

IV. HAZARD COMMUNICATION PROGRAM

A. General Information

1. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employees in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009 (b) of the THCA and Section 295.7 (a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1-295.12), the following written Hazard Communication Program has been established for McLennan Community College.
2. The master copy of the written hazard communication program will be maintained in the Physical Plant Director's office. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.
3. To facilitate administration of compliance with this Program, the following levels of responsibility have been established.
 - a. The Physical Plant Director will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.
 - b. Supervisors will be responsible for required MSDS, container labeling, and employee training.
 - c. Individual employees will be responsible for following guidelines.

B. Exemptions

1. Per Section 502.004 (f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program.
 - a. Hazardous waste that is subject to regulation by the Texas National Resource Conservation Commission and/or the U. S. Environmental Protection Agency.
 - b. A chemical in a laboratory under the direct supervision or guidance of a "**technically qualified individual**" if:

- Labels on incoming containers of chemicals are not removed or defaced;
 - This employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and
 - The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes.
- c. Tobacco or tobacco products.
 - d. Wood or wood products.
 - e. Articles formed to a specific shape or design during manufacture and that do release or otherwise result in exposure to a hazardous chemical under normal conditions of use.
 - f. Food, drugs, cosmetics or alcoholic beverages.
 - g. Consumer products or hazardous substances 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 a consumer.
 - h. Radioactive waste.

C. Definitions

1. "**Appropriate Hazard Warning**" - Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects, of the chemical(s) in the container(s).
2. "**Categories of Hazardous Chemicals**" - A grouping of hazardous chemicals with similar properties.
3. "**Container**" - Any bag, barrel, bottle, box, can cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A **primary container** is one in which the hazardous chemical is received from the supplier. A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier.

4. "**Employee**" - A person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for purposes of this Act.
5. "**Expose**" - Subjecting an employee 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 reasonable foreseeable emergency.
6. "**Hazardous Chemical**" or "**Chemical**" - An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard.
7. "**Health Hazard**" - A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
8. "**Label**" - Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.
9. "**Material Safety Data Sheet**" ("**MSDS**") - A document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the Federal Occupational Safety and Health Administration (OSHA) standard for that document. A **current MSDS** is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical's manufacturer. An **appropriate MSDS** is one which conforms to the most current requirements set by OSHA standards.
10. "**Physical Hazard**" - A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, and oxidizer, pyrophoric, unstable (reactive), or water-reactive.
11. "**Personal Protective Equipment**" - Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
12. "**Stationary Process Container**" - A tank, vat, or other such container which holds different hazardous chemicals at different times.

13. **"Technically Qualified Individual"** - An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor's degree in a physical or natural science.
14. **"Work Area"** - A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.
15. **"Workplace"** - A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters' workplace or separate workplaces, which is at the discretion of the employer.

D. Workplace Chemical List (HSC 502.005 and 25TAC 295.4)

1. MCC will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for each **workplace** where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.

(Employees may use Attachment A, Model Workplace Chemical List, to comply with this requirement)

2. The supervisor will be responsible for reviewing and updating the Workplace Chemical List(s) for each department as necessary, but at least by December 31 of each year.
3. The Workplace Chemical List will be maintained for at least 30 years.
4. Further information on each noted chemical can be obtained by reviewing Material Safety Data Sheets (MSDS) located in each workplace where these hazardous chemicals are used or stored.

E. Material Safety Data Sheets (HC 502.006 AND 25 TAC 295.5)

1. MCC will maintain a **current and appropriate Material Safety Data Sheet** (MSDS) for each hazardous chemical purchased.
2. The supervisor will be responsible for the MSDS system for each department and will ensure that:

- a. Incoming MSDSs are reviewed for new and significant health/safety information and that any new information is passed onto the affected employees.
 - b. Hazardous chemicals received without an MSDS are withheld from use until a current MSDS is obtained.
 - c. Missing MSDSs are requested from an appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
 - d. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of actual MSDSs.
3. MSDS files for each work area will be kept in the supervisor's office.
 4. MSDSs will be readily available for review by employees or their designated representatives upon request.

F. Chemical Containers Labels (HSC 502.007 AND 25 TAC 295.6)

1. All **containers** of hazardous chemicals used or stored by MCC will be appropriately labeled.
2. The supervisor will be responsible for the hazardous chemical labeling system and will verify that:
 - a. All **primary containers** of hazardous chemicals are clearly labeled to include:
 - The identity of the chemical as it appears on the MSDS
 - The appropriate hazard warnings
 - The name and address of the manufacturer
 - b. All **secondary containers** of hazardous chemicals are clearly labeled to include:
 - The identity of the chemical as it appears on the MSDS
 - The appropriate hazard warnings

- c. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protective Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard.
3. MCC will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

G. Employee Training Program (HSC 502.009 AND 25 TAC 295.7)

1. MCC will provide an education and training program to all **employees** who routinely use or handle hazardous chemicals in their workplace.
2. The department supervisor will be responsible for the employee training program and will ensure that:
 - a. Appropriate training is provided to all covered employees and includes:
 - The use of information provided on MSDSs and chemical container labels
 - The location of hazardous chemicals present in the employees' **work areas**
 - The **physical** and **health effects** of exposure
 - Proper use of personal protective equipment
 - Safe handling of hazardous chemicals
 - First aid treatment for exposure to hazardous chemicals
 - Safety instruction on clean-up and disposal of hazardous chemicals
 - b. Required training records are maintained and include:
 - The date of the training session
 - A legible list of all employees attending the training session
 - The subjects covered

- The name of the instructors

(Employers may use either Attachment B or C to comply with this requirement)

- c. All covered employees are identified and incorporated into the training program.
 - d. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
 - e. New employees are trained prior to their being required to use or handle a hazardous chemical.
 - f. The need and frequency for periodic/refresher training is assessed.
3. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

H. Reporting Employee Deaths and Injuries (HSC 502.012 AND 25 TACK 295.9)

- 1. MCC will notify the Texas Department of Health, Hazard Communication Branch, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.
- 2. The Director of Human Resources will be responsible for reporting all such accidents to the Texas Department of Health, Hazard Communication Branch, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of Health
Toxic Substances Control Division
Hazard Communication Branch
1100 West 49th Street
Austin, Texas 78756
800-452-2791 (toll free) or 512-834-6603

- 3. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- 4. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to the Director of Human Resources.

I. Posting Employee Notice (HSC 502.0017 and 25 TAC 295.12)

1. MCC will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH *Notice to Employees*, informing employees of their rights under the THCA. (See **attachment D, Notice to Employees**)
2. The *Notice* shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
3. Where necessary, a copy of the *Notice*, printed in Spanish, will be posted together with the English version of the *Notice*. (See **attachment E, Notice to Employees, Spanish version**)
4. Additional copies of the *Notice*, in both English and Spanish, are available from the Hazard Communication Branch.

J. Personal Protective Equipment (HSC 502.017 and 25 TAC 295.12)

1. MCC will provide appropriate **personal protective equipment** (PPE) to all **employees** who use or handle hazardous chemicals.
2. The supervisor will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:
 - a. Proper selection of PPE based on:
 - Routes of entry
 - Permeability of PPE material
 - Duties being performed by the employee
 - Hazardous chemicals present
 - b. Proper fit and functionality of PPE as described by the manufacturer's specifications.
 - c. Appropriate maintenance of storage PPE.

K. Maintaining Employee Rights (HSC 502.017 and TAC 295.12)

1. MCC shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of Health,

participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.

2. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer violates the Act.