

**TEXAS STATE TECHNICAL COLLEGE  
STATEWIDE OPERATING STANDARD**

<b>No. GA 1.6.2</b>	<b>Page 1 of 9</b>	<b>Effective Date: 07/01/15</b>
<b>DIVISION:</b>	<b>General Administration</b>	
<b>SUBJECT:</b>	<b>Hazard Communication Program</b>	
<b>AUTHORITY:</b>	<b>Minute Order #66-96</b>	
<b>PROPOSED BY:</b>	<i>Original Signed by Tom Hooker</i>	
<b>TITLE:</b>	<b>Director, Governance, Risk, and Compliance</b>	<b>Date: 07/01/15</b>
<b>RECOMMENDED BY:</b>	<i>Original Signed by Jonathan Hoekstra</i>	
<b>TITLE:</b>	<b>Vice Chancellor/Chief Financial Officer</b>	<b>Date: 07/01/15</b>
<b>APPROVED BY:</b>	<i>Original Signed by Mike Reeser</i>	
<b>TITLE:</b>	<b>Chancellor</b>	<b>Date: 07/01/15</b>

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**POLICY**

It is the policy of Texas State Technical College to comply with the Texas Hazard Communication Act and protect the health of TSTC employees, students and general public by providing access to information regarding hazardous chemicals which they may be exposed to either during the course of their normal employment/educational activities, during emergency situations, or as a result of proximity to the manufacture or use of those chemicals.

**PERTINENT INFORMATION**

The Hazard Communication Act in the State of Texas was passed by the 69th Legislature and became law effective January 1, 1986. The revised Act, including laws titled chapter 502 ("Hazard Communication Act") and chapter 506 ("Public Employer Community Right-to-Know Act"), was passed by the 73rd Legislature and became law effective September 1, 1993.

Section 502.009(b) of the Texas Hazard Communication Act (THCA) requires all universities to

develop, implement, and maintain a written hazard communication program (Program). The purpose of TSTC's Program is to (1) identify the major requirements of the THCA and (2) define the College's policies for complying with this law. When this law is updated by the State of Texas to the new OSHA standards from the GHS best practices, further modification of this plan may be needed.

All employees of TSTC shall comply with this Statewide Operating Standard. This plan is available by contacting the Enterprise Risk Management Team or at <http://www.tstc.edu/systemoffice/generaladministration>. No employee of TSTC shall be discharged, disciplined, or discriminated against for exercising their rights under this plan. All employees have the right to know all pertinent safety information about any chemicals they use.

### **Applicability of the Texas Hazard Communication Act**

This chapter applies only to employers who are not required to comply with 29 CFR 1910.1200 (OSHA Hazard Communication Act). As a public institution, TSTC is not covered by the Occupational Safety and Health Act of 1970 (OSHA) unless a contractual agreement for compliance with OSHA is included in federal grant funding applications.

#### **Definitions:**

- Article -** A manufactured item:
- (a) That is formed to a specific shape or design during manufacture;
  - (b) That has end-use functions dependent in whole or in part on its shape or design during end use; and
  - (c) That does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.
- Board -** Texas Board of Health.
- Chemical Manufacture-** An employer in Standard Industrial Classification (SIC) Codes 20-39 with a workplace where chemicals are produced for use or distribution.
- Chemical Name -**
- (a) 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
  - (b) A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

<b>Common Name -</b>	A designation of identification, such as a code name, code number, trade name, brand name, or generic name, used to identify a chemical other than by its chemical name.
<b>Department -</b>	The Texas Department of Health.
<b>Designated Representative -</b>	The individual or organization to whom an employee gives written authorization to exercise the employee's rights under this chapter, except that a recognized or certified collective bargaining agent is a designated representative regardless of written employee authorization.
<b>Director -</b>	The director of the Texas Department of Health.
<b>Distributor -</b>	A business in Standard Industrial Classification Major Industry Group 516 or 517 that supplies hazardous chemicals to an employer who must comply with this Act.
<b>Employee -</b>	A person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies, and includes a person working for this state, a person working for a political subdivision of this state, or a member of a volunteer emergency service organization or, if the applicable OSHA standard or MSHA standard is not in effect, a person working for a private employer. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of this chapter.
<b>Employer -</b>	A person engaged in private business who is regulated by the federal Occupational Safety and Health Act of 1970 (Pub. L. No. 91-596), the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. No. 91-173), or the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. No. 95-164) on the effective date of this Act, or the state or a political subdivision of the state, including a state, county, or municipal agency, a public school, a college or university, a river authority or publicly owned utility, a volunteer emergency service organization, and other similar employers. The term does not include any person to whom the federal Occupational Safety and Health Act of 1970 (Pub. L. No. 91-596), the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. No. 91-173), or the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. No. 95-164) is applicable if that employer is covered by the OSHA standard or the other two federal laws.
<b>Student -</b>	An individual who is receiving or has received instruction in an on or off- campus program, including an activity which is evaluated towards a grade such as a work study program, an academic internship, a student teaching

assignment, or a student exchange program.

The term does not apply to an individual prior to or subsequent to that individual's period of attendance at the college such as a candidate for admission, an alumnus, or a postgraduate intern in another college.

**Expose or  
Exposure -**

Subjection to a hazardous chemical in the course of employment or classroom experience through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.

**Hazardous chemical  
or chemical -**

An element, compound, or mixture of elements or compounds that is a physical hazard or health hazard as defined by the OSHA standard in 29 CFR Section 1910.1200(c), or hazardous substance as defined by the OSHA standard in 29 CFR Section 1910.1200(d)(3), or by OSHA's written interpretations. A hazard determination may be made by employers who choose not to rely on the evaluations made by their suppliers if there are relevant qualitative or quantitative differences. A hazard determination shall involve the best professional judgment.

**Health Hazard -**

Given that term by the OSHA standard [29 CFR 1910.1200(c)].

**Identity -**

A chemical or common name, or alphabetical or numerical identification, that is indicated on the material safety data sheet (MSDS) for the chemical. The identity used must permit cross-references to be made among the workplace chemical list, the label, and the MSDS.

**Label -**

Any written, printed, or graphic material displayed on or affixed to a container or hazardous chemicals.

**Material Safety  
Data Sheet  
(MSDS) -**

A document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

**OSHA Standard -**

The Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

**Physical Hazard -**

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 in terms defined in the OSHA standard.

**Temporary  
Workplace -**

A stationary workplace may be considered to be a work area of the headquarters workplace from which employees are routinely dispatched. Temporary workplaces may include pumping stations, emergency response sites, and similar workplaces.

**Work Area** A room, a defined space, a utility structure, or an emergency response site in a workplace where hazardous chemicals are present, produced, or used and where employees are present.

**Workplace -** An establishment, job site, or project, at one geographical location containing one or more work areas, with or without buildings, that is staffed 20 or more hours a week.

**Workplace  
Chemical List -** A list of hazardous chemicals developed under Section 502.005(a).

## **DELEGATION OF AUTHORITY**

The ultimate responsibility for establishing and maintaining the TSTC Hazard Communications (HazCom) Program rests with the Chancellor, however the responsibility for the overall administration of the TSTC HazCom Program has been delegated to the TSTC Risk Manager with operational implementation by Campus Safety Coordinators and HazCom Coordinators.

The Campus HazCom Coordinator will serve as the subject matter expert for the Hazard Communications Program for the TSTC campus he/she is appointed, to include implementing this policy and providing annual reviews and updates based upon information provided by OSHA, the State of Texas, or the TSTC administration.

## **OPERATING REQUIREMENTS**

### **WORKPLACE CHEMICAL LIST**

- (a) For the purpose of worker right-to-know, TSTC will compile and maintain a workplace chemical list that contains the following information for each hazardous chemical normally present in the workplace, temporary workplace or study area:
  - (1) the identity used on the MSDS and container label; and
  - (2) the work area in which the hazardous chemical is normally present
- (b) TSTC will update the workplace chemical list as necessary but at least by December 31 of each year. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
- (c) The workplace chemical list may be prepared for the workplace as a whole or for each

work area, temporary workplace or study area and must be readily available to employees, students and their representatives. All employees and students shall be made aware of the workplace or study area chemical list before working with or in a work area or study area containing hazardous chemicals.

- (d) TSTC will maintain/retain a workplace chemical list and MSDSs must be retained for the duration of employment plus 30 years for all employees exposed to the chemicals in question. TSTC shall send complete records to the Director if the employer ceases to operate.

## **CONTAINER LABELS**

- (a) A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary containers must be relabeled with at least the identity appearing on the MSDS, the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address. Except as provided by Subsection (b), secondary containers must be relabeled with at least the identity appearing on the MSDS and appropriate hazard warnings.
- (b) An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer.
- (c) Supervisors of every department where containers of hazardous chemicals are present are responsible for assuring that the manufacturer/supplier label is not removed or defaced unless it is illegible, inaccurate or does not conform to the OSHA standard or other applicable labeling requirement. Supervisors are also responsible for re-labeling a container, only when the label is illegible, inaccurate or when it comes to their attention that the labeling does not meet the requirements of the OSHA Standard. A supervisor who receives an unlabeled or mislabeled container of hazardous chemical from a supplier or a container which requires re-labeling shall ensure that such containers are re-labeled in accordance with this section prior to use by any employee.
- (d) Supervisors may contact their supplier to request such replacement labels or may prepare their own replacement labels. Supervisors shall ensure that labels are legible, in English, and prominently displayed on the container throughout each work shift. The label may include information in another language as appropriate.
- (e) Supervisors may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials instead 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 label information required in this plan.
- (f) Except for those chemicals noted in the "Applicability of the Texas Hazard Communication Act" subsection of the Introduction, containers of hazardous chemicals, which were received prior to the original effective date of the Act,

January 1, 1986, and which do not meet these labeling requirements, must be re-labeled in accordance with these requirements. For the OSHA Hazcom 2012 updates, re-labeling to meet the new requirements must be accomplished by Dec. 1, 2015.

- (g) A primary container is the one in which the hazardous chemical is received from the supplier. Primary containers of hazardous chemicals that might require re-labeling must be re-labeled with, at minimum, the name appearing on the MSDS, the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address.
- (h) A secondary container is one into which the hazardous chemical is transferred after receipt from the supplier. Secondary containers must be labeled with at least the name of the hazardous chemical appearing on the MSDS and the pertinent physical and health hazards, including the organs that would be affected. Exception: an employee who transfers the contents from a primary container into a secondary container for immediate use is not required to label the secondary container.

### **MATERIAL SAFETY DATA SHEET (MSDS)**

- (a) A chemical manufacturer or distributor shall provide appropriate material safety data sheets to employers who acquire hazardous chemicals in this state with each initial shipment and with the first shipment after an MSDS is updated. The MSDSs must conform to the most current requirements of the OSHA standard.
- (b) TSTC will maintain a legible copy of a current MSDS for each hazardous chemical purchased. If TSTC does not have a current MSDS for a hazardous chemical when the chemical is received at the workplace, TSTC will request an MSDS in writing from the manufacturer or distributor in a timely manner or shall otherwise obtain a current MSDS. The manufacturer or distributor shall respond with an appropriate MSDS in a timely manner.
- (c) Material safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace.
- (d) A copy of an MSDS maintained by an employer under this section shall be provided to the Director on request.
- (E) Chemicals for which an MSDS is not maintained on site are prohibited from being used at TSTC; with the exception of chemicals or mixtures/solutions created in laboratories for which a MSDS was not provided by a manufacturer.

### **EMPLOYEE EDUCATION AND TRAINING PROGRAM**

REFERENCE: Sec. 502.009. (THCA)/ OSHA 29 CFR 1910, 1915, 1917, and 1926

In order to comply with the "Employee Education & Training Program" requirements of the

Texas Hazard Communication Act, the following Hazard Communication training program is required by TSTC for all employees who use or handle hazardous chemicals (including faculty, staff, employed students, post-doctoral fellows, and students).

- (a) TSTC will provide an education and training program for employees who use or handle hazardous chemicals.
- (b) TSTC will develop, implement, and maintain at the workplace a written hazard communication program for the workplace that describes how the criteria specified in this chapter will be met.
- (c) An education and training program must include, as appropriate:
  - (1) information on interpreting labels and MSDSs and the relationship between those two methods of hazard communication;
  - (2) the location by work area, acute and chronic effects, and safe handling of hazardous chemicals known to be present in the employee's work area and students' study area/labs and to which both employees and students may be exposed;
  - (3) the proper use of protective equipment and first aid treatment to be used with respect to the hazardous chemicals to which both employees and students may be exposed; and
  - (4) general safety instruction on the handling, cleanup procedures, and disposal of hazardous chemicals.
- (d) Training may be conducted by categories of chemicals. TSTC must advise employees and students that information is available on the specific hazards of individual chemicals through the MSDSs. Protective equipment and first aid treatment may be by categories of hazardous chemicals.
- (e) TSTC will provide additional instruction to an employee and student when the potential for exposure to hazardous chemicals in the employee's work area increases significantly or when the department receives new and significant information concerning the hazards of a chemical in the employee's work area or students' study area. The addition of new chemicals alone does not necessarily require additional training.
- (f) The Campus Safety Coordinator, Campus HazCom Coordinator or Department Head is responsible for the proper training of new or newly assigned employees and students in his/her area before either works with or in a work area containing a hazardous chemical.
- (g) TSTC will keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Those records shall be maintained for at least five years by the department. The department



shall have access to those records and may interview employees and students during inspections.

- (h) Emergency service organizations shall provide, to their members or employees who may encounter hazardous chemicals during an emergency, information on recognizing, evaluating, and controlling exposure to the chemicals.
- (I) As part of an outreach program created in accordance with Section 502.008, the Director shall develop an education and training assistance program to assist employers who are unable to develop the programs because of size or the practical considerations. The program shall be made available to those employers on request.

### **EMPLOYEE NOTIFICATION POSTING**

The most current version of the required Texas Department of State Health Services Hazard Communication notice should be posted in at least one location on each campus. This will generally be in the Human Resources posting area on each campus. A copy of the most current posting will be available with the Campus Safety and HazCom Coordinators.

### **PERFORMANCE STANDARDS**

1. Each campus has implemented the procedures and requirements as defined within this Statewide Operating Standard with the intent and purpose of adhering to the State law on the Texas Hazard Communication Act.
2. Each employee and student receives a copy of the policy and procedure and signs a statement that they have been informed of the State and federal law.
3. The Hazardous Communication Program is reviewed annually and updated (when necessary) by the TSTC Risk Manager and Safety Committee.
4. Each campus has a HazCom Coordinator appointed.