5262	ICWU 271



USWA 8169	IAM 315
USWA 5298	UPIU 1712
OCAW 8-166	Chemical Workers Assoc.
OCAW 8-95	Hospital Professionals (AFT)
OCAW 8-397	Esso Seaman's
	Laborer's Local (?)

and on a meeting to discuss the  
need of these unions are being

Other Follow-Up

- 1) Copies of conference information packets will be distributed to individuals upon request for \$10 per packet. (There is one packet for each law.)
- 2) A flyer on the Hazard Communication Standard suitable for mass rank and file distribution will be developed and distributed.
- 3) A follow-up workshop on the OSHA Hazard Communication rule has been set for Monday, June 16th again at the Rutgers Labor Education Center.

This workshop will review employer compliance and will advise local's facing difficulties with management or OSHA.

AN IUC WORKSHOP

USING OUR RIGHT-TO-KNOW

April 7, 1986

1:00 p.m.

Welcome and Introduction

- Archer Cole, President  
Industrial Union Council, AFL-CIO

1:15 p.m.

Workshops (Pick One)

A. OSHA Hazard Communication Standard  
for workers in manufacturing

Location: Here in the auditorium

- Rick Engler, IUC Director of  
Safety and Health
- Joseph Rufalo, Area Director, OSHA
- Michael Yarnell, Industrial Hygienist, OSHA

B. New Jersey Worker's Right-to-Know Law

Location: Room 130/133A

- Paul Landsbergis, Occupational Health  
Specialist, Rutgers LEC
- John Molinaro and Garrett Keating  
Right to Know Program, New Jersey  
Department of Health
- Sharon Treat, Attorney,  
Ball, Kiernan, Livingston & Smith

Information packets will be distributed in  
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3:10 p.m.

Coffee Break

3:25 p.m.

Victories: Tactics to Win Better Working  
Conditions

- Bill Kane, International Representative, UAW
- Eric Scherzer, Secretary-Treasurer,  
Oil, Chemical & Atomic Workers, Local 8-149
- Majorie Egarian, Staff Representative  
Communications Workers Local 1033

4:10 p.m.

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Winning Right-to-Know for Farmworkers

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- Rick Engler, IUC

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SAFETY AND HEALTH ADMINISTRATION



STAR 4886  
LEADER

# Toxic safety class vowed for workers

By DONALD WARSHAW

The federal Occupational Safety and Health Administration will "vigorously enforce" its new standard requiring that by May 25 every chemical and other manufacturing sector worker be trained on the hazards of toxic substances in the workplace, OSHA area director Joseph Rufalo announced yesterday in New Brunswick.

The state Industrial Union Council (IUC), which sponsored a conference at the Rutgers Labor Education Center, announced an eight-point "action plan" to maximize worker involvement in enforcement of both the new OSHA Hazard Communication Standard and New Jersey's right-to-know statute.

Besides requiring training, the federal standard supersedes provisions in the state law on the labeling of hazardous substances.

It covers thousands of manufacturing firms and several hundred thousand workers in New Jersey.

"When we do our inspections, it will be on a performance standard basis" and OSHA will rely on information obtained from employees in determining if the OSHA Hazard Communication Standard is being met, Rufalo told representatives from 100 union locals attending the five-hour meeting.

For the most part, the unionists were shop stewards from various manufacturing plants.

Rufalo said training programs also will be viewed from a performance standard and should be updated and repeated with that fact in mind.

The federal official cautioned that "pilot" checks made by OSHA last November and again in March, should not be used by employers to gauge the level of enforcement once the standard goes into effect.

"Once we get experience, the citations will become a little tougher and we will stand behind the law and enforce it to the fullest extent," Rufalo said.

The IUC provided the conference delegates with detailed information on workers' rights and methods of enforcing those rights under both the new OSHA standard and New Jersey's right-to-know statute which covers workers in public and private sector employment.

Questionnaires keyed to relevant sections of the state and federal laws were used to "educate" the representatives from three dozen AFL-CIO international unions, several Teamsters locals, county Central Labor Councils and the state Building and Construction Trades Council.

"By this conference, we're putting New Jersey manufacturing firms on notice that workers will be informed of their rights and will be able to enforce those rights," said IUC president Archer Cole.

He said OSHA promulgated the new standard for the manufacturing sector only after "the labor movement in New Jersey" and its allies from a number of public interest groups pushed through the nation's "toughest right-to-know bill."

The IUC, whose affiliated unions represent 200,000 private and public sector workers in New Jersey, will press for passage of legislation extending right-to-know coverage to farmworkers not covered at present under either federal or state statute, he added.

Richard Engler, assistant to the IUC president, coordinated the program.

TUESDAY, APRIL 8, 1986

Home News

# Right-to-Know law requires vigilance

By SANDRA LIVINGSTON

Home News business writer

More than 200 people representing about 40 labor unions gathered yesterday at the Rutgers University Labor Education Center to learn the nuts and bolts of federal and state laws requiring companies to provide their workers with information and training about hazardous chemicals.

Union representatives were told worker vigilance is the key if both the letter and the spirit of these Right-to-Know laws are to be followed.

"We have this right, this precious right, and we will enforce it," said Archie Cole, president of the New Jersey Industrial Council. The IUC, which represents more than 200,000 workers, sponsored the program.

The New Jersey Worker and Community Right to Know law since October has required that certain companies list and label more than 2,000 hazardous chemicals in the workplace and train employees exposed to hazardous substances.

Workers covered under this law include public employees, hospital workers, and employees of telephone companies, utilities and auto repair shops. Manufacturing workers are not covered. Their employers are guided by federal Occupational Safety and Health Administration regulations.

The OSHA Hazards Communication Standard becomes fully effective May 25. By that day, manufacturers must have a written program for compliance, labels affixed on hazardous chemical containers, data sheets for hazardous chemicals they produce or import, and training programs for workers.

The labels must include the identity of the chemical, appropriate warnings and the name and address of the manufacturer. The data sheets must be readily available to workers.

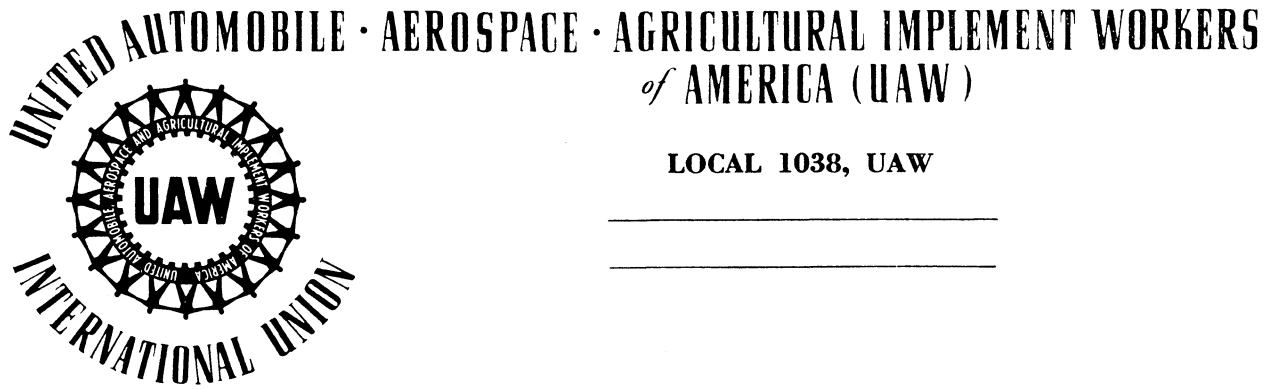
Having the labels, data sheets and training sessions does not absolve companies of the responsibility of providing a safe and healthy workplace, nor does it provide that one be provided, said Joseph Rufalo, area director of the Occupational Safety and Health Administration. The law is a mechanism for providing workers with a information about the chemicals with which they work.

Rufalo said OSHA will inspect companies either in response to complaints, or make random unannounced visits. Companies in violation of the law may be hit with a citation or monetary penalty.

Rufalo said he needs help from workers to enforce the law. "You're our eyes and ears in the plant," he said. "The best way we can do our job is to listen to you."







Printed in U.S.A.

LOCAL 1038, UAW

April 11, 1986

Gerard J. Quinnan, Vice President, General Manager  
Ronson Corporation  
3 Ronson Road  
Woodbridge, NJ 07095

Dear Mr. Quinnan:

In order to represent our members, UAW, Local 1038, requests a meeting to begin bargaining concerning the implementation of OSHA Standard 29 CFR 1910.1200, Hazard Communication.

We would like to discuss the training program required by this standard, including who will participate, scheduling, content, methodology, selection of trainers, and related issues affecting the bargaining unit.

Since employers must be in compliance with all provisions of this OSHA standard by May 25, 1986, including initial training for all current employees, we request a meeting before May 15, 1986, at which time we would also like William Kane, UAW International Representative present.

Sincerely,

Grace Salata, President  
Local 1038, UAW

GS/mfc  
opeiu494

cc: William Kane  
UAW Health & Safety Department  
IUC Right-to-Know Project

# OCAW

Oil, Chemical & Atomic Workers  
International Union, AFL-CIO



Linden Local 8-337  
John Barcellona, President  
William Zaveney, Secretary-Treasurer  
85 Ravine Drive  
Matawan, New Jersey 07747

APRIL 24, 1986

THE COMPANY'S WERE SERVED WITH THE LETTER ATTACHED

James J. Conlin  
Labor Relations Representative  
The Standard Oil Company  
200 Public Sq. 24-B 4356  
Cleveland Ohio 44114-2375

Frank Vaccaro  
Millmaster Onyx Corp.  
99 Park Avenue  
New York, New York 10017

Harry Backus, President  
Solar Compound Company  
P.O. Box 227  
Linden, New Jersey 07036

C. Ball, President  
Solvents Recovery Service Inc.  
1200 Sylvan Street  
Linden, New Jersey 07036

A. Kuhn  
Director of Industrial Relations  
Witco Chemical Company  
520 Madison Avenue  
Between 53rd & 54th Streets  
New York, New York 10022

A. Handt, General Mgr.  
E.W. Saybolt Company  
400 Swenson Drive  
Kenilworth, New Jersey 07003

W.B. Mayberg  
Terminal Facility Co-Ordinator  
Citgo Petroleum Corp.  
P.O. Box 3658  
Tulsa, Oklahoma 74102

The Citgo Corp. already gave  
their employees the training  
program

**ICWU**  
**INTERNATIONAL CHEMICAL**  
**WORKERS UNION**

**LOCAL UNION No. 527**

32 APPLEBY AVENUE  
SOUTH RIVER, N.J. 08882

Edward Rock, President



April 25, 1986

Mr. J. Green  
Industrial Relations Department  
DuPont Photo Products  
Cheesequake Road  
Parlin, NJ 08859

Dear Jim,

As you know, the Right to Know law goes into effect on May 25, 1986. The Union would like to know what steps you are taking to comply with the law. Employees working with hazardous materials must be trained to handle them safely. Perhaps we could set up a meeting with Ed Brennan, Fred Fulham, you and I before the 25th.

I would also like to request a copy of your written hazard communication program as soon as possible.

Thanking you in advance.

Very truly,

*John E. Rojewski*

John E. Rojewski, Chairman  
Health & Safety Committee  
I.C.W.U., Local 527

JER/pr

cc: Mr. F. Martino, Pres. ICWU  
Mr. G. McDevitt, Vice Pres. ICWU  
Mr. R. Meade, Rep. ICWU  
ICWU Health & Safety Dept.  
Mr. E. Rock, Pres. Local 527  
Mr. F. Fulham, H & S CoChairman  
Mr. E. Brennan  
I.U.C. AFL-CIO

# OCAW

Oil, Chemical & Atomic Workers  
International Union, AFL-CIO



Linden Local 8-337

John Barcellona, President  
William Zeveney, Secretary-Treasurer  
85 Ravine Drive  
Matawan, New Jersey 07747

636-2149  
583-3749

April 24, 1986

In order to represent our members, Oil, Chemical and Atomic Workers International Union Local 8-337, requests a meeting to begin bargaining concerning the implementation of OSHA Standard 29 CFR 1910.1200. Hazard Communication.

We would like to discuss the training program required by this standard, including who will participate, scheduling, content, methodology, selection of trainers, and related issues affecting the bargaining unit.

Since employers must be in compliance with all provisions of this OSHA standard by May 25, 1986, including initial training for all current employees, we request a meeting be scheduled as soon as possible.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Zeveney".

William Zeveney  
Secretary-Treasurer  
Local 8-337 OCAW

cc:

P. McIntyre, International Representative  
J. Barcellona, President of Local 8-337 OCAW  
D. Edwards, Director of Health & Safety OCAW



PARTICIPATING UNIONS (continued)

UNITED ELECTRICAL WORKERS 155, 420

AMALGAMATED LITHOGRAPHERS 1

AFGE 2220

N.J. EMPLOYEES LABOR UNION

LABORERS 734

AMERICAN FLINT GLASS WORKERS 734

PASSAIC COUNTY CENTRAL LABOR UNION, AFL-CIO

ARCHER COLE  
President

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Vice-President  
for Public Employees

*from the*

NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO

16 Commerce Drive, Cranford, NJ 07016 201-272-4200



IUC HAZARD COMMUNICATION FOLLOW-UP WORKSHOP

June 16, 1986

A G E N D A

- 1:00 Welcome & Introductions
- 1:05 "Refresher" Overview of Standard
- 1:35 Fill Out Survey Form
- 2:00 Questions
- 2:45 Coffee/Soda Break
- 3:00 Presentation on OSHA Enforcement Policy
- 3:30 Questions on Enforcement
- 4:00 Follow-Up Activities  
Announcements
- 4:30 Adjourn

Thanks to: Emil Golias and Larry Wheat, OSHA Compliance Officers from the Avenel, N.J. office for their presentations and to Brian Burns (IUE 134), Bob Clifford (UAW 1035), and Eric Scherzer (OCAW 8-149) for their help in planning this program. Thanks also to the Labor Education Center for facilities.

# YOUR EMPLOYER'S TIME IS UP!

Last May 25<sup>th</sup>, OSHA's Hazard Communication Standard (HCS) became fully in effect. By then manufacturing employers were supposed to have trained employees about hazardous chemicals, labeled containers and obtained materials safety data sheets for hazards. Employers have had over six months to comply with this rule!

This IUC workshop will help unions file complaints with OSHA alleging violations of the HCS. It is not an introductory program.



The workshop will feature:

- § Opportunity to question OSHA officials about their enforcement policy.
- § A chance to review your union's draft OSHA complaint with health experts and OSHA inspectors.
- § Discussion of membership involvement, publicity and other tactics to obtain an effective OSHA HCS inspection.

§ Tuesday, January 20, 1987 (snow date: Tuesday, February 3)

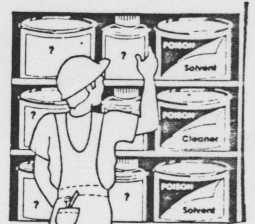
§ Registration and Coffee: 12:30 P.M.  
Program: 1:00 P.M. - 4:30 P.M.

§ Rutgers Labor Education Center  
New Brunswick, New Jersey

§ Fee: \$12. in advance

§ For this workshop to be effective, materials must be mailed to registrants in advance. Advance registration is thus required.

§ For more information, contact Rick Engler at (201) 272-4200



REGISTRATION: Return this form with your check payable to "IUC" to:

New Jersey Industrial Union Council  
16 Commerce Drive, Cranford, NJ 07016

Upon receipt of your registration fee, you will be sent workshop materials.

Name \_\_\_\_\_  
UNION \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ ZIP \_\_\_\_\_ Phone# (HOME) \_\_\_\_\_  
Employer \_\_\_\_\_ Phone (WORK) \_\_\_\_\_  
Type of workplace \_\_\_\_\_  
Enclosed is \$ \_\_\_\_\_ for \_\_\_\_\_ registrations.

NOTE: This workshop is for manufacturing sector workers only.

*from the* **NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO**

ARCHER COLE  
President  
THOMAS FRICANO  
Secretary-Treasurer

16 COMMERCE DRIVE • CRANFORD, NJ 07016  
(201) 272-4200



JAN PIERCE  
First Vice-President  
CAROLE GRAVES  
Vice-President  
for Public Employees

**IUC HAZARD COMMUNICATION WORKSHOP III**

- 12:30 REGISTRATION AND COFFEE
- 1:00 WELCOME AND INTRODUCTIONS.....Eric Scherzer,  
Vice-president, N.J. IUC/Sec./Treas., OCAW 8-149
- 1:15 OVERVIEW OF HAZARD COMMUNICATION STANDARD AND  
UPDATE ON RECENT ADMINISTRATIVE CHANGES  
.....Mike Yarnell,  
OSHA Compliance Officer, Avenel Area Office
- Question and Answers
- 2:15 IS THE LABEL LEGAL? IS THE TRAINING LEGAL?  
.....Rick Engler,  
Director of Safety & Health, IUC
- 2:30 Coffee Break
- 2:40 THE CASE OF THE FAULTY MATERIAL SAFETY DATA SHEET  
Small group exercise coordinated by Eric Scherzer  
with Larry Wheat & Mike Yarnell, OSHA CSHOs
- 3:30 OSHA ENFORCEMENT POLICY.....Mike Yarnell
- 4:15 FOLLOW-UP ACTIVITIES & ANNOUNCEMENTS
- Drug Testing Legislation/March 3rd Workshop  
12:30-3:30, Rutgers LEC
- Attack on Product Liability Law
- Adjourn

TNG10afl-cio



TRUE OR FALSE ???

1. Right To Know requires your employer to control chemical exposure at the work site.
2. RTK requires labeling of every container in the workplace.
3. RTK requires training in health and safety including information on:
  - Occupational Health
    - a. Risk from exposure to hazardous substances
    - b. Controlling hazards
    - c. Methods to monitor exposure
    - d. Emergency cleanup
    - Fire safety
    - PPE
  - e. A walk through of an area where substances are used or stored
- Provisions of the Right To Know law

HANDS-ON

CWA Worker and Community Right To Know Act  
TRAINING

Questions:

1. Your management decides to use a labeling system of its own choosing. The labels are color coded with symbols indicating hazardousness. Is this what the RTK law requires?  
P. 12 Regulations, 8:59-5.1 (b)
2. Your manager receives some containers of hazardous chemicals which he says "will be used later". Does he have to label them?  
P. 12 .....8:59-5.1(d)
3. Our manager has a file of MSDS(Material Safety Data Sheets) which workers are permitted to look at during break time. Can MSDS take the place of Hazardous Substance Fact Sheets?  
P. 11 .....8:59-4.1 (d)
4. I work with Acetyl Bromide, Acetyl Chloride and Acetyl Drimate. Will Fact Sheets be available for each of these substances?  
(List and Regualtions,  
8:59-4.1(f) and 8:59-4.3(c)  
P. 11 ....
5. I work in an office but every day I walk through the maintenance storage area and the shop delivering messages and mail. Someone told me I can request a list of the hazardous substances used there even though I don't really work with them. Is this true?  
P. 15 .....8:59-7.2
- \* 6. My employer is not conducting training. What can our union do to force them to comply with the law? 8:59-8.3  
P. 16 .....

7. DISCUSSION QUESTION

The Right To Know law gives us information. As union health and safety activists and concerned citizens what can we do with this information to better protect people's health?

(Make a list)

## Right To Know Questions

8. Does our boss have to train employees about toxic chemicals every year? P. 14 ..... 8:59-6.2 (a)
9. Our union has members that speak only spanish. What rights under the law do they have? P. 15, 14 ..... 8:59-7.2 (c)  
8:59-6.2 (d)
10. The maintenance people in the office are using a toxic chemical once a week in a small unlabeled bucket. Does this bucket have to be labeled? P. 4 ..... 8:59-1.3 Definitions, Process container
11. My boss hires someone to spray our office for roaches. Should the cannister be labeled? P. 12 ..... 8:59-5.1 (d)
12. I was the one who did our Workplace and Environmental survey. Am I liable if I missed a container or filled it out wrong? P. 16 ..... 8:59-8.1  
P. 5 ..... 8:59-2.1 (b and c)



section 15 of the Act and Agency procedures.

(j) *Effective dates.* The effective dates of the final standard are structured according to activity; that is, information being sent downstream must be prepared first, then other provisions of the hazard communication program are to be complied with by a later date. Chemical manufacturers and importers have two years in which to comply with the labeling of containers shipped downstream, and to provide material safety data sheets to manufacturing purchasers. Distributors must also begin transferring information downstream by this initial compliance date. All employers must be in compliance with all provisions of the standard within 2½ years.

#### V. Authority, Signature and the Standard

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Pursuant to Sections 6(b) and 8(g) of the Act, 29 CFR is hereby amended by adding a new § 1910.1200 to read as set forth below.

#### List of Subjects in 29 CFR Part 1910

Occupational safety and health,  
Hazard communication.

(Sec. 6(b), 8(c), and 8(g). Pub. L. 91-596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 9-83 (48 FR 35736))

Signed at Washington, D.C. this 21st day of November 1983.

Thorne G. Auchter,  
Assistant Secretary for Occupational Safety and Health.

#### PART 1910—[AMENDED]

Subpart 2 of Part 1910 of Title 29 of the Code of Federal Regulations (CFR) is hereby amended by adding a new § 1910.1200 to read as follows:

##### § 1910.1200 Hazard communication.

(a) *Purpose.* (1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees within the manufacturing sector. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating and communicating chemical hazards to employees in the manufacturing sector, and to preempt any state law pertaining to this subject. Any state which desires to assume responsibility in this area may only do so under the provisions of § 18 of the Occupational Safety and Health Act (29 U.S.C. 651 et seq.) which deals with state jurisdiction and state plans.

(b) *Scope and application.* (1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers in SIC Codes 20 through 39 (Division D, Standard Industrial Classification Manual) to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers in SIC Codes 20-39.

(2) This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This section applies to laboratories only as follows:

(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(ii) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

(iii) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with paragraph (h) of this section.

(4) This section does not require labeling of the following chemicals:

(i) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(ii) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under that Act, when

they are subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Food and Drug Administration;

(iii) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(iv) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those Acts, or regulations issued under those Acts by the Consumer Product Safety Commission.

(5) This section does not apply to:

(i) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(ii) Tobacco or tobacco products;

(iii) Wood or wood products;

(iv) Articles; and,

(v) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace.

(c) *Definitions.* "Article" means a manufactured item: (i) Which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Chemical" means any element, chemical compound or mixture of elements and/or compounds.

"Chemical manufacturer" means an employer in SIC Codes 20 through 39 with a workplace where chemical(s) are produced for use or distribution.

"Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS)



rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

"Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

"Common name" means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Compressed gas" means:

(i) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(ii) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(iii) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

"Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems are not considered to be containers.

"Designated representative" means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Distributor" means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to manufacturing purchasers.

"Employee" means a worker employed by an employer in a workplace in SIC Codes 20 through 39 who may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies, including, but not limited to production workers, line supervisors, and repair or maintenance personnel. Office workers, grounds maintenance personnel, security personnel or non-resident management are generally not included, unless their job performance routinely

involves potential exposure to hazardous chemicals.

"Employer" means a person engaged in a business within SIC Codes 20 through 39 where chemicals are either used, or are produced for use or distribution.

"Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

"Exposure" or "exposed" means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

"Flammable" means a chemical that falls into one of the following categories:

(i) "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(ii) "Gas, flammable" means:

(A) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen (13) percent by volume or less; or

(B) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve (12) percent by volume, regardless of the lower limit;

(iii) "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(iv) "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

"Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(i) Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tag Closed

Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(ii) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(iii) Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

"Foreseeable emergency" means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

"Hazard warning" means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s).

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

"Identity" means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made



among the required list of hazardous chemicals, the label and the MSDS.

"Immediate use" means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

"Importer" means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or manufacturing purchasers within the United States.

"Label" means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

"Manufacturing purchaser" means an employer with a workplace classified in SIC Codes 20 through 39 who purchases a hazardous chemical for use within that workplace.

"Material safety data sheet (MSDS)" means written or printed material concerning a hazardous chemical which is prepared in accordance with paragraph (g) of this section.

"Mixture" means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

"Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

"Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

"Produce" means to manufacture, process, formulate, or repackage.

"Pyrophoric" means a chemical that will ignite spontaneously in air at a temperature of 130° F (54.4° C) or below.

"Responsible party" means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

"Specific chemical identity" means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the

precise chemical designation of the substance.

"Trade secret" means any confidential formula, pattern, process, device, information or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

"Unstable (reactive)" means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks pressure or temperature.

"Use" means to package, handle, react, or transfer.

"Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

"Work area" means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

"Workplace" means an establishment at one geographical location containing one or more work areas.

(d) *Hazard determination.* (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. Appendix A shall be consulted for the scope of health hazards covered, and Appendix B shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(i) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or,

(ii) *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(i) National Toxicology Program (NTP), *Annual Report on Carcinogens* (latest edition);

(ii) International Agency for Research on Cancer (IARC) *Monographs* (latest editions); or

(iii) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

*Note.*—The *Registry of Toxic Effects of Chemical Substances* published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(i) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(ii) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under paragraph (d)(4) of this section;

(iii) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and

(iv) If the employer has evidence to indicate that a component present in the mixture in concentrations of less than



one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director. The written description may be incorporated into the written hazard communication program required under paragraph (e) of this section.

(E) (e) *Written hazard communication program.* (1) Employers shall develop and implement a written hazard communication program for their workplaces which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

2 (i) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);

(ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas; and,

(iii) The methods the employer will use to inform any contractor employers with employees working in the employer's workplace of the hazardous chemicals their employees may be exposed to while performing their work, and any suggestions for appropriate protective measures.

(2) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this paragraph (e).

(3) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director, in accordance with the requirements of 29 CFR 1910.20(e).

(F) (f) *Labels and other forms of warning.*

(1) The chemical manufacturer, importer, or distributor shall ensure that each

container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(i) Identity of the hazardous chemical(s);

(ii) Appropriate hazard warnings; and

(iii) Name and address of the chemical manufacturer, importer, or other responsible party.

(2) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(3) If the hazardous chemical is regulated by OSHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(4) Except as provided in paragraphs (f)(5) and (f)(6) the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

(i) Identity of the hazardous chemical(s) contained therein; and

(ii) Appropriate hazard warnings.

(5) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by paragraph (f)(4) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(6) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

(7) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(8) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having

employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(9) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.

(G) (g) *Material safety data sheets.* (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(i) The identity used on the label, and, except as provided for in paragraph (f) of this section on trade secrets:

(A) If the hazardous chemical is a single substance, its chemical and common name(s);

(B) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(C) If the hazardous chemical is a mixture which has not been tested as a whole:

(1) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under paragraph (d)(4) of this section shall be listed if the concentrations are 0.1% or greater; and,

(2) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(ii) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(iii) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(iv) The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(v) The primary route(s) of entry;

(vi) The OSHA permissible exposure limit, ACGIH Threshold Limit Value, and any other exposure limit used or



recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(vii) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) *Annual Report on Carcinogens* (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) *Monographs* (latest editions), or by OSHA;

(viii) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(ix) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(x) Emergency and first aid procedures;

(xi) The date of preparation of the material safety data sheet or the last change to it; and,

(xii) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new

information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and manufacturing purchasers of hazardous chemicals are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the manufacturing purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the manufacturing purchaser shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and manufacturing purchasers of hazardous chemicals.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(10) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the Assistant Secretary, in accordance with the requirements of 29 CFR 1910.20(e). The Director shall also be given access to material safety data sheets in the same manner.

(h) *Employee information and training.* Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area.

(1) *Information.* Employees shall be informed of:

(i) The requirements of this section;  
(ii) Any operations in their work area where hazardous chemicals are present; and,

(iii) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets required by this section.

(2) *Training.* Employee training shall include at least:

(i) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(ii) The physical and health hazards of the chemicals in the work area;

(iii) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

(iv) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

(i) *Trade secrets.* (1) The chemical manufacturer, importer or employer may withhold the specific chemical identity, including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(i) The claim that the information withheld is a trade secret can be supported;

(ii) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(iii) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,

(iv) The specific chemical identity is made available to health professionals, in accordance with the applicable provisions of this paragraph.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical

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manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of paragraphs (i) (3) and (4) of this section, as soon as circumstances permit.

(3) In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under paragraph (i)(1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s) if:

(i) the request is in writing;

(ii) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(A) To assess the hazards of the chemicals to which employees will be exposed;

(B) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(C) To conduct pre-assignment or periodic medical surveillance of exposed employees;

(D) To provide medical treatment to exposed employees;

(E) To select or assess appropriate personal protective equipment for exposed employees;

(F) To design or assess engineering controls or other protective measures for exposed employees; and,

(G) To conduct studies to determine the health effects of exposure.

(iii) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information would not enable the health professional to provide the occupational health services described in paragraph (ii) of this section:

(A) The properties and effects of the chemical;

(B) Measures for controlling workers' exposure to the chemical;

(C) Methods of monitoring and analyzing worker exposure to the chemical; and,

(D) Methods of diagnosing and treating harmful exposures to the chemical;

(iv) The request includes a description of the procedures to be used to maintain

the confidentiality of the disclosed information; and,

(v) The health professional, and the employer or contractor of the health professional's services (i.e., downstream employer, labor organization, or individual employer), agree in a written confidentiality agreement that the health professional will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by paragraph (i)(3)(iv) of this section:

(i) May restrict the use of the information to the health purposes indicated in the written statement of need;

(ii) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages; and,

(iii) May not include requirements for the posting of a penalty bond.

(5) Nothing in this standard is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(6) If the health professional receiving the trade secret information decides that there is a need to disclose it to OSHA, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(i) Be provided to the health professional within thirty days of the request;

(ii) Be in writing;

(iii) Include evidence to support the claim that the specific chemical identity is a trade secret;

(iv) State the specific reasons why the request is being denied; and,

(v) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional whose request for information is denied under paragraph (i)(3) of this section may refer the request and the written denial of the request to OSHA for consideration.

(9) When a health professional refers the denial to OSHA under paragraph

(i)(8) of this section, OSHA shall consider the evidence to determine if:

(i) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(ii) The health professional has supported the claim that there is a medical or occupational health need for the information; and,

(iii) The health professional has demonstrated adequate means to protect the confidentiality.

(10) (i) If OSHA determines that the specific chemical identity requested under paragraph (i)(3) of this section is not a *bona fide* trade secret, or that it is a trade secret but the requesting health professional has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by OSHA.

(ii) If a chemical manufacturer, importer, or employer demonstrates to OSHA that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the Assistant Secretary may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(11) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, the matter is referable to the Occupational Safety and Health Review Commission for enforcement of the citation. In accordance with Commission rules, the Administrative Law Judge may review the citation and supporting documentation *in camera* or issue appropriate protective orders.

(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade

secret status can be made and the necessary protections can be implemented.

(13) Nothing in this paragraph shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

(j) *Effective dates.* Employers shall be in compliance with this section within the following time periods:

(1) Chemical manufacturers and importers shall label containers of hazardous chemicals leaving their workplaces, and provide material safety data sheets with initial shipments by November 25, 1985.

(2) Distributors shall be in compliance with all provisions of this section applicable to them by November 25, 1985.

(3) Employers shall be in compliance with all provisions of this section by May 25, 1986, including initial training for all current employees.

#### Appendix A to § 1910.1200—Health Hazard Definitions (Mandatory)

Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g. flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a non-measurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in non-occupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in

various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982)—irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obvious a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this section, any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B are health hazards:

1. *Carcinogen:* A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the *Annual Report on Carcinogens* published by the National Toxicology Program (NTP) (latest edition); or,

(c) It is regulated by OSHA as a carcinogen.

2. *Corrosive:* A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR

Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

3. *Highly toxic:* A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD<sub>50</sub>) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD<sub>50</sub>) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

4. *Irritant:* A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

5. *Sensitizer:* A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

6. *Toxic:* A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of

more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

**7. Target organ effects:** The following

is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

a. Hepatotoxins:	Chemicals which produce liver damage.
Signs and Symptoms:	Jaundice; liver enlargement.
Chemicals:	Carbon tetrachloride; nitrobenzene.
b. Nephrotoxins:	Chemicals which produce kidney damage.
Signs and Symptoms:	Edema; proteinuria.
Chemicals:	Halogenated hydrocarbons; uranium.
c. Neurotoxins:	Chemicals which produce their primary toxic effects on the nervous system.
Signs and Symptoms:	Narcolepsy; behavioral changes; decrease in motor functions.
Chemicals:	Mercury; carbon disulfide.
d. Agents which act on the blood or hemopoietic system:	Decrease hemoglobin function; deprive the body tissues of oxygen.
Signs and Symptoms:	Cyanosis; loss of consciousness.
Chemicals:	Carbon monoxide; cyanides.
e. Agents which damage the lung:	Chemicals which irritate or damage the pulmonary tissue.
Signs and Symptoms:	Cough; tightness in chest; shortness of breath.
Chemicals:	Silica; asbestos.
f. Reproductive toxins:	Chemicals which effect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
Signs and Symptoms:	Birth defects; sterility.
Chemicals:	Lead; DBCP.
g. Cutaneous hazards:	Chemical which effect the dermal layer of the body.
Signs and Symptoms:	Defatting of the skin; rashes; irritation.
Chemicals:	Ketones; chlorinated compounds.
h. Eye hazards:	Chemicals which effect the eye or visual capacity.
Signs and Symptoms:	Conjunctivitis; corneal damage.
Chemicals:	Organic solvents; acids.

**Appendix B to § 1900.1200--Hazard Determination (Mandatory)**

The quality of a hazard communication program is largely dependent upon the adequacy and accuracy of the hazard determination. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this Appendix.

Hazard evaluation is a process which relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does diminish the duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this standard.

1. **Carcinogenicity:** As described in paragraph (d)(4) and Appendix A of this section, a determination by the National Toxicology Program, the International Agency for Research on Cancer, or OSHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this section.

2. **Human data:** Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

3. **Animal data:** Human evidence of health effects in exposed populations is generally not available for the majority of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results (see Appendix A).

4. **Adequacy and reporting of data:** The results of any studies which are designed and conducted according to established scientific principles, and which report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet. The

chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies which tend to refute the findings of hazard.

**Appendix C to § 1900.1200—Information Sources (Advisory)**

The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

— Any information in their own company files such as toxicity testing results or illness experience of company employees.

— Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

— Any pertinent information obtained from the following source list (latest editions should be used):

*Condensed Chemical Dictionary*

Van Nostrand Reinhold Co., 135 West 50th Street, New York, NY 10020

*The Merck Index: An Encyclopedia of Chemicals and Drugs*

Merck and Company, Inc., 126 E. Lincoln Avenue, Rahway, NJ 07065

*IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man*

Geneva: World Health Organization, International Agency for Research on Cancer, 1972-1977. (Multivolume work), 49 Sheridan Street, Albany, New York

*Industrial Hygiene and Toxicology*, by F. A. Patty

John Wiley & Sons, Inc., New York, NY (Five volumes)

*Clinical Toxicology of Commercial Products*

Gleason, Gosselin and Hodge

*Casarett and Doull's Toxicology; The Basic Science of Poisons*

Doull, Klaassen, and Amdur, Macmillan Publishing Co., Inc., New York, NY

*Industrial Toxicology*, by Alice Hamilton and Harriet L. Hardy

Publishing Sciences Group, Inc., Acton, MA

*Toxicology of the Eye*, by W. Morton Grant

Charles C. Thomas, 301-327 East Lawrence Avenue, Springfield, IL

*Recognition of Health Hazards in Industry*

William A. Burgess, John Wiley and Sons, 605 Third Avenue, New York, NY 10158

*Chemical Hazards of the Workplace*

Nick H. Proctor and James P. Hughes, J. P. Lipincott Company, 6 Winchester Terrace, New York, NY 10022

*Handbook of Chemistry and Physics*

Chemical Rubber Company, 18901

Cranwood Parkway, Cleveland, OH 44128

*Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes*

American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Bldg. D-5, Cincinnati, OH 45211

**Note.**—The following documents are on sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**Occupational Health Guidelines**

NIOSH/OSHA (NIOSH Pub. No. 81-123)  
*NIOSH/OSHA Pocket Guide to Chemical Hazards*

NIOSH Pub. No. 78-210

*Registry of Toxic Effects of Chemical Substances*

U.S. Department of Health and Human Services, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health (NIOSH Pub. No. 80-102)

*The Industrial Environment—Its Evaluation and Control*

U.S. Department of Health and Human Services, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health (NIOSH Pub. No. 74-117)

*Miscellaneous Documents—National Institute for Occupational Safety and Health*

1. Criteria for a recommended standard  
 . . . Occupational Exposure to "—" "
2. Special Hazard Reviews
3. Occupational Hazard Assessment
4. Current Intelligence Bulletins

**Bibliographic Data Bases**

*Service Provider and File Name*

Bibliographic Retrieval Services (BRS),  
 Corporation Park, Bldg. 702, Scotia, New York 12302

**AGRICOLA**

BIOSIS PREVIEWS  
 CA CONDENSATES  
 CA SEARCH  
 DRUG INFORMATION  
 MEDLARS  
 MEDOC  
 NTIS  
 POLLUTION ABSTRACTS  
 SCIENCE CITATION INDEX  
 SSIE

Lockheed—DIALOG, Lockheed Missiles & Space Company, Inc., P.O. Box 44481, San Francisco, CA 94144

**AGRICOLA**

BIOSIS PREV. 1972-PRESENT  
 BIOSIS PREV. 1969-71  
 CA CONDENSATES 1970-71  
 CA SEARCH 1972-78  
 CA SEARCH 1977-PRESENT  
 CHEMNAME  
 CONFERENCE PAPERS INDEX  
 FOOD SCIENCE & TECH. ABSTR.  
 FOODS ADLIBRA  
 INTL. PHARMACEUTICAL ABSTR.  
 NTIS

POLLUTION ABSTRACTS  
 SCISEARCH 1978-PRESENT  
 SCISEARCH 1974-77  
 SSIE CURRENT RESEARCH

SDC—ORBIT, SDC Search Service,  
 Department No. 2230, Pasadena, CA 91051

**AGRICOLA****BIOCODES**

BIOSIS/BIO0973  
 CAS6771/CAS7278  
 CAS77  
 CHEMDEX  
 CONFERENCE  
 ENVIROLINE  
 LABORDOC  
 NTIS  
 POLLUTION  
 SSIE

Chemical Information System (CIS), Chemical Information Systems Inc., 7215 Yorke Road, Baltimore, MD 21212

Structure & Nomenclature Search System

Acute Toxicity (RTECS)

Clinical Toxicology of Commercial Products

Oil and Hazardous Materials Technical Assistance Data System

National Library of Medicine, Department of Health and Human Services, Public Health Service, National Institutes of Health, Bethesda, MD 20209

Toxicology Data Bank (TDB)

MEDLIN

TOXLINE

CANCERLIT

RTECS

[FR Doc. 83-31527 Filed 11-22-83; 8:45 am]

BILLING CODE 4510-26-M



# ③ Factsheet - Gen Points 2:30

## General Points (see FS)

- 1) Start with the written program.  
why
- 2) Upgrade labels + evaluate them.  
(other standards)
- 3) MSDS - come back to quality  
- discuss accessibility  
1910.20

- 4) Training
  - MSDS handed out no good
  - includes: see FS

② Major weakness — employer det.  
— not annual

→ Negotiation issue  
Board followup

- 5) Other info. access rule  
Envir + Emergency Info.

6) Enforcement



# USING NJ's RIGHT-TO-KNOW LAW

The New Jersey Worker and Community Right-to-Know Act (P.L. 1983, C.315) requires certain employers to provide employees with information and training about hazardous chemicals.

You have rights under this law if your employer is a:

- state, county, or municipal government, school, or other non-federal public employer;
- provider of telephone, communication, electric, gas, or sanitary service;
- auto repair shop;
- hospital.

Other non-manufacturing employers may also be covered. To check, call the New Jersey Department of Health (DOH) at 609-984-2202.

Manufacturing workers aren't covered by this law and should use the Federal OSHA Hazard Communication Standard.

The Right-to-Know (RTK) law helps you learn about toxic chemicals through 1) A Right-to-Know Survey; 2) Chemical Labeling; 3) Training; and 4) Hazardous Substance Fact Sheets.

## I. Right-to-Know Survey

The DOH has designated to-date 2,051 substances to be on a *RTK Hazardous Substance List*. These are substances which can cause serious safety and health dangers.

Get a list of these hazardous substances at your facility by requesting, in writing, a copy of the RTK Survey.

It's free from your employer or DOH or for a small charge from the county health department.

•Every employer must have completed the survey by October 30, 1985 (or 90 days

## AN INDUSTRIAL UNION COUNCIL, AFL-CIO FACTSHEET



from receipt, whichever is later). The employer must update the survey annually.

•Your employer must provide it within five working days.

•Check if your employer did an accurate job on the survey by doing your own union survey.

## II. Chemicals Must Be Labeled

By law, employers must label chemical containers with specific chemical names. They cannot label with only numbers, symbols, or trade names to hide the real identity of chemicals. Under this law, employers do not have to put hazard warnings on labels.

Important labeling provisions:

1) By October 30, 1985 substances designated by DOH as hazardous must have been labeled with their specific chemical name and Chemical Abstracts Service (CAS) number, a universally recognized code. This will cover 2,051 different chemicals.

2) By August 29, 1986 all other substances must be labeled with specific chemical names and CAS numbers.

3) Only the five most predominant substances in a *non-hazardous* mixture must be labeled.

4) Containers must be labeled before opening or within five working days of arrival at the facility, whichever is sooner.

5) By October 30, 1985 every container with an unknown substance must have been labeled "Contents Unknown" or "Contents Partially Unknown."

6) Containers smaller than 2 ounces (56.7 grams) may be labeled with codes if they allow employees "free and ready" access to factsheets which provide specific chemical names and CAS numbers. These factsheets must be close to work areas. Management permission cannot be required to look at fact sheets.

7) Special labeling regulations apply to pipelines, reaction vessels, and for research and development labs.

8) Federal labeling laws may supersede state labeling requirements.

9) No labeling is required for:

- Containers whose contents are changed at least once per shift.

- Test tubes or beakers which are routinely used and reused.

- Containers of ten gallons or less into which substances are transferred from *labeled* containers and which are used right away by the employee who does the transfer. An example could be a bucket of floor cleaner.

### III. Training Is Required

By October 30, 1985 employers must have established a training program for all employees exposed or potentially exposed to hazardous substances.

By December 31, 1985 this training must have been completed.

Thereafter training must be provided every year.

New or reassigned employees must receive training. After December 31, 1985 these employees must be trained within one month of hiring or reassignment.

Training must be on paid employer time and must cover:

- Potential risks, including long-term effects of low levels of exposure.

- Showing employees the location of hazardous substance containers with which they are working or likely to work.

- How to recognize, measure and evaluate hazards.

- Methods of controlling exposure, including substitution, ventilation, and respirators.

- "Hands-on" training on personal protective equipment. Certain designated employees must be given "hands-on" training in the use of clean-up and firefighting equipment.

- A detailed explanation of Right-to-Know law provisions.

Time must be provided for questions. Qualified instructors are required.



### IV. Hazardous Substance Fact Sheets

To learn about hazards, request *Hazardous Substance Fact Sheets*. Fact Sheets are written by the DOH — not by chemical companies!

The DOH *plans* to write 2,051 different fact sheets — one for each chemical on the RTK Substance List.

Material safety data sheets (MSDSs) produced by chemical manufacturers *may* also be available from your employer *in addition* to the DOH fact sheets. MSDSs often cover chemical mixtures.

You have a right to available MSDSs free of charge within fifteen days under the OSHA Access Rule or under the New Jersey Public Employee OSHA Access Rule.

#### Fact Sheets:

- Are free from your employer or for a small charge from DOH or your county health department.
- Should eventually be available for all hazardous substances at your facility.
- Must be provided by the employer within five working days of your written request (if your employer received them from the DOH).

#### Fact sheets tell you:

- Specific chemical, trade, and common names and Chemical Abstracts Service numbers.
- Health hazards, including whether the substance may cause cancer, birth defects, lung, skin, kidney or other diseases.
- Safety hazards, including fire, explosion, corrosiveness, and reactivity dangers.
- Precautions, including substitution of safer chemicals, ventilation, respirators, and safe handling procedures.

#### **WARNING: Fact Sheets May Not Be Available**

By law, the DOH should have produced and distributed 2,051 different fact sheets by January 1986.

But only 467 fact sheets were actually produced. In the absence of fact sheets, ask your employer for the MSDSs and other available data. Your employer should utilize fact sheets and MSDSs in training. All information should be carefully checked by your union safety and health committee.

#### **Refusing Work**

This law provides you with a right *under certain very limited circumstances* to refuse work with hazardous chemicals. Contact your union for information before using this right.

You *may* have other refusal rights under your contract or under other laws.



#### **Enforcement**

If your employer has not complied with the law, you or your union may file a complaint with DOH.

•To file, call the DOH (609) 984-2202 or send a letter.

•You can request that your name be kept confidential from the employer.

•Describe your complaint in detail, whether it's been brought to management's attention, and whether the union has taken any other action.

A DOH Compliance Officer will visit your workplace to investigate the complaint. Although there will be no advance notice of the visit, you and your union should plan ahead for the inspection.

Union representatives have the right to accompany the Compliance Officer on an inspection. The law does not mandate that the union representative be paid.

After the inspection, you and the union have a right to know the results of the inspection and the way the complaint was settled.

Initial fines for violations can be as much as \$2500 per violation and up to \$1000 per day. If an employer doesn't take steps to comply or doesn't pay the first fines, the DOH can impose additional fines of \$10,000 and \$2,500.

## Take Action!

The Right-to-Know law helps get information about chemicals. It doesn't require employers to control exposures. *You* and your union have to insure that exposures are controlled.

- Work with your union.
- Ask your employer to reduce exposures by substituting safer chemicals and by improving ventilation. Protective equipment can be requested as a secondary means of protection.
- Request frequent labor-management inspections.
- Use the New Jersey Department of Health and NIOSH Health Hazard Evaluation program (609-984-1863).
- The New Jersey Public Employees OSHA law or the federal OSHA law may prove helpful.
- Use contract negotiations to win protections like ventilation systems or union run medical testing programs.
- Involve union members by distributing copies of factsheets. Get members to request information.



## Discrimination Is Illegal

If you believe you have been fired or penalized for using this law, contact your union immediately and file a discrimination complaint with the New Jersey Department of Labor (609-292-7036). They will investigate.

Your employer must prove that he didn't discriminate against you. You could receive back pay, reinstatement, or other additional remedies.

## For More Information

Write New Jersey DOH, Right to Know Project, CN 368, Trenton, NJ 08625 to get Hazardous Substance Fact Sheets, or a RTK Survey for a particular facility.

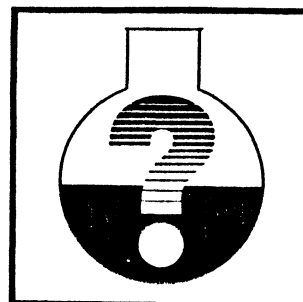
•NJ DOH must send you the survey and available factsheets within thirty days. Your request about your employer's facility must be kept confidential by the DOH.

•You can also inspect and/or copy these documents at county health departments. Phone numbers and names of county contact persons are available from the DOH.

Also contact DOH at 609-984-2202 for:

- The complete RTK Hazardous Substance List. This list also indicates factsheets that will become available.
- Actual regulations that you need to fully understand the law.
- Information on how to contest trade secret claims.
- Fact sheets, a training guide, and material in Spanish.

The New Jersey Industrial Union Council, AFL-CIO Right-to-Know Project can also help. Contact NJ IUC, 16 Commerce Drive, Cranford, NJ 07016, 201-272-4200.



# Using the Right to Know – The Next Phase

- State public service announcements (February)
- Distribution of *Hazardous Substance Fact Sheet* Request Brochure
- Other materials – RTK Survey Request Form, Labeling Fact Sheet
- Worker & Community RTK Workshop
- Work with DHSS expanded outreach efforts (Librarians, firefighters, Internet, etc.)
- Monitoring of use by DHSS, including a study, annual report, better logging of requests
- Your ideas...