



## **Right-to-Know Program November 16, 2012**

### **1. Purpose of Program**

The purpose of MPHA's Employee Right-to-Know Program (Program) is to ensure that employees are aware of the dangers related to exposure to Hazmat in their workplaces. This Program is also intended to comply with the Minnesota OSHA Employee Right-to-Know (RTK) standard and Minn. Stat. Chapter 182. The Program does not create a standard of care, does not enlarge MPHA's duties under any law, regulation, code or ordinance. It does not create any rights to third parties or tenants. This Program applies to all Hazmat under normal working conditions or during an emergency situation. This Program is available on MPHA's intranet.

### **2. Definitions**

**Assistant Director of Maintenance Operations** (Assistant Director) has the overall responsibility for the Right to Know Program.

**Building Coordinator** is the person assigned to a particular building and who has the responsibility to implement this Program at the building. The Building Coordinators include:

- A. Highrises--the assigned Property Manager;
- B. 1001 Washington Avenue North—the Construction Project Manager assigned to maintenance;
- C. 2709 Essex Street and 1301 Bryant—the Manager of Maintenance; and
- D. HPSSC –the Director of HPSSC

**Acute Toxicity** is the adverse effects resulting from a single dose of or exposure to a substance.

**Asphyxia** is the lack of oxygen and interference with the oxygenation of the blood.

**Asphyxiant** is a vapor or gas that may cause unconsciousness or death by suffocation.

**Blood** means human blood and its components and products made from human blood.

**Bloodborne Pathogens** means pathogenic microorganisms that are present in human

blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Carbon Dioxide**(CO<sub>2</sub>) is a colorless, odorless, incombustible gas forming during respiration and is used in refrigerators, fire extinguishers and carbonated beverages and in high concentrations may created an oxygen deficient environment that may cause asphyxiation.

**Carbon Monoxide** (CO) is a colorless, odorless and highly poisonous gas formed by the incomplete combustion of a carbon or a carbonaceous material that may cause asphyxiation.

**Carcinogen** is a chemical known to cause cancer in humans.

**Combustible** is a liquid having a flash point at or above 100°F or 38°C and below 200°F and 93.3°C.

**Corrosive** is a chemical that causes visible destruction of or irreversible alterations in living tissue.

**Damarco Solutions, LLC** (Damarco) is a company that provides occupational health and safety services to MPHA. MPHA provides its Hazmat inventory to Damarco which makes SDSs available to MPHA. Persons may call Damarco for a medical question or to obtain an SDS at 612-617-0995. Please have a fax number or email address available for receipt. For an overview of Damarco, MPHA employees may access the following website at: <http://www.damarco.com/Demo/>.

**Flammable** is any solid, liquid or gas that will ignite easily and burn rapidly.

**Flash Point** is the lowest temperature at which a flammable liquid gives off sufficient vapors to form an ignitable mixture.

**Hazardous Chemical** means any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

**Hazard Class** means the nature of the physical or health hazards, e.g., flammable solid, carcinogen, oral acute toxicity.

**Hazard Category** means the division of criteria within each hazard class, e.g., oral acute toxicity and flammable liquids include four hazard categories. These categories compare hazard severity within a hazard class and should not be taken as a comparison of hazard categories more generally.

**Hazardous Material (Hazmat)** is any substance or chemical which is a "health hazard" or "physical hazard," including: chemicals which are carcinogens, toxic agents,

irritants, corrosives, sensitizers; agents which act on the hematopoietic system; agents which damage the lungs, skin, eyes, or mucous membranes; chemicals which are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water-reactive; and chemicals which in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists or smoke which may have any of the previously mentioned characteristics. Full definitions may be found at 29 C.F.R. § 1910.1200 and Minn. Stat. § 182.651 subd. 14.

**Hazardous Material Exclusion** does not require a SDS and is any of the following:

- A. a product intended for personal consumption by employees;
- B. consumer products packaged and used by the general public or an employee in the same form, concentration, and manner as sold to the general public and to MPHA's knowledge, the employee's exposure is not significantly greater than the exposure to the general public;
- C. any article such as a hardware or item of equipment which has a Hazmat in a solid form and as handled by the employee is not a health hazard; or
- D. any Hazmat that is bound and not released under normal conditions of work such as an adhesive tape or vinyl upholstery or in reasonably foreseeable workplace operations. See Minn. Stat. § 182.651 subd. 18.
- E. substances in sealed packages that are not opened; and
- F. substances present in a physical state, volume or concentration that does not present a hazard (e.g., very small quantity, solids, diluted substances that present no adverse health affects, etc.).

**Health Hazard** means a chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200—Health Hazard Criteria.

**Physical Hazard** means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to §1910.1200—Physical Hazard Criteria.

**Reactivity** is a description of the tendency of a substance to undergo a chemical reaction by itself or with other materials and results in the release of energy.

**Routinely Exposed** means a reasonable potential for exposures during the normal course of assigned work. It includes the exposure of an employee to a Hazmat when assigned to a work area where a Hazmat has been spilled. It does not include a simple walk through of an area where a hazardous substance is present.

**Safety Data Sheet (SDS)** is OSHA Form 20 or document that contains the essential information of Form 20 and contains the information required by Minnesota Statutes, § [182.653](#) subdivisions 4b and 4e regarding the physical, chemical, and hazardous properties of Hazmat and maybe used by MPHA to communicate to an employee the information required under Minnesota Statutes, § [182.653](#), subdivisions 4b and 4e and Section 4.D.4).

### **3. Roles and Responsibilities**

A. Assistant Director of Maintenance shall:

- 1) review, update, implement and enforce the Program;
- 2) coordinate with the Human Resources department to provide Right to Know Training to new employees prior to a work assignment; and
- 3) assure that Right-to-Know Training is provided to all employees on an annual basis.

B. Building Coordinator shall:

- 1) maintain an inventory of the Hazmat in the building including the boiler/mechanical rooms and a SDS in a central location for each Hazmat in the building;
- 2) inform the Managing Director of Low Income Public Housing (LIPH) by email of any deletions or additions to the Hazmat in the building and include the building address and the Hazmat's name and manufacturer;
- 3) instruct staff (new, current and transferees) at the building on the use and maintenance of personal protective equipment; work practices for the proper use and handling of current and new Hazmat and procedures for emergency response , a SDS may be used to communicate this information;
- 4) implement clean-up work procedures to follow in case of incidental spills or leaks of Hazmat;
- 5) inform staff of the location of SDSs;
- 6) maintain in the boiler/mechanical room SDSs for the Hazmat used there; and

- 7) ensure that an Immediate Use Container that is not completely used by the person who created the secondary container during a shift of work is properly disposed of or properly labeled as a Secondary Container (see Section 8); .
- 8) ensure that Secondary Containers are properly labeled; (see Section 8);
- 9) ensure that each desk phone has a RTK Hotline sticker; and
- 10) ensure that each employee with an MPHA cell phone has entered the Damarco's phone number, 612 617 0995 for easy use.

C. Chief Operating Maintenance Engineer Foreman (Engineer Forman) shall:

- 1) maintain an inventory of the Hazmat in each boiler room and a SDS for each Hazmat in the boiler room and provide an updated copy of each to the Building Coordinator assigned to the building;
- 2) inform the Managing Director of LIPH by email of any deletions or additions to the Hazmat in the boiler/mechanical room and include the building address and the Hazmat's name and manufacturer;
- 3) instruct engineers on the use and maintenance of personal protective equipment; work practices for the proper use and handling of Hazmat in the boiler room and procedures for emergency response, a SDS may be used to communicate this information; and
- 4) ensure that eye wash stations are properly maintained.

D. Manager of Human Resources shall:

- 1) coordinate with the Assistant Director to provide Right to Know Training to new employees prior to a work assignment; and
- 2) keep records of Right-to-Know Training for new employees and the annual training for employees.

E. Managing Director of LIPH shall ensure that Hazmat inventory with Damarco is current and accurate.

F. Regional Property Managers or the Deputy Executive Director of Facilities and Development shall pre-approve in writing all new Hazmat purchased by MPHA.

G. Supervisors shall ensure that their assigned employees comply with this Program. Each direct Supervisor shall report to the Manager of Human Resources the receipt of any verbal or written complaint under Minn. Stat. Minn. Stat. § [182.653](#). (See Section 10), For purposes of this Section, the Deputy Executive Director is the direct supervisor of the Director of HPSSC.

#### **4. Right to Know Training**

##### **A. Training Prior to Work Assignment**

Assistant Director shall ensure that Right to Know Training is provided prior to an employee's initial assignment to a workplace.

##### **B. Training on New Hazmat**

The Building Coordinator shall provide additional training whenever an employee may be routinely exposed to a new Hazmat.

##### **C. Annual Training**

Assistant Director shall ensure that Right to Know Training is provided for all employees each year.

##### **D. Right to Know Training shall be conducted by a person who is knowledgeable about the subject matter and shall include:**

- 1) information that an inventory of Hazmat for a particular building is available from each Building Coordinator or the Damarco website; information that a SDS for each Hazmat is readily accessible in each area where the Hazmat is used or handled, and from each Building Coordinator or from the Damarco. Persons may call Damarco for a medical question or to obtain an SDS at 612-617-0995. Please have a fax number or email address available for receipt. For an overview of Damarco, MPHA employees may access Damarco's website at: <http://www.damarco.com/Demo/>.
- 2) instruction on how to read the SDS;
- 3) for each Hazmat to which the employee may be routinely exposed:
  - a) the name of the Hazmat including any generic or chemical name, trade name, and commonly used name;
  - b) level at which exposure to the Hazmat has been restricted;
  - c) primary routes of entry and the acute and chronic effects of exposure;
  - d) symptoms of the effects;
  - e) potential for flammability, explosion, or reactivity of the substance;
  - f) emergency treatment;

- g) safe use of and exposure to the substance;
  - h) procedures for cleanup of leaks and spills; and
  - i) name, phone number and address of the Hazmat manufacturer.
- 5) the provision of a properly completed federal OSHA Form 20, or SDS is *prima facie* proof of providing the information required in Minn. Stat. § [182.653](#), subdivisions 4b, 4c, and 4e and the information listed above in D.4; and
- 6) the opportunity for interactive questions and answers.

#### E. Record of Training and Information Requests

The Assistant Director and Building Coordinators shall provide the documentation of the Right to Know Training to the HR Department. The documentation shall include the:

- a. name and job title of the employees trained;
  - b. the dates of training;
  - c. name, title and qualifications of the trainer; and
  - d. outline of the training and an affirmation that the training complied with this Program.
5. HR Department shall also maintain a list of requests by employees for information under Minn. Stat. § 182.654.

#### 6. **Bloodborne Pathogen and Bodily Fluid Training**

The training shall comply with 29 C.F.R. § 1910.1030(g) (2) (vii) and include the following:

- A. A general explanation of the cause and symptoms of bloodborne diseases;
- B. An explanation of how bloodborne pathogens are transmitted;
- C. The methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- D. The use and limitations of methods that may prevent or reduce exposure such as work practices, and personal protective equipment;

- E. Information about the use and disposal of personal protective equipment and why the equipment was selected;
- F. Information on the hepatitis B vaccine, including the benefits and administration being vaccinated and that MPHA offers the vaccine free of charge;
- G. The actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
- H. The procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
- I. Information on the post-exposure evaluation and follow-up that MPHA will provide for the employee following an exposure incident;
- J. Information that MPHA will use red bags or red containers or other permitted labels to label the pathogens.
- K. An employee may ask a supervisor to review MPHA's Emergency Procedures.

## **7. Safety Data Sheets (SDSs)**

Each Building Coordinator will maintain in their office, a SDS for each Hazmat in the building. In addition, each Building Coordinator will maintain a SDS in each area where the Hazmat is stored. Persons may call Damarco for a medical question or to obtain an SDS at 612-617-0995. Please have a fax number or email address available for receipt. For an overview of Damarco, MPHA employees may access Damarco's website at:

<http://www.damarco.com/Demo/New%20client%20setup/Damarco%20New%20client%20setup.swf>

## **8. Containers and Labels**

### A. Manufacturer's Container

The Building Coordinator will ensure that all hazardous chemicals are properly labeled and updated. Manufacturer's container labels should be left on the original containers, if possible.

### B. Secondary Container

1) A secondary container must be tagged or marked with:

- a) the identity of the Hazmat;
- b) warnings; and

- c) the name and address of the chemical manufacturer, importer, or other responsible party.
- 2) The Building Coordinator shall obtain a transferrable label from the manufacturer and place on the secondary container. If a manufacturer's transferable label is not available, the Building Coordinator shall:
  - a) complete and place a label on the secondary container;
  - b) insert a copy of the SDS sheet in a plastic sleeve and attach the sleeve to the secondary container; or
  - c) take a readable picture of the manufacturer's label and attach to the secondary container.

#### C. Immediate Use Container

An Immediate Use Container which is under the control of one employee **and** that is emptied during the same work shift need not be labeled.

#### D. Pipes or piping systems do not have to be labeled.

### **9. Non-Routine tasks**

If an employee will perform hazardous non-routine tasks, MPHA will provide training regarding the hazardous chemicals and the proper precautions to take to reduce or avoid exposure and make SDSs for the chemicals available. The Assistant Director and Building Coordinator are responsible for ensuring that this training is provided.

### **10. Refusal to Work Under Dangerous Conditions and Non-Discrimination**

An employee acting in good faith may refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee. A reasonable belief may include a belief that the employee has been assigned to work in an unsafe or unhealthful manner with a Hazmat. Please see Minn. Stat. § 182.654 subd. 11.

Each direct Supervisor shall report to the Manager of Human Resources the receipt of any verbal or written complaint under Minn. Stat. Minn. Stat. § [182.653](#).

MPHA shall not discharge or discriminate against an employee who has filed any complaint or instituted or caused any proceeding or inspection under this Program or who has or may testify in any proceeding or because of the exercise of any right under this Program and Minn. Chapter 182.

## **11. Vendors Performing Work at MPHA Work Sites**

- A. Each Contract Administrator or Building Coordinator upon request from a vendor will facilitate the provision of a copy of the building Hazmat inventory and SDSs to the vendor.
- B. MPHA Procurement Department will inform each vendor that directly contracts with MPHA who performs work in a building that:
  - 1) the Hazmat inventory and SDSs sheets for a particular building may be found at:
    - a) the highrise Property Manager's office;
    - b) the Regional Property Manager's office at 2709 Essex;
    - c) Director of HPSSC's office for HPSSC;
    - d) Facilities and Development's office for 1001 Washington; and
    - e) Assistant Manager's office for 1301 Bryant.
  - 2) a copy of this Program is available for review on MPHA's website; and
  - 3) the vendor shall inform any person performing work under the vendor's contract with MPHA and who may be routinely exposed to Hazmat:
    - a) on how to access MPHA's Hazmat inventory, SDSs; and this Program;
    - b) the precautionary measures needed to protect persons using the Hazmat; and
    - c) about MPHA's labeling system.
- C. As regards the Hazmat which a vendor may use at a MPHA building and which an MPHA employee may be routinely exposed to the Hazmat, the vendor upon request will provide to the requestor the following:
  - 1) a copy of its Right to Know Program;
  - 2) an inventory of the Hazmat to be used in the building and SDSs for each Hazmat;
  - 3) for each Hazmat to which the employee may be routinely exposed about the precautionary measures needed to protect those persons; and
  - 4) vendor's labeling system.