

LAMAR UNIVERSITY

HAZARD COMMUNICATION PLAN

JUNE 2004

Reviewed August 2005 – no amendments.
Reviewed August 2006 – no amendments.
Reviewed August 2007 – no amendments.
Reviewed August 2008 – no amendments.
Reviewed August 2009 – Training and education program revised.
Reviewed August 2010 – no amendments.
Reviewed August 2011 – no amendments.
Reviewed August 2012 – no amendments.
Reviewed August 2013 – no amendments.

Office of Risk Management
P. O. Box 10807, (409) 880-8276

LAMAR UNIVERSITY

HAZARD COMMUNICATION PLAN

This plan, in conjunction with individual Departmental Plans, is intended to meet the requirements of The Texas Health and Safety Code, Chapter 502 (“Hazard Communication Act.”)

Preamble

Because of the very varied circumstances in which various departments within the University work with hazardous substances, the University requires each department to provide education and training, meeting the requirements of the Hazard Communication Act as outlined below, and appropriate to the particular chemicals and operations within the department, to students and employees.

Definitions

“Hazardous substance” in this plan means any hazardous chemical or mixture of hazardous chemicals that has not been declared as waste (and thus regulated under 42 U.S.C. Section 6901 et seq as a hazardous waste).

Other definitions (from the Hazard Communication Act)

"Chemical name" means:

- (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.

“Common name” means 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.

"Expose" or "exposure" means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.

"Hazardous chemical" or "chemical" means 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 a 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" has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

"Identity" means 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" means any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.

"Material Safety Data Sheet" ("MSDS") means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

"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 in terms defined in the OSHA standard.

"Work area" means 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" means 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.

Applicability – Persons Covered

The Hazard Communication Act applies to all employees, but does not apply to students, unless they are also employees. Nevertheless, it is University policy to provide students with the same education, training and notifications as would be provided to employees in the same circumstances. The Act covers exposures to employees in the workplace (in this instance, the workplace includes all Lamar University buildings and facilities on the Beaumont campus) without regard to the particular activity that they may be engaged in. However, it does not cover workers such as office workers or accountants who encounter hazardous substances only in non-routine, isolated instances.

Applicability – Hazardous Substances Covered

The Hazard Communication Act does not apply (although other statutory and regulatory requirements almost always do apply) to

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

(2) a substance in a laboratory under the direct supervision or guidance of a technically qualified individual if:

(A) labels on incoming containers of chemicals are not removed or defaced;

(B) the employer complies with the MSDS requirements below and the Employee Training requirements below with respect to laboratory employees; and

(C) the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes;

(3) tobacco or tobacco products;

(4) wood or wood products;

(5) articles ["Article" means 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.]

(6) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;

(7) food, drugs, or cosmetics intended for personal consumption by an employee while in the workplace;

(8) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, if the employer can demonstrate it is used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;

(9) any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.); and

(10) radioactive waste.

The specific **labeling** provisions of the Hazard Communication Act do not apply (although other statutory or regulatory provisions may well apply) to

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

(2) any food, food additive, color additive, drug, cosmetic, or medical or veterinary device, including materials intended for use as ingredients in those products such as flavors and fragrances, as those terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.) and regulations issued under that Act, when they are subject to the labeling requirements under that Act by the Food and Drug Administration;

(3) any distilled spirits that are beverage alcohols, wine, or malt beverages intended for non-industrial use, as those terms are defined in the Federal Alcohol Administration Act (27 U.S.C. Section 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

(4) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 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.

Material Safety Data Sheets (MSDS)

Each department shall maintain a legible copy of a current MSDS for each hazardous chemical purchased. If the department does not have a current MSDS for a hazardous chemical when the chemical is received at the workplace, the department shall request an MSDS in writing from the manufacturer or distributor in a timely manner or shall otherwise obtain a current MSDS.

Material safety data sheets shall be readily available, on request, for review by employees, students or designated representatives at each workplace.

Departments with web-enabled computers readily available to employees and students at all times when any work is in progress may wish to use web access as the primary means of accessing MSDSs. Links to numerous free sites are available at <http://www.ilpi.com/msds/> In general, MSDSs are located much more quickly on the web because of the ease of searching various synonyms and common names. However, read literally, the Hazard Communication Act seemingly requires a paper copy be on hand.

Departments with primarily large scale commercial products such as boiler treatment

chemicals and similar should continue to maintain paper copies of MSDSs as the primary source as they may not be readily available on the web.

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 or student may not be required to work with a hazardous substance from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer.

Training and Education Program

Each department must provide an education and training program including, 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 substances known to be present in the employees' work area and to which the employees may be exposed;
- (3) the proper use of protective equipment and first aid treatment to be used with respect to the hazardous substances to which the employees may be exposed; and
- (4) general safety instructions on the handling, cleanup procedures, and disposal of hazardous substances.

This training may be conducted by categories of chemicals. The department 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.

Additional instruction to employees and students must be provided when the potential for exposure to hazardous substances in the employee's work area increases significantly or when the employer receives new and significant information concerning the hazards of a substance in the employee's work area. The addition of new chemicals alone does not

necessarily require additional training. (In lab classes where students are provided with generalized education and training at the beginning of the semester, specific training on the hazards of the specific hazardous substances to be used in a particular lab procedure must be provided at the beginning of the lab period.)

Students and employees who are to use or be exposed to highly hazardous materials, including but not limited to pyrophoric organometallic chemicals such as alkyl lithium and aluminum alkyls and related compounds, flammable solids, water reactive metals such as sodium and potassium, compounds that are labeled as poisonous by inhalation must perform a risk analysis prior to using these compounds. Students must ordinarily be directly supervised by a faculty member or other qualified supervisor until they fully experienced in using such compounds. Lab coats made of flame retardant materials must be worn where appropriate.

All employees and students must receive refresher training at intervals not to exceed one year.

The department must provide training to a new or newly assigned employee or student before the employee works with or in a work area containing a hazardous substance. It is University policy that students whose lab work may involve exposure to hazardous substances during an organized (not individual instruction) course receive appropriate education and training at the beginning of the semester in which the course is taught, regardless of any previous education and training.

The department shall keep its written hazard communication program and a record of each training session given to employees and students, including the date, a roster of the employees and students 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.

Workplace Chemical List

Under present circumstances, only Facilities Management has hazardous chemicals in quantities that require that they be included in a Workplace Chemical List. The Hazard Communication Act requires the University compile and maintain a workplace chemical list that contains the following information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds or in excess of an amount that the board of the Texas Department of Health determines by rule for certain highly toxic or dangerous hazardous chemicals:

- (1) the identity used on the MSDS and container label; and
- (2) the work area in which the hazardous chemical is normally present.

The University 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.

The workplace chemical list will normally be prepared for each work area or temporary workplace and made readily available to employees and students and their representatives in that area. All employees and students shall be made aware of the workplace chemical list before working with or in a work area containing hazardous chemicals. This list will normally be updated at the time the "Tier 2" report is filed in February of each year, but will be updated whenever significant changes occur.

The University is required to maintain a workplace chemical list for at least 30 years.

Emergency Response

The University Police shall provide to all Lamar University Police Officers, information on recognizing, evaluating, and controlling exposure to hazardous substances, as required under section 502.009(h) of the Hazard Communication Act.