



MINNESOTA STATE
Northeast Higher Education District

ERTK

EMPLOYEE RIGHT-TO-KNOW PROGRAM

February 2017

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Employee Right-To-Know (ERTK) Program

Section 1. Introduction

The Employee Right-To-Know (ERTK) Act was passed by the Minnesota Legislature in 1983 and is intended to ensure employees are aware of the dangers associated with hazardous substances, harmful physical agents, or infectious agents they may be exposed to in the workplace. Minnesota Rules Chapter 5206 defines the required contents of the program, including training, labeling, and additional information. This Act applies to all employers in Minnesota with the exception of federal agencies.

To comply with the ERTK standard, employers must identify the hazardous substances, harmful physical agents, or infectious agents that are present in the workplace and provide information and training to employees who are routinely exposed to those substances or agents.

Section 2. Purpose

The purpose of this ERTK program is to protect employees from overexposure to hazardous substances, harmful physical agents, or infectious agents. This is accomplished by providing knowledge of job hazards and the protective measures necessary to prevent exposures.

Section 3. Roles and Responsibilities

Specific roles and responsibilities for this program are identified by position below.

Provosts:

- Support and provide resources for the overall program.

Campus Safety Officers:

- Review the written program annually and recommend necessary updates.
- Ensure updated individual and inventoried Material Safety Data Sheets (MSDS)/Safety Data Sheets (SDS) are forwarded to MSDSONline administrator.
- Assist the NHED Safety Administrator in ensuring program elements are implemented across the campus.

NHED Safety Administrator:

- Ensure annual review and necessary updates to the program.
- Act as MSDSONline administrator.
- Assist colleges with completion of required training.
- Ensure program elements are implemented across all campuses.

Deans/Supervisors:

- Oversee the program for their departments/work areas.
- Oversee the training and ensure employees are trained on the hazards to which they may be exposed.
- Communicate product or process hazards to employees.
- Develop and maintain hazard inventories.
- Obtain current SDS for each hazardous substance and make them available to employees.
- Forward new, revised, or no longer being used MSDS/SDS information to campus Safety Officer.
- Evaluate the need for hazardous products or processes and seek safer alternatives.
- Ensure applicable warning labels are in place for hazardous substances, harmful physical agents, and infectious agents.
- Maintain information of SDS on products no longer in use for a minimum of 30 years (*see Section 5 below*).

Employees:

- Understand the hazards and safe operating procedures for your job.
- Follow safe work practices and if unsure – STOP – and ask your supervisor.
- Communicate when changes to job tasks occur involving hazardous materials.
- Label chemicals in accordance with labeling requirements.

Section 4. Hazard Inventory Requirements

A formal listing of hazards to which employees are routinely exposed is required. Routinely exposed means that a reasonable potential exists for exposure to hazardous substances, harmful physical agents, or infectious agents during the normal course of the employees' work assignments. Supervisors are responsible for developing, managing, and maintaining inventories of hazardous substances, harmful physical agents, or infectious agents present in their departments/work areas. The inventories must be updated when any changes occur. This also includes the identification of employees who are routinely exposed to those substances or agents.

Departments/work areas that may require hazard inventories and SDSs include, but are not limited to:

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|-------------------------------|--------------------------------------|
| 1. Art | 14. Industrial Mechanical Technology |
| 2. Automotive Mechanic | 15. Industrial Systems Technology |
| 3. Biology | 16. Industrial Technology |
| 4. Facilities and Maintenance | 17. Iron Range Engineering |
| 5. Carpentry | 18. Law Enforcement |
| 6. Chemistry | 19. Medical Lab Technician |
| 7. Dental Assistant | 20. Natural Resources |
| 8. Diesel Mechanic | 21. Nursing |
| 9. Electrical Maintenance | 22. Pharmacy Technician |
| 10. Engineering | 23. Taxidermy |

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|------------------------------------|---------------------|
| 11. Graphic Design | 24. Welding |
| 12. Heating and Cooling Technology | 25. Food Service |
| 13. Industrial Maintenance | 26. <i>Reserved</i> |

Note: OSHA modified the Hazard Communication Standard in 2012 to adopt the Globally Harmonized System (GHS) of Classification and Labeling of Chemicals. This resulted in the replacement of the MSDS with a standardized 16 section SDS and a requirement for employers to update current MSDS with SDS.

Section 5. Safety Data Sheets (SDS)

Department/work area supervisors must obtain and maintain SDS for each hazardous chemical used by employees at work. The SDS are available through MSDSONline, and may be found in binders or on memory storage devices.

Beginning January 1, 2014 employers were to begin requesting SDS to replace current MSDS in order to meet the requirements of the GHS of Classification and Labeling of Chemicals.

Master lists of SDS for all substances have been prepared and are maintained by the appropriate department/work area supervisor. The lists are updated annually or when changes occur, to include new products and remove substances no longer in use. SDS removed are dated and maintained in a file for a minimum of 30 years and/or archived in MSDSONline.

SDS are considered to be “exposure records” under 29 CFR 1910.1020(c)(5)(iii), Access to Employee Exposure and Medical Records, and, as such, must be retained for 30 years. However, in lieu of keeping all SDS for 30 years, the intent of 29 CFR 1910.1020 can be met by keeping three key pieces of information: (1) the identity (*chemical name, etc.*) of the substance or agent; (2) where it was used; and (3) when it was used.

Prior to use, the degree of hazard from new products or processes must be reviewed and approved by the department/work area supervisor, Chemical Hygiene Officer, and Safety Officer. Once approved, the inventory is to be updated promptly, prior to introduction into the workplace. SDS for new products are to be made available for the affected department/work area that the product is being used.

SDS are to be available for chemical hazards for any substance which has been shown to cause harmful health effects in laboratory studies or field experience.

Examples include:

1. Specific products that contain any hazardous ingredient present in amounts above 1% (*or 0.1% for carcinogens*) such as paint or parts cleaners.

2. Solid materials which are worked on or broken down through a specific process such as welding rods and dusts from grinding.
3. Processes which produce hazardous fumes, mists, vapors, gases, or dusts such as those from operating diesel or gasoline equipment and cleaners.

Section 6. Labeling System

Methods to properly label hazardous substances, harmful physical agents, or infectious agents are to be utilized at all campuses.

Each hazardous chemical must be properly labeled so that employees can readily identify what the substances are and what protective measures are needed. This includes both the original container and secondary containers that chemicals are transferred in to. Labels may include all of the required information that is on the label from the chemical manufacturer or the product identifier and words, pictures, symbols, or a combination thereof, which in combination with other information immediately available to employees, provide specific information regarding the hazards of the chemicals. If hazardous chemicals are transferred from a labeled container to a portable container that is only intended for immediate use by the employee who performs the transfer, no labels are required for the portable container.

The minimum labeling requirements include:

1. Product name (*e.g. WD-40*).
2. Manufacturer's name, if applicable.
3. Appropriate hazard warnings (*e.g. Flammable, May Cause Breathing Problems if Inhaled, etc.*).

Manufacturer's labels, if adequate, must be left on the substance container and must not be covered or defaced in any way. New labels may be applied to original containers when manufacturer labels are defaced and unreadable. SDS are to be used to ensure that the necessary information is included on the replacement label.

The department/work area supervisor ensures that secondary containers are compatible with the materials to be contained and that they are properly labeled.

All departments/work areas that use secondary containers must comply with GHS labeling requirements.

Note: Whenever feasible, less hazardous products or processes are to be used in place of more hazardous products or processes. The department/work area supervisor is to be consulted whenever the use of any new product or process is considered. The cost of protective measures and disposal should be factored into the cost of the new product when evaluating its cost-effectiveness.

Section 7. Harmful Physical Agents

Physical hazards that are covered under MNOSHA include heat/cold, noise, and ionizing/nonionizing radiation.

Areas where employees may be exposed to these hazards include:

1. Heat: Boiler rooms, employees who routinely work outside.
2. Cold: Employees exposed to cold weather or grounds employees clearing snow, ice in winter months, etc.
3. Noise: Employees who routinely work with lawnmowers, snow removal equipment, power tools, compressed air, etc.
4. Radiation: Employees who routinely work outside or perform welding as part of their job duties.

Sampling must be conducted in areas suspected of employee exposure to physical hazards. Records of sampling are to be maintained.

Section 8. Infectious Agents

There are employees at each campus that may be exposed to blood or other body fluids as a part of their job duties and an Exposure Control Plan (ECP) has been developed as required in OSHA regulation 29 CFR 1910.1030 for bloodborne pathogens. The ECP is documented in the written Bloodborne Pathogens Program (BBP).

Section 9. Training

Employees, including temporary and seasonal employees, are to be trained on the hazardous substances, harmful physical agents, and infectious agents to which they may be exposed to in the workplace. Training is to occur before an employee's initial assignment to a workplace where they may be routinely exposed to a hazardous substance, harmful physical agent, or infectious agent, before any new or additional hazardous substance or agent is introduced into the workplace to which the employee may be routinely exposed, and updated annually.

The department/work area supervisor is responsible to ensure that employees receive training and that it is provided by qualified trainers. This includes training on new hazards.

Training topics for hazardous substances include:

1. An overview of the ERTK standard.
2. Location of the ERTK written program.
3. Chemicals present in the work area and over exposure level, if known
4. Safe use of the chemicals in the workplace.
5. How to obtain information including SDS, product labels, manufacturers or vendors, and the campus Safety Officer.

6. Effects of exposure.
7. Emergency procedures to follow if exposed.
8. How to prevent exposure.
9. Procedures to follow for leaks or spills.

Training topics for harmful physical agents include:

1. Characteristics of the agent.
2. Expected job hazards.
3. The level, if known, at which exposure is restricted according to standards.
4. Chronic effects of overexposure.
5. Symptoms of overexposure.
6. Emergency procedures if overexposed.

Training topics for infectious agents include:

1. Symptoms of the infectious disease.
2. Recognizing tasks that may involve exposure.
3. Explanation of the ECP.
4. Choosing the proper personal protective equipment (PPE).
5. Cleanup procedures.
6. Vaccination options.
7. Emergency procedures if an exposure occurs.

Supervisors are to train their employees on the hazards of new products or processes prior to their use. Training may be informal and include hands-on training.

Records of training are to be documented and retained for a minimum of 3 years on each campus.

Training documentation includes:

1. Date and location of training.
2. Name and title of person conducting the training.
3. Names and job titles of employees attending the training.
4. Brief summary of material covered.

Section 10. Non-Routine Tasks Involving Hazardous Materials

All non-routine tasks involving exposure to hazardous materials or harmful physical agents and the hazards associated with chemicals in unlabeled pipes are performed only after consultation with the department/work area supervisor.

The supervisor reviews the tasks and materials or agents to be used or encountered and implements safe work practices to be followed that prevents exposures.

If necessary, the campus Safety Officer, NHED Safety Administrator, and/or an industrial hygienist may be contacted to provide technical expertise and assistance in establishing safe work practices and the proper use and type of PPE.

Changes to the scope of work or the amount and/or kind of hazardous materials and harmful physical agents encountered are to be evaluated by the department/work area supervisor. This may result in restricting any work until appropriate recommendations or plans are established. The campus Safety Officer, NHED Safety Administrator, and/or an industrial hygienist may be contacted to assist in the evaluation and preparation of alternate safe work practices.

Section 11. Notification to Outside Contractors or Other Employers

Campus employees that are involved with the purchase of and coordination of work completed by outside contractors or other employers are to provide the following information:

1. Access to the ERTK written program located on the NHED website and/or at the campus Safety Center.
2. The hazardous substances that they may come in contact with.
3. Where to obtain SDS for the hazardous substances in the areas where work is being completed.
4. Campus contact to address any questions or concerns.

Section 12. Program Review

Annual reviews of the ERTK program are to be conducted and documented, including any changes or additions to the program or other related documents and whenever tasks are implemented which may affect overall exposure.